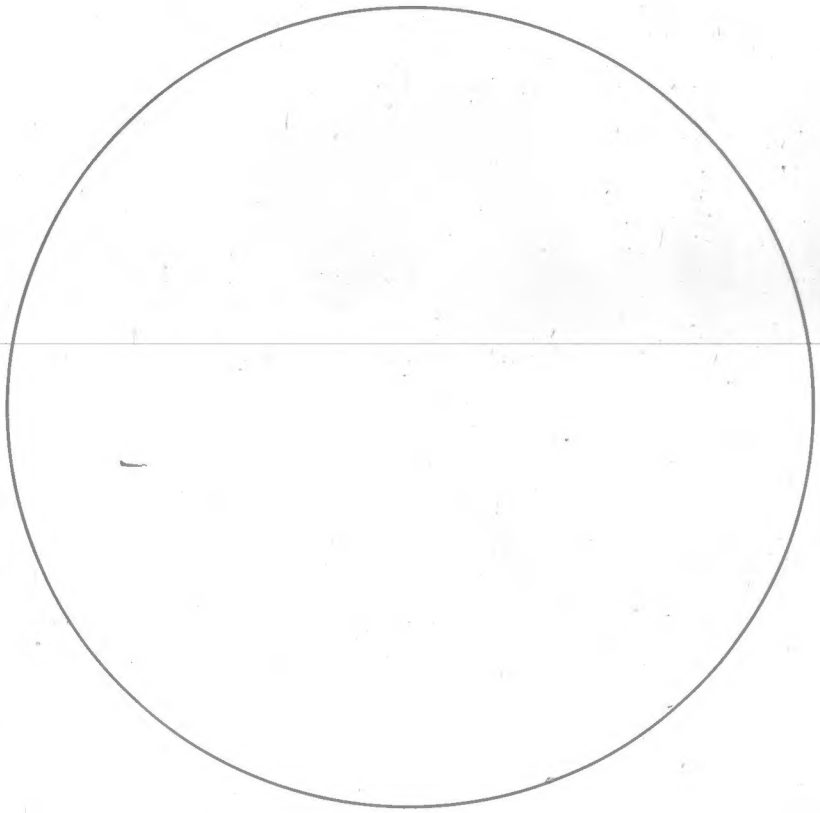
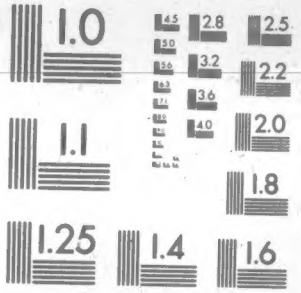
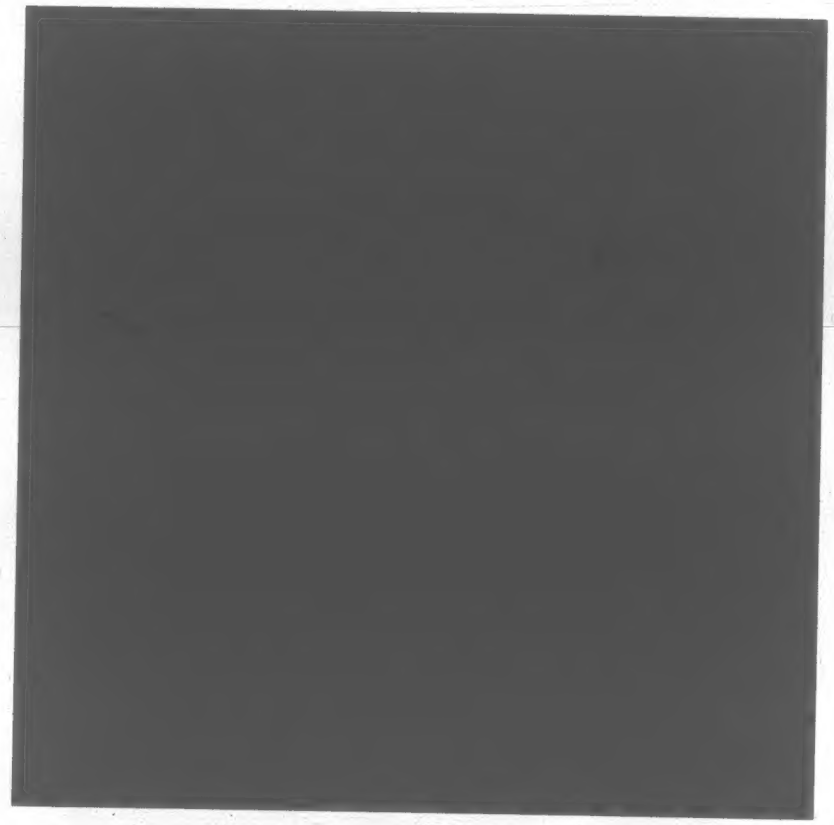
NATIONAL ARCHIVES CENTER

FORT WORTH, TEXAS







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APPLICATIONS FOR ENROLLMENT OF THE

COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 357

CHEROKEE FREEDMEN D904 - D957

THE NATIONAL ARCHIVES
NATIONAL ARCHIVES AND RECORDS SERVICE
GENERAL SERVICES ADMINISTRATION

WASHINGTON: 1983

[illegible]

Testimony of the Applicant

Examination to the Dawes Commission of Tribal

[illegible]

In the matter of the application of Georgia Starr for the enrollment of herself and minor children, Jack Starr and her four children as citizens of the Cherokee Nation, before the Dawes Commission, at Muskogee, Indian Territory, as follows:

Q. Have you filed a Cherokee Freedom?
Q. How old are you? A. I don't know exactly how old I am.
Q. Tell about how old? A. I guess I'm forty some odd; I don't know exactly.
Q. What is your post-office? A. Sequoyah.
Q. In what district do you live? A. Muskogee.
Q. You want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q. You want to apply for another children, your husband? A. Yes sir.
Q. Have you got some children? A. Yes sir. (Name paper be furnished.)
Q. You have four, have you? A. Yes sir.
Q. Have you a husband? A. Yes sir.
Q. Is he a Cherokee Freedman? A. Yes sir.
Q. You want to apply for yourself, your husband and four children, is that right? A. Yes, sir. I guess that is all right.
Q. That is all. Is that all? A. Yes sir.
Q. How long have you lived in the Cherokee Nation? A. All my life, as far as I can remember.
Q. Give me the name of your father. A. Dan Grimmett.
Q. Is he living? A. Yes sir, he is alive.
Q. Give me the name of your mother. A. Charinda Grimmett.
Q. Is she living? A. No sir, she is dead.
Q. How long has she been dead? A. I declare I don't know, I reckon about 18 years ago.
Q. Give me the name of your husband? A. Jack Starr.
Q. How old is he? A. I don't know; he must be about sixty something; I don't exactly know.
Q. Where is he now? A. He is out here in the camps.
Q. How long has he lived in the Cherokee Nation? A. All his life, I reckon.
Q. Do you know the name of his father? A. No sir, I don't.
Q. Do you know the name of his mother? A. No sir, I have heard him call her name several times, but I don't remember of his name. He is around here.
Q. When were you and he married? A. Well, I declare I don't know - sister, he can tell you more about it than I could.
Q. Is your oldest child Will? A. Yes sir.
Q. How long before Walter's birth were you married? A. About one and a half years.
Q. Will is 17, is he? A. Yes sir.
Q. You have been married about twenty years? A. Yes, I guess it has.
Q. Were you ever married before you married Jack Starr? A. No sir.
Q. Was he ever married before he married you? A. Yes sir.
Q. How many times was he married? A. Only once.
Q. Who was his first wife? A. Charlotte Jones.
Q. Was this wife dead when he married you? A. Yes sir, she was dead.
Q. Was she a Cherokee Freedman? A. Yes, Cherokee freedman.
Q. She died before you and Jack Starr married? A. Yes sir.
Q. Give me the names of your four children. The oldest one is Walter, is he? A. Yes sir.
Q. How old is he? A. Twenty years old, is he? A. Yes sir.
Q. The next one, Herbert? A. Herbert Starr.
Q. How old is he? A. 19.
Q. Was born in the Nation.

J. S. [illegible]

Q [illegible] A Yes, I [illegible].
Q [illegible] A [illegible].
Q [illegible] A [illegible] four years old.
Q [illegible] A Yes sir.
Q [illegible] A No sir, I am the only one [illegible].

The [illegible] roll of the Freedmen of the Cherokee Nation examined and the name of the applicant is found on page [illegible] Cherokee Freedmen Roll. The applicant's name is not identified on the 1880 Authenticated roll.

The 1896 census roll of the Freedmen of the Cherokee Nation examined and the names of the applicants are found thereon.

Q Are you Cherokee Freedman? A Yes sir.

The census citizen roll examined and the names of the applicants are found thereon as follows:

Page No. 247, Rec. Fld. Stars, Cooweescoowee District.
Page No. 2[illegible], Jack Stars, Cooweescoowee District.
Page No. [illegible], Walk Stars, Cooweescoowee District.
Page No. [illegible], Bert Stars, Cooweescoowee District.
Page No. [illegible], Rose Stars, Cooweescoowee District.

Jack Stars, being duly sworn and examined by Commissioner Wadsworth, testified as follows:

Q Give me your full name? A Jack Stars.
Q How old are you? A To the best of my knowledge, I am about 56 years this year.
Q What is your post-office? A Centralia.
Q Are you the husband of the applicant here, Georgia Stars?
A Yes sir.
Q About how long ago was it when you and she were married? A A well, its been about 10 years I guess now.
Q Were you ever married before? A Yes sir.
Q What was the name of your first wife? A Charlotte Whitaire. She was a Cherokee; her father was[illegible].
Q Was she dead when you married this wife? A Yes sir, she was dead two years and six months.
Q I don't find your name on the roll of 1880 or on the roll of 1896. Can you explain why you are not on the roll of 1880? A Just because the Cherokees wouldn't put me on; they have been trying to lose me all they could.
Q What reason did they give for not putting you on? A I don't know; they didn't claim us.
Q How long do you claim to have lived in the Cherokee Nation? A I have lived here ever since I can remember.
Q Since before the war? A Yes sir.
Q Were you alive in the Cherokee Nation when the war broke out?
A Yes sir.
Q To whom did you belong? A Old Mr. Thornton, when the war broke out.
Q What was his full name? A John.
Q Mr. John Thornton? A Yes sir.
Q Where did he live? A In Delaware District, in the east part.
Q Was he a recognized citizen of the Cherokee Nation? A Yes sir; I guess he was; he was an Indian.
Q Where did you go during the war? Where did they take you? A They didn't take me anywhere; I took myself in the first Indian Regiment.
Q Where did you enlist? A I wasn't a soldier; I was a teamster and hunting for officers.
Q Where did you join the regiment? A I went into it when it entered north.
Q Where was it? A My home was[illegible] place somewhere.

Q Where did you go with them? A I went with them.
Q Do in Kansas? A They went there to Kansas, they went on to Broadwell, twelve miles this side of Fort Scott and stayed awhile and then they came back and went to Arkansas and the edge of Missouri.
Q Where were you when the war closed? A At Fort Gibson.
Q Were you there at the time you quit working with the regiment? A Yes sir. That is where they disbanded and turned them loose; the Cherokees told them to go.
Q What year was that, do you remember? A I think I was not very well acquainted during I think it was in 186
Q What time of the year did they disband them? A Well, it was along about the middle of the summer or spring; I disremember now
Q Well, why did you go after you quit that regiment? A I went up to Fort Gibson where my wife was.
Q She had been carried up there? A Yes sir, by the government train.
Q What did you do up there? A I didn't stay there very long. I walked around there at Fort Scott for a while until I got myself a pile of a team and came back to the Nation here.
Q Cherokee Nation? A Yes sir.
Q Did you bring your wife with you? A Yes sir.
Q Was that your wife Charlotte? A Yes sir.
Q Well, about was that you brought your wife back? A That was along about the first of September or best of August, or somewhere along there in the year 186, after I went up there. I went up in October in 186 and came back in 186
Q Where did you locate when you came back with your wife? A On Big Creek in Coweescoowee District.
Q How long did you live there? From that date until this.
Q Always lived at the same place? A Yes sir.
EyW. Keatinger: Did you come back in a wagon? A Yes sir.
Q Your first wife came with you? A Yes sir.
Q How many children did you have? A I had three at that time, I think, no, two I believe.
Q What were their names? A One was named Charlie and one was named Aaron and Peggie.
Q Were these children all born before the war? A No sir, one was born in the time of the war, and one was born before the war, No, I am sorry, but two was born before the war and one in the time of the war.
Q Which one was born in the time of the war? A Peggie.
Q Where was she born? A She was born up there while I was down Here.
Q Who came back to the country with you? A Well, there was old man Sayers' folks, Sayers Ward.
Q What relation? A Have I been.
Q Have Sayers come with you did he? A Yes sir.
Q Who else came with you? A Sam Thompire and Jesse Thompire.
Q Anybody else? A Yes sir, there was old man Sayers Ward; he is dead now. There was several come along, it has been a long time to remember these things I told you once who came along with me.
Q I am sorry if you remember the same way this time? A I don't keep no diary, and I don't remember them all the time; I am trying to tell the same I told you before.
Q You said before that Sayers was living in the Cherokee Nation when you died? A No sir, I don't think I did.
Q You swear now that he came with you? A Yes sir, he came with me.
Q What part of the Cherokee Nation did you come to? A Came on the North side of this district up in on Big Spring Creek.
Q How far from the Kansas line did you settle? A I don't know how far, it is some ten or fifteen miles.

Q You for did you come from, please sir, and you came? A Not more than a mile.
Q You came to the same place, sir? A Yes sir, same place, I live right there, I was in place that I think, but not.
Q Now, I did Will Harlan live from you at that time? A He is dead.
Q Is he dead, sir? A Yes sir, he died in Kansas City, he wasn't there when I came there.
Q You are positive about that? A Yes sir.
Q Do you know Arvin? A He was with Dillard's outfit, I don't know.
Q Is Arvin's wife dead? A Yes, she died, they came down here, they came here a year.
Q Do you know the only way Northfield came to that place? A That is all I know of that.
Q Now, there was a man named Jim Brock who had a farm? A Good deal further down, and the housing they were putting up there, but not up to me.
Q Were A and Arvin and Jesse Frank there? A Yes sir.
Q Cheney Bennett A He came from Cassville South some place, he
Q Was a man like Anderson? A He was there when I came there.
Q Did he have a place? A Yes sir.
Q August 1 was sir, some kind of a log hut.
Q You did not live from out of a hundred and mile I came from where I am living now, he lived about one mile.
Q Did Lamb did you get at Fort Gibson after you were sent red out of the service? A I wasn't a soldier.
Q After the others were murdered, but yes, I stayed around the ro I left there on the first of October, I know there was a little frost, I was to Texas with Walker.
Q Cheney was with Walker? A Yes sir.
Q Where was his farm? A I don't know, I guess it was his own.
Q You went with him? A Yes sir, I picked up in his wagon myself and one of his boys was sick, I don't remember.
Q What did you do up in Texas? A I worked around there enough to make me a plug old tobacco and get sick, I couldn't tell you what I did, I did one thing and then another.
Q You didn't come on and to get a team and wagon? A Yes sir, I got an old wagon to last until I got down here.
Q Did you find your family in the meantime also? A Yes sir.
Q And you think you came here in August? A First or September or last of August.
Q You know I mean that? Then September? A Yes sir, I know it wasn't later than that.
Q Was Sam Carter already living down there then? A Yes sir, he was living there.
Q Harry Hill was there? A Yes sir.
Q Lewis Bright? A Yes sir.
Q These people had houses there when you came? A Harry Hill didn't, he was down on the foot of Lightning Creek.
Q You are certain you never saw Will Dalton? A I have seen him, but I never saw him when I some that year that I know of.
Q There was no Cherokees there then? A Dick Carter was down somewhere another wagon and run by the name of Cooper and Shaw.
Q Col Cooper? A John Cooper.
Q You will remember a lot of these things even after you came? A Yes sir as soon as I found I lived in a mile.
Q Frank did you raise provisions to live on the first year? A I fetched some with me, all I could, and there I could get a bag once in a while, wagons would come in from Kansas, from Chetopa hauling flour and a piece of meat to sell, and I could get a half of a piece once in a while.
Q Some more place in Texas did you say you came? A Up there by

[illegible]

[illegible] the man that took [illegible]

[illegible] to your house? A Yes sir.

[illegible] A [illegible] was [illegible] with me.

Q Is not [illegible] an educated man or not? A [illegible] I [illegible] whether he can. I am not well acquainted with [illegible]

Q The fact is a matter of fact that when any bare [illegible] was elected a revising committee in the year 1890? A I don't [illegible] been.

Q [illegible] were added by the [illegible] if you had [illegible] it. I don't [illegible] I would have [illegible] it for me, and I never had anybody examine it for me.

Q I want to show that Messrs Wilmire and others had [illegible] revising committee in 1890, which refer s to [illegible]

[illegible] would be a very peculiar proceeding [illegible] a revising committee, and it is immaterial [illegible]

[illegible] a revising committee and it is [illegible] of Y [illegible] committee [illegible] of [illegible] but the [illegible] would not of [illegible] to [illegible] if a claimant [illegible] upon [illegible]

[illegible] find [illegible] I [illegible] and [illegible] ruled [illegible] a little [illegible] town, and was [illegible] out and [illegible]

[illegible] a Cherokee Freedman? A Yes sir [illegible]

[illegible]

[illegible] neighbor's and

[illegible] back from [illegible]

[illegible] 5 to 7 and

[illegible] as a [illegible] man

[illegible]

[illegible] called [illegible]

[illegible] I cit-

[illegible] I can't call

[illegible] Court, but

[illegible] one or two young [illegible] court and proved

[illegible]

[illegible] Court? Too bad.

[illegible] to say, they

[illegible] do you know [illegible] court ever went there to

[illegible] A. No sir.

[illegible] that step-daughter of [illegible]?

[illegible] Did you ever apply to the

[illegible] your [illegible] as a [illegible]

[illegible] Bardsre had a court after they

[illegible] it didn't say anything about colored or

[illegible] and prove your [illegible]

[illegible] I went up there on horse back.

[illegible] went up? A. They laughed at us and

[illegible] to be [illegible]

[illegible] up there to have his

[illegible] A. [illegible] court anything. I

[illegible] We went after I did

[illegible] him.

[illegible] sir.

[illegible] husband

[illegible] I went down

[illegible] to go to [illegible] Go to

[illegible] went to the court and found

[illegible] A. No sir.

[illegible] to [illegible] what course [illegible]

[illegible] Little [illegible]

[illegible]

Q. Don't you [illegible] more [illegible] by the [illegible] Daniels? [illegible] sir.

[illegible] did [illegible] what you did? A There [illegible] then [illegible] old man Webber [illegible] I [illegible] about him, and I don't [illegible] this or not.

[illegible] Webber [illegible] A. I don't remember.

Q. [illegible] was he along? A. I don't know whether he was along. I know Lee Sanders was along, Caesar Smith, a whole lot of them was along.

Q. Do you remember [illegible] was that you went down there to the court? A. No [illegible] court.

Q. Was it a few years after you came back to the territory? A Yes sir, it wasn't more than one year or two years.

Q. A short while after you came back? A. It might have been three.

Q. Have you no recollection at all; you live in the Webber neighborhood did you hear them talking about their going down there and proving their right? A. No sir, I know they went down there a time or two. Old man Webber, they owned him down there somewhere, and he went down among the full bloods and around in there.

Lewis Whitaire recalled and examined by Commissioner.

Q. Did Jack Starr go to Tahlequah the same time you went there to get your rights proved up? A. No sir.

Commissioner: Did you go with oldman Sam Webber?

A. Yes sir.

Commissioner: Didn't old man Sam apply and his family and Johnson Webber? A. Well I couldn't tell.

Commissioner: Did this Sam Webber who testified in your case, did he apply the same time you did down at Tahlequah? A. Well I am certain whether he was in that crowd, but he applied to the Chamberlain Court, I think.

Q. Is this the son of old Sam? A. Yes sir.

Commissioner: Did they tell you to bring your wife [illegible] at you could come in in time to be a citizen? A. No sir, they didn't. They told us to that Court to go home and go to work; they were not calling for niggers; we didn't want you; that is what they said.

Q. You didn't know anything to do but to go home? A. I didn't know anything else to do but to go home. I didn't have much of a home to go to.

J.S. Commissioner: Well they didn't tell old man Sam Webber to do that, they didn't tell him to go home then? A. If he was in the crowd they told him.

Q. Was he in the crowd? A. One of the Sam Webbers was along, I think; Mike Sanders and Caesar Smith; there were thirty or forty of us, and they told us all to go home.

Witness Whitaire, being sworn and examined by Commissioner C.R. Lane, testified as follows:

Q. Give me your full name. A. Moses Whitaire.

Q. How old are you? A. Why I am seventy some odd years old. We I expect.

Q. What is your post-office? A. Bryden.

Q. How long have you lived in the Cherokee Nation? A. Well, I lived in it all my life.

Q. Are you on the roll of 1880? A. Yes sir.

Commissioner: Now, where were you when the 1880 roll was made? A. I was [illegible] Long Creek.

Q. Who took the census for the Chickasaws up there? A. John Pickle and Dick Lane.

Q. Did they put all of your family on the 1880 roll? A. No sir.

Q. How many [illegible] were off? A.

Q. Which were? A. Mr Wright and Andrew Ratliff.

Q Were they members of your family? A There was my wife's niece, Melissa was, and I was her wife's son. I brought them with me.
Q Were freed from Texas.
Q You brought them when you came? A Yes sir.
Q Was their parents born slaves? A Yes sir.
Q And you brought them with you when you came from Texas?
A Yes sir.
Q You are on the roll of 1880? A Yes sir.
Q Did you give them their names? A Yes sir, I gave their names in.
Q Was they taken there? A Yes sir, they took them alright.
Q But they were left off? A Yes sir.
Q There are these people now? A They are here.
Q On the ground? A Yes sir.
J.S.Davenport: Mose, there has never been any controversy about your return in time under the treaty, has there? A I don't know that there has.
Q Did you ever go to any of the Courts to prove that you returned in time? A Yes sir, I did.
Q You proved up, did you? A Yes sir.
Q When John Hicks and Dick Hick came to your house, did they refuse to list any of your family? A Yes, those I told you about.
Q You say they took the names? A They took the names, but they are not on any roll.
Q Didn't you say they took theirnames? A They took their names, but they never put them names on any roll.
Q They listed them and never questioned anybody about their rights to be enrolled? A Not at my house.
Q They didn't question you that these two children were a part of your family, did they? A No sir, didn't say anything about it.
Q In fact, Mose, didn't the Freedmen like yourself and Lewis Whitmire furnish them with reference to those that had been decided against by the court and held not to be Freedmen who had not returned in time? A No sir, we went to all the courts.
Q But you didn't apply to any but the Rob Daniels' court? A I applied to the Chambers' Court - thatis where we got our rights.
Q The Rob Daniels' Court wouldn't have anything to do with mens.
Q You had no trouble of proving up, Mose? A No sir, I didn't have no trouble.
Mr.Wallace: You went to the Rob Daniels' Court and he told you he wouldn't have anything to do with you? A He told us to go back home; they said they weren't working with us; they were working with Cherokee Indians.
Q Then when you went back to the Chambers' Court who did you go to see? A We went before John Chambers, I forget who they all were.
Q Did you have a lawyer? A Yes sir.
Q A Cherokee lawyer? A Yes, sir.
Q Who was it? A Old J.B.Rosinot.
Q He took you in before the Court? A Yes sir, and gotus a certificate that admitted us.
Q Well anyone with money have anything to employ a lawyer when he employed? A Well I didn't know what about it.
J.S.Davenport: Was Joseph Whitmire any relation to you? A Yes sir.
Q Didn't he apply to the Rob Daniels' Court and was admitted?
A I don't know what Court admitted him.
Q Have you been living in the neighborhood that he lived? A Not at that time; he was living at Tahlequah at that time.
Q He applied to the Court and was admitted? A Yes sir.
Q You knew Sam Webber applied to the Rob Daniels' Court and was admitted? A No, he wasn't admitted because we were altogether. He might have been admitted afterwards.
Q Do you swear that Sam Webber and his children weren't admitted as Freedmen and entitled under the treaty of '66 by the Rob Daniels' Court? A I was there altogether and we left together, and they sent home back, and I went down to Sam Webbers and

J.#.18

A whole lot of us.
Q Who else besides Sam Webber? A I don't know who all.
Q Was Jackson Webber along? A I don't know.
Q Was Charley Campbell along? A No sir, he wasn't along.
Q You did go with Sam that? A Yes sir; Mike Sanders.
Q And you don't know whether Bob Daniel's Court admitted him or not? A No sir, I know they were admitted by some court; they didn't do it at that time.
Q You know what court admitted them, don't you? A No sir, I dont know.
Q You have been the trustee for the Freedmen of this country in all the litigations, haven't you? A I have for years.
Q And you know all about the Freedmen? A I don't know them all; I know some.
Q You have known Sam Webber for years? A I have known him all my life.
Q And then don't know what court admitted him? A No sir, I never inquired about it.
Q But you went with Sam Webber to the Bob Daniels' Court? A Yes sir, and I went into the Chamber's Court.
Q Did Sam apply to the Chamber's Court? A I don't know; we went right on ourselves.
Mr. Gillette: Did you put up any money when you went down there to your lawyer or to the Court? A Mr. G, no sir, we paid our lawyer for his services.
Q How much did you pay him? A I believe I gave him a horse. I paid him for my cases, for the two cases; there were three cases, four with my wife.
Q You never made any headway until you did get a lawyer, did you? A No sir, I didn't.
Commissioner: Did Jack Starr go with you any time to the Court? A Well I guess Jack Starr was alone the time we went to the Bob Daniels' Court.
Q Do you remember it? A Yes sir, I remember it.
Q Did you get any satisfaction out of the court at that time? A No sir, I didn't.
Q It was afterwards that you went to the Chambers Court? Was it A Yes sir, afterwards.
Q Did Jack Starr go with you? A No sir.
J. S. Davenport: I would like to offer that part of the minutes in the Sam Webber case found on page 64 of the Minutes of Special Court of Commission of the Supreme Court of 1871.
Mr. Gillette: I object to that because the action of the court in the Webber case is not material in the case at bar. I desire to object to the introduction of that because it is not a proper authenticated proceeding of that court, and because the introduction of the admission of Sam Webber is not material in the case before the Commission.
Commissioner Freeman: I would like to ask the representative of the Cherokee Nation if this journal of the Court was kept by the order of the court and approved at regular periods of the court.
J. S. Davenport: It was kept by the Clerk of the Supreme Court; he was power to hear and determine these character of cases by the Supreme Court, and the Clerk of the Supreme Court kept the record.
Commissioner: But the point I want to inquire about is whether that record kept by the Clerk was by the order of the court.
J. S. Davenport: Yes sir.
Commissioner: And if the record is approved at stated periods by the court.
J. S. Davenport: No sir, they required the Clerk to keep it

as the proceedings were had.
Q Did you hear that it wasn't approved by the Court? A No sir, he was told to keep a correct journal of the proceedings of the Court.
Commissioner Needles: The Cherokee Council is desired to [illegible] with the book of minutes of the Special Court of Commissioners, Supreme Court, 1871, when they are through with the use of it in these current proceedings. But the present examination of the minutes does not indicate that these minutes are of the nature of an approved journal.
Sam Webber recalled by Commissioner Kavanaugh:
Q Did you go with your father to Tahlequah? A Yes sir.
Q When he went there to prove your rights as a Cherokee Freedman?
A Yes sir.
Q Did Jack Starr go with you the same time? A I can't remember whether he went or not; there was a big crowd that went.
Q Did you go there more than once? A I never went with him but the one time, but there were others went after that.
Q I am talking about you and your father? You and your father went once? A Yes sir.
Q And that is all you and he went? A Yes sir.
Q That was before the Chambers' Court case? A Yes sir.
Q Did you and your father get your rights acknowledged by the Court you went to? A We did that time.
Q You were never called in question afterwards? A No sir.
Q Did you employ a lawyer? A No sir, we didn't employ a lawyer.
Q Did you go with your father before the Court? A I didn't go in; father went in.
Q Did your father employ a lawyer? A No sir, he didn't employ a lawyer; he told me that.
Q Do you know anything about Jack Starr applying at that time?
A No, sir, I don't know whether he did.
Q Do you know whether he went into the Court or not with your father? A No sir.
Q Do you know whether he went into the Court at all? A No sir.
Q Did you have any talk with Jack Starr about the proceedings of that Court before you left there? A No sir.
Q Have you ever talked with him since about it? A No sir.
This will be filed as additional testimony in Cherokee doubtful case 445.

The undersigned, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a full, true and correct transcript of his stenographic notes thereof.
(signed) H.G. Rothenberger
Subscribed and sworn to before me this 9th day of July, 1904.
(signed) T.B. Needles,
Commissioner.

SUPPLEMENTAL D- 445.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 24, 1901.

In the matter of the enrollment of Jack Starr as a Cherokee Freedman; HARRYSTILL, being sworn by Commissioner Needles, testified as follows:

Appearances: Mr. Louis Brown, for the applicant;
Mr. W.W. Hastings, for the Cherokee Nation.
BY MR. BROWN:

J.S.15

Q State your name? A Barry Stall.
Q What is your age? A 54; my post-office is Hayden.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q You know Jack Starr? A Yes sir.
Q You know when he returned to the Cherokee Nation after the Civil War? A When I saw him in '66.
Q Where has he lived? A On Big Creek, ever since.
Q Has he any children? A Yes sir.
Q You know whether he has a child named Charley Starr? A I know him well; I have known him all his life.

BY MR. HASTINGS:

Q Where did you see Jack Starr first after the war? A First time I saw Jack Starr after the war was in Ft. Scott.
Q But where in the Cherokee Nation? A On Big Creek.
Q What place on Big Creek? A Where he lives now, about half a mile from where he lived now, in the edge of the timber.
Q That's where you saw him? A Yes sir.
Q That was in '65? A Yes sir.
Q That was in '66? A Yes sir.
Q How long before Christmas? A Sometime in November.

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

(signed)M.D.Green.

Subscribed and sworn to before me this July 8,1901.

(signed)T.B.Needles,
Commissioner.

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

Subscribed and sworn to before me this November 22nd,1901.

Notary Public.

To be filed with Jack Starr, ck nd D 443.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 7, 1901.

In the matter of the application of Lizzie Starr for the enrollment of here self as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, she testified as follows:

* * * * * * *

Sam Webber, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Sam Webber.
Q How old are you? A About 58, as near as I can remember.
Q What is your post-office? A Nowata.
Q How long have you lived in the Cherokee Nation? A I was born here, and returned there in '66, and have been here ever since.
Q Are you on the roll of 1880 as a Cherokee Freedman? A Yes sir.
Q Do you know this woman here? A Yes sir.
Q What is her name? A Lizzie Starr.
Q What is the name of her father? A Jack Starr.
Q Was she not a brother named Charley Starr? A Yes sir.
Q You know his wife? A Her name was Hannah Whitmire before he married her.
Q How do you know this woman's mother? A Yes sir.
Q What was her name? A Charlotte Starr.
Q Was she a slave in the Cherokee Nation when the war broke out? A Yes sir.
Q Have you know this woman all her life? A Yes sir.
Q Has she lived in the Cherokee Nation all her life? A Yes sir.
Q She is a daughter of Charlotte and Jack Starr? A Yes sir.
Q Charlotte is dead? A Yes sir.
Q Been dead many years? A Yes sir.
Q To whom did Charlotte belong before the war? A Johnson Whitmire.
Q Was Johnson Whitmire a recognized citizen of the Cherokee Nation? A Yes sir.
Q You knew him as much did you? A Yes sir.
Q Where did Charlotte and Jack go during the war? A They went to Kansas.
Q Do you know when they came back from Kansas? A Yes sir.
Q When? A They came back in the fall of '66, just behind us, in the crowd of Dave Payne and them.
Q Did they have any children living at that time with them? A Yes sir.
Q How was with them? A Had a son they called Aaron Burr Starr, he died.
Q How long has he been dead? A I couldn't tell you exactly, it has been right smart little bit.
Q Do you know when Charlotte and Jack were married? A No sir, I don't know nothing about their marriage, it seems they were married before the war, they were together.
Q Back in slavery days? A Yes sir.
Q Did they live together until Charlotte died? A Yes sir, right there on the Creek.
Q How long after you got back was it when Charlotte and Jack got back? A It wasn't but a few days, they was on behind us, and came in a short time afterwards moved in there.
Q Did they settle in the same neighborhood where you did? A Yes sir.
Q Did they live there until Charlotte died? A Yes sir, right there.
Q When was it you got back? A We got back in the first part of April, of '66.
Q And they came in a few days afterwards? A Yes sir, short time after.
Q And Charlotte lived there until she died? A Yes sir, lived there

died there.

Yes sir.

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

M.D. Green

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

COMMISSIONER.

Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 16 1901

ACTING CHAIRMAN

Department of the Interior,

Commission to the Five Civilized Tribes,

Nowata, I. T., June 27, 1901.

In the matter of the application of Eddie Starr for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Eddie Starr.
Q How old are you? A 20.
Q What is your post-office address? A Chouteau.
Q What district do you live in? A Cooweescoowee.
Q You want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A No one.
Q Is your name on the roll of 1896? A It is on the Wallace roll.
Q Wallace roll and Clifton roll? A Yes sir.
Q What is your father's name? A Jack Starr.
Q Is he living? A Yes sir.
Q Your mother's name? A Charlotte Starr.
Q Is she living? A No sir.
Q Are you married? A No sir.
Q No children? A No sir.

Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant identified on page 141 #3498 Ed Starr, Cooweescoowee District; Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 141 #3944 Ed Starr, Cooweescoowee District.

Q Where were you born? A Big Creek.
Q Cherokee Nation? A Yes sir.
Q You lived there all your life? A Yes sir.
Q Have you always lived in the Cherokee Nation all your life? A Yes sir.
Q Live in the Cherokee Nation now? A Yes sir.
Q Ever married? A No sir.

Com'r Needles: Eddie Starr applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon the Kern-Clifton and the Wallace roll; and makes satisfactory proof as to residence; he says that he is the child of Jack Starr, who was listed on D card 443, and the testimony taken in the case of the application of said Jack Starr, D 443, will be made a part of the record in the case at bar, and a copy thereof will be filed herewith; and said Eddie Starr will now be listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by mail of the action of the Commission in the premises.

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 thereon.

Subscribed and sworn to before me this July 11, 1901.

Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 3 1901

ACTING CHAIRMAN.

To be filed in the case of William Bell, GTD-305.

Department of the Interi r,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 25,1901.

In the matter of the application of Alfred Bell for the enrollment of himself and six children as Cherokee Freedmen.

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

Alfred Bell, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Alfred Bell.
Q How old are you? A 51.
Q What is your post office address?A Hayden.
Q What district do you live in? A Goweesecowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Your name on any of the rolls of the Cherokee Nation? A No, sir, I reckon now, without it is the rejected roll.
Q You never have been recognized then by the Cherokee authorities? A No, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you got?A Nine.
Q Are you married? A Yes, sir.
Q Whatis your wife's name? A Missouri.
Q How old is she? A About 50.
Q Is she a citizen? A No, sir.
Q She is a non citizenis she? A Yes, sir.
Q Well, give me the names of your children under 21 years of age and unmarried? A (Hands Commissioner paper.)
Q James, he is 20, is he? A Yes, sir.
Q Earl, he is 18? A Yes, sir.
Q Lucian, he is 16 is he?A Yes, sir.
Q Whatis the name of the nextone, Russia? A Yes, sir.
Q How old is Russia? A 16, they are twins.
Q The nextone Eddie, 14? A Yes, sir.
Q What is the 1st one's name? A Senie.
Q Is she 12? A Yes, sir.
Q These children all living at this time? A Yes, sir.
Q They born and raised in the Cherokee nation? A Yes, sir.
Q Just six then that are under age?A Yes, sir.
Mr.Smith: Mr. Bell, how old did you say you are? A 51.
Q Were you a slave? A Yes, sir.
Q Who did you belong to? A Mr. Bell's wife.
Q Which Bell?A Hooley Bell, Sabra Bell.
Q Col. L. B. Bell's wife? A Yes, sir.
Q Where were you living whenthe war commenced? A Living in the Nation, here on Beattie's Prairie.
Q Who were you living with? A Mr. Bell and his wife.
Q Were you taken out, or did you go out, of the Cherokee Nation during the war? A Yes sir, they carried me south.
Q Who carried you? A Mr. Bell, my master.
Q Where did he carry you to? A Texas.
Q When did you return to the Cherokee Nation after the war? A '66
Q Where did you come to? A Fort Gibson.
Q How long did you stay in Fort Gibson? A I didn't stay up there but about five or six days.
Q Then where did you go? A Came up on Lightning Creek.
Q Then how long did you live up on Lightning Creek then after coming there thattime? A I lived there off and on, three years.
Q Where do you live now? A On Lightning Creek.
Q How long have you been living there the last time? A On Lightning Creek.
Q Yes sir? A I have been living there all the while.

Alfred Bell 2.

Q I understood you to say you lived three years on Lightning Creek after you went there from Fort Gibson? A Yes, sir, I went from there where I am.
Q You are still on Lightning Creek, are you? A Yes, sir.
Q You have beenliving where you are now ever since you moved from the first place you went to on Lightning creek? A Yes, sir, ever since I moved from Mr. Daniels place I went where I am, I worked there off and on until I came to where I now live.
Q All the se children for whom you apply, that you have named, are they the childremof yourself and your wife, Missouri Bell?
A Yes, sir.
Q Have they all been born since you and Missouri have been married and ~~xxxxxx~~ living together? A Yes, sir.
Q Are theyliving with you, these children? A Yes, sir, some of them are , the others are living up in the country, the oldest ones.
Q Are these children whose names you gave here, which ones are living somewhere else, if any of them are not livihg with you?
A They are about in the country, there are not any of them but what are in the country at this time.
Q They are all alive now? A Yes, sir.
Mr. J.S.Davenport: Cherokee attorney: Where were you living when the war broke out? A On Beattie's Prairie.
Q You didn't go to Texas with Mr. Bell before the war broke out?
A Yes, sir.
Q You were not living on Beattie's Prairie then when the war broke out? A Well, at the breaking out they carried me south.
Q You went south before there was any war, didn't you? A Yes, sir, the war it hadn't commenced when I went to Texas.
Q You lived there now until you say, '66; is that when you claim you left there? A No, sir, I claim I came back here.
Q When did you leave Texas? A I left in '66.
Q What time of the year? A In the fall.
Q Now when did yougo back to Texas? A I didn't go back to Texas at all.
Q Were youmarried man at the time you left Texas in '66? A No, sir, I was a boy.
Q How old were you? A I was 18 years old.
Q Well, you went back to Texas thenlater on? A Yes, sir.
Q Well you married in Texas? A Yes, sir.
Q Now you had a child named Bob that was bornin Texas, didn't you?
A No, sir.
Q One named Frank that was born in Texas? A No, sir.
Q Where was Nannie born? A They are my children.
Q Were not they bornin Texas? A No, sir.
Q Where were they born? A On Lightning Creek.
Q Bob was born on Lightning Creek, was he? A Yes, sir.
Q And Nannie? A Yes, sir.
Q And Jim? A Yes, sir.
Q And Ernest? A Yes, sir.
Q Lucian was born on Lightning Creek? A Yes, sir.
Q And Russia? A Yes, sir.
Q Eddie? A Yes, sir.
Q And Senie? A Yes, sir.
Q All your children were born on Lightning Creek? A Yes, sir.
Q Lightning Creek in the Cherokee Nation, is it? A Yes, sir. Cherokee nation.
Q Did you testify before the Kern-Clifton Commission? A Yes, sir.
Q I will ask you if you didn't testify before that Commission that all your children excepting Willie were born in the State of Texas? A I don't know whether I did or nor, I might have.
Q If you did testify to that, was it true or untrue? A No, sir, they were bornhere.
Q When you came to Lightning Creek in '66 who did you find there?
A In '66 I found these people lives on Lightning Creek here, Mr.

Alfred Bell 3.

Whitmire's folks, Harry Still.
Q Which one of the Whitmires? A Mose.
Q Who else? A Ransom Downing.
Q Who else? A Uncle Mose and Ransome Downing I said.
Q They were the only people living in the Cherokee Nation on Lightning Creek when you came back? A No sir, they were not all there.
Q Who else were there? A Yes, sir, there were other people.
Q Who were they? A Looney Glass' folks I judge.
Q To what point on Lightening Creek in the Cherokee Nation did you first return? A Over here up where I am living at near Hayden postoffice.
Q What year were you married? A I married in the year '69 I believe.
Q In 1869? A Yes, sir.
Q You know what County in Texas you were married in? A Grayson I believe, some of them counties.
Q How long did you live in Texas after you were married before you came to the Cherokee Nation? A I just stayed there the balance of the year, and came back to the Nation.
Q Did you come back before or after Hooley Bell came from Texas, or L. B. Bell, commonly kn called Hooley? A I came back before he did.
Q About how long before, or do you know? A No, sir, I don'tknow exactly how long before he did.
Q Where was he living before he left Texas? A Living on the old Bell place the last I knew of him.
Q That was before you married or after you married? A Before I married.
Q Then you went back to Texas and married? A Yes, sir.
Q Was Mr. Bell there when you went back? A No, sir.
Q Where did you first see Harry Still after you came back to this country? A Near there where he lived at, on a place close to Hayden postoffice there.
Mr. Hastings: Was that after you brought your wife there? A No, sir, it wasn't the first time I saw him, he was there when I came th there from Daniel's place, he helped me make my place.
Q Did you make that after you married? A No, sir, before I married.
Q When you came the first time? A Yes, sir.
Mr. Davenport: What time didyou come to Lightning Creek? A In the spring.
Q Of what year? A In the spring of '68 I believe, I don't know exactly what year, but it was in the spring after I stopped to Daniel's to work there, and went over the next spring and took up a farmon Lightning Creek.
Q How many times you been married? A Once.
Q Your wife's name Mary? A Yes, sir.
Q Was she ever married before you married her? A Yes, sir.
Q What was her first husband's name? A His name was Tom Stanford.
Q Was he living when she married you? A No, sir, he died.
Q She was a widow? A Yes, sir.
Q You and she been living together ever since youmarried?
A Yes, sir.
Q She was a citizen of the State of Texas? A Yes, sir.
Q Have you got any marriage certificate? A No sir.
Q She is the mother of all these children is she? A Yes sir.

****

Taking of testimony continued by Stenographer Chas.von Weise.

****

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribed he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript ofhis stenographic notes thereof.

(signed)Bruce C.Jones.

[illegible]

[illegible]

[illegible]

[illegible]

By Mr. Davenport, [illegible]

Q [illegible] did you [illegible] the first [illegible]? A [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

[illegible] as a witness for the applicant

By Mr. [illegible]

Q What is your name? A [illegible]

Q [illegible]

Q [illegible]

Q [illegible]? A [illegible], I have [illegible]

Q How long have you [illegible]? A [illegible]

[illegible] In the fall of [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Mr. Davenport-

Q How old was [illegible] that they [illegible] was [illegible] Thompson the time you [illegible]? A [illegible]

Q [illegible]

Q [illegible] bigger than [illegible]

Q [illegible]

Q [illegible]? A 9 or 10, I think [illegible]

Q How long [illegible]? A A short time.

Q [illegible]

Q [illegible] men, women, [illegible]

Q Well you have [illegible] you? A Yes sir [illegible] because I saw and [illegible]

Q You had never seen this boy before [illegible] you? A No sir.

[illegible] called and sworn as a witness for the applicant

By Mr. [illegible]

Q What is your name? A [illegible]

[illegible]

(p) 2

Q Where did you see him? A Coming to Ransom Thompsons and stayed [illegible] and left there.
Q How long did he stay there? A Stayed there until long in the summer some time.
Q Are you sure that it was in January? A Yes sir Ransom went to Fort Gibson and when he came back this man came with him.
Q Do you know where this applicant lives now? A Yes sir.
Q How far is it from you? A [illegible] miles.
Q How long has he lived there? A [illegible] he started a claim there the same year he came home and lived there several years and then left; he lives there now.

By Davenport
Q You saw this fellow at Ransom Thompson's place in January '66? A Yes sir.
Q And you have been seeing him ever since in the country? A No sir not all the time.
Q You don't know who his master was? A No sir.
Q You dont know when he moved back to the Nation to live? A I know I saw him in January, '66.
Q You didn't get back your self until August '66 did you? A I got back here in '65 and '66 both.
Q You wasn't there in the Cherokee nation in January '66 were you? A Of course I was.
Q You you got back in January and saw him in January '66? A I got back the last part.
Q Of January? A Of '66.
Q Where was Alfred's family when you saw him in '66? A Didn't have any.
Q When did he bring his family, did you ever see them? A Yes sir I saw them, the next time I saw him.
Q How long after you saw him first did you see his family? A 4,5 or 6 years.
Q He didn't continue to reside there in that community in '66?
A No sir, he came there and staid awhile and left and then came back again and he had his family with him then.
Q How many children had he when he returned? A Didn't have any, might have had William.
Q Was his children all born on Lightning creek in the Cherokee Nation? A I think they was.
Q How far did he live from you then? A I guess he lived about 6 miles from my place first and now we had adjoining places.

By Smith-
Q You said some thing awhile ago about coming back here in the last part of '66 and of seeing this man in January of '66 what do you mean by that? A I made three trips here, the first one was in the spring of '65, the second one was in the spring of '66 and the last one was in the fall of '66.
Q You came here the second time in the spring of '66? A Yes sir.
Q Then you were not here in January of '66? A No sir. I came to Fort Gibson in '65, and then came here in the first part of '66.
Q Then you were not here in Januaryof '66? A No sir; I came to Fort Gibson in '65 and then came here in the first part of '66 and then came again in the fall of '66. I made three trips.
Q Then what time of the year was it that you saw this boy in '66?
A The last part.
Q Now let me understand you right, when did this man Alfred Bell come there to where you saw him in '66, was it before or after your third and last trip? A It was after.
Q What made you say that it was in January then? A I should have said the last part of '66.

By Cont'r Maddox
Q If you did say that it was in January '66 it was a [illegible]

was [illegible] sir.

[illegible]

By [illegible]
Q [illegible] A [illegible]
Q [illegible] ? A
Q [illegible] A Yes sir.
Q [illegible]
Q [illegible] A [illegible] sir.
Q [illegible] A [illegible]
Q [illegible]
Q [illegible] A [illegible] Cr[illegible]
Q [illegible] Salt creek? A This side of [illegible] 8 or [illegible] M.
Q Is it [illegible] ? A [illegible]
Q [illegible] that you saw [illegible] ? A [illegible]
Q [illegible] know what time of [illegible] A No sir I [illegible]
[illegible] I did have [illegible] I just forgot it.
Q You don't know how long he had [illegible] A No sir.

By Com'r Needles-

Alfred Bell [illegible] for himself and six [illegible] his name cannot be identified [illegible] of [illegible] of the [illegible] the [illegible] the names of his children [illegible] be seen alive in the Cherokee [illegible] the [illegible] part of the Cherokee nation and [illegible] in 186[illegible] he married in Texas, his wife [illegible] being a [illegible]. Remains no proof of his marriage, and it will be necessary for him to [illegible] proof of his marriage in the course of a [illegible] many of the marriage records, and also [illegible] of the birth of his children. He and his six [illegible] a result in the testimony will be listed for enrollment [illegible] citizens as a counsiful card, and he will be notified [illegible] the final decision of the commission.

* * * * * * * * *

ADDITIONAL TESTIMONY.

By Mr. Smith of John Landrum:
Q How far do you live from the applicant? A About two and a half miles.
Q Have you ever been at his house? A Yes sir.
Q Do you know his wife? A Yes sir.
Q Are they living together as man and wife? A Yes sir.
Q How long have they been living as man and wife? A Ever since they came there.
Q Are they received in the community as man and wife? A Yes sir.

By Hastings-
Q When did they come there as man and wife? A She came there when he came up there on Salt creek the second time, he came first by himself.
Q When did his wife come? A She came the latter part of '67
Q Did they have any children when they came? A Yes sir.
Q How many? A Oh no sir, they didn't have none then.
Q He brought his wife up with him the latter part of '67 did he? A Yes sir.
Q That was in the Cherokee nation? A Yes sir.

By Com'r Needles-
Q Do you know this man's children? A Yes sir.
Q Were they all born in the Cherokee nation? A Yes sir I guess so.

By [illegible] of the applicants

(7) A.

Q [illegible] the names of [illegible] older than James? A. Will, Bob and [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q What is his name? A. [illegible]

Q Where does Robert live? A. [illegible] on Lightning Creek, Cherokee nation.

Q Where does William live? A. [illegible] to where I am.

By Rabb:

Q How old is Will? A. 25.

Q How long after you were married was he born? A. A year.

* * * * *

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

(signed) Chas. von Weise.

Subscribed and sworn to before me this the 16th of July, 1901.

(signed) T. B. Needles,
Commissioner.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy [illegible] of the original [illegible] herein.

M D Green

Subscribed and sworn to before me this August 27th, 1901.

[illegible]
Commissioner.

[illegible] Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 21, [illegible].

In the matter of the application for William Bell for the enrollment of himself as a citizen [illegible] sworn and examined by Commissioner Rendlen, he testifies as follows:

Q What is your name? A William Bell.
Q What is your age? A [illegible] years old.
Q What is your post-office address?
Q What district do you live in? [illegible]
Q [illegible] you are applied as a [illegible]? A Yes sir.
Q [illegible] you want to [illegible]?
Q What is your father's name? A Allen Bell.
Q What is your mother's name? A [illegible] Bell.
Q Are they living? A They are.
Q Are you on the roll of 1880? A No sir.
Q Are you on the rolls of the Cherokee Nation? A No sir.
Q Where do you live? A On Lightning Creek.
Q Cherokee Nation? A Yes sir.
Q Lived in the Cherokee nation all your life? A Yes sir.
Q How happened that your name never drawn any money?
A I don't know sir.
Q Never drawn the Mars-Clifton money? A No sir.
Q Nor the Wallace money? A No sir.
Q You claim your citizenship through your father or mother?
A Father.
Q Your father been listed for enrollment? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found;
Mars-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not found;
Wallace roll of citizens of the Cherokee Nation examined and applicant not found.

Q You have lived here all your life? A Yes sir.
Q Sure you don't forget about that now, never lived outside of the Cherokee Nation? A I have been out.
Q Have you ever been married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Milen. Her first name was Milen Blackburn, I believe her father was named Davis.
Q You were married more than once? A No sir.
Q Where were you married? A Vinita.
Q You living with your wife now? A No sir.
Q How long did you live with her? A One year.
Q And then separated? A Yes sir.
Q Did you ever keep home in the Cherokee Nation? A Yes sir.
Q Where? A On my wife's place there where I was with her.
Q You have never lived or kept home outside of the Cherokee Nation? A No sir.
Q What have you been doing in Kansas? A Never lived in Kansas in my life, only I have been to Coffeyville.
Q Were you ever in Oklahoma? A (No reply.)
BY MR. DAVENPORT, Cherokee Representative:
Q Were you born in Texas? A Not that I know of.
Q When did you come to this country, at the same time your father did? A I don't know anything about when my father came to this country.
Q You don't remember when your father was living in Texas? A No sir.
Q Can you remember when he was living in the Chickasaw or another

William Bell 2

[illegible] sir.

Q. Did [illegible] you remember [illegible] living in the Cherokee Nation? A. Yes sir.

Q. What point were you living in the Cherokee Nation when you first remember? A. On Lightning Creek.

Q. [illegible] Hayes? A. [illegible]

Q. About how far from [illegible]? A. Oh about a mile I suppose.

Q. How comes you [illegible] living in the Chickasaw and Choctaw Nation, with your [illegible]? A. No sir, I don't.

Q. Don't you know your father came up here about the time the Wa[illegible] was moving in [illegible] from the Chickasaw Nation, and Rad[illegible] lived in [illegible]? A. No sir.

Q. Don't remember that? A. No sir.

BY COMM'R MEADOR:

Q. You never was told where you were born? A. Yes sir.

Q. Where did they say you were born? A. On Lightning Creek in the Cherokee nation, [illegible].

Q. Don't which you have always been told, that you were born on Lightning Creek in the Cherokee Nation? A. Yes sir.

Q. 23 years ago? A. Yes sir.

Com'r Meador: William Bell applies for the enrollment of himself, he cannot be identified upon any of the rolls of the Cherokee nation, he swears that he is a child of Alfred Bell who was listed for enrollment on B card [illegible], and asks that the testimony taken in the application of Alfred Bell be made a part of the record in the case at bar, and a copy thereof is attached hereunto, reference is made to the testimony as to the residence of said applicant. Commission is sorry that the number of the witness cannot be placed in the record when he was questioned as to his residence. He will now be listed for enrollment as a Cherokee freedman and he will be notified by mail of the action of the commission thereon and vote at. He will be placed upon a doubtful card.

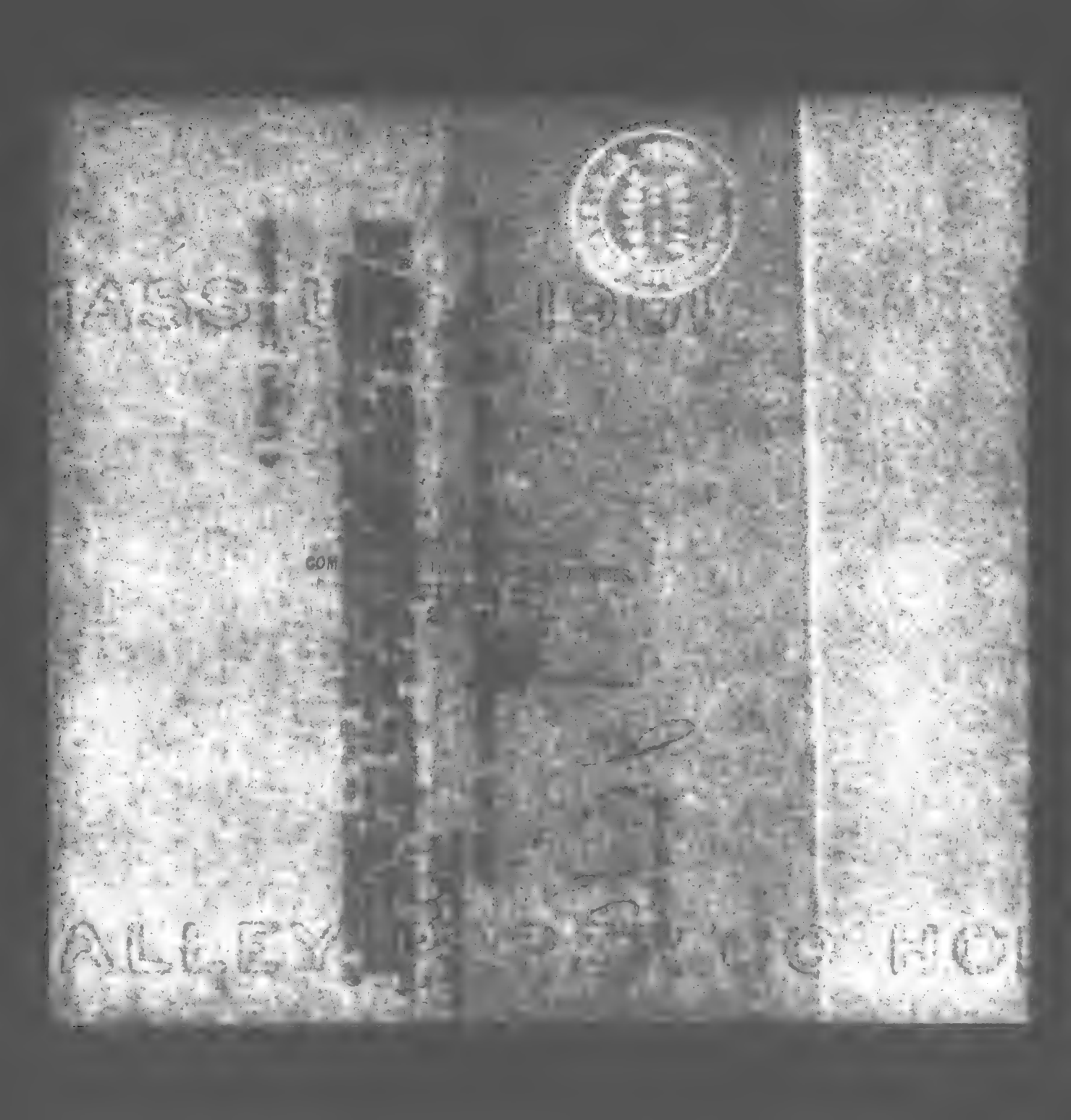
M.D. Green, being first duly sworn, states that as stenographer to the Commission to the five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes, thereon.

M.D. Green

Subscribed and sworn to before me this July 11, 1901.

[signature]

Commissioner



Alfred Bell [illegible] 5

Q. [illegible] you get back from [illegible]? A. [illegible] 1865 [illegible]

[illegible]

Q. You [illegible] in [illegible] you went home [illegible]? A. [illegible] 1865.

Q. What did you do the rest of the year [illegible]? A. [illegible] on [illegible]

[illegible]

and took [illegible] and come up the [illegible]

Q. [illegible]? A. [illegible] thirty days.

Q. [illegible] '66 [illegible] there at home [illegible]

[illegible] figure up [illegible] maybe more,

Q. [illegible] when you got back in '65, [illegible]

Q. [illegible] your [illegible] time? A. Well [illegible] I called the roll over [illegible]

Q. [illegible]? A. Yes sir.

Q. [illegible] you are not positive that [illegible] was there during all the time that you were [illegible]? A. Well I would be positive as far as [illegible]

Q. [illegible] of your independent recollection [illegible]?

Q. [illegible] A. [illegible] I couldn't say.

Q. Of course you don't know [illegible] when you were gone? A. No.

Q. He did belong to [illegible] before the war? A. Yes; well as a matter of fact he belonged to my [illegible] when I married her.

Q. She was a citizen of the Cherokee Nation? A. She was a Cherokee.

Q. And you took this Alfred Bell out during the war? A. I took him out in 1861, about October.

Q. Now you never saw him until the Wallace roll; you said he was trying to get on that; well he got on it didn't he? A. Well I rather think he did.

Q. Well then you don't know of your own personal knowledge where he did come back to the Cherokee Nation first? A. No sir I don't.

[illegible]: This testimony will be filed with the testimony taken in the original case, and will be made part of the record in Freedmen D 905 and 975 and 1035

[illegible] Hall [illegible]

[redacted]

Subsc[illegible]

J. C. St[illegible]

[illegible] Public

[illegible]

[illegible] Commission to the Five Civilized Tribes,
[illegible]gee, I. T., May 5b, 1902.

In the matter of the application of PERRY ARMS for enrollment as a Cherokee Freedman;

[illegible]pplicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

[illegible] applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of [illegible], Trustee for the Freedmen, vs The Cherokee Nation, [illegible], filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

William Ball, D 906;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Hill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 1 1902
Acting Chairman.

905

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. O. Rothamberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) F. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

F G Reuter
Notary Public.

F20 905

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

915

William Bell.

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said [illegible] Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

_____

_____
Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this ____ day of _____, 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

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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. 1901

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

_____
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the _____ day of SEP 20 1901, 1901.

Mellette & Smith
Attorney for applicant.

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

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

_____

on the _____ day of _____ A.D. 1901

_____

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

_____
Notary Public.

9/20 filed

8 o'clock A. M.

NOTICE!

IN THE MATTER OF the application of Wm. Ball for enrollment as a Cherokee citizen:

Case No. D 985

To William Ball or Mullette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory,* Indian Territory, on Oct. 9th 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 on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 18 1901

L B Bell

N. W. Hanchett

Attorneys for the Cherokee Nation.

1209

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREEDLOVE,
WM. O. BEALL,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

"REFER IN REPLY TO THE FOLLOWING
Cherokee Enrollment
[illegible]
[illegible]
[illegible]"

Muskogee, Indian Territory, August 4, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision dated March 5, 1904, in the consolidated case of Alfred Bell, et al., rejecting the applications for the enrollment of William Alfred, James, Earl, Lucien, Rueben, Eddie, Anna and Robert Bell, and Nannie Derrick as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 14, 1904.

Respectfully,

Commissioner in Charge.

C 72,06

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 3 1901

Secretary Commission

To be filed in the case of Ida Beck, SFB-204.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 22nd, 1904.

In the matter of the application of Mina Beck for the enrollment of herself and ten children as Cherokee Freedmen; said Beck being sworn and examined by Commissioner T.B.Needles, testified as follows:

Q What is your name? A Mina Beck.
Q How old are you, Mina? A About 41 I guess.
Q What is your post office? A Bartlesville.
Q What district do you live in? A Coweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many have you got? A (Hands paper to COM'R.)
Q Is your name on the roll of 1880? A I don't know whether it is or not.
Q What is your husband's name? A Nelson Beck.
Q Has he been enrolled? A There he is, he will apply for himself.
Q What was your father's name? A George Bryant.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Millie Bryant.
Q Is she living? A No, sir, she is dead.
Q Now, first child under age is Fanny i s it? A No sir.
Q How old is Fanny? A Fanny's 20.
Q What is the next one, Jane s? A Jane m.
Q What is he, 19? A Yes, sir.
Q What is the next one, Hattie? A Hattie.
Q Is she 17? A Yes, sir.
Q What is the next one? A George.
Q Is he 15? A Yes, sir.
Q What is the next one? A Florence.
Q Is she 12? A Yes, sir.
Q What is the next one, Nelson? A Yes, sir.
Q Is he named after his father? A Yes, sir.
Q Nelson, Jr.? A Yes, sir.
Q He is ten? A Yes, sir.
Q Next one? A Dempsey.
Q Nine? A Yes, sir.
Q Viola, four; next one? A Lewis.
Q He was three? A Yes, sir.
Q Next one Cora? A Yes, sir.
Q She is three months old is she? A Yes, sir.
Q Now you say your father, George Bryant has been enrolled?
Q Yes, sir.
Q Does his testimony cover your case, do you know? A I don't know
Q Are these children all Beck? A Yes, sir, they is all Beck's.
Q Were you ever married before you married Nelson Beck?
A Once.
Q What was that husband's name? A Martin.
Q Was he living? A No, sir, dead.
Q Did you have any children by him? A Only one, girl she is married.
Q Well, did you draw what is known as Kern-Clifton money?
Q No, sir, I drawed at the Wallace.
Q The Wallace is all you drew? A Yes, sir.
Q Have you got a witness? A Yes, sir.
Q Who are your witnesses? A Millie Frye and Captain Hicks.

The 1880 authenticated roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Wallace roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
[illegible]

Mina Beck et al 2.

Page 103, #2191, Fanny Beck, Goweeseeowee District;
Page 103, #2192, James Beck, Goweeseeowee District.

The Kern-Clifton roll of Freedmen of the Cherokee Nation examined and names of applicant's children found thereon as follows:
Page 181, #4439, Fanny Beck, Goweeseeowee District;
Page 181, #4440, Jame s Beck, Goweeseeowee District;
Page 181, #4441, Hattie Beck, Goweeseeowee District;
Page 181, #4442, George Beck, Goweeseeowee District;
Page 181, #4443 Florence Beck, Goweeseeowee District;
Page 181, #4444 Nelson Beck, Goweeseeowee District;
Page 181, #4445, Dumps Beck, Goweeseeowee District.

Q Is your husband's name on the roll of 1880?A I don't know, sir, it ought to be.
Q How did it happen your children got on the Kern-Clifton roll an you didn,t? A I don't know.
Q You know your name wasn't on the roll of 1880 didn't you?
A I guess it aint.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A Belonged to Bryant, my father, Joel Bryant.
Q Is he a Cherokee citizen? A Yes, sir.
Q Where were you born? A On Grand river.
Q Cherokee Nation? A Yes, sir.
Q Well, did you go out of the Cherokee Nation during the war?
A I suppose I did, but if I did I don't recollect.
Q Where do you recollect being the first time you can recollect?
A Grand river.
Q In the Cherokee nation?A Yes, sir.
Q You don't know anything about being taken out? A No, sir, Don't know anything about being taken out and coming back either.

MILLIE FRYE, being sworn and examined by Commissioner T. .Needles, testified as follows:—

Q Whatis your name? A Millie Frye.
Q How old are you? A 64.
Q Whatis your post-office? A Vinita.
Q You are recognized Freedman are you? A Yes, sir.
Q On the rolls? 1880? A Yes, sir.
Q Do you know Mina Beck, the applicant here? A Yes, sir.
Q How long have youknown her? A Ever since she was a baby.
Q What was her father's name? A George Bryant.
Q What was her mother's name? A Millie.
Q Were George and Millie slaves? A Yes, sir; George belonged to Joel Bryant.
Q Were they taken out of the Cherokee nation during the war?
A Yes, sir, they went to Douglas County, Kansas.
Q When did they return? A They returned, I don't know, when I saw George it was along in '67.
Q Was Mina with him? A Yes, sir.
Q Mina was with him at that time? A Yes, sir.
Q And that is the first time you saw them? A Yes, sir; it was in April, '67.
Q Where was that? A Near Delaware District.
Q They didn't come back with you? A No, sir.
Q Are you kin cent of this applicant? A Her mother wasmy Aunt.

WILMORE NICKS, being sworn and examined by Commissioner T.R.Needles, testified as follows:

Q Your name is Wilmore Nicks? A Yes, sir.

Nina Beck v. et al 5.

Q What is your name? A Nina.
Q Do you know Nina Beck, the applicant? A Yes, sir.
Q Did you know her father? A Yes, sir, his name was George Bryant.
Q What was her mother? A Millie Bryant.
Q Were they slaves? A Yes, sir, I think they were, I didn't know them before the war.
Q Do you know where they went to during the war? A Only what they told me.
Q Well, when did George Bryant and Nina come to return after the war? A I saw them on Grand River.
Q What year? A It was in 1867.
Q What part of 1867? A Right first of the year, about February.
Q Well, have you known them ever since that time? A Yes, sir, I have known them ever since.
Q Is she married? A I haven't seen her very regular since myself.
Q Do you know whether she is married or not? A No, sir.
Q Then the first time you saw them was in January or February, 1867? A Yes, sir, that is my first recollection.
Q Did you know which it was? A I think it was in February, though I would not be positive.

BY MR. HASTINGS, Cherokee Representative

Q Where were they living? A They was living on the other side of the river.
Q On whose place? A They lived on the place that Aaron Martin built.
Q Aaron Martin had lived there the year before had he? A Yes, sir.
Q Well, was it on the east or west side of the river? A On the east side.
Q Now, what Cherokees lived nearest to them at that time? A (No response)
Q How far from George Clark? A About four or five miles.
Q Well, who else was living around there? A Millie Frye.
Q How far was Millie Frye living? A About five or six miles.
Q What old place is that nearest they come to? A My father's old place.

NINA BECK, the applicant, recalled. BY COM'R FENDLER.

Q Are these children all living at this time? A Yes, sir.
Q When were you married to Nelson Beck? A Never was married to him.
Q Never have been married to Nelson Beck? A No, sir.
Q I thought you said Nelson Beck was your husband? A Of course he is my husband, but we never married.
Q How long have you had a living with him? A 22 years.
Q Been living together 22 or 23 years as husband and wife? A Yes, sir.

MILLIE FRYE recalled.

Q Do you know Nelson Beck? A Nel sir, never knew him until after she married him.
Q How long have you Millie and Nelson been living together? A I don't know I saw him at the Wallace Court and he told me that he had married this girl and that is all I know about it, they didn't live anywhere near us.
Q And you don't know whether they have been living together all this time as husband and wife or not? A No, sir.

MARY BECK, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Mary Beck.
Q How old are you, Mary? A I don't know my age.
Q Well, about how old? A I don't know.
Q Are you married? A [illegible]

would not give any guess at it.
Q Well, do you know, Mina Beck? A Yes, sir.
Q What relation are you to her? A Might be called sisters-in-law I guess we married sisters.
Q Do you know Nelson Beck? A Yes, sir.
Q How long have you known Nelson and Mina? A I have been knowing about 22 or 23 years.
Q Do you know whether they have been married or not? A Yes, sir.
Q Do you know they have been living together? A Yes, sir.
Q They are considered as man and wife? A Yes, sir.

AMY BEAN, being sworn and examined by Commissioner T.B. Needles, testified as follows:

Q What is your name? A Amy Bean.
Q What is your age, Amy? A 45.
Q Post-office? A Vinita.
Q Do you know Mina Beck, the applicant? A Yes, sir.
Q How long have you known her? A I have known her now for about 23 or 4 years.
Q Did you know her father? A Yes, sir.
Q What was his name? A George Bryant.
Q What was her mother? A Millie.
Q Were they slaves? A Yes, sir.
Q Who did they belong to? A I donot know.
Q Do you know whether they went out of the Cherokee Nation during the war or not? A Yes, sir.
Q Where did they go? A Went to Kansas.
Q When was the first time you saw Milli Beck after the war? A I saw her in 187.
Q What month? A That was along in the summer, I donot know exactly what time.
Q Where was that? A Down on Grand river.
Q Well, did you see her father at that time? A No, sir, I saw her mother.
Q Her mother is still living now? A No, sir, she is dead.
Q Have you know her since that? A Yes, sir.
Q Do you know her as Mina Beck; do you know her husband, Nelson? A Yes, sir, but I am not much acquainted with him.
Q Do you understand that theyhave been living together as man and wife? A Yes, sir, ever since I heard of them.
Q You think the first time you saw her was in the summer of 1877? A Yes, sir.

COM'R NEEDLES: Mina Beck applies for the enrollment of herself and ten children She cannot be identified upon the census roll of 1896 or authenticated roll of 1880; she is identified upon the Wallace Roll. She avers that she has lived with Nelson Beck for the last 22 or 23 years, but that she was never married to him. They have been living together continuously since that time as man and wife and she presents satisfactory proof to that effect. She avers that she was a slave of Joel Bryant; her father was George Bryant and her mother Millie. The testimony shows in the case that she was taken to the State of Kansas during the war but didn't return until the year 1867. The names of her children for whom she applies are all identified upon the born Citizen roll, except her three younger Viola, Lewis and Cora; their names are not identified upon any of the rolls and it will be necessary for her to make satisfactory proof as to their birth. Consequently, Mina Beck and her ten children as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card.

Nina Beck et al #

She will be notified by mail of the final decision of the Commission.

J.C.Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded the testimony andproceedings in this case, and that the [illegible]

[illegible]

[illegible]

Commissioner.

To be filed in F. R. [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. June [illegible], [illegible]

In the matter of the application of Nelson Beck for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. M. Hopkins, testified as follows:

Q What is your name? A Nelson Beck.
Q What is your age? A 44 or 45.
Q What is your post office address? A Bartlesville.
Q In what district do you live? A Coweesgoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to have enrolled besides yourself? A Just myself
Q Is your name on the roll of 1880? A I think it is.
Q You know it isn't don't you? A No sir, I don't.
Q Is your name on any of the rolls? A Yes sir on the Wallace and Kern.

Applicant not found on the roll of 1880.
Applicant not found on the roll of 1896.

Kern & Lifton roll examined and applicant found as follows:
Page 181 No 4436 Nelson Beck, Coweesgoowee District.

Wallace roll examined and applicant found as follows:
Page 163 No 2154, Nelson Beck Coweesgoowee District.
Q Were you a slave? A Yes sir.
Q Who did you belong to? A Joe Beck.
Q Was he a Cherokee Citizen? A Yes sir.
Q Did you go out of the Cherokee Nation during the war? A No sir
Q Never went outside of the Territory? A No sir.
Q Where were you born? A I was born in the Cherokee Nation.
Q How does it happen that your name is not on the roll of 1880?
A The rest of them is on?
Q Sisters and brothers and my father.
Q Is your mother? A She died before the war.
Q What is your father's name? A Jim Beck.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicants father found as follows:
Page 740 No 269 James Beck, Tahlequah District.

Q Have you any brothers and sisters on the 1880 roll? A Yes sir
Q What was your oldest brother's name or Sisters? A Maryland.
By Hastings, Cherokee representative:
Q He went to Kansas? A Yes sir.
By Com'r Hoodless

Q The next ones name? A Dan.

By Hastings:

Q He went to Kansas? A Yes sir.

By Commissioner Hoodless:
Q The next ones name? A Lucy or Lewis.
Q Is he on the roll of 1880? A Lucy is.
Q Next one? A Rachel.
Q Next one? A Sylvia.
Q Have you one younger than Sylvia? A Yes sir Carrie.
Q Have you a younger one than that? A Jim, he is living on 14 mile Creek.
By Hastings:

Q How old is he? A I dont know.
Q More than 20? A Yes sir I guess he is.

By Com'r Meadlock:

Q Have you any that are dead? A Yes sir.
Q Which one? A Lewis, Sammy and Nate.
Q Never had one named Walter? A Not as I knowed of.
Q Did you ever have a sister named Mary? A Yes sir.
Q Is she on the roll of 1896? A I dont think she is.
Q You say you were born in the Cherokee Nation? A Yes sir.
Q And your father's name was James Lewis? A Yes sir.
Q What was your mother's name? A Lottie, I reckon my mother name was Jennie.
Q Your mother died before the war? A Yes sir.
Q Never had a sister named Harriet? A Yes sir, a half sister.

Hastings:

Q Were you old enough to remember anything before the war? A not much.
Q Do you remember anything during the war? A Yes sir.
Q Where were you living then? A Fort Gibson.
Q In town? A Near there.
Q How long did you stay there? A Until peace was declared.
Q Did you live with your step-mother? A Yes sir.
Q How is it that you and Sam separated? A He was elder than I was and I stayed with my father.
Q Who took Sam out? A I dont know.
Q Just after the war where did you settle, in '66 or '67? A Two miles from town and made a crop.
Q On whose place? A I dont know, just an old field.
Q Did'nt you find out whose field it was? A No sir.
Q Do you mean two miles east of town? A Yes sir on a branch.
Q How long did you stay there? A We staid there a while and father said we had to move back as we were inside of the corporation.
Q How far back did you move then? A On the other side of the old cemetery.
Q Did you stay with your father until he died? A No sir.
Q Where did you go? A I staid around Fort Gibson a while.
Q Then where did you go? A Claremore, and worked for Major Lipe.
Q Did you ever work in Kansas? A Yes sir, I worked there.
Q Were you ever sent to the penitentiary? A Yes sir, they had me charged with stealing a horse.
Q Was that in Kansas? A No sir, the horse I was charged with stealing belonged to Major Lipe, I traded for it from a Yellow man said he had bought it in Texas, they caught me riding it and arrested me.
Q They convicted you of stealing it? A Yes sir.
Q Where were you married? A On Big Creek.
Q When was that? A 24 or 5 years ago.
Q Have you been living with your wife ever since? A Yes sir.
Q Where? A On Sammy, near Bartlesville.
Q How many children were with you during the war? A Me and Dempsy Sally, she is dead, and Rachel and then my step-mothers girl, Nellie.
Q Your father had married that again before the war? A Yes sir.
Q You dont remember your mother? A No sir.
Q Did your father ever go out of the Cherokee Nation during the war? A No sir.
Q Who did you belong to before the war? A Old Joe Rock
Q He was a Cherokee citizen, was he? A Yes sir.

[illegible] [illegible] called and sworn as a witness for the applicant.

By Com'r Needles:

Q What is your name? A Columbus Lackey.
Q What is your age? A 53
Q What is your postoffice address? A Tahlequah.
Q Are you a recognized citizen? A Yes sir.
Q Do you know the applicant? A Yes sir.
Q How long have you known him? A Ever since '63 I guess.
Q Was he a slave? A I dont know.
Q Where did you see him after the war the first time? A At Fort Gibson.
Q What year was that? A From the time I speak of until '76 I suppose.
Q Here in the Cherokee Nation? A Yes sir.
Q At Fort Gibson? A Yes sir.
Q Have you known him any since '76? A I saw him at Chelocco when we met there.

Q You dont know if he has been living here continuously since you saw him in '76? A Not as I know of, I dont know anything about him much since then.

By Hastings:

Q You dont know where he has been living since then? A I hear he has been living in this district.
Q You dont know of his living in Kansas? No sir.

L. D. DANIELS called and sworn as a witness for the applicant.

By Com'r Needles:

Q What is your name? A L. D. Daniels, age 56, postoffice Claremore.
Q You are a recognized Cherokee citizen? A Yes sir.
Q Freedman? A Yes sir.
Q Do you know the applicant here? A Yes sir.
Q How long have you known him? A Ever since '63.
Q Where did you know him in '63? A Fort Gibson, sir.
Q Was he a slave? A I dont know of my own personal knowledge.
Q Did you know his father? A Yes sir.
Q How long did you know him? A This man here came there with his father in '65.
Q How long since '63 have you known him? A Ever since.
Q Where has he lived here since? A When he left Fort Gibson it was in '72 or '73, he moved from there to Major Lipes near Claremore, and when I moved there in '75 I found him on Big Creek with Maryland and his other brothers and then he married and lived on Caney near Bartlesville.
Q Do you know anything about him living in Kansas? A No sir.

By the Commission of Applicant:

Q You say you are married? A No sir just living with a woman.
Q What is her name? A Nina Bryant.
Q Is she a citizen? A Yes sir.
Q Has she any children? A Yes sir.
Q Have you any children? A Yes sir.
Q How many? A 13
Q All living now? A One of them is a step child, it is her child.
Q How long have you been married to her, or lived with her? A About 23 years.
Q Have you always lived with your family in the Cherokee Nation? A Yes sir.

By Com'r Needles,

Nelson Beck applies for himself; he is identified on the Wallace and Kern Sliffe rolls, but not on the authenticated roll of 1880 or the census roll of 1896; he avers that he is the son of James Beck and Lettie Beck, and James Beck is identified on the authenticated roll of 1880 according to the page and number of the roll as indicated in the testimony; his father died before the war. Applicant avers that he was born and raised in the Cherokee Nation and never left it. He makes satisfactory proof as to his residence and proves that he was here in 1896 and that he has continued to live here ever since that time; he will now be listed for enrollment as a Cherokee freedman.

By James Davenport, Cherokee representative:

"The representatives for the Cherokee Nation protest against the enrollment of this applicant on a straight card."

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

Chas. von Weise.

Subscribed and sworn to before me this the 9th day of July 1901.

T. B. Needles,
Commissioner.

Ella Mielenz, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the foregoing copy and that the same is a full and correct copy of the original transcript.

Ella Mielenz
Stenographer.

Subscribed and sworn to before me this 21st day of July 1902.

[illegible]
Notary Public.

[illegible]

[illegible] the [illegible] of the [illegible] by the enrollment [illegible] as a [illegible] by [illegible] and examined by Commissioner [illegible] as follows:

Q What is your name? A Ida Beck.
Q How old are you? A [illegible]
Q What is your post-office? A Bartlesville.
Q What district do you live in? A [illegible].
Q Have you been enrolled as a Cherokee freedman? A No, Cherokee [illegible]
Q Is your name on the roll of 1880? A No, it is on the Gilpin roll and Kenna.
Q What is your father's name? A Nelson Beck.
Q Is Nelson Beck living? A Yes sir.
Q Your mother's name? A Nina Beck.
Q Is she living? A Yes sir.
Q Where were you born? A Bartlesville.
Q In Kansas? A No, it was in Kansas.
Q Oh, Bartlesville, but your citizenship have you lived in the Cherokee Nation and your life? A Yes sir.
Q Are you married? A No sir.
Q Have been married? A No never has been.
Q Got any children? A No sir.

Kern-Gilpin pay roll of citizens of the Cherokee Nation examined and applicant identified on page [illegible] 2433 Ida Beck, Goweseowee District; Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page [illegible] 2180 Ida Beck, Goweseowee District.

Q You claim your citizenship through your father or mother, or both? A Through them both.
Q Have they been listed for enrollment, both, here? A Yes sir.

Gov't Needlem: Ida Beck applies for the enrollment of herself, she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but is duly identified upon the Wallace roll and the Gilpin roll, according to page and number of the rolls as indicated in the testimony; the evidence that she is a daughter of Nelson and Nina Beck, and her mother, Nina Beck, and her other brothers and sisters are duly listed for enrollment upon the roll and the testimony taken in the matter of the application of Nina Beck for the enrollment of herself and family will be made part of the testimony in the case at bar and a copy thereof will be filed herewith; and said Ida Beck will now be listed for enrollment as a Cherokee freedman on a doubtful card; she will be notified by mail by the Commission at her post-office address of their action in the premises; her father, Nelson Beck, is listed for enrollment upon straight card number 2180.

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 the cause and that the foregoing is a true and complete transcript of his stenographic notes in such

Subscribed and sworn to before me this July 11, 1901.

Arthur G Young

To be filed in F. R. No. [illegible]
Freedman Straight 1100.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May 23, 1902.

In the matter of the application of Nelson Beck for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO F. 1100.

APPEARANCES:
Lewis T. Brown for applicant.
W. W. Hastings for Cherokee Nation.
Nelson Beck being first duly sworn, testified as follows:

MR. BROWN: State your name? A Nelson Beck.
Q What is your age, Mr. Beck? A Well, I just been guessing at it guess about 48 somewhere.
Q What is your postoffice address? A Bartlesville.
Q You have already applied for enrollment? A Yes sir.
Q What is your wife's name, Mr. Beck? A Mina Beck.
Q Has she already been listed for enrollment? A Yes sir.
Q Have you any children by your wife, Mina Beck? A Yes sir.
Q How many? A About ten I believe.
Q Now at the time your application was made did you apply for the enrollment of all your children? A No sir, she did; she enrolled first, and they enrolled them with her I guess.
Q Your wife then made application for the enrollment of these children? A Yes sir.
Q Do you elect now to have these children enrolled with you? A Yes sir, I would like to have them enrolled with me.
MR. HASTINGS: Was this woman ever married before she married you? A Yes sir, she was married before.
Q And had a child? A Yes sir.
Q Where was she married to her first husband? A Dont know; never seen her first husband.
Q When did you first get acquainted with her? A In about twenty-three or four years ago.
Q Where is her first husband? A Dead.
Q When did she die? A I dont know, he was dead when I got acquainted with her she said.
Q She said he was dead; were you ever married before yourself? A No sir.
Q This is your first wife? A Yes sir.
MR. BROWN: Now the child that she has by her first husband isn't included in the ten children for whom she applied? A Why it enrolled for itself.
Q It was of age? A Yes sir.
MR. HASTINGS: What was its name? A Charlotte Beck.
Q Well does she go by the name of Charlotte Beck now? A Yes sir.
Q She's never married? A No, sir, she was'nt then, but I guess she is now; she's living with a man.

COMMISSION: The above testimony will be filed with and made a part of the record in F. R. No. 1100.

Arthur G. Greminger, 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. Greminger.

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

F. G. Reuter, Notary Public

(S E A L)

Ella Nielson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she copied the foregoing and that the same is a true and correct copy of the original transcript.

Ella Nielson

Subscribed and sworn to before me this 19th day of July 1902.

Notary Public.

a 38407

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 16 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 27, 1901.

In the matter of the application of Armstead Foster for the enrollment of himself and child as Cherokee Freedmen; being sworn and examined by commissioner Needles, he testified as follows:

Q What is your name? A Armstead Foster.
Q How old are you? A I don't know exactly.
Q Well about how old? A I am about 30.
Q What is your post-office address? A Inola.
Q What district do you live in? A I am living in the Creek nation.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A One child.
Q What is the name of your child? A Gertha.
Q How old is Gertha? A She is 5 years old.
Q Are you married? A Yes sir.
Q What is your wife's name? A Lucinda
Q Is your wife on the roll of 1880? A Yes sir.
Q Is your wife a Cherokee Freedman? A No sir.
Q Is she a Creek? A Yes sir.
Q What is your father's name? A Randell Foster.
Q What is your mother's name? A My mother's name so said Liza Phillips, but I don't know nothing about her.
Q Where were you born? A They said I was born in the Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A Until I was grown.
Q Is your name on the rolls of the Creek nation? A Yes sir.
Q You live in the Creek nation now? A Yes sir.
Q How long have you lived there? A About eight years.
Q Your wife a colored woman? A Yes sir.
Q What's her name? A Lucinda. Her name was Lucinda Vann before she was married.
Q That your present wife? A Yes sir.
Q Have you ever been married more than once? A Yes sir.
Q What was your first wife's name? A Martha Landrum.
Q Is she a citizen? A She is a citizen of this nation.
Q Is she living? A Yes sir.
Q You are not living with her? A No sir.
Q Is her name on the roll of 1880? A I think it is.
Q Who was the mother of Gertha? A She is dead. Her name was Louisa.
Q How many times have you been married? A About 4.
Q What was your second wife's name? A Louisa Tobler.
Q What was your third wife's name? A I guess that's all.
Q Lucinda? A Yes sir.
Q Your present wife is named Lucinda? A Yes sir.
Q Who was the mother of Gertha? A Louisa Tobler, a Cherokee darkey.
Q Is her name on the roll of 1880, do you know? A I don't know.
Q When did you marry her? A I don't know.
Q She living? A No sir, she is dead.
Q Was she dead before you married Lucinda Vann? A Yes sir.
Q Where you say you were born? A In the Cherokee Nation.
Q You lived in the Cherokee nation until you were grown? A Yes sir and married here.
Q You lived with Randell, and Eliza? A No sir, my step-mother raised me.
Q What was your step-mother's name? A Vina Foster.
Q You haven't get the child, have you? A No sir, it is with its grandmother.

VINA FOSTER, being sworn and examined by Com'r Needles, testified as follows:

Armstead Foster et al 2

Q What is your name? A Vina Foster.
Q What is your age? A I don't know, sir I told you.
Q About how old are you? A Why you guessed it to-day.
Q Did I - well I couldn't guess it again because I couldn't remember it.

MR. HASTINGS, Cherokee Rep've: 35 or 6.

Q What is your post-office? A Lenapah.
Q Do you know Armstead Foster? A Yes sir.
Q Any relation to you? A My stepson.
Q Was he ever called by any other name besides Armstead? A Not while he stayed with me he wasn't.
Q Do you know whether he was called by any other name when he was up with anybody else? A Other folks I guess called him other name.
Q What other name? A Some calls him Armstrong and some John, but at home we call him Armstead.
Q What is his proper name? A Armstead.
Q You know whether his name is on the roll of 1880 or not? A No sir, I don't know.
Q Randell Foster was your husband? A Yes sir.
He is dead? A Yes sir.
Q Your name on the roll of 1880? A Yes sir.
Q And Randell's? A Yes sir.
Q Was he Randell Foster's son? A That's what he told me, he had him with him when I and him were married.
Q You don't know anything about his mother? A No sir, I never saw her.
Q You don't know whether Randell and his mother were married or not? A No sir.

Applicant, ARMSTEAD FOSTER, re-called and further examined:

BY MR. HASTINGS, Cherokee Rep've:
Q Where were you married the first time? A On Big Creek.
Q Where were you married the second time? A Down at Marshalton, Creek Nation.
Q When were you married the second time? A I don't know.
Q About how many years ago? A I don't know.
Q When were you married the third time? A About three years ago.
Q Now Gertha's mother is that Tobler woman, Louisa Tobler? A Yes sir.
Q She was a Creek? A No sir.
Q Wasn't she living in the Creek nation when you married her?
A Yes sir, but she wasn't no Creek.
Q Who was she living with? A She was living with her mother.
Q What was her mother's name? A She was a Tobler.
Q You know whether her mother was a Creek or not? A No, she was no Creek I tell you.
Q You and this woman though always lived in the Creek nation too before and after you married, you and Louisa Tobler? A Yes sir.
Q And this child, Gertie, was born over there? A Yes sir.

Last authenticated roll of citizens of the Cherokee nation examined and name of Tobler not found thereon.

BY COURT REMEDES:
Q You lived with Louisa Tobler in the Creek nation? A Yes sir.
Q Did you ever have her enrolled over there as a Creek citizen?
A No sir.
Q Did you ever draw any Creek money? A No sir.
Q Did you ever draw any for Gertie? A No sir.

Armstead Foster et al 3

Q Is your present wife enrolled as a Creek over there? A Yes Sir.
BY MR. HASTINGS:
Q Is your first wife dead? A She is out here on Lightning Creek.
Q She is alive? A Yes sir.
Q Were you ever divorced from her? A Didn't need to do it, we didn't marry under no license, and we didn't need no divorce.
Q How long did you live with her? A Until we quit.
Q How long? A I don't know.
Q About how many years? A I don't know, I never took no account of it.
Q As much as 10 years? A I don't know.
Q Now we will have to have your best judgment? A I don't know, I didn't keep no count of it.
Q Well you live together more than five years didn't you? A No.
Q Four? A No, I don't know how long, we didn't live together that long though.
Q Well, three years? A No.
Q Well about how long did you and she live together? A I think we was married some time along in June or July and September we and they parted.
Q Who married you? A Sam Webber.
Q That wasn't your first wife? A Yes sir.
Q And you parted after that in September? A (No reply.)
Q But you was married to her by a preacher? A Yes sir.
Q And no court ever divorced you? A No sir.
Q You afterwards married this Tobler woman? A Yes sir.
BY COM'R MERDLES:
Q And she was the mother of this child? A Gertha, yes, sir.
Q Was she ever a recognized citizen of the Cherokee Nation, Louisa Tobler? A I think she was.
Q Ever draw any money, name on the rolls? A I don't know whether she did or not.

ROBERT GLASS, being sworn and examined by Commissioner Meedles, testified as follows:

Q What is your name? A Robert Glass.
Q How old are you? A About 55.
Q You are a Cherokee Freedman? A Yes sir.
Q What is your post-office address? A Lompah.
Q You know the applicant here, Armstead Foster? A Yes sir, I know him.
Q You know who his father was? A Yes sir.
Q Who? A Randell Foster.
Q Who was his mother? A I couldn't tell that.
Q Don't know? A No sir.
Q How long have you known Armstead? A I knowed him since time of the war.
Q He was a child then? A Yes sir.
Q He was called Randell's son? A Yes sir.
Q But you don't know his mother? A No sir.
Q Are you on the roll of 1880? A Yes sir.
Q You know whether Armstead is or not? A He ought to be.
Q Why? A All his people was on the rolls.
Q Was his mother on the rolls? A I don't know his mother.
Q You don't know then whether Armstead is on the roll of 1880 or not? A I don't know.
Q You don't know anything about his mother? A No sir, I never did see her.
Q You don't know whether she was a state woman or a slave? A No sir
Q You don't know whether she was married to Randell Foster or not? A No sir.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 100 #2499 Armstead Foster, Coowescoowee District.

(One Armstrong Foster is found on the 1880 roll, but it is not determined who it is.--stenog.)

Applicant, ARMSTEAD FOSTER, re-called and further examined;

BY COM'R NEEDLES:

Q Are Rebecca and Jimmie your children? A Yes sir.
Q Where are they? A Both dead.
Q How long have you been living in the Creek Nation? A About eight years.
Q Never lived there until about the last 8 years? A That's all.

Com'r Needles: Armstead Foster applies for the enrollment of himself; he avers that his name appears upon the authenticated roll of 1880 as Armstrong Foster;

Witness, ROBERT GLASS, re-called and further examined, BY COM'R NEEDLES: Q Did you ever know this man by any other name besides Armstead? A No sir.

(1880 authenticated roll of citizens of the Cherokee Nation examined and applicant found on page 107 #1204 Armstrong Foster, Coowescoowee District, No age or nationality given; "Added by Revising committee.")

Judgment cont'd: He avers that he has one child, Gertha; he avers that he has been married three times, the first time to a woman named Landrum, second Tobler and third Lucinda Vann; he avers that Tobler is the mother of this child, Gertruda; he avers that he was married to his first wife, Martha, by one Sam Webber, a minister, by whom he had no children; that he separated from Martha and never procured a legal divorce; afterwards he married said Louisa Tobler, who is now deceased, since he has married one Lucinda Vann, a Creek citizen; he avers that he now resides in the Creek Nation, having resided there for the last eight years; he makes no satisfactory proof to the effect that the Armstrong Foster whose name is found upon the authenticated roll is the identical person intended for the applicant; he avers and makes proof to the effect that he is a son of Randell Foster, whose name is found upon the authenticated roll of 1880; the name of his mother he does not know. No proof is made as to the citizenship of his mother, or as to the fact whether Randell Foster his father, ever married to his mother; his child, Gertrude has been listed for enrollment on D card 496, was listed by its grandmother, Chlora Grayson; from the fact that the applicant is not duly identified upon the authenticated roll of 1880, although his name is found, and he is identified upon the Kern-Clifton pay roll; and the further fact that no divorce is proven as between his first wife, and his second wife, Louisa Tobler whom he avers is the mother of Gertrude, and the further fact of his residence in the Creek Nation, but principally because he is not fully identified as the legal child of Randell Foster, the said Armstead Foster will now be listed for enrollment as a Cherokee freedman on a doubtful card, awaiting identification, and the further consideration of the commission; he will be notified by mail of the action of the commis-

[illegible]

[illegible] and [illegible] [illegible] [illegible] [illegible] will be filed with [illegible] [illegible] [illegible]

[illegible]

[illegible], Applicant, [illegible], re-called and further examined:

[illegible]

Q [illegible] go by the [illegible]

Supplemental Testimony: [illegible] that [illegible] [illegible] is the grandmother of [illegible] said child.

M.D. [illegible], on oath states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete [illegible] of his stenographic notes [illegible].

Subscribed and sworn to before me this July 11,1901.

Commissioner.

DEP
COMMISSI

File with enrolled Footer, C. N. N. 907.

[illegible] Tribes.

[illegible] of the application of Joe Ross

[illegible]

[illegible] Commissioner C. R. Breck-
[illegible] Cherokee Nation:

Q [illegible] A Brought Parker.
Q [illegible] A Mound City, Kansas.
Q [illegible] Mound City, Kansas? A Since May 1887.
Q [illegible]
Q [illegible]
Q [illegible] of the month? A Yes sir
Q [illegible] did they? A Yes sir.
Q [illegible]
Q [illegible] A Yes sir.
Q [illegible] Mound City, Kansas; in the neighborhood [illegible]
Q Do you know Joe Ross here, Joe Ross? A I knew him as Joe Webber.
Q Is this the man? (pointing) A Yes sir.
Q Where was he living at the time? A He lived with the older Sam Webber.
Q [illegible] the same party? A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] to Joe Ross? A Father.
Q [illegible] a little thin legged fellow? A Yes sir
Q Where did you know him? A In the same family in Mound City, Kansas
Q [illegible] did Sam Webber live on, if you know? A He lived on a farm [illegible] Lum Creek, Lost Springs.
Q [illegible] A [illegible] bought the farm.
Q [illegible] of Firmadge.
Q Do you [illegible] was married? A He was married [illegible] Mound City, in the neighborhood there, [illegible]
Q [illegible] or never be moved from that country? A Before he moved.
Q Mr. [illegible] you learned in the date or when your father [illegible] A [illegible]
Q The date of his death? A Yes sir.
Q What was the date? A [illegible] of the deed is October '66.
Q [illegible] if you have not the deed.
A [illegible] have the date? A Yes sir, but have [illegible] date as we have.
Q Attach [illegible] Sam Webber living? A On this farm that [illegible]
Q [illegible] Sam living at the time he married? A On this farm on the [illegible]
Q [illegible] as to the time Sam Webber, including Joe [illegible] left that country with [illegible] to this country? A According to my best recollection [illegible] part of February or early in March of [illegible] the moving early in the spring of '67
Q [illegible] at the same time? A All started together.
Q [illegible] A Yes sir.
Q [illegible]

Q You [illegible] in this case to the same man that you [illegible] A Yes sir.
Q How [illegible] A [illegible] commander on the map known [illegible]
Q [illegible]? A [illegible]
Q [illegible]? A [illegible]
Q [illegible]
Q [illegible] A Yes sir, the name Joe Rose was not [illegible]
Q [illegible] acquainted with old man Sam Webber? A In [illegible]
A [illegible] brought in the neighborhood where I [illegible]
Q [illegible] A In the fall of '66, I have forgotten [illegible]
Q Who owned [illegible] Sam Webber was on it? A Jeff Fl[illegible] it.
Q How do you [illegible] acquainted with Sam Webber? A I [illegible] the last years of the war and the [illegible] Negroes, both white and black, in '63 and they [illegible]
Q Did they come [illegible]? A Yes sir some came later and some came earlier, [illegible] again by this [illegible], I remember how long they farmed it before we got it.
Q How long? A Two or three—four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You said the reason you [illegible] that you knew this man th[illegible] was because you knew how long they worked this farm before your father got it? A Yes s[illegible]
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Fl[illegible].
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serves me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of 1865? A That they came down here—started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they stayed? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again? Q Well, it was a short time, a month or so—I can't recollect that, it is a good while ago.

Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A These two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q There was old man Sam Webber in July 1866? A That summer he raised that crop and [illegible] for my father on this farm.
Q Is it not a fact [illegible] Sam Webber Jr. came t here for h[illegible] this country to build [illegible] it.
A You have [illegible] it was a l[illegible] ago, do you think that you remember the [illegible]ely? A [illegible] day or month exactly, but that is my best recollection.

Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber's bringing any hides to that county?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of 66 and he brought some hides and [illegible]
Q To refresh your memory, was it not in March? A March what?
Q 1867? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a [illegible] trip.
Q Was that the trip when he left home and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I dont mat Q Do you remember of them leaving there to come to the territory to build some houses? A Yes sir.
Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was either in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the number of 160 on condition he paid $80 down, or traded cattle, as a [illegible] debt, and in be fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically didn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoken to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaed in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here at the time your father and mother were here and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Examiner.)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. B. Jackson.)

Chas. von Fribe, being sworn states that as stenographer to the commission of the Five Tribes, he reported in full the above cause and that the foregoing is a true and complete transcript of his stenographic

Joe Ross (cont'd)

Q You said I believe you know they were there in the fall? A Yes [illegible] that is all I [illegible] positively, I don't know how long they [illegible]

Q [illegible] you [illegible]? A Yes sir, that is one thing I have got [illegible]

Q [illegible] Cherokee? A Yes sir, there was a girl there [illegible] Joe's sister.

Q Mr. [illegible] old [illegible] you in '66? A About 15 years old.

Q [illegible] as to the time when Sam Webber left [illegible] first?

Q [illegible]

Q [illegible] A No, I don't know yet what day he left there.

Q Did you have [illegible] that? A Yes, I have the same opinion. I got [illegible] of my opin'on they left in the spring; I got nothing to [illegible] did or did not.

Q [illegible] Webber, Jr., in February 1866? A I don't know.

Q [illegible] October, 1866? A He was on the creek.

Q [illegible] A Yes, he was there; he hadn't moved; he come down [illegible] again in the fall; and the whole family was [illegible]

Q [illegible] was in the fall of 1866 was it? A Fall of 1866.

Q I am [illegible] 1866? A Well they was there too.

Q Did you [illegible] A [illegible] of course they was there.

Q Of course, well how do you know, did you see him? A Yes I saw him.

Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.

Q Did he work for you in the fall of 1865? A Worked for my grandfather some.

Q [illegible] young Sam Webber? A Yes sir.

Q You say you [illegible] young Sam Webber, the younger one of the two? A Yes sir, I knew [illegible] and old Sam too.

Q [illegible] you know [illegible] Webber, called Sam Webber, Jr.? A Yes sir, [illegible] a long time from the time I saw him, from the time he [illegible] until I come down here; saw him the first time [illegible] I moved there.

Q What did you know about his being a boy? A I suppose he was a young man. I couldn't say as to that.

Q How about Joe Ross, was he a boy? A Yes sir, Joe was younger than [illegible] if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.

Q Now do you know a fact that Sam Webber and his father old Sam Webber and [illegible] were in the Cherokee Nation in the fall of 1865? A I [illegible] I don't think they did; they was there in 1865 but they was going and [illegible] all the time; they come down in 1864 and located.

Q They came in 1866 and located? A Yes sir, but they come back and got their family.

Q Now you know only that they were there in 1865? A I know they were [illegible]

Q [illegible] time in '65 they were there? A They were there [illegible]

Q [illegible] I am [illegible] '65; were they there in the spring of '65? A [illegible] what time of the year; I think they were there [illegible]

Q [illegible] they were there all the time in 1865 [illegible]

A [illegible] Webber Jr. and Aaron [illegible] any time? A They come [illegible] after [illegible] was made; [illegible] they didn't back together back up there in

Joe Ross (sworn) [illegible] from Bound. Chas. von Vetze.

[illegible] at Tahlequah, I.T., Sup-
[illegible]

(The [illegible] following [illegible] was [illegible]
taken [illegible] .O.Bonnon, and afterwards dictated
by him [illegible] Green.)

[illegible] and examined by Commissioner
Brecking[illegible]

Q Give your [illegible] C. Short.
Q How old are y[illegible]
Q What is your [illegible] Bound City.
Q In the [illegible] Kansas.
[illegible]

Q How lo[illegible] lived in and about Mound City,
Kansas? A [illegible]
Q That wa[illegible] John [illegible].
Q Were yo[illegible] in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the
country.
Q Do you know Doug[illegible] that left the [illegible]? A Yes sir.
Q Did you know a [illegible] by the name of Sam Webber up there?
A Yes sir.
Q Do you know the[illegible] Webber, his son? A Yes sir.
Q Do you know [illegible] A Yes sir.
Q This is the [illegible] (Pointing to the applicant.) A I wouldn't
have known [illegible] had been printed to me. They always
called him Joe [illegible] remember about him being called Joe Ross
up there.
Q Have you [illegible] A Just spoke to him.
Q Did he [illegible] being the man? A He recognized me as
being Short [illegible] I was and where I was from; he
claimed that [illegible] boys.
Q Do you [illegible] a little duck legged fellow? A Yes sir
Q Where did [illegible] spring of '66? A In Linn County, on
Elk Creek, [illegible]
Q Did you [illegible] place in the fall of '66? A Yes sir,
Q Did you live [illegible] same house? A I lived in the same house now
that I moved into [illegible] fall of '66.
Q Well now what [illegible] the fall did you move into it? A Well now
it was the last [illegible] or the first of [illegible], I won't
say which; [illegible] times I moved, that is, [illegible]
moved; [illegible] I [illegible] that
from the [illegible] to the east part of the place.
Q Do you [illegible] at that time? A They lived
then at that [illegible] of '66 they lived on the place known
as the Fl[illegible] farm of ours.
Q Were they [illegible] you moved? A That fall?
A Yes sir. A They [illegible] there then.
Q I will [illegible] that is your best judgment as to the time they
moved with [illegible] that country? A Well I could
not say just [illegible] have got nothing to fix them dates. The
test of my [illegible] there in February.
Q February [illegible] year? A Of '67, I would say that, but now
I aint cert[illegible] no opinion about [illegible] left.
Mr. [illegible] move to strike out the testimony to that ef-
fect, [illegible] says that is air [illegible].
Commi[illegible] will take it for what it is worth and let the
Court [illegible] on it.
Mr. [illegible]
Q That is your best judgment? A Yes sir.
Q That is your best recollection? A (No response.)

Joe Ross (sup'l) 8

Q [illegible] your name, Madam? A Mary A. Hicks is the way I sign my name.
Q How old are you? A If I live to the 21st of next month I will be 67 years old.
Q What is your post [illegible]? A Mariter.
Q Is [illegible] in [illegible] sir.
Q How far do you live from Pound City, [illegible] Mrs. Hicks? A I live six miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
Q You were living there then after the war? A Living there in the time of the war.
Q Do you know Mr. [illegible], Douglas Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. [illegible] that [illegible] stand here? A Yes sir.
Q Mrs. Hicks, did you know of a [illegible] up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about [illegible] water out of my well.
Q Did you know his son, [illegible]? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I [illegible] Joe [illegible] he knew me and come up and shook [illegible].
Q I will ask you to [illegible] now? A Well I tell you Ross [illegible] he is just like his father and I [illegible] like his father; well old uncle Sam was older than Sam is, of course.
Q I will ask you if you had any deaths in your own family in the fall of '867 A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well, it was October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well of the family record here of births and deaths appear this: "Franklin Hicks, was born November 7, 1[illegible]"? A Yes sir.
Q And under the column of deaths appears: "Died October 23, 1866"? A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Frank Lib died? A No sir, I could not [illegible].
Q Don't know? A No I [illegible] this [illegible]
Q That man? A Oh, [illegible] he lived up there by me I think; I am most positive [illegible] there there.
Q Do you know where he [illegible] wife died there.
Q Well do you know [illegible] at the date of your son's death? A Yes sir, the [illegible] he died, there was an old lady, they called her old aunt Lucie, living.
Q She was living? A Yes sir.
Q Was she a member of this family? A Yes sir, she lived there with them.
Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she got no sleep come in she would come and sit up with me.
Q Did you know a sister of Joe [illegible] Chloe? A Yes sir.
Q Now I [illegible] Mrs. Hicks as to the time [illegible] children from that country? A [illegible]

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the province of expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.
A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, you what is your best recollection as to the time [illegible] and his family, when he moved from left Kansas with his [illegible] A.
OBJECTED to [illegible].
A Well my best re[illegible] I would not be positive of course, but I [illegible] or March, one or the other. The last [illegible] the old lady, old aunt Rhoda and uncle [illegible] they cook was old and feeble and I think [illegible] more on that account more than anything else [illegible].
Q Well now that would be [illegible] of what year? A It would be '67 wouldn't it?
Q You lived then about 1/5 [illegible] yards of them? A Yes sir, I could hear them sing over there and hear them laugh and talk to my house.
Q Who these place were they living? A Well they was living on Mr. Walker's place then.
Q He had recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.
BY MR. SMITH:
Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question.
Q Well you would tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while; I can't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the place; I think Mr. Walker bought it from Mr. Fleming if I [illegible].
Q And you know these people were living on the Walker place?
A Yes sir.
Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I don't want to mislead with, I didn't come down here to criticise or say [illegible] about it; I want to tell the truth as far as I know.
Q Where [illegible] was living in December, 1866, and up until January or [illegible] A I [illegible] tell you where he was, I think [illegible] around; I couldn't tell you whether he was [illegible] or not; I could not tell you.
Q Where was your [illegible] at the time your child died? A I couldn't tell you that; [illegible] one?
Q Yes.? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I wont be positive, I guess though it was in '66.
Q Well, cut how long was it was, your best recollection, before this date in the 1866 that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back [illegible] and [illegible] root.
Q Do you remember young Sam bringing some hides in to the community? A No sir, I didn't charge my mind with anything like that.

Q Well now give me some idea, Mrs. Ricks, about the time old man Sam Webber started on this trip to the Cherokee Nation in 1866 that you testified about? A Why I don't know; he came in the fall I reckon.
Q You don't know whether it was fall, summer or spring? A No sir, I don't.
Q Well how is it you have no better recollection of this very time that you mention he came than you have of the first time? A I know he was there when that child of mine died.
Q And you don't know how long after that? A No, they went along the latter part of the winter, but I don't know what time; I think though it was in February or [illegible] I don't be positive whether it was February or after Christmas, could you? A I don't think it was before Christmas.
Q You don't think that was? A No I don't, for several facts.
Q You can't state positively whether it was before or after Christmas, you can't answer it? A I couldnot want to answer it either way.
Q Where did you move from to this place that you live? A Where did I move from?
Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '67.
Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.
Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.
Q You knew of his coming one time? A I know him and his father and I think Aaron, and I don't know whether Joe was along or not.
Q Well is this Joe? A Well of course, oh that one, Joe Webber that one sitting there?
Q Yes? A I think it is.
Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.
Q Which one, the one right here, the black one? A Yes sir.
Q What is his name? A Joe Webber we always called him.
Q And what is this man right here? A Sam, that is the way we always called him.
Q You think that is the man you knew up there in Kansas? A This Joe? I don't know, he says it is; he was nothing but a boy when I saw him.
Q You don't recognize him then? A Hardly, I couldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.
Q You don't know where old man Sam Webber was in July '66 do you? A No sir.
Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.
Q You don't know when they did come? A Why I think they come some time in the latter part of the winter, but I say I would not be certain what month it was, in February or March.
Q You want to be certain it was either of them? A I say they left, I was there and saw them start.
Q You would be certain it was either February or March? A I think they did.
Q You think so? A Yes sir.

BY MR. HASTINGS:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.
Q Did you hear of his marrying up there? A Yes sir.
Q Was that before or after he left? A It was before they left.

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

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post-office? A Round City.
Q In the State of Kansas? A Yes sir, Round City, Kansas.
BY MR. [illegible]:
Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Round City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I [illegible] mile north.
Q You moved a [illegible] Yes sir.
Q Do you know [illegible]? A Yes sir.
Q Do you know [illegible] A Yes sir.
Q Do you remember at an early date just after the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yessir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A -
BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.
COMMISSION: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.
A My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.
BY MR. SMITH:
Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

[illegible] with them? A. I don't

[illegible] A. No, I didn't be near

[illegible] to the

[illegible] in the fall of 66

[illegible] or fall.

[illegible] in the summer

[illegible] not it [illegible] A. No, it was not,

[illegible] afterwards.

[illegible] last [illegible]? A. I suppose he put it up here.

[illegible] A. No, I don't know

[illegible] it to [illegible] wood before

[illegible] Jr. in December 1966? A. I don't know where

[illegible] the February of 1967 A. January or Feb.

[illegible] know where.

[illegible] Jr. coming there after

[illegible] coming there at any

[illegible] of [illegible]? A. In fire,

[illegible] year [illegible] A. He

[illegible] a block of.

[illegible] at any time prior of a

[illegible] A [illegible] to

[illegible] Warren [illegible] that

[illegible] to believe that

[illegible] and

[illegible] on the [illegible] of

[illegible] January,

[illegible] in that winter of

[illegible] by the last day of January

[illegible] months is gone isn't it? A. We

[illegible] winter there? A. Some winters

[illegible] aren't [illegible] much.

[illegible] that [illegible] trapped there on

[illegible] of [illegible] load you to be-

[illegible] January or March? A. Well,

[illegible] that is the best of my knowl-

[illegible] of your people?

[illegible] A. [illegible] I fix-

[illegible] of this child

[illegible] were, I don't re-

[illegible]

[illegible] No I don't know

[illegible] A

[illegible] A

[illegible] it for [illegible]

A [illegible] the message [illegible]

[illegible] old gentle-

[illegible] ber any one of these

[illegible] and died any-

[illegible] were on the-

[illegible] Rhoda the old

[illegible] Course I didn't [illegible] there, I was just a

[illegible] there was a [illegible] neighbors in, but I re-

[illegible] at the time he was

[illegible] it a [illegible] old Lady Rhoda is the only one you

[illegible] A

[illegible] the things A I

[illegible] but

[illegible] this month,

[illegible] here to this country,

[illegible] and came back and

[illegible] No sir, I don't know

[illegible] brother's

[illegible] at the time.

[illegible] A I [illegible]

[illegible] A This was drawn off from

[illegible] Q You [illegible] this entry, "David Bell Lewis, born September 1st [illegible] same handwriting that this is do you?

A No sir.

Q You don't know who this is in the same handwriting? A No sir, it is not.

[illegible] A Park Nichols.

Q [illegible] of your brother's death [illegible] I could not.

Q [illegible] brother's possession? A I

[illegible] to your knowledge? A

[illegible] investigation here or wasn't it?

Joe Ross-[illegible]

A [illegible]

Q [illegible] here in [illegible] A If
they [illegible]
Q Is [illegible] A No sir.

[illegible] examination.

Q [illegible]
[illegible]
[illegible] it was [illegible]
Q [illegible] there at or about the time he died A Why it was
not [illegible]
Q [illegible] A Well he died
that [illegible]
Q [illegible] sir.
Q You [illegible], I wont say
anything [illegible]
Q I [illegible] better than I do, as I know
nothing [illegible] I would re-
collect [illegible] about it.
Q I [illegible], but I would
like to [illegible]? A There was a
young [illegible]
Q [illegible] was Nichols.
Q Do you [illegible] your child died before Nichols
went to [illegible]
Q Well when [illegible] was it set down from your recol-
lection? A [illegible] then and all of us recollected it,
we would [illegible]
Q I am [illegible] it was before this entry was made, if
you can [illegible]
Q Do you [illegible] A No sir.
Q It [illegible] sure it
I [illegible]
there [illegible], I should
[illegible] prairie and of
Q [illegible] was [illegible] where it was made here in
this [illegible]

[illegible] by the [illegible]
[illegible] in [illegible]
[illegible] that
[illegible]

Q [illegible] of the dates of your
son [illegible]
Q You [illegible] exactly when that entry was made
in [illegible]
Q [illegible]

[illegible] it is leading.

[illegible] of the Cherokee Nation and
the [illegible], in the case of
Jo[illegible] D-[illegible], be made a part
of [illegible]

be [illegible] that the testimony just taken
[illegible] doubtful
[illegible]
[illegible]
[illegible] doubtful
[illegible] the testimony

Joe Rose [illegible]

[illegible] Freedman Doubtful case 872, [illegible] be placed in case [illegible] in Cherokee Freed- [illegible] and in Cherokee Freedman D-216.

[illegible]

[illegible]

J C Starr

Notary [illegible]

Cherokee Freedman D-697.

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

In the matter of the application for the enrollment of Armstead Foster as a Cherokee Freedman.

DECISION.

The record in this case shows that on June 27, 1901, Armstead Foster appeared before the Commission of Eucha, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. The testimony taken in the case of Joe Ross, Cherokee Freedman D 368, is filed with and made a part of the record herein.

The evidence shows that the applicant, Armstead Foster, is duly identified on the 1880 authenticated roll of the Cherokee Nation and that he has continuously resided in the Indian Territory since 1880.

It is, therefore, the opinion of this Commission that the said Armstead Foster should be enrolled as a Cherokee Freedman, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Chairman.

T. B. Needles.
Commissioner.

J. G. Brecinridge.
Commissioner.

Muskogee, Indian Territory,
this _____

[illegible]

[illegible]

[illegible]

[illegible]

Dear Sir:

There is [illegible] herewith a copy of the decision of the Commission in the [illegible] Cases, docket Nos. [illegible], granting the application of [illegible] for [illegible] and [illegible] freedom.

You will be allowed [illegible] days from date hereof within which to file any [illegible] as you may desire [illegible] action of the Commission in this case. If you fail to file pleadings within the time allowed, this decision will be considered final.

Respectfully,

[illegible]

Encl. S-[illegible]

[illegible]

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 22 190

ACTING CHAIRMAN.

908, Eli Crary

[illegible] for the af-
[illegible] I don't know.
[illegible] A Yes sir.
A Louis Webber.
[illegible]
A [illegible] Webber.
[illegible] I don't know sir.
[illegible] land.
[illegible] roll of 1880? A No sir.
[illegible] 1880? A Yes sir, I
[illegible] Cherokee Nation ex-
[illegible] Cooweescoowee District.
[illegible] Cooweescoowee District;
[illegible] Cooweescoowee District.
Q Your [illegible]
Q Nor y[illegible]
Q Were [illegible] Falls.
Q Were you [illegible]
Q Who did y[illegible] A [illegible] Holt.
Q Was he a [illegible] A I guess so. His wife was. I don't know, I was small.
Q [illegible] the Cherokee Nation during the war, and your [illegible] A [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible] r.
Q [illegible] Yes sir.
Q [illegible]
18[illegible]? A Yes [illegible] continuously since
Q How long [illegible] A About 22 years.
Q You know why you were not on the roll of 1880? A No sir, I do not.
Q [illegible] your [illegible] A [illegible]
Q [illegible]
Q [illegible]
Q [illegible] the war? A Bill Holt.

[illegible]

Q You [illegible] at the Kent-[illegible]ston C[illegible]

[illegible] No sir.

[illegible] ? A At Webbers F[illegible]

[illegible] A Yes sir.

Q [illegible]

Q [illegible] I was 6 years old when I Wa[illegible] there, I don't know.

Q [illegible]

Q [illegible]

Q [illegible] t.

Q [illegible] h?

A [illegible] h and George M[illegible], there was a world i[illegible]

Q [illegible] did you say? A I said I [illegible]

Q [illegible] A I lived on E[illegible]

Q [illegible] Webber? A No sir.

Q [illegible] Yes sir.

Q [illegible] the Deposition I[illegible]

Q [illegible] r-in-law, she was [illegible]

Q [illegible]

Q [illegible] Commission?

A [illegible] Yes sir, one sister living.

Q [illegible] father's name like wife.

Q [illegible] the name of Rebecca [illegible]

Q Were you [illegible] Webber, your mother-in-law? A [illegible] to me when we.

Q Had you a [illegible], or a child? A No sir, that's my b[illegible]

Q [illegible] A My oldest boy is about 24 or 5 years old.

Q Where was he born? A In Big Creek.

S[illegible] being sworn and examined by Com'r Neeles, testi[illegible]

Q [illegible] ? A Yes sir.

Q [illegible]

Q [illegible]

Q [illegible] ? A Yes sir.

Q [illegible] acquainted with her ever since [illegible]

Q [illegible] ? A No sir, I couldn't tell [illegible]

Q [illegible] A Yes sir, I know Ellis.

Q [illegible]

Q [illegible] A Yes sir.

Q [illegible] tell you that.

Q [illegible] Webber after the [illegible]

[illegible] A Yes sir.

Q [illegible] afterwards.

[illegible] and further examined:

By [illegible]

Q [illegible]

Q [illegible] A No sir.

[illegible] further examined by Mr. [illegible]

Q [illegible] which side the war?

A [illegible]

Q [illegible]

Q [illegible] come back in the [illegible] in Uncle Cabber [illegible]

Q [illegible] was on Big Creek?

A [illegible]

Q [illegible] back the last time?

A [illegible]

Q [illegible] before or after Christmas?

A [illegible]

Q [illegible] Christmas? A We all had [illegible] together

Q [illegible] A [illegible], we had little cabins [illegible]

Q [illegible] A Some of us had.

Q [illegible] some of us had, but we had [illegible] when we moved there.

Q [illegible], not very [illegible].

Q [illegible] A There he stands right there [illegible]

Q When [illegible] A I married that couple, but I can't [illegible] I believe.

Q Do you [illegible] Kilby Hall before the war? [illegible]

Applicant, [illegible], recalled and further examined:

By Com'r [illegible]

Q When were [illegible] married to Uncle Webber? A I couldn't tell you what year it was [illegible].

Q Was you [illegible] when these children were born? A Some of them were born.

Q You know about how many years you were married? A I couldn't keep no count in my head, I [illegible] no [illegible].

Q It has been 45 years? A [illegible], I don't think it has been that long.

Q Been 10? A It has been [illegible] I guess, I couldn't tell you without [illegible].

Q Was Lucella [illegible]? A Yes sir.

Q Was you ever [illegible] Webber? A Yes sir, I was married to [illegible].

Q Is [illegible] you had? A No sir, I had another [illegible]

Q Be[illegible]

Q [illegible]

[illegible]

Q [illegible] A I never married him.

Q Where was [illegible] A On Big Creek.

Q Where was [illegible] with Dungan, or married him? A On [illegible]

[illegible] sworn and examined by Com'r Beedle, testified as follows:

Q What is [illegible] A [illegible] Years.

Q What is your [illegible] A [illegible]

Q What is your [illegible]? A [illegible]
Q Do you a [illegible] of the Cherokee Nation? A Yes sir.
Q [illegible]
Q You [illegible] A Yes sir.
Q How long [illegible] the war.
Q Was [illegible]
Q Who did [illegible]
Q [illegible]
Q What was [illegible]
Q You know [illegible] boys were during the warbetween the [illegible]
Q Where [illegible] after the war?
A On [illegible]
Q [illegible] I saw them after the war, in [illegible]
Q In love? A Yes [illegible].
Q You never saw [illegible] of this woman until 1870? A '67, when I saw them.
Q What part of [illegible]? A [illegible]
Q You [illegible] February or March?
A No [illegible]
Q Have you [illegible] since that time?
A Yes [illegible]
Q She [illegible] Nation? A Yes sir.
Q You [illegible] I know some of them.
Q You [illegible]? A I [illegible] I do.
Q How [illegible] A [illegible] the children' house, I [illegible] I know she got a good many [illegible]
Q You [illegible]
Q Was [illegible] A Slave.
Q How long [illegible] A Before the war.
Q You know [illegible] your mother were slaves? A Yes sir.
Q Your test[illegible] saw them in the Choctaw Nation about the s[illegible] spring of '67.
Q You don't [illegible] at home? A No sir.
By Mr. [illegible]:
Q Where did [illegible] when the war broke out? A I lived at Polly Vann's place, 5 miles above Ft. [illegible]. But I was raised at Webbers Falls.
Q Where were [illegible] when the war broke out?
A At Webbers [illegible]
Q How far did [illegible] that time? A About 3 miles below where they lived. [illegible] one side of the river and me on the other.
Q Where did you go from there? A I crossed up to Gibson, and lived there 5 years.
Q How long before the war was that? A That was before the war.
Q How long before the war? A We lived up on Verdigris where 5 years.
Q Where were these [illegible] long before the war broke out? A On the Holt place.
Q You know [illegible]? A Yes sir.
Q How long [illegible] had you been down on the Holt place? A I [illegible] year.
Q Where d[illegible]? A I went [illegible]
Q Where di[illegible] not? A I don't know sir.
Q Next t[illegible] at the Holt place? was on Cedar [illegible]
Q And t[illegible] 1877? A Yes [illegible]
Q [illegible] on Grand Creek? A [illegible] where they are [illegible]
Q Anyone [illegible]? A Yes sir, [illegible] living [illegible]

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CORRECTION

THIS DOCUMENT HAS BEEN REPHOTOGRAPHED TO ASSURE LEGIBILITY

A [illegible]

Q [illegible] last at her father's before the [illegible] you.

Q How old [illegible] you tell by size? A [illegible] don't tell.

Q [illegible] A I [illegible] she did, big enough to [illegible]

Q [illegible] of age? A I don't know she I talk to [illegible] it, I want to tell the truth while I am [illegible]

[illegible] applied for the enrollment of [illegible] not identified upon the [illegible] census roll of 1900; she is identified [illegible] roll; her 2 oldest children, [illegible] upon the Kern-Clifton roll; [illegible] child, Mabel, 8 years old, [illegible] enrollment [illegible] satisfactory proof of birth for the younger child; [illegible] will be notified by mail of the action of the Commission [illegible]

M. D. Green, being [illegible] sworn, states that as stenographer to the Commission [illegible] notes he correctly recorded the testimony [illegible] and that the foregoing is a true and correct [illegible] from his notes thereof.

M. D. Green.

Subscribed and sworn to before me [illegible] 6, 1907.

[illegible] R. B. Leeper,
Com[illegible]

Bruce C. Jones [illegible] says that as stenographer to the Commission to [illegible] he has copied the foregoing, and the above is a [illegible] copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of August, 1911.

[illegible]

Commissioner.

COMA...

FIELD

Actual Chr...

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

In the matter of the application of Eli Gurry for enrollment as a Cherokee Freedman, Eli Gurry being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Eli Gurry.
Q How old are you? A 21.
Q What is your post office address? A Newata.
Q What district do you live in? A Coweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Not any one.
Q What is your father's name? A Jimmy Gurry.
Q What is your mother's name? A Rosie Webber.
Q Is your name on the roll of 1880? A No, sir; it is on the Wallace and Clifton roll.

The 1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 140, #470, Elias Gurry, Coweescoowee District.

APPLICANT: Eli Holt on the Wallace roll.

Q How did your name happen to be on Eli Holt? A Not sir.
Q Now, don't you know how they happened to put you on there as Holt; didn't you ever hear of the name of Holt before? A My mother used to go by the name of Holt.

The Wallace Roll of freedmen of the Cherokee Nation examined and name of applicant found thereon, page 117, #2471, Elias Holt, Coweescoowee District.

Q Where were you born Eli? A Born on Cedar Creek.
Q Where is that? A Cherokee.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you married? A No, sir.
Q Through whom do you claim your citizenship? A My mother.
Q Her name is Rebecca Webber? A Yes, sir.

COM'R NEEDLES: Eli Gurry applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896. He is identified upon the Kern-Clifton roll as Elias Gurry and upon the Wallace roll as Elias Holt. He avers that that his mother went by that name. He avers that he is the child of Rebecca Webber who has been listed for enrollment upon doubtful card #983. A copy of the testimony taken in the case of said Rebecca Webber will be made part of the testimony in the case under consideration and a copy thereof will be filed herewith. She will be listed for enrollment as a Cherokee Freedman upon a doubtful card. She will be notified by mail of the decision of the Commission.

---oo0oo---

J. G. Reason, 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. Reason

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

Commissioner.

R

NOTICE!

IN THE MATTER OF the application of Eli Curley for enrollment as Cherokee Freedmen:

Case No. F. D. 908

To Eli Curley Nowata I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 28th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

DOCKETED, as to child, Solomon.

[illegible]

[illegible]

Q What is your name? A M Lock.
[illegible]? A Yes, sir.
[illegible] are you? A [illegible].
[illegible]
[illegible] concerning [illegible] covered.
[illegible] to be [illegible] woman? A Yes, sir.
[illegible] want to [illegible] do you [illegible]? A I got one child.
[illegible] is the name of your child? A [illegible].
Q You want to apply for the enrollment of [illegible] do you? A Yes, sir.
Q Where is the child? A He may be on the ground here, he stays with its grandmother.
Q Solomon Lock? A Yes, sir.
Q Is your name on the roll of 1880? A Yes, sir.
Q It is? A Yes, sir.
Q What is your father's name? A [illegible].
Q What is your mother's name? A Elizabeth.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon as follows: Page 288, #1864, M Lock, Jr., Delaware District.

Q How old is Solomon? A Six years old.
Q Who had got Solomon now? A His mother.

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows: Page 409, #[illegible], Edward Lock, Goweseeowee District.
Page 409, #[illegible], Solomon Lock, Goweseeowee District.

Q What is its grandmother's name, the grandmother that has got the child? A Mrs. Reed.
Q Is she a citizen? A I don't know.
Q Has she had the child enrolled do you know? A No, sir.
Q What was the mother's name of Solomon? A Aggie.
Q Was her name Lock? Where you married her? A No, sir, we wasn't married.
Q Never lived together at all? A Yes, sir.
Q Lived together as man and wife? A Yes, sir, living as Cherokees took her and took care of her.
Q Have you been married since that? A Yes, sir, the mother of this boy is dead.
Q You never were married to the mot her of this boy? A No, sir
Q You never lived as husband and wife? A Yes, sir, took her in the house and took care of her.
Q Have you ever been married before? A Yes, sir.
Q You have been married three times? A Yes, sir.

[illegible], Cherokee Representative:
Q [illegible] first wife's name?
A [illegible] married her.
Q [illegible] A Yes, sir.
Q [illegible] A Lifetime.
Q [illegible] A [illegible]
Q [illegible] name? A Yes, sir.
Q Who is the mother [illegible] A Yes, sir.
Q [illegible] where did you [illegible] live? A Goweseeowee, Sixty's District.

Sheet [illegible], of [illegible]

Q In the house of your [illegible] with you [illegible]
Q You [illegible] A Yes, sir.
Q [illegible] A We [illegible] off and on [illegible]
Q [illegible] A We lived [illegible]
Q [illegible] A [illegible]
Q Was this [illegible] here? A Here on this side of the river, [illegible]
Q [illegible] A I wasn't exactly [illegible]
Q You never lived with her all along? A I wasn't on the same place all the time.
Q Did you [illegible] this woman?
A Yes, sir.
Q You'd rather living with you at the same time? A Yes, sir.
Q Had this woman had any [illegible] by anybody else before?
A Yes, sir.
Q By [illegible]? A I can't tell about that.
Q How many had she? A One and five or six.
Q [illegible] that? A Yes, sir.
Q Been married to anybody before that? A Yes, sir.
Q How many times? A Only one, I guess she was a widow.
Q You don't know whether her husband was dead or not?
A No, sir.
Q Well now, do you know who the [illegible] to be the father of these children before you went to living with her? A Not, not to be positive.
Q Well had she been keeping house with somebody before that?
A Yes, sir.
Q You know the first one to be? A He was born in his country.
Q She had some children when she came there? A Yes, sir.
Q And you didn't know what became of the father of them?
A No, sir, I don't know.
Q Well, did she tell you? A She said they busted up.
Q Why didn't her husband be run down? A No, sir.
Q Well, did she say that he was ill ving? A Yes, sir.
Q What died of? A In Kansas.
Q She left him up in Kansas? A Yes, sir.
Q And she came down here and you took up with her?
A Yes, sir.
Q And you lived with her continuously? A Yes, sir.
Q Off and on for about her for three years? A Yes, sir.
Q And this child you claim is the result of that sort of living?
A Yes, sir.

[illegible]

Q You never did marry this woman at all did you?
A No, sir, she is d.
Q Did she ever [illegible] you w are living together as man and wife?
A No, sir.
Q Why didn't you bring her there in your mother's house?
A She was working here in town.
Q That was after she left you? A Yes, sir.
Q You turned her [illegible] and let her work for herself?
A She went there alone.
Q How far was that from town? A About four or five miles.

[illegible] Marshal Cook applied for the enrollment of [illegible] child, [illegible], six years of age. He is [illegible] roll of [illegible] proof as to [illegible] which was included for enrollment as a child [illegible]

[illegible] of his [illegible] children, it found upon the [illegible] of 1900 [illegible] said children and it [illegible]

[illegible]

[illegible]

[illegible]

Subscribed and sworn to before me this 12th day of [illegible], [illegible].

[illegible]

[redacted]

[illegible]

Muskogee, Indian Territory, April 24, 190[illegible]

Messrs. Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 190[illegible], granting the application for the enrollment of [illegible] as a Cherokee freedman.

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

Respectfully,

Incl. [illegible]

Chairman.

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Nellie Foster

[redacted] Reed Webber for the en-
rollment [redacted] Cherokee Freedmen being a re-
[redacted] saw testified as follows:

Q [redacted] old I guess, I don't know.
Q [redacted] A Cooweescoowee.
Q [redacted] Freedmen? A Yes sir.
Q [redacted] A [redacted]ren.
Q [redacted] Lonella Webber.
Q [redacted] years old.
Q [redacted]
Q [redacted]
Q [redacted] old.
Q [redacted] A Ellis Webber.
Q [redacted]
Q [redacted]
Q [redacted] I don't know sir.
Q [redacted] A No sir.
Q [redacted] Crosland.
Q [redacted] Holt.
Q [redacted] No sir.
Q [redacted]
Q [redacted] roll of 1880? A No sir.
Q [redacted] Cherokee Nation? A Yes sir, I
drawed [redacted] term money.
[redacted] of the Cherokee Nation er-
[redacted]
[redacted] Webber, Cooweescoowee District.
[redacted] Webber, Cooweescoowee District;
[redacted] Webber, Cooweescoowee District.
Q Your [redacted] Illinois? A No sir.
Q Nor your [redacted] A No sir.
Q Where [redacted]? A At Webbers Falls.
Q Were you [redacted]ve? A Yes sir.
Q Who did you [redacted]ter? A Bill Holt.
Q Was he a [redacted]? A I guess so. His woman was, I don't know, I
was small.
Q Was your taken out of the Cherokee Nation during the war, and
your mother? A Yes sir.
Q Where to? A [redacted]
Q When did you [redacted]? A '66.
Q [redacted] Yes sir.
Q Are [redacted]? A Yes sir.
Q [redacted] A Yes sir.
Q [redacted] A Yes sir.
Q You [redacted] Cherokee Nation continuously since
1866? A [redacted]
Q How [redacted] been dead? A About 22 years.
Q You know [redacted] not on the roll of 1880? A No sir,
I do not.
Q Yes [redacted] A [redacted]
Q [redacted]
Q [redacted] the war? A Bill Holt.

Q You didn't [illegible] to Lilly Wolf at the Kern-Clifton Commission? A [illegible]
Q Didn't you [illegible] to Rebecca Webber? A No sir.
Q Where the last [illegible] when the war broke out? A At Webbers Falls.
Q You went [illegible] the war did you? A Yes sir.
Q [illegible]
Q How long [illegible] at Scott? A I was 6 years old when I went there, and they [illegible] I was 8 when I came back here, I don't know.
Q Who did you go with to [illegible]? A My mother.
Q Anyone else? A [illegible]
Q What is your [illegible] name? A Lilphy Wolf.
Q Who did you [illegible] with?
A My [illegible] Heath and George Weigs, and [illegible] and I [illegible] there was a whole lot of us.
Q How old was you when the war broke out did you say? A I said I was 6 [illegible]
Q [illegible] you came back? A I lived on Big [illegible]
Q [illegible] the Cherokee Nation? A No sir.
Q [illegible] nation? A Yes sir.
Q [illegible] you returned to the Cherokee Nation? A [illegible]
Q Is [illegible] that's my mother-in-law, she was [illegible] for short.
Q Is [illegible] Sister-in-law.
Q [illegible] the Kern-Clifton commission?
A [illegible]
Q Had you any [illegible]? A Yes sir, one sister living.
Q What was her [illegible]? A Lina [illegible] was her father's name, Lina Wolf.
Q Did you apply to the Kern-Clifton Commission under the name of Rebecca Webber? A Yes sir.
Q Were you included in the application of Rebecca Webber, your mother-in-law? A No sir, she didn't have anything to do with me.
Q Had you a brother named Louis or a child? A No sir, that's my brother-in-law.
Q How old is your oldest child? A My oldest boy is about 24 or 5 years old.
Q Where was he born? A In Big Creek.

SAMUEL WEBBER, being sworn and examined by Com'r Meedles, testified as follows:
Q Your name is Samuel Webber? A Yes sir.
Q Your age is? A [illegible]
Q Postoffice address? A Bowlegs.
Q You know Rebecca Webber, the applicant? A Yes sir.
Q How long have you known her? A I got acquainted with her ever since the war.
Q You know whether she was a slave or not? A No sir, I couldn't tell you that.
Q You know her husband, Ellis Webber? A Yes sir, I know Ellis.
Q Is he living? A Yes sir.
Q Did you know her mother, Lilphy Wolf? A Yes sir.
Q Was her mother a slave? A I couldn't tell you that.
Q Don't know? A No sir.
Q Where did you first see Lilphy Wolf and Rebecca Webber after the war? A I saw them there at Big Creek.
Q What year? A In the fall of '66.
Q Big Creek in the Cherokee Nation? A Yes sir.
Q Did they return with you? A No sir, they came afterwards.

Applicant, [illegible], recalled and further examined:
By [illegible]
Q [illegible]
Q Is [illegible] A No sir.

[illegible] recalled and further examined by Mr. Dave[illegible]
Q You [illegible] family until after the war?
A No [illegible]
Q You [illegible] sir.
Q How [illegible] crowd that came back in the letter [illegible] families in Uncle Ceasar Smith's [illegible]
Q Final[illegible] family she was on Big Creek?
A Yes [illegible]
Q And [illegible] you had come back the last time?
A Yes sir.
Q Do you [illegible] it was before or after Christmas?
A It was [illegible]
Q What m[illegible] before Christmas? A We all had a little [illegible] where you know, we was together
Q Did you [illegible] A No sir, we had little cabins around.
Q Were y[illegible] the winter? A Some of us had.
Q Some [illegible] A Some of us had, but we had not f[illegible] that fall when we moved there.
Q How old [illegible] small girl, not very large.
Q Where [illegible] A There he stands right there [illegible]
Q When were [illegible] married? A I married that couple, but I can't tell [illegible] years ago I believe.
Q Do you know [illegible] woman and her mother Kizphy Holt before the war? A No sir.

Applicant, [illegible], recalled and further examined:
By Com'r [illegible]:
Q When were you married to [illegible] Webber? A I couldn't tell you what year it was in.
Q Was you married when those children were born? A After some of them were born.
Q You know about how many years you were married? A I couldn't keep no count in my head, I [illegible] no [illegible].
Q It has been 15 years? A [illegible], I don't think it has been that long.
Q Been 10? A It has been about 12 years I guess, I couldn't tell you exactly.
Q Was Louella born before you married? A Yes sir.
Q Was you ever [illegible] married Ellis Webber? A Yes sir, I was married to a [illegible]
Q Is Curry and [illegible] the only 2 husbands you had? A No sir, I had another man.
Q Before Curry? A Yes sir.
Q What was his name? A [illegible] Johnson.
By Mr. Dav[illegible]
Q Where did you [illegible] A I never married him.
Q Where was you living when you took up with him? A On Big Creek.
Q Where was you living when you took up with Johnson, or married him? A On Big Creek.

EDMOND VANN, being sworn and examined by Com'r Needles, testified as follows:
Q What is your name? A Edmond Vann.
Q What is your age? A [illegible].

Q What is [illegible]? A [illegible].
Q Are [illegible] Cherokee Nation? A Yes sir.
Q [illegible] A Yes sir.
Q [illegible] the war.
Q [illegible]
Q [illegible]
Q [illegible] A [illegible] Holt were during the war?
Q W[illegible] time after the war?
A [illegible]
Q [illegible] A [illegible] there I saw them after the war.
Q [illegible] A [illegible]
Q [illegible] of this person until 1870? A '67, when I [illegible]
Q [illegible]
Q [illegible] ary, February or March?
A [illegible]
Q [illegible] since that time?
A [illegible]
Q [illegible] Nation? A Yes sir.
Q [illegible] I knew some of them.
Q [illegible] A I guess I do.
Q [illegible] the [illegible] I knew you was a good [illegible]
Q [illegible]
Q [illegible] Slave.
Q [illegible] A before the war.
Q You [illegible] were slaves? A Yes sir.
Q Your [illegible] in the Cherokee Nation about the [illegible] of '67.
Q You [illegible] A No sir.
Q [illegible] broke out? A I lived at Polly Vann's place, [illegible]. But I was raised at Webbers Falls.
Q Where [illegible] the war broke out?
A At [illegible]
Q How far [illegible]? A About 6 miles below where [illegible] of the river and me on the other.
Q Where did you go from [illegible]? A I came up to Gibson, and lived there 3 [illegible].
Q [illegible] A [illegible] before the war.
Q [illegible] A [illegible] on Verdigris there
Q [illegible] the war broke out? A On [illegible]
Q [illegible] A Yes sir.
Q [illegible] been down on the Holt place? A [illegible] door.
Q Where [illegible]? A I went south.
Q [illegible] go? A I don't know sir.
Q [illegible] at the Holt place was on [illegible]
Q And [illegible] of '67? A Yes sir.
Q Who were [illegible] on Cedar Creek? A Living where they are living [illegible]
Q Anyone living around there? A Yes, sir, family living there, and

whole lot of ot[illegible]

Q Was the [illegible] at that time? A Yes sir.

Q Have any [illegible]

Q You remem[illegible] some of their names, I can't recollect [illegible]

Q What was [illegible] at that time? A Curry.

Q Give me the [illegible] A [illegible] Johnson, Rebecca.

Q Were al[illegible] when you said her in [illegible]

A Yes sir.

Q Frank and Jo[illegible] turn then? A Yes sir.

Q [illegible] you saw her last at her [illegible] before the war [illegible] tell you.

Q How did you [illegible] you tell by size? A Could [illegible] tell.

Q Big enough [illegible] and go surrender? A I guess she did, [illegible] enough to [illegible]

Q You [illegible] to years of age? A I don't [illegible] I hate to say [illegible] I may [illegible] I want to tell the tru[illegible] while I am [illegible]

[illegible]

[illegible] for the [illegible]

[illegible]

[illegible] by reason [illegible] the number [illegible] roll of [illegible] said Rebecca [illegible] ber and her [illegible] herein will now be listed for enrollment as [illegible] on a doubtful card; it will be necessary [illegible] satisfactory proof of birth for the younger [illegible] will be notified by mail of the action of the Commission in the premises.

[illegible] Green, [illegible] sworn, states that as stenographer to the Commission to [illegible] Tribes he correctly recorded the testimony and pro[illegible] case, and that the foregoing is a true and complete tr[illegible] of his stenographic notes thereof.

[illegible] M. D. Green.

Subscribed and sworn to before me this [illegible] 5, 1901.

[illegible] B. Needles,
Com'r.

0-0[illegible]0

Bruce [illegible] says that as stenographer to the Commission to [illegible] he copied the foregoing, and the same is a [illegible] copy from the original.

Bruce L. Jones

Sworn to and subscribed before me this the 20th of August, 1901.

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., June [illegible], 1901.

In the matter of the application of Nellie Foster for the enrollment of herself and one child as Cherokee Freedman; said Foster being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Nellie Ex Curry.
Q How old are you? A 23.
Q What is your post office? A Nowata.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Annie Holt.
Q Are you married? A Yes, sir.
Q Who to? A Tom Foster.
Q How did your name happen to be Curry ? A It is on the roll.
Q What is the name of your child? A Annie Holt .
Q How old is Annie Holt? A Seven years old.
Q What is your mother's name? A Rebecca Webber.
Q Where do you claim your citizenship through your mother?
A Yes, sir.
Q Rebecca Webber? A Yes, sir.
Q What was your father's name? A Sonny Curry.
Q Is your name on the roll of 1880? A Yes, sir, on the Wallace roll.
Q

THE 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 140, #2469, Nellie Curry, Coowescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 117, #2470, Nellie Holt, Coowescoowee District.

Q How does your name appen to be Holt, were you ever married to a man named Holt ? A No, sir.
Q You had this child before you ever married anybody?
A No, sir.
Q What is the child's father's name? A Foster.
Q How did its name happen to be Holt? A By owners.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant's children found thereon, page 140, #2477, Annie Holt, Coowescoowee.

Q That child's name is Foster isn't it? A Yes, sir.
Q What is its father's name? A Tom Foster.

COURT'R REMARKS: Nellie Foster applies for the enrollment of herself and one child, Annie. She avers that she is the child of Sonny Curry, that her mother's name is Rebecca Webber. Her name cannot be found upon the authenticated roll of 1880 or census roll of 1894. She is duly identified upon the Kern-Clifton roll as Nellie Curry, that having been her maiden name, and upon the Wallace roll as Nellie Holt; she was enrolled at that time by the name of her mother's owner. She avers that she has one child, Annie, seven years of age, who is duly identified upon the Kern-Clifton roll as Annie Holt; name should be Annie Foster. She claims her citizenship through her mother, Rebecca Webber, and the testimony taken in the matter of the application of said Rebecca Webber, upon D.[illegible], will be made part of the record in the case at bar and a copy thereof filed herewith.

Mellie Curry, et al.--d.

Applicant among [illegible] married to one Tom Fowler. [illegible] Mellie Curry and [illegible], will be [illegible] for [illegible] further [illegible] Commission. [illegible] be duly notified by [illegible] the action of the Commission in the premises.

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T. B. 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 stenogr aphic notes thereof.

J. B. Rosson

Subscribed and sworn to before me this 13th day of July, 1901.

Commissioner.

Cherokee Freedmen D 710.

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

In the matter of the application of Nellie Foster for the enrollment of herself and her minor daughter, Annie Foster, as Cherokee Freedmen.

D E C I S I O N .

The record in this case shows that on June 27, 1901, Nellie Foster appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of herself and her minor child, Annie Foster, as Cherokee Freedmen. Copies of the testimony in the case of Tom Foster, Cherokee Freedmen [illegible], and of the testimony taken at Muskogee, Indian Territory, on June 28, 1901, in the case of Rebecca Webber, Cherokee Freedmen D 452, are made a part of the record in this case.

The evidence in this case shows that the applicant, Nellie Foster (nee Carey), was born since 1866; that she is a descendant of Rebecca Webber and has no rights to enrollment, except such as she may have derived through her. The Commission has found in the case of said Rebecca Webber that the latter went out of the Cherokee Nation during the rebellion and did not return thereto prior to February 11, 1867.

The evidence further shows that the said Annie Foster, was born since 1866; that she is a descendant of the said Nellie Foster and her husband, Tom Foster; that Tom Foster is identified on the 1880 Cherokee roll of a Cherokee Freedman; and that he has always resided in the Cherokee Nation.

It is considered that the said Annie Foster has resided in the Cherokee Nation since her birth.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

WM. O. BEALL,
Secretary

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July [illegible], 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, granting the application of Annie Foster for enrollment as a Cherokee freedman, and denying the other applicant mentioned therein.

You will be allowed fifteen days from date hereof within which to file such protest as you may desire to make against the action of the Commission in this case. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Commissioner in Charge.

Encl. S-87.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of Nellie Foster, and granting the application for the enrollment of her minor daughter, Annie Foster, as Cherokee freedmen, was affirmed by the Secretary of the Interior on October 5, 1904.

Respectfully,

Chairman.

File with Cherokee Freedman D- 911, George Martin

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

In the matter of the application of Lewis Martin for the enrollment of himself, his wife and one child as Cherokee Freedmen.

Lewis Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your name? A Lewis Martin.
Q Who is it you want to apply for, anybody besides yourself?
A Just one child.
Q Yourself and one child? A Yes, sir.
Q Is that child under 21 years of age? A Yes, sir.
Q Is it unmarried? A Yes, sir.
Q Never been married? A No, sir.
Q How old are you? A Me, I am about 8[illegible] years old.
Q What is your postoffice? A Chelsea.
Q In what district do you live? A Coweescoowee.
Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation more or less ever since '66.
Q Where did you live before '66? A Before '66 I lived here till the breaking out of the war I went to Kansas.
Q You said you had been living in the Cherokee Nation more or less since 1866? A I was running around, I have been in the Cherokee Nation, I never lived anywhere particular, worked around, I worked in Kansas some of the time, my home has been here ever since '66.
Q Where did you live before the war broke out between the North and South? A I lived on Grand River.
Q Were you a slave in that time? A Yes, sir.
Q Were you a slave at the time the war broke out? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q To whom did you belong? A Joe Martin.
Q Was he a Cherokee citizen? A Yes, sir.
Q Have you been duly recognized and admitted to the rolls as a Cherokee Freedman? A No, sir, I am not.
Q Give me the name of your father? A My father's name was Harry Martin, was my owner's name.
Q Is he dead? A Yes, sir.
Q Has he been dead how long? A Well, I don't know, he died during of the war.
Q Give me the name of your mother? A Celia.
Q Is she dead? A Yes, sir.
Q How long since she died? A I don't know, about ten or twelve years as near as I can remember.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Was she duly recognized as a Cherokee Freedman? A No, sir, she was too old to ever get around to be recognized.
A Give me the name of your child? A Ernest Martin.
Q How old is the child? A I think, as well as I can remember, it is about 18 years old.
Q Is your child living now? A Yes, sir.
Q Give me the name of the mother of that child? A Sarah.
Q Your wife Sarah? A Yes, sir.
Q Is she dead? A No, sir.
Q She is living, is she? A Yes, sir.
Q Have you and she parted? A No, sir.
Q Why doesn't you not apply for her? A Well, because she is a non citizen, she isn't a citizen.
Q When did you marry Sarah? A I married her I think about '64.
Q Where did you marry her? A Married her in Kansas.

Q Have you and her lived together as husband and wife ever since 1864? A Yes, sir.
Q How old is your wife? A I think, as well as I can remember, she is about 54 years old.
Q What district were you living in in 1880, or were you living in the Cherokee Nation? A Yes, sir.
Q What district were you in? A I was in Cooweescoowee part of the time.
Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.
Q Have you ever drawn money? A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
A I am not on that I know. I know the reason why I am not.
Q Did you draw Cherokee strip money? A Yes, sir.
The Kern-Clifton roll examined, and the applicants identified thereon as follows:
Lewis Martin on page 158, No. 3916, Cooweescoowee district, as Louis Martin.
Ernest Martin on page 158, No. 3918, Cooweescoowee district.
Sarah Martin not on Kern-Clifton roll.
The Wallace roll examined and the applicant Lewis Martin identified thereon, page 151, No. 3742, Cooweescoowee district.
Q Your wife Sarah, she is not on any roll at all? A No, sir, she is not a citizen.
Q Were you ever married except to her? A Yes, sir.
Q How many times were you married before you married her? A Only once.
Q Was your wife dead when you married Sarah? A Yes, sir.
Q Was Sarah ever married except to you? A Well, no, sir, she wasn't married before she married me.
Q Hadn't she ever lived with a man as husband and wife? A No, sir.
Q Well now, how comes it you are not on the rolls of 1880; didn't you apply? A The reason I didn't apply a man used to live with me and another fellow I was acquainted with, he had went to enroll and they told him they wasn't enrolling any negroes that has been in Kansas, and I knew I had been there, and didn't go.
Q How comes it you are not on the 1896 roll? A I am not on the 1896 roll; I went towards the enrolling, I didn't go for that purpose, and I asked the question, what are you doing, and a man told me they were taking a roll of the Cherokees, and I didn't pay any more attention, I just walked off, I knew I wasn't any Cherokee.
Q You were up in Kansas during the war? A Yes, sir.
Q What time did you come from Kansas? A Come back in the fall of '66.
Q How did you happen to come back in '66? A Well, the postmaster was reading the paper, and he told me, and he asked me did I live in the Cherokee Nation before the war, and I told him yes, sir, and he said you people that belong in that Cherokee Nation down there have the same rights as they have, says if you will go back, and I told him at the time I didn't care nothing about it, I was a little afraid and he says don't be afraid, they have made a treaty and if you all go back you have the same rights as they have, and I pulled up and started.
Q You came back when you heard of that treaty? A Yes, sir.
Q You came back in order to keep your being in Kansas from counting against you? A I don't understand that.
Q Did you come back so as to be within the time fixed by the treaty?
A Yes, sir, that is what I aimed to do.
Q Did you understand that if you came back within a certain time that your being in Kansas wouldn't count against you? A Yes, sir, he told me if I came back in '66, he says you will be a citizen of that

country.

Q That is what you understood at the time? A That is the way I understood it.

Q Was that your object then in coming back in '66? A Yes, sir, that was my object.

Q So as to get your rights? A So as to get my rights.

Q No your being in Kansas wouldn't be counted against you? A That is what I thought.

Q How come it when you went to enroll in 1880 you didn't go on up to be enrolled, when somebody mentioned you has been in Kansas?

A Well, I told you one reason I didn't go: I didn't have any one to go with me, I had got bushwhacked once and I was afraid to go around much, I was bushwhacked coming back from Kansas and three got killed out of my crowd.

Q Were you still afraid of that in 1880? A Yes, sir, I was still afraid of that and I am still afraid of running about by myself.

By J. S. Davenport, Cherokee Attorney: Where were you living in 1880

A I didn't have any established home, I was working around living along with my people, with my brothers wife, Junie, I didn't have any regular home, I didn't stationary myself at all, because I was hard up and didn't have nothing.

Q Did you have any family? A I have got a family, but my family wasn't with me.

Q Where was your family in 1880? A They were here sometimes.

Q Wasn't they living in 1880 in Kansas? A They was here part of the time in 1880, and part of the time in Kansas.

Q What part of the time in 1880? A I can't tell you just what month they were here, they were there some and some here.

Q The some they were making the roll down here they were that some up in Kansas? A No, sir, they wasn't.

Q When you came back from Kansas just after the close of the war, what year was that you came back to the Territory? A I came about '66.

Q Didn't you come back first according to your own testimony in '65? A I came back here and went to Fort Gibson driving a train in '65 or '4.

Q And you went back to Kansas after that? A Yes, sir.

Q And the next time you came back was in '67? A No, I came here in '66, I came here in '65 sure.

Q You testified before the Kern-Clifton Commission, didn't you?

A Yes, sir.

Q Didn't you testify there that you came down to the Territory in '65 and made a crop, went back to Kansas, and then came back?

A No, sir.

Q (Reading) "I was bushwhacked on my way to Fort Gibson on Horse Creek, they killed three of our crowd, I came back the last time in 1867." Now did youmtestify to that or not before the Kern-Clifton Commission? A I did not, it was a mistake someway or other, for it was in '66 when I came back.

Q For several years you lived in Kansas and the Territory and back and forth just anywhere? A I lived in Kansas not a year since '66.

Q But you have been living there? A I have worked there, I am living anywhere where a man stops.

Q Did your wife and children live up there for quite a while after 1866? A No, sir.

Q Did they ever live there at all? A Lived there: when she wanted to go back there, when she wanted to be confined, her mother lived there, and she would live with her.

Q Where did you first locate and make a home in the Cherokee Nation after you came back? A I didn't build any place, I just located on Pryor Creek right close to my sister, and I just kept on improvements up there, the claim.

Q What part of Pryor Creek? A I can't tell you: close where my sister lives, eight or ten miles north of Chelsea.

Q When was that? A I can't tell you, that has been 18 or 19 years ago.

Q That was the time you came back from Kansas? A No it wasn't.

Q Where did you live in the Cherokee Nation before you lived up there on Pryor Creek? A I lived some here in Vinita ground north of Vinita and south of Vinita.

Q Who was living in Vinita at the time? A Lots of people, I don't know.

Q About what year was that? A I can't tell you just what year that was either.

Q Was that before or after the railroads were built to Vinita? A It was after the railroad was built I lived here.

Q Did you come to Vinita and locate immediately after you came from Kansas? A No, sir.

Q Where did you locate before you came to Vinita? A I tell you I stayed a while with Moses Riley before that, they are relations of mine, I stayed with them.

Q Where did Moses Riley live? A He lived out west of Chelsea, northwest a ways.

Q That is where your sister lived? A No, I have got no sister, I have one sister living, none out there, no, sir.

Q Where did you live before you went to Moses Riley's, after you came back to the Cherokee Nation? A I tell you I never had any stationary home at all, I just lived here and there, where I could get a job, I never built.

Q Where did the other people live you stayed with? A I tell you I never stayed with none, I just went around with my kin people, I stayed a while with Riley and I stayed at my sister's and I stayed at Dave Martin's on Big Creek, and another cousin of mine called Nellie Wilson.

Q Who did you stay with when you were living in Vinita? A I stayed with my own people.

Q Who were your own people? A My family, they were living in Vinita then.

Q Did they have any name? A Yes, sir.

Q Why can't you tell the name? A There was my wife, and Bill my stepson.

Q Bill who? A Bill Martin they called him, and George Martin, Fred Martin, Jeanette Martin.

Q They were all living here in Vinita at that time? A Yes, sir.

Q Where was that town in Kansas that that postmaster called your attention to the treaty being made? A It was in a little town they called Mapleton.

Q Was there any railroad there at that time? A No, sir.

Q How far was it to a railroad from where you lived? A I can't tell you, I don't recollect whether there was any railroad at all.

Q About how far from the Cherokee line? A I cant tell you that.

Q Was it in sight of the line? A In sight; why not that I know of.

Q How long did it take you to reach the line of the Cherokee Nation when you started? A I don't know where the line was and don't yet.

Q Where do you live now? A I live near Chelsea.

Q You have lived here since '66 you say? A Yes, sir, from time I say I was here living.

Q And you don't know where the line of the Cherokee Nation is between the Nation and Kansas? A No, I don't.

Q Have you ever been back to Kansas since '66? A Yes, sir.

Q How do you know when you got back to Kansas? A When I came [illegible] town I knew it was Kansas.

Q [illegible] over? How many children have you altogether? A I have [illegible] children, as well as I can recollect.

Q What are their names; what is the name of the oldest one?

Q [illegible] and is named John.
Q [illegible] A I don't know just exactly, I can't tell, he [illegible]
Q [illegible] of the next child? A George.
Q [illegible]? A George I think is thirty something too.
Q [illegible] A Fred.
Q [illegible] A [illegible] 28, I just can't remember.
[illegible]
Q [illegible] Fred? A Albert.
Q [illegible] A [illegible] is about 21 years old.
Q [illegible] A [illegible] 19.
Q [illegible] A [illegible]
Q [illegible] A Yes, sir.
Q [illegible] A [illegible] in Kansas.
Q [illegible] A [illegible]
Q [illegible] A In [illegible].
Q [illegible]? A In Kansas.
Q [illegible] A Out here near Chelsea.
Q [illegible] in the Cherokee Nation now? A Yes, sir.
Q [illegible] A My house is out about three miles north of Chelsea.
Q How long have you livedthere? A 13 or 14 years, as well as I can recollect.
Q Been living there in that one house? A Yes, sir.
Q Did you ever keep house before that? A No, not always.
Q Have you any other children besides these five you have named here? A Yes, there is another child there, he is a stepchild.
Q Have you any children of your own I mean, you and this wife?
A Yes, sir, I have one.
Q That one is dead? A Yes, sir.
Q What was the name of that child? A She was named Eliza.
Q How old would she be if she was living now? A I can't tell you, she was born before the War.
Q She was older than John? A Yes, sir.
Q Where was she born? A She was born here in the Territory before the war.
Q Before the war you think? A Well, I think just about the beginning of the war, or maybe before.
Q Is she the child of this woman Sarah? A No, sir.
Q Child of another woman? A Yes, sir, she is dead.
Q That is the first wife you had? A Yes, sir.
Q You say that you and your family have never kept house except in the [illegible] where you are living now? A No, never kept house, never [illegible] in '66, I never had nothing, and [illegible] never got them.
Q [illegible] with you all the time in your roving backwards and forwards? A No, she wasn't with me, sometimes I would send for her and sometimes I would go myself, send her back to her mothers.
Q To Kansas? A Yes, sir, her mother lived there.
Q Sometimes you would take her? A No, I never took her myself many a time.
Q Well, now you told me that you had been living in the Cherokee Nation off and on, and you have been in Kansas, and to the Cherokee Nation off and on? A I have been there yes, sometimes.
Q Now all your information is of an extremely indefinite character; can't you tell us in plain, practical, common-sense way just where you and your wife and all these children have been spending your time since 1866? A Why I can tell you.
Q Well do it? A Well, I shall tell you.
Q Give us the names of the places and the times you have lived at those places, you have had too much of a family just to be a rolling stone all the time? A Well, they were not rolling all the time. Three of these grown children has stayed with their mother,

[illegible] A No, sir.

[illegible] for several years?

[illegible] sir.

[illegible] a place? A Yes, I

[illegible] place as much as one year?

[illegible] year at all, it has been

[illegible] it was as well as I can remember.

[illegible] A Just worked there I

[illegible] your wife has gone around on these little trips with you?

[illegible] in Kansas? A No, sir.

[illegible] were was where that you and your wife have been

[illegible] been.

[illegible] examined by Commissioner

[illegible] old.

[illegible] A [illegible]

[illegible] lived in the Cherokee Nation? A Been living

here [illegible]

[illegible] enrolled here, Lewis Martin? A Yes, sir.

How long have you known him? A Been knowing him forty or

fifty years I guess, we were boys together.

Do you know his wife? A Yes, sir.

What is her name? A Sarah.

[illegible] ever married except to this woman? A Yes, sir.

[illegible] Once to wit I have of.

[illegible] when he married this woman? A Yes, sir.

[illegible] Have been married?

[illegible] A I guess.

[illegible] ever live as husband and wife?

A [illegible] to my knowledge.

[illegible] you know his wife Sarah? A Up in Kansas at

[illegible] They live up on Panther Creek.

[illegible] are there? A I don't know how

[illegible] A About twenty miles, but the

[illegible] A Yes, sir.

[illegible] A No, sir.

[illegible] and his family

[illegible] A [illegible], sir.

[illegible] have been living out there?

A [illegible]

[illegible] Muse is Choctaw Nation or some such matter from Vinita?

A [illegible]

[illegible] been living there as much as five years? A Yes, sir,

[illegible] I guess.

Q They have been living there as much as seven years? A Yes, sir, I reckon seven years or longer, been longer I guess, I don't know exactly when he moved there? A I live out east here and he lives west out [illegible].

Q Have you ever been to that house? A Yes, sir, been to that house.

Q You know just where it is? A Yes, sir.

Q Have often have you as a general thing seen this man Lewis Martin, say along for the last twenty years? seen him every six or eight months? A Yes, sir, sometimes about a year before I see him, we live [illegible].

Q [illegible] 'ee down to this place, where has he been living? A [illegible] at Vinita a while, and Pryor Creek, and I don't know where he did live.

Q A man who has got a family of children and a wife, generally every man has some kind of a living place, where has he been making his home mostly since '88 or '86, since the war closed? A Out on Pryor Creek I reckon, but he lives a good piece from me, I haven't been keeping the run of him; I see him once in a while though.

Q You have been seeing him every six or eight months or a year?

A Yes, sir, sometimes maybe a year.

Q And you don't know where he has been living during that time?

A No, sir.

Q Can you name any place that he has been making his home except out here on Panther Creek? A Lived here at Vinita a while.

Q How long did he live in Vinita? A I don't know exactly how long I know he made a crop one two.

Q Do you know where he has been, any other place except Panther Creek and Vinita? A I heard he was living on Pryor Creek, I never seen him when he lived down at there.

Q That is all you can say about where he has been living and all that? A Yes, sir.

Mr. Parrott: Where was he living when you first got acquainted with his wife's father? A In Kansas.

Q About how long was that been? A About thirty some odd years ago.

Q Do you know whether or not he moved from Kansas to this place out here north of Chelsea where he is living with his family now?

A No, sir, I don't think he did, for he lived at Vinita before he moved there.

Q Do you know whether or not his family ever lived at Vinita?

A Yes, sir.

Q Anywhere near this place out there near Rollin K. Adair's place out north of the town? A I don't know, I know his place must be two or three miles northwest of Chelsea.

LEWIS MARTIN, recalled, testified:

Commissioner: The Commission has not yet decided whether a person has rights as a Freedman by intermarriage, and your wife, if you have rights, may have rights as an intermarried Cherokee Freedman. Do you had better include her in your applicantion. You agree to that, do you? A Yes, sir.

Commissioner: The applicant applies for the enrollment of himself, his wife and one child. The applicant is identified on the Dawes roll and on the Kern-Clifton roll. He is not identified on the roll of 1880 or on the census roll of 1896. The testimony in regard to his residence after the war will need to be carefully considered. It is not contested that he was a Cherokee prior to the war, and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

His wife is not identified on any roll, but it is shown in a satisfactory manner that they were married some thirty

four or [illegible] years ago. The applicant states that he was once [illegible] and that his first wife was dead when he [illegible] married. [illegible] that time his present wife was [illegible] married in the State of [illegible] [illegible] of her rights, she will [illegible] her children as a Cherokee Freedman on a doubtful card.

The child, Ernest Martin, said to be 12 years of age, and now living, is [illegible] on the [illegible] roll, but not upon the [illegible] roll. This child should now be listed [illegible] and marked as a Cherokee Freedman on a doubtful card.

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

Signed, Bruce C. Jones.

Sworn to and subscribed before me this the 15th of May, 1901.

Signed, T. B. Needles,
Commissioner.

Supplemental Testimony } Mellette & Smith for applicant

To be filed with C.F.B 289 } W.W.Hastings for Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6th, 1901.

WEOBER WESE VANN, called and sworn by Commissioner T. B. Needles testified as follows: for the applicant:

By Smith of counsel for applicant:

Q What is your name? A Ge[illegible] Wesse Vann.
Q Where do you live? A On [illegible] River, Coowescoowee district.
Q In the Cherokee Nation? A Yes, sir.
Q Are you on the 1880 roll? A Yes sir.
Q Do you know Lewis Martin? A Yes, sir.
Q How far does he live from [illegible]? A I guess about three miles.
Q About how long has he lived there? A I don't know how long.
Q How long have you known of his having lived there? A Since about '70 I think.
Q Were you asked to testify in his case at Vinita? A Yes sir.
Q Did you go there for that purpose? A Yes sir but he never went into the tank to apply while I was there, I was on the jury as court and had to go back to court.
Q How long have you known this Lewis Martin? A I had seen him a time or two, he came in the same crowd I did in '68.
Q Where did you come from and where did you come to? A Come from Kansas to the Cherokee Nation.
Q When was that? A In '68.
Q Was this man Lewis Martin one of the parties that was with you?
A Yes, Sir, at that Horse Creek battle.
Q What do you mean by the "Horse Creek battle?" A A fight where we had three men killed and one wounded.
Q Who did you fight with? A I don't know, the all run off.
Q Where was that fight? A On Horse Creek, in the Cherokee Nation.
Q Do you know what became of Lewis Martin after the fight? A He went with us where we lived.
Q Where? A Spring Creek.

Q How long did it take you to go from Korbe Creek to where you lived on Spring Creek? A I don't know exactly, think it was about a day and a [illegible].

Q How long did he stay at your place? A Week or two.

Q [illegible] he go from there? A He said he went to Kansas, I saw him two years [illegible].

Q [illegible]? A On Grand river.

Q [illegible] doing there? A I just saw him there, I was at a [illegible].

Q [illegible] time you saw him was when? A The next time I saw him was [illegible].

Q [illegible] that? A On the Verdigris.

Q [illegible] good shape then? A I have seen him in [illegible] distress off and on since.

Q Near what place? A Chelsea.

By V.P. Lottinger for the Committee Nation:

Q How old are you? A 21 years old.

Q Where were you born? A On Spring Creek.

Q Who did you go to Kansas with? A Went with my uncle Gilbert and a whole part of colored people, three or four hundred.

Q What point in Kansas were you when you started back here? A Franklin County, near Ottawa.

Q Who did you say came back with you? A Well I didn't say this time - do you want me to tell all that was along?

Q Yes sir all that was in that crowd of which you have stated at other times you were captain of? A Well there was uncle Sam and Eli Vann and Clerto Chouteau; Art Bean, Walter Vann, Dave Vann, Dennis Vann, Young Gilbert Vann, old man Gilbert Vann, Susie Vann, Kate Vann, Lizzie Vann, Aunt Lucy Vann, Patsy Vann, Bill Sanders, Bobie Shaw, Jess Shaw, Jate Shaw, aunt Mary Musgrove, Jane Musgrove, Jack Bean, Wess Vann, Jess Vann, there was a colored fellow Creek fello along I can't think of his name, Martha Vann, Kate Vann, Boots Vann, Young Sam Vann, Mandy Vann, that is all I can remember just now, whole lot more and a lot of little children I dont remember.

Q You was 18 years old then? A Yes sir.

Q You testify that you were the captain of that crowd? A Yes sir.

Q And there were some of those men along who were 50 and 60 years old wasn't there? A Yes sir.

Q Who were the men that were killed in that fight? A Wess Vann, Phil Daniels and Jesse Vann, and then Tobe Bean was shot through the arm, a flesh wound.

Q About what part of Noted creek was that fight? A I dont know.

Q How far from the Kansas line? A I dont know that either.

Q How far from where it empties into Grand river? A I cant tell you that.

Q About how far, 10 or 15 miles? A I dont know, I wasn't up at the mouth.

Q About how far from where Afton is? A I don't know where that is than.

Q Did you go right on after that fight? A Yes sir.

Q They had this same question up five years ago before the Kern's court? A Yes sir.

Q Did you then ever testify that you were captain of that crowd and had a fight on Horse Creek? A No sir, they never asked me about it.

Q You didn't testify about it? A No sir.

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

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 18th of June, 1901, at

10911

Tribe with Cherokee Freedmen, D-944

[illegible] Tribes.

[illegible] Tribes Dean et al. for enrollment [illegible]

Well [illegible]
U. S. [illegible] Nation.

[illegible], being duly sworn by Commissioner Needles, testified as follows:

Mr. [illegible]: What is your name? A Jane Cochran.

Q [illegible] your age? A About 48.

Q Where were you born? A Here in the Cherokee Nation.

Q [illegible] by blood? A Yes, sir.

Q [illegible] you go out of the Nation during the war? A No, sir.

Q [illegible] you live in '65 and '66? A Out here on Grand River, it was [illegible] the Johnson Thompson place.

Q A [illegible] Yes, sir.

Q Mrs. Cochran, [illegible] your father living with you in '65? A Yes, sir.

Q When did your father die? A In the fall of '65, he was killed the 2[illegible] of October.

Q Where was he killed? A On the military road at what was known as the Bob Daniels place.

Q How far was that from the place you are living? A It is about three miles.

Q On what side of the Grand River were you living? A It would be on the west side, some [illegible] the military road was.

Q Do you know Bob [illegible] Knight, who is a witness here in this case

A No, sir, not that time.

Q You didn't know him then? A No, sir.

Q Do you know him now? A Yes, sir.

Q Did you take any steps after your father's death to apprehend, to catch the people who did the killing? A Yes, sir, I went and got the sheriff and his posse, we were trying to find the men that killed him, his name is Lewis Vitrebeau.

Q Where did you go? A I went up right northwest on what is known as Cabin Creek, over near the Lee Schrimsher place, and couldn't see any track of a wagon, which I thought he had gone and left in a wagon, and then I came over northeast in the direction of Horse Creek and I found the place that was known as the old Knight place, it would have been about the first of November.

Q After your father was killed? A Yes, sir.

Q Was anyone living there at that time? A No, sir, there wasn't anyone there at all.

Q You made an examination of the house at that time? A Well, we just rode around there, there wasn't a soul in there, it was open and vacant, I had been there before.

Q You made an examination and wasn't anybody living there? A No, sir.

Q Did you have occasion to pass by this same house after that?

A Yes, sir.

Q About how long after that? A It was along in about, I would say about the 10th or 15th of December.

Q Of that year? A The same year.

Q Was anybody living there at that time? A No, sir.

Q Do you know who afterwards lived in that house? A No, sir, I don't.

Q You say that place it was called, known as? A Oh yes, I know it was [illegible] Knight place.

Q [illegible] A [illegible] Horse Creek.

Q When did you move away from the Thompson place on Grand River?
A In the [illegible]
Q Up to t[illegible] you heard of any raid made upon any negroes on [illegible]
Mr. [illegible] as not material in this case. It is [illegible]
Mr. [illegible] It is a [illegible] that unquestionably ought to be [illegible]
Q [illegible] I don't think that is a bad trial question.
Q Did you know [illegible] A [illegible] it.
Q Did you hear of it at that [illegible] A [illegible] the fall that I went down to Carin Creek to the [illegible] by the name of Mand was selling goods there, and they told me the soldiers had just passed.
Q Don't tell what they said, the others. A That is the only way I got any information there had been a fight.
Q You hadn't heard of any fight before you went to the Knight place in '66? A No, sir.
Q Do you know this applicant, Tobe Bean? A I don't know whether I do or not; in the last few years I might have seen him a time or two; at that time I don't think I knew him.
Q How far were you living from Andy Frye and Millie Frye when your father was killed in October of 1866? A It must have been about two miles, just where the road crosses the river, might not have been that far.
Q You didn't know Tobe Bean then? A No, I knew the others that was living there.
Q You were acquainted with the other colored people who were living over there? A Yes, sir.
Q Did you ever see Tobe Bean over there in that year? A I don't remember whether I did or not.
Mr. Mellette: They had a good many fights around through this country along about that time, didn't they? A No, sir, there wasn't any as I know of.
Q No fights at all? A At that time there wasn't nobody killed?
A Well there was when my father got killed a month before that.
Q Where did he get killed? A On the military road.
Q Could a fight have occurred and you not heard of it? A It might have been, but I never heard of any.
Q Do you claim to have heard of every fight that occurred in this country? A That was after the war, it was people I did know.
Q Do you swear that you heard of every fight that occurred?
A Well, I would remember it if I did hear it, I don't think I heard of any.
Q Where did you say you lived along about that time? A On Grand River.
Q How old were you then? A Well, I must have been nearly 20 years old.
Q What part of Grand River did you live? A In '66, as I said where I was living on what was known as the Johnson Thompson place, a brick house.
Q Near what place on Grand River now? A I believe they call it the Ketchum place now.
Q On which side of the river were you living? A I would call it on the east side of the river.
Q You ought to know? A That is what it is.
Q Mr. Hastings has asked you something about the Knight place; what place is that he was talking to you about? A Well, that is right pretty much north from the Thompson place, right due north.
Q How far from where you lived? A From that place, the Thompson place, well it couldn't have been over [illegible] miles.
Q Were you well acquainted up in that country? A I was, yes, sir.

Q Up there that [illegible] A Yes, sir.
Q [illegible] A It was [illegible] as the knight place, it was [illegible]
Q [illegible] A Well, I can't tell you [illegible]
Q I [illegible] in that country?
A I had [illegible]
Q Do you [illegible] 35 years afterwards every [illegible] I do.
Q You can [illegible] that was [illegible] in less [illegible] old place [illegible] as [illegible] place, that was the only [illegible]
Q You got [illegible] by these places in question? A Yes, sir.
Q Come right through that country? A Yes, sir, came on the military road.
Q Who did you say was with you? A My father when I first got acquainted with [illegible]
Q Who was with you the last time? A Tom Thompson and old man Johnson.
Q You rode by the house? A Yes, sir, rode right along and stopped at the [illegible]
Q Were you [illegible] A In a wagon.
Q You stopped [illegible] and passed on; is that all you did?
A Yes, that [illegible]
Q How close to the house did you go? A Well, it must have been in the yard, [illegible] didn't any yard fence, the road ran right along by the house.
Q That was 35 years ago or 36 years ago? A I guess it was, it was in '66, in the fall or winter.
Q How do you know it was in '66? A I know it, I had a posse with me when I came by this place.
Q There has been a good deal of talk about these people remembering '66; how do you remember it; you didn't have to get back? A Me, no sir.
Q There wasn't anything to make you remember '66? A Only my father got killed on October 22, 1866.
Q You way you started out to hunt the people that killed him?
A Yes, sir.
Q And Tom Johnson was with you? A No, that was the last time I was up there.
Q The last time that Tom Thompson was with you? A Yes, sir.
Q What year was it Tom Thompson was with you? A In December, as I said, about the 10th or 15th.
Q You remember now it was the 10th or 15th of December? A Yes, sir.
Q How do you make happen to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in a wagon, and I went with them, to Lowell, to get some groceries.
Q How do you remember at this time it was the 10th or 15th of December? A Because it was Christmas coming, we had to get back before Christmas.
Q Might not it have been in November? A No, sir, it wasn't in November.
Q When did you have your attention called to this time before this; never thought of this till since this freedman court has been sitting here? A I don't know, it has been talked about for several years.
Q When was it talked about? A This matter came up about the same way at the Clifton court.
Q You never thought about it then till the Clifton court? A They told me I was subpoenaed on that.
Q The Clifton Court is the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever swore to it, I knew those facts though.

Q You testified in the [illegible] before the District Court you testi[illegible] to [illegible]? A Yes, [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] I [illegible] just [illegible] that time, I [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible], I let him have the whisk-e to get [illegible]

Q [illegible] Bach shot Al Lynch do you, [illegible] A [illegible]

Q You [illegible] at the time, at the time, that he had been shot? A No, sir, I had nothing to do with it.

Q Didn't you go down to Dave Rowe's and tell them Dave Whitmire had shot Al Lynch? A No, sir.

Q You didn't? A No, sir.

Q You are certain of that? A Yes, I had nothing to do with it.

Q But didn't you just carry the information down there to Rowe's that Al Lynch had been shot? A No, sir, I didn't.

Q You will swear that? A Oh yes, I never carried any such news.

Q Didn't tell anybody at all? A Of course I might have said that it was rumored, everybody knew it.

Q Hadn't you been telling it down at Rowe's, about Al Lynch having been shot? A No, sir, I don't think I did.

Q You hadn't mentioned it down there at all! You knew where Rowe lived, didn't you? A Old man Dave Rowe?

Q How close is it to you? A It is 20 or 25 miles.

Q Do you remember being down there in '66? A Yes positively, I was occasionally down to Tahlequah, and it was on the road down there.

Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.

Mr. Hastings: What official positions, if any, have you held?

A Well, I have held the Solicitor and Sheriff, I was one of the Associate Supreme Court judges.

Q Delegate to Washington? A Yes, sir.

R. D. KNIGHT, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A R. D. Knight.

Q What is your age? A 54.

Q Where do you live? A Now, I live in Vinita.

Q How long have you lived there, a number of years? A 35 years.

Q Are you a citizen of the Cherokee [illegible] by blood? A Yes, sir.

Q Did you live in the Cherokee Nation before the war? A Yes, sir.

Q You lived in the Cherokee Nation [illegible] the war? A Yes, sir.

Q Where was the first place that you lived in the Cherokee Nation after the war? A On Hog Creek.

Q What district is that in? A Delaware District.

Q Was there any road that ran by your place at that time? A The old military road, we used to call it.

Q Were you arrested, Mr. Knight, at any time shortly after your return? A Yes, it was probably in the latter part of December, yes it must have been in the latter part of December following my return in the fall.

Q Where were you taken? A Van Buren.

Q What was you charged with? A Killing some negroes that was passing down the road.

Q [illegible] your place prior to that time?

A Yes, sir, prior to my [illegible]

Q [illegible] A [illegible] I don't know, that is [illegible] but I didn't see

Q [illegible] A Yes, sir, the most of it, the three

Q [illegible] A Yes, looked to me like there

Q [illegible] or at that time or afterwards, who

Q [illegible] A [illegible]

Mr. Mellette: Hold on: did he see who they was.

Q Did you know any of them? A I saw the most of them, but I didn't know the name.

Q [illegible] remember that you told been here afterwards? A I don't remember that I ever did about it; yes, I must have made some little remark some time, I don't know whether there was ever anything said between us about it.

Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mellette: I object to that; it is an improper question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my arrest in the w[illegible] two of these parties that came to my house.

Mr. Mellette: I object to that, no hearsay evidence.

Q Did [illegible] over the fight that had occurred there prior to that? A Yes, sir, they told me they were in it.

Mr. Mellette: Hold on, I object.

Q Who was that? A Who was that came to my house?

Q Yes? A A young man by the name of Lee Smith and a man named John Willis.

Mr. Mellette: I object to that, they are not parties to this case, because it would not be competent.

Q That was on Horse Creek? A That was two and a half miles south, we called it Horse Creek, that is right on the side of the Creek.

Q You saw the killing, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection, it was in probably the first of October, or about there, in 1867, the best I can figure it out; as to saying positive, I can't do it.

Q But that is your best judgment? A That is my best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir, in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the military road.

Q About how far, Mr. Knight, was this place from where the old Johnson Thompson, or Ketchum place is, on Grand River? A Well, it is in the neighborhood of ten miles; a little more or a little less, I don't know just what we do call it.

Q The military road was right by it? A Not by the Thompson place.

Q By your place I mean? A [illegible]

Q I will ask you [illegible] or [illegible] this man Bob Ross had ever talked to you about [illegible] at that place? A Well, I am not certain but [illegible] have [illegible] I think I [illegible] that he said something about being in that fight, or something about being

[illegible]

Q [illegible] A I don't [illegible]

[illegible] A I was charged.

Q [illegible] A It was [illegible]

Q [illegible] A I don't [illegible]

[illegible] A I don't know. It seems I was arrested for killing somebody, I don't know.

Q How [illegible] Hill? A [illegible] Hill?

Q [illegible] A I don't know, ten or twelve miles.

Q [illegible] for killing some colored men up there?

A No, sir.

Q Isn't that the crime you were arrested for? A No, sir.

Q Isn't that a fact? A No, sir.

Q You remember them being killed up there? A No, never heard of it.

Q Now, Mr. Trigg, it seems strange that you would be arrested for killing men and not for the names of the men you were charged with killing? A I don't see anything strange about it.

Q I don't [illegible] the officer [illegible] to tell? A Well sir, I can't exactly say what. I [illegible] to [illegible] he read the warrant, [illegible] it was [illegible] and [illegible] overcoats on and buttoned up, [illegible] to the door, [illegible] out to wash my face [illegible] to the door, and I saw [illegible] all around the house, and he came and asked me my name.

[illegible]

[illegible], being duly sworn by Commissioner Woodlee, testified as follows:

[illegible] A [illegible]

Q [illegible]

A [illegible]

Q [illegible] A [illegible]

Q [illegible] before the war?

A [illegible]

Q [illegible] after the war?

Q [illegible]

[illegible]

Q [illegible] A I [illegible] such [illegible], I don't [illegible]

Q [illegible] of the [illegible] near the old [illegible]

Q [illegible] full of [illegible]

Q [illegible] up that time?

A [illegible]

Q [illegible] do you remember that you came back [illegible] A I [illegible]

Q How [illegible] do you [illegible] A I was in the army and was mustered out [illegible] in the [illegible], and the [illegible] summer we moved down here, the [illegible].

Q [illegible] there? A [illegible].

Q [illegible] did you [illegible] and were discharged before you came [illegible]

Q [illegible]

Q [illegible] A [illegible] and [illegible].

Q [illegible] did you start [illegible] here in [illegible]? A It was in the spring.

Q In the summer of '65; how old you were? A In [illegible].

Q [illegible] the country? A [illegible].

Q [illegible] at that time? A I didn't see but [illegible] we [illegible] in [illegible] country.

Q [illegible] did you [illegible] the Cherokee Nation? A Right up the [illegible] the line south of [illegible].

Q [illegible] way did you come? Come by Vinita? A We came on the Ke[illegible].

Q [illegible] come by Vinita? A No, sir.

Q [illegible] A [illegible] down the Neosho River all [illegible] the territory line there.

Q [illegible] A We went up by the Creek after we struck the [illegible] and stopped.

Q You [illegible] in the Cherokee Nation? A Yes, sir.

Q [illegible] A Yes, sir.

Q [illegible] A Yes, sir.

Q [illegible] A I don't know exactly as I can [illegible] the month.

Q How long did you stay there? A We stayed [illegible] the summer of '66.

Q What did you do in the fall? A In the fall we moved to Horse [illegible].

Q What time in the fall? A Tolerably late in the fall, I don't know the exact date of it.

Q You say you moved out in the fall or [illegible]? A Yes, sir.

Q [illegible] there? A [illegible] at the mouth of Horse [illegible].

Q [illegible] ever hear of alcohol about that time?

A [illegible]

Q [illegible] killed up there except that?

A [illegible]

Q [illegible] A I think that is the only [illegible]

Q [illegible] that is all, is it? A Well, I [illegible] but a [illegible] the following [illegible]

Q [illegible] A [illegible]

Q [illegible]

Arkansas? A Yes, sir.
Q [illegible]? A Yes, sir.
Q Do you know [illegible] any troops at Van Buren in '67?
A I don't [illegible] it.
Q You [illegible], did you? A I did.
Q How many? A [illegible] about 20 or 25.
Q [illegible]? A [illegible] man.
Q Do [illegible]? A I don't know that.
Q Where [illegible]? A I saw them at my house on Horse Creek.
Q [illegible] they were from Van Buren, Arkansas, the troops did? A [illegible].
Q When did you first know about this fight, that it was in '67 that that fight occurred; when was that first called to your attention Mr. Trott; since the Freedmen's Court has been in operation?
A No, sir, I have heard of it all along.
Q I know, but [illegible] a great many things that haven't been particularly called to your attention; when was it called to your attention after that fight occurred? A I have spoke about it a good many times, I don't know, I have heard it talked about ever since then.
Q How did it happen to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.
Q That has been 30 years ago, or 35 years ago; what was there to keep it in your mind? A Well I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept in in my mind, I was not there in the fall of '66 until very late in the fall, and it was the next fall.
Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1866.
Q What time? A I don't know the month, but it was way late in the fall.
Q Were you in the army? A I was.
Q In any fights? A Yes, sir.
Q Where? A Prairie Grove, Arkansas.
Q That the only fight? A That is all.
Q You remember when that was, don't you? A I don't know as I remember the exact date; I know it was in the winter of 1863.
Q '63? A Yes, sir.
Q You don't mean that? A Yes, sir; '63 I meant to say.
Q The winter of '63; was it before Christmas or after Christmas?
A I guess it must have been after Christmas.
Q Was that in '62 or '63? A '63.
Q What month in '63? A I don't recollect the month.
Q Was that in the first part of '63 or the last part of '63?
A I can't tell you exactly.
Q You can't but it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.
Q There is two pieces of winter now in the year 1863, the first part of '63 is in the winter and the last part of '63; was it the first part of '63 or the last part? A I think it is in the first part
Q You are satisfied of that? A I am not satisfied of it positively.
Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of '67? A I didn't know about that Horse Creek fight because I was living there.
Q You were in the Prairie Grove fight, and still you know more about the other one you were not in; isn't that true? A The other hasn't been quite so long.
Q There has been about three years difference.

****

[illegible] CLARKE, being duly sworn by Commissioner Hedley, testified as [illegible]:

Q [illegible] What is your name? A. G. W. Clarke.

Q [illegible] A [illegible] birthday, I [illegible] be 59.

Q A citizen of [illegible] by blood? A Yes, sir.

Q You lived in [illegible] before the war? A All my life.

Q You were in the army, [illegible] A I was in the northern army.

Q Where were you mustered out? A I was mustered out in Fort Gibson, at the close of the war, in 1865.

Q Where did you live the rest of the year of 1865? A I lived on the river.

Q Grand River? A Yes, Grand River, in the fall of '65 I came on the river the next day after I was mustered out, and I was married there eight days afterwards.

Q Where did you live in the year 1866, make a crop?

A I made a crop on what is known as the Ellis McDaniel place on the west side of the river; it is commonly known as the Adair place now.

Q Did you make a crop on the same place in '67? A No, sir, the treaty was made in July and reverted the place, I owned a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles; going around by the river made it about 15 miles.

Q Was the place you moved to farther up on Grand River than where you had been living in '66? A Yes, sir, go through and cross the river twice and it is about nine miles, and the other way is about 15 or 16 miles.

Q After the war, Mr. Clarke, did you hear of some colored people being in a fight and getting killed on Horse Creek; did you hear of the circumstances? A Yes, sir, I heard of the fight they said there was some colored people killed there, there was a young colored man passed my place and told about it, along in September, as well as I recollect: it was early in the fall.

Q Where were you living when you heard of that incident?

A I was living in the Six Mile Bottom in the fall of 1867.

Q You know Robe Bean the applicant? A Yes, they are neighbors of mine, have been for a long time, Art Bean, very good man, too.

Mr. Smith: Judge Clarke, you don't know what fight that was you heard of in '67? A I only know they said some fellows run on some colored people and there was a fight up there, and I dimremember some of them was killed in the fight.

Q You don't remember whether anybody was killed in the fight you heard about? A No, sir, it has been so long ago.

Q It was right hard to remember about a fight at that time?

A Yes, sir.

Q Have a good many? A Yes, sir, a plenty.

Q You don't know which fight that is you are telling about?

A That is what made me bring it to mind, some fellows run on some colored people up there, that was all.

Mr. Hastings: You were in the northern army? A Yes, sir, I was in the northern army.

Q Did you hear about what place on Horse Creek this fight occurred?

A I don't know as I did, it has been so long, heard it was up on Horse Creek, they were just passing going down the road is the way I understood it.

Q [illegible]: You don't know anything about that fight or your own [illegible] at all? A No, sir, only just what I heard.

Q After you got through with your fighting it wouldn't amount to much as a fight [illegible]? A No.

xxxxxxxxxx

[illegible] A [illegible]

[illegible]? A Yes, sir.

[illegible] of the [illegible] Osage

[illegible] It [illegible] 12 miles.

[illegible] place was on Horse Creek?

[illegible] A It was about ten or 12

[illegible] place on Grand River did you

[illegible] A [illegible] I would think about 12 or 16

[illegible] place after the war, in what year?

[illegible]

[illegible] of some negroes

[illegible] lived, on Horse Creek?

[illegible] of that? A The next year, right sometime in

[illegible] lived then on the west side of the

[illegible] living at that time? A That I

[illegible] Stand Waite place, on the west side of the

[illegible] you living from Horse Creek? A Couldn't have been

over [illegible]

[illegible] on the Stand Waite place? A Sometime during

the [illegible] it [illegible] me it was in January, in the

[illegible] or after Christmas? A I think it was

[illegible] A Yes, Sir.

[illegible] A [illegible] the west side of the river.

[illegible]? A [illegible] every up until we left

[illegible] A In '68.

[illegible] A I [illegible] in February.

[illegible] A [illegible] the Choctaw Nation on

[illegible] A I [illegible] right on the line of Mis-

[illegible] A We left the

[illegible] of October, I think.

[illegible] A [illegible] sir.

[illegible] remembering dates, I suppose?

[illegible] '68? A No, sir.

[illegible] it on your mind? A If you will

[illegible]

Q [illegible], how old were you at that time? A Well, I was born in [illegible] I was 13 I believe [illegible].

Q [illegible] 13 years old? A About 13 in '65 I think, if I am not [illegible].

Q And still you remember all these events? A I remember it perfectly well, that part of [illegible].

Q You remember you left home in the fall of 1865 and came up here to go out onto the home place in February, 1866? A I think it was in February, I am not positive, but I think it was.

Q How far is that from the Grand Waite place?

A Well, about six or seven miles I should think.

Q On the opposite side of the river? A Yes, sir, and down the river.

Q A good many fights along about that time, wasn't there? A I don't remember very many.

Q But you know you just heard of a fight? A Yes, sir.

Q When did you first know about it, when did you first have your attention called to the time when that occurred, since that time?

A Since that time?

Q Yes. When did anybody say to you about when that occurred, since you have been [illegible] in this case? A I don't remember anybody [illegible] me but I came here to-day.

Q Since you came here to-day Mr. Hastings and Mr. Hall asked you what you knew about it? A Yes.

Q And then you remember what you knew of that fight in '67?

A Yes, I knew it all the time.

Q Everything that has occurred you don't keep in your mind all the time, do you? A No, sir.

Q There wasn't any particular reason for you to remember that?

A I didn't see any particular reason.

Q And when you come here 36 years afterwards you are asked about it and you say it occurred in '67; that is a long time that, a long time? A Yes, sir.

Q You had forgotten about that half a dozen times? A Of course it would go out of my mind.

Q Go out of your mind and come back? A Yes, sir.

Q All you know about this fight is 35 years ago you heard of a fight between some darkies and white people? A Allow me to tell you that fall, or late in the summer, a man brought a mare to our house and asked us and my brother to take care of it, and right there and then he told us about this fight, that you hear of this right up here and a lot of your people getting killed; I remember it well, talking about who done the killing, they didn't call any names, but referred to them as the white folks.

Q You [illegible] the man that brought the mare or colt to your house? A [illegible] well.

Q How many horses you have now? A I think about 15.

Q Did you [illegible] since a man has brought a horse to you since 1867? A No sir; I didn't have any horses then.

Q Didn't have any horses at all? A No, sir, didn't have any horses at all.

Q [illegible] farmed one crop on the Tozer place? A Yes, sir.

Q What did you farm with? A A little yoke of stagg.

Mr. [illegible]: What position do you hold now, if any? A Senator in the [illegible] Legislature.

[illegible]

[illegible] the [illegible] to [illegible]
[illegible]
true [illegible]

Sworn to and subscribed before me this [illegible] th of [illegible], 19[illegible]

Cl[illegible]

[illegible] TRIBES,

[illegible]

In the matter of [illegible] of Geer ge Martin for the enrollment of himself as a [illegible] Freed Martin being sworn and examined by Commissioner T. [illegible] Needles, testified as follows:

Q What is your name? A Geer ge Martin.
Q How old are y ou? A About 30 or [illegible]
Q What is your post office a? A [illegible]
Q What district do you live in? A [illegible]
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q What do you want to enroll besides yourself? A No, one.
Q Is your name on the roll o f 1880? A No, sir.
Q Is it on any of the rolls o f the Cherokee Nation? A Yes, sir.
Q What is your father's name? A Lewis Martin.
Q Is he living? A Yes, si r.
Q What is your mother's name? A Sarah Martin.
Q Is she living? A Yes, sir.
Q Where were you born? A I was born in Kansas.
Q Where a m you first recollect of being? A In the Cherokee Nation.
Q Have you lived in the C herokee Nation all your life?
A Yes, sir.
Q Have y ou ever been married? A Yes, sir.
Q What is your wife's name? A Cornelia Curry was her name before she was married.
Q What was her mother's name? A Charlotte.
Q Charlotte Curry? A Charlott e Curry or Vann I thin k her owner's was Vann.

The 1880 Authenticated roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of t he Cherokee Nation examined and name of applicant found thereon, page 158 #3980, Geer ge Martin, Coowescoowee District.

The Wallace Roll of Freedmen of the C herokee Nation examined and name of applicant found thereon, page 121, #3944, Geer ge Martin, Coowescoowee District.

Q Who di y ou claim your citizenship through? A My father, Lewis Martin? A Yes, sir.
Q Was he been listed for enrollment? A Yes, sir.
Q Your father's name isn't on the roll of 1880 is it?
A No, sir.
Q Have y ou lived in the Cherokee Nation all your life?
A No, sir.
Q Where have you been? A I went to school in Kansas, I have been in Missouri, Arkansas and Vinita.
Q Where did y ou marry? A Vinita.
Q When? A '98.
Q What is your wife's name you say? A Cornelia Curry.
Q Is she a citizen? A Yes, sir.
Q Was she been listed for enrollment? A Yes, sir.
Q Have you a y children by her? A E one living.
M. M. W. W. [illegible] Cherokee Representative:
Q Your father's owner was Joe Martin, wasn't it? A Yes, sir.
Q And when you fir st came to the Cherokee Nation you came to Vinita aft er the war? A I don't remember.
Q You remember the Wallace Court don't you? A I don't remember where I was brought to.
Q You remember the Wallace Court don't you? A Yes, sir.
Q Wasn't that the first you came? A I was before that.
Q Your best judgment when you came? A I don't r emember.

Well, where were you living when you can first remember?
A I was living on Pryor Creek.
Q Was it near Fred Martin? A I don't know what place it was; it was Uncle Fred Martin was living there, where John Dodson is living now.
Q Uncle Fred was living there? A Yes, sir.
Q How long did you stay there? A I don't remember.
Q Did you stay there a week? A I guess so.
Q Then where did you go? A I went to Timbered Hill.
Q Didn't you go back to Kansas after that? A No, sir.
Q From what town in Kansas did you come? A I don't know.
Q Didn't your parents tell you what town you were born?
A I forget what town; Mapleton I think was the town.
Q You didn't live in a separate house down there on Pryor Creek?
A I think they did.
Q Do you remember that? A Yes, I can remember.
Q Did you have a place down there? A I don't know whether it was hereon or whose.
Q You don't remember your neighbors down there? A I remember Fred Martin up there and several others, I think there was some other Martin living there.
Q About how old were you when you left Pryor Creek?
A I could not tell you that.
Q Were you grown? A No, sir, wasn't grown.
Q As much as eight years old? A I could not tell.
Q Ten? A I might have been.
Q You don't know what your father did with this place if he had any? A No, sir.
Q You don't know whose place you were living on down there?
A I do not.
Q And then you went from there to Timbered Hill?
A Yes, sir.
Q What Timbered Hill? A Just Timbered Hill.
Q Near what towns? A Near Coffeyville.
Q Did you live in a house up there? A Yes, sir, I suppose we lived in a house up there.
Q Don't you know? A Yes, sir, I know so.
Q How long did you live there at Timbered Hill?
A I could not say how long, may be a year and may be not so long.
Q Well, did you say how long you stayed there at Timbered Hill?
A I did not say how long I stayed there.
Q Now, how long did you? A I could not say.
Q Who were your neighbors up there? A Dave Martin was one neighbor, and Milli e Wilson.
Q Well, how old were you when you left there?
A I don't know, sir.
Q Where did you go from Timbered Hill? A I went to Vinita, on Grand river, two or three places.
Q You didn't have any house did you? A No, sir.
Q Did you own one up there at Timbered Hill or on some other's place? A I don't know, I was small.
Q Well, where did your father and mother permanently locate first at?
A I could not tell, they was located wherever they stopped and worked.
Q Where do you live now? A Panther Creek.
Q How long have you been there? A 14 or 15 years.
Q Continuously? A Yes, sir.
Q Who are your neighbors down there? A I don't hardly know.
Q Who are they? A Farmers and my brothers and McNairs.
Q There is Panther Creek, down here near Chelsea? A Yes, sir.
Q Have you ever been to Texas? A No, sir.
Q When was the last time you came back down here from Kansas?
A I came from Kansas last Thursday.
Q You did? A Yes, sir.

George Martin, [illegible]

Q When was the last time you [illegible] in here? A I don't know as I [illegible] I don't know, I [illegible] quite small when [illegible].
Q Where did you [illegible] go to school at Tahlequah.
Q Who did you stay [illegible] A I stayed with the family of people by the name of [illegible].
Q That was Punkin [illegible]? A Yes, sir.
Q How long ago was that? A Oh, I was a small boy, I don't remember.
Q Well, about how old were you? A I guess I was 12 years old.
Q How long did you say you went, A I guess I went there one term.
Q You were out in Missouri a while? A Yes sir, it is since I got grown.
Q What were you doing out there? A Just running around.
Q Just married the one time? A That is all.

BY COM'R MYERS:

Q You claim your citizenship you say through your father?
A Yes, sir.

COM'R MYERS: George Martin applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or a census roll of 1896. He is duly identified upon the Kern-Clifton roll and Wallace roll according to the page and number of the rolls as indicated in the testimony, and upon satisfactory proof as to residence. For proof as to citizenship reference is made to the testimony. He claims that he is a child of Lewis and Sarah Martin and claims his citizenship through his father, Lewis Martin, who is duly listed as a Cherokee freedman on D. card. The testimony in said case will be made part of the record in the case at bar and a copy thereof filed herewith. Said George Martin will now be listed for enrollment as a Cherokee freedman upon substitute card. He will be notified by mail of the action of the Commission in the premises.

---oooOOOooo---

J. O. Ramson, 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. Ramson

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

Commissioner.

[illegible] George Martin.

[illegible] et al. vs

[illegible] on behalf of the Cherokee Nation.

[illegible]

[illegible] Commissioner

[illegible]

[illegible] don't tell my age [illegible]

[illegible] not? A [illegible] I can [illegible] it, [illegible] but I think I am [illegible] A

A [illegible]

A [illegible] I was born I was a farmer.

[illegible] Station, [illegible]

[illegible] the name or the [illegible] of [illegible] name that I know [illegible] to say well [illegible] tell he [illegible]

[illegible]? A No, sir, I do not know if he

[illegible] his father's name? A His name was

[illegible] A [illegible]

[illegible] out; when did you know [illegible] don't know right [illegible]

[illegible] A [illegible] it

[illegible] I don't tell [illegible] exactly what [illegible] then [illegible] to learn the name of a

[illegible] A It was [illegible]

[illegible] I don't suppose it would be any

[illegible] Mapleton: I mean with reference to [illegible] I don't know.

[illegible] A I don't know when [illegible] there was not close, not very [illegible] on it and he said it out

[illegible] yes, sir.

[illegible] A Yes, sir, he married right [illegible] the folks, the woman's father [illegible] I knew her well after he married

[illegible] at Ottawa after that? A I are

[illegible] after that? A Now sir that I won't tell

how long it was that I saw him there.

Q Was your son [illegible] A My son [illegible] then.

Q [illegible] A He was [illegible] when he got married, and then he came down to Ottawa and he wasn't there very long before he [illegible] took sick and wrote for his mother to come and she went and she didn't come back quick as I thought she ought to come back and I went after her, and I went up there and I goes over to his house.

Q Goes to his house? A Goes to Mr. Martin's house.

Q Well, Martin living there? A Yes, sir, he was living there.

Q Had he have his [illegible] A Yes, sir.

Q You know what he was doing up there at Ottawa? A Well, he was a farmer there, rowing.

Q Well, now how old is your son's oldest child? A Well now sir that is something I can't tell you.

Q Well about how old is it? A That is something I don't know the age of nobody, I can kind of guess at his age, he was born 2 years after I came to Kansas, my boy.

Q I am not talking about your boy, I am talking about his child? A Well I don't tell anything about his child's age at all.

Q His boy grew? A He didn't grow, but then he is a good size boy, I might guess the size he was just about so high (indicating) and come off here to the station.

Q You don't have no idea when the child was born; as much as 15 years old? A Well, he may be somewhere along 15 or 14, but I can't tell exactly, but he is a good sized boy, I reckon he is pretty near large as me now.

Q Now what is your best judgment as to the age of that child; have you got any judgment at all? A I have judgment, but I can't tell how old he was.

Q I am not asking you the date; what is your best judgment as to his age? A If I knew how old it was when I went up after my wife I could tell pretty near the child's age, but I can't.

Q Well, about how long do you think that man had been away from Mapleton, up to Ottawa, when you went up there; had it been a few days or a few months, or how long? A Well, it has been more than a few days, because he had raised one or two crops up there, and maybe more for all I know, I don't know at all, you have got me to something I don't know, but I know he lived there, that is all I can tell you.

Q And you know he was living there when you went up there? A Yes, sir, because I went to his house.

Q And that was after he was living down at Mapleton? A Yes, sir.

Q Did you ever see him back down to Mapleton after that? A No, sir, I don't recollect seeing him back there anymore at all, he might have come back on a visit, but that I don't know, but when I saw him again I saw him here.

Q When was that? A Well, it was the year that Mr. Wallace's roll was made.

Q Where did you see him? A I saw him out in the country here to a place where he farmed.

Q You know how long he had been here then? A I just know he had been here, made one crop I think.

Q Well, did he tell you that or not? A Well he took me right down and showed me his crop he made.

Q Did he say how long he had been here and where he came from? A He said he had come from up there here.

Q Did he say when he had come from Ottawa or how long he had been from Ottawa home? A He didn't say how long he had been, but he had just been one crop when he came here.

Q How do you know he made one crop? A I don't know; he said so

[illegible] to get
[illegible] y he
[illegible] he
[illegible] he
[illegible] said
[illegible] A Yes, [illegible] first
[illegible] but, do you know any
[illegible] A No, sir, don't know a
[illegible] times I came and visited
[illegible] A I was living up there on
[illegible] there I was living all
[illegible] it is that you know that
[illegible] assume? A Yes.
[illegible] I don't know the year at
[illegible] A '66.
[illegible] from the Cherokee Nation, went
[illegible] when in '66? A No, sir, it
[illegible] I was raised there.
[illegible] in the year 1866? A No, sir,
[illegible] as a sucking baby; I
[illegible] told me they I came
[illegible] here in '62, he said I
[illegible] give it, went up to
[illegible] in '62
[illegible] I don't know when I came,
[illegible]
[illegible] married? A I know he
[illegible]
[illegible] war or [illegible] the war or
[illegible] A [illegible] time
[illegible] now.
[illegible] when the war closed?
A [illegible] war [illegible] right there in
close [illegible]
A Not [illegible] you know about it, what you
saw and [illegible] yourself? [illegible] he was when the war closed?
A I didn't see [illegible] but I know he was living there
when I came, [illegible] was living there too, it
must have been [illegible] that he lived there, but
after that I [illegible] up to Ottawa you know.
Q Do you know [illegible] of '66? A No, sir, it
isn't any more than [illegible] me about '66, not bit more than a
baby, because I don't [illegible]
Q Do you know where [illegible] the year after the war closed?
A I can't tell you [illegible]
Q [illegible] No, [illegible]
Q [illegible] whether he got into a fight or
killing [illegible] Nation shortly after the war?
A [illegible] any fight or killing.
Q [illegible] Wallace Court, where was

[illegible] A No, sir.

[illegible] by Commissioner

[illegible] work raising [illegible] Green [illegible] the name of [illegible] located, I [illegible] knew a man

[illegible] there about a [illegible]ton on

[illegible] you in [illegible], know him well? A I

[illegible] tell the [illegible] about him? A Yes

[illegible] work for [illegible]

[illegible] work for you? A Well I

think it was about a [illegible]

Q [illegible] what period [illegible] '53 and '54.

Q What did he work [illegible] smithing.

Q He learned the [illegible] of? A Yes, sir, he learned that while he was quite [illegible] youngest of the family, and his oldest brother, Bill, [illegible] h, and I was running a shop there and they were [illegible] me.

Q Do you know [illegible]? A Well, I wouldn't say that I do. He m[illegible] of a dream, I am not positive; of course I was [illegible] his wife but it has been so long and not paying any [illegible] would not be positive that I knew.

Q Do you know where he was [illegible]? A To say I know, I don't, but the report was [illegible], and he told me afterwards he lived at Ottawa [illegible] I can explain it to you.

Q [illegible] how [illegible] him? A Well, it must have been [illegible] saw him.

Q [illegible] six years [illegible] A After he left [illegible]

Q [illegible] about when do y[illegible] about that years?

A Well I don't tell [illegible]

Q Well, [illegible] A Well, it must have been a [illegible] that he went [illegible] as sub-

[illegible] you saw him five or six years after that after he went to [illegible]

Q [illegible] at that time? A At Ottawa.

Q [illegible] A No, sir, not as I know of.

Q [illegible] A [illegible]

Q [illegible] any time, say between '75 and [illegible]? A [illegible]

Q [illegible] you? A I [illegible] the Rocky Mountains.

Q [illegible] Lewis' brother, Celia.

Q [illegible] I [illegible] Martin Lim? A Yes, sir, I [illegible] with [illegible] of years.

Q [illegible] you [illegible] six years after he left Maple[illegible] A [illegible] between my home and Mapleton [illegible] on the road and merely addressed him and asked him [illegible] questions, I don't know what, in regard to where he was; he [illegible] kind of a stranger then you know; he told me he was living at Ottawa.

Q Did he tell you what he was doing? A I don't know, I think that he [illegible]

Q You are not positive about that? A No, I wouldn't be positive.

Q Did you ever see him after that? A No, sir, I never saw him after that.

Q You say that during the last years of the war he worked for you in a shop? A [illegible]

Q What were you doing, Mr. Martin, along the closing years of the war? A Why I was running a [illegible] and was making flour for the government, I sold flour to the government mostly, and I run a blacksmith shop in connection with my business there, and I had these fellows employed for the purpose of shoeing horses and doing all kind of a scab thing, we lived right on the trail from Fort Gibson to Lebanon.

Q And Bill Martin was Lewis Martin's brother and lived with him? A Yes, sir.

Q What was Bill Martin's wife's name? A Mattie.

Q [illegible] Mr. [illegible] you stated it was in '63 or '4 that [illegible] A Yes, along about that time.

Q [illegible], where was he in '65? A I wouldn't be positive where he was, to the best of my knowledge he was around Mapleton there or had gone to Ottawa, I wouldn't be positive.

Q Well you don't know then where he was in '65? A No, I can't say where he was in '65.

Q Where was he in '66? A I don't know, sir.

Q You knew what year it was that he went to Ottawa? A No, sir, I don't, to say know the year that he went to Ottawa, I don't.

Q About what year was it that you last saw Lewis Martin? A That I saw him last; last saw him?

Q Last saw him at all? A After I was met him coming from Ottawa, oh it must have been five or six years afterwards.

Q Five or six years after the close of the war? A Yes, sir, must have been five or six years after the war.

Q You haven't seen him in that country since? A No, sir.

SMITH EWING, being duly sworn by Commissioner Needles, testified as follows:

Mr. [illegible] What is your name? A Smith Ewing.

Q [illegible] A I am going on 81.

Q Where do you live? A Ottawa.

Q Kansas? A Yes, sir.

Q How long have you been living at Ottawa, Kansas? Q Went there in '70 [illegible]

Q Did you know a [illegible] the name of Lewis Martin? A Yes, sir.

Q Where did you know him? A In Ottawa.

[illegible] nted with him. [illegible]

[illegible] ? A [illegible]

[illegible] ? A Yes, sir.

[illegible] A Yes, sir.

Q [illegible]

[illegible] ? A [illegible]

Q [illegible]

A Yes, sir.

[illegible] and George

[illegible] in Ottawa? A Black-

[illegible] A I [illegible] be five

[illegible] the [illegible] that I did

[illegible] but it was five or six years

[illegible] He isn't there? A No, sir, I don't

A Yes, sir.

[illegible] you know? A No, he didn't have

[illegible] know that? A I don't know that.

Q [illegible] they? A No, sir, never seen her.

[illegible] ? A No, I can't say where he

[illegible] ng.

Q [illegible] ? A No, I haven't seen him

[illegible] a number of years.

Q [illegible] six years that you saw him at

[illegible] during that time? A No, I was

[illegible] family was out on a farm.

Q [illegible] they live [illegible] time? A Yes, they lived out

on [illegible]

Q [illegible] you [illegible] intervals during that period

or [illegible] A [illegible] I would see him every three or four

[illegible], but then I often would see him.

You [illegible] I'd run around very much, anyway.

Q You [illegible] A No, sir.

Q That [illegible] he was away some? A There would

be [illegible] I don't know where he was gone.

Q [illegible] how long would you miss him,

any [illegible] I wouldn't see him for a month

or [illegible] out on his farm.

Q [illegible] town, I wouldn't know where he was.

[illegible] of your own knowledge? A No, sir.

[illegible] ? A No, I wouldn't know where he was

only [illegible]

Q How far did [illegible] country from Ottawa? A Part of the

time it was two miles.

Q [illegible] for four or five years after '67?

A [illegible]

Q From that date to this you have never seen him? A No, sir, I

have [illegible] him.

Q [illegible] see this man in '67? A Yes, sir.

Q [illegible] A I lived at Ohio City.

Q [illegible] A [illegible] Ottawa.

Q State of [illegible] A [illegible]

Q You know [illegible] '67? A No, I don't know where he

was [illegible]

Q [illegible] that it was '67 that you saw him?

A [illegible]

[illegible] there is where I [illegible]

[illegible] dates, yes.

[illegible] know whether you [illegible]

[illegible] Ottawa.

[illegible] Yes, sir.

[illegible] is right there I [illegible]

[illegible] well I have no [illegible]

[illegible] the way concerned? A Yes, sir.

[illegible] before you went to Ottawa?

[illegible] that was after the way closed? A After it closed, why yes.

[illegible] Hessong, being duly sworn by Commissioner Meeales, testified as follows:

[illegible] your name? A D. J. Hessong.

Q [illegible] your [illegible] A [illegible]

Q Where? A [illegible], sir.

Q How long have you lived [illegible], Mr. Hessong? A I have lived there since '57, have lived there about 44 years.

Q Do you know a colored man by the name of Lewis Martin? A I did.

Q Where did you know him? A In Kapleton, Kansas.

Q [illegible] If any, was he following? A He was running a black[illegible] when I knew him.

Q Do you know where he came from up to Kapleton? A I do not.

Q You never heard him say? A Never heard him say.

Q You don't know where he had lived before he came there? A I think he came from Ottawa, because I know he went back up there a time or two during the time that he was at Kapleton, and he said he was [illegible] on a visit.

Q Do you know about what year he came there to Kapleton? A It must have been [illegible] that, along there.

Q [illegible] A Well, when he came back there I [illegible] and in '77 I went east and when I came back I don't remember whether he was there then or not, but I know he was there a [illegible] years, if I remember right, two or three years, [illegible] I don't remember whether he was there when I came back or not.

Q When did you come back? A I came back that fall and spring, winter of '77.

Q Did you know Martin's wife? A Yes, sir.

Q What was her name? A I believe that they called her Sarah, or something like that; [illegible] two women stayed with him part of the time he was in [illegible]

Q [illegible] A Will?

[illegible] to find out? A Yes, I think there was [illegible] said they were brothers.

Q [illegible] occupation? A Blacksmithing.

Q [illegible] you know Martin's father and mother? A Don't believe I did.

Q [illegible] in before you knew him when he came there [illegible]?

A [illegible] when you knew him there in '76?

A Yes, [illegible] town.

Q He worked as a blacksmith [illegible]? A Yes, sir, him and his brother

[illegible] Needles, testified

[illegible] since '62.

[illegible] Lewis Russell?

[illegible] he [illegible]? A. He was a blacksmith.

[illegible] in about, [illegible] shop

[illegible] of course, I

[illegible] I knew of him.

[illegible] with

[illegible]? A. Well, when they first

[illegible] or near that time there.

[illegible] his name, don't recoi-

[illegible] I did, but I don't remember

[illegible] forgot it.

[illegible] I did Lewis.

[illegible], or is your

[illegible] there and he came

[illegible] 5 or 6, along somewhere, and

[illegible] his brother ran a blacksmith shop

[illegible]? A. Yes. I [illegible], in the spring

[illegible] get back till that fell, and

[illegible] to say that he came back to Kapleton the

[illegible] here then in '75 or '6.

[illegible] Yes.

[illegible] family or not? A. No, I do not.

[illegible]? A. No, sir, I haven't seed

[illegible] you, you knew this man

[illegible] first came here, I think

[illegible] at Kapleton? A. No, I do

[illegible] married man know you

[illegible] A. I [illegible] a single man

[illegible] of years after he

[illegible] he run a shop there, he

[illegible] he married

[illegible] about the time the

[illegible] after the time that you

[illegible] A [illegible] of seeing him till he came there and [illegible]

[illegible] him away from there? [illegible] attention to it at all. [illegible] I suppose, yes.

[illegible] recollection about the [illegible] missed him [illegible] A No, I do not.

Q [illegible]'t well acquainted with him then? A No, I wasn't well [illegible]ted with him.

LEWIS VANN, recalled by applicant, testified as follows:

Q [illegible] you were [illegible] this morning in this case, were [illegible] to say that you never heard of [illegible] that I [illegible] this morning in 1868 in the Cherokee Nation, the Horse Creek [illegible]? A No, sir, I don't know nothing about [illegible].

Q [illegible] you have a kinsman that was killed down there about that time, somebody that was kin to you? A Oh, I know that all right.

Q Who was that? A Wesley Vann.

Q Well, when was he killed? A He was killed the year after the war ceased, he went down there and got killed and that kept the balance of us from coming.

Q Were you along? A No, sir, I wasn't, but then I was going after he got there and wrote back, but then he got killed.

Q Wasn't Lewis Martin with him? A I don't know sir, that is something I don't know.

Q Who was he with, who did this man leave with, this kinsman? A He left with another brother in law of mine.

Q What was his name? A Charley Burgess.

Q Who else? A Charley Burgess and Wesley Vann, they was only ones kin to me.

Q Who else that wasn't kin to you? A Then there was some there by the name of Gilbert Vann and Gilbert Daniels.

Q Who else? A Well, there was a young man along by the name of - I can't think of his name now, he got killed too, one of my fellow servants' sons, lived on the place with me, he got killed.

Q Was George Vann along? A No, sir, he wasn't along.

Q He wasn't there at all? A No, sir.

Q Where were you when these people left Kansas to come down here?

A When they left why I was up here in Kansas, up in Kansas, up to Mapleton, in Bourbon county.

Q Did you stay there all the time? A Yes, sir, I hadn't been five miles from that place since I landed there, I reckon more than five miles anyhow.

Q Did you stay there during the time that these people came down here that you speak of? A Yes, sir.

Q How don't you know Lewis Martin came down here, moved back here?

A Of course he came down here.

Q When? A Well now that is something I can't tell you when, but I know he come.

Q Did he come at that time you are talking about? A Oh no, he was up there but he didn't come when the others came, because I know he was up there.

Q Didn't he come down here with Wesley Vann, didn't they leave together to come down here? A I don't know whether he came with Wesley Vann or not, I don't know anything about that.

Q You don't? A No, sir, I don't think he ever was with them.

Q How did you [illegible] this morning that you never heard of that fight at all? A [illegible] you are talking about, I didn't understand that [illegible], but now since I understand about the killing of my brother in law I know all about that.

Q You do? A Yes, sir, they killed him sure.

[illegible] any of the colored [illegible] either because I [illegible] they went on after they got [illegible]

[illegible] that time come back to [illegible] A. [illegible] that, sir, no, sir, I don't.

Mr. Hastings: You were not in the court? A. No, sir, I was at home [illegible]

Q. All you know [illegible] is just what you heard? A. Yes, sir, about they [illegible] never coming back.

Q. I believe you [illegible] you don't know a thing about dates [illegible] A. Well, I don't.

Q. You didn't know [illegible] A. I don't know no dates about [illegible] thing about that but [illegible] ory asks me about the name of anyone that I know of course I know them, but then to come to dates I don't know no more than a child.

Commissioner: Copies of this testimony will be filed with the testimony in Cherokee Freedman cases D-656, D-657, D-658, D-911, and D-8.

****

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

Bruce C. Jones

Sworn to and subscribed before me this the 12th of October, 1901.

Commissioner.

Wife with Cherokee Freedman Bell, George Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., October 21, 1901.

In the matter of the application of Tobias Bean for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant:
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.

Mr. Mellette: I am going to offer some additional testimony.

Mr. Hastings: What for?

Mr. Mellette: To show the date of what is known as the Horse Creek Fight, out here.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the taking of any testimony as to the date of what is known as the Horse Creek Fight, because that question was gone brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not new matter, and the testimony then introduced by the Cherokee Nation upon this point is not new matter so that rebuttal testimony can be allowed under any rules of procedure.

Commissioner: The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Mary Brown.

Q How old are you, Mrs. Brown? A I don't know my age exactly.

Q Give an idea? A About 60.

Q Are you a Cherokee Indian by blood? A Yes, sir.

Q Recognized citizen of the Cherokee Nation? A Yes, sir, I am.

Q Where do you live? A I live at what is known as the Bowling Ferry place on Grand River.

Q How long have you lived on Grand River? A About 17 years, down there.

Q When did you return to the Cherokee Nation after the war, if you left it? A We came here about three weeks before Christmas, in '65.

Q Where was your home at that time? A About one mile and a half north of Prairie City, that is the name of the place now.

Q Is that a point up here close to Fairland? A Yes, used to be just a depot up above Fairland near the road.

Q Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed, on Horse Creek? A I do.

Q How did you first learn of that? A There was some menn came to my house to stay all night.

Q Who were they? A Kinch West and a band of men.

Q Did you learn from them anything about the colored people being killed? A Yes, sir, they told us they had killed some negroes.

Q How many were in that party? A I can't tell you positive.

Q About how many, or can you give an idea? A About six, to the best of my recollection, I never took no particular notice how many.

Q Did you hear anything further about it after they came to your house? A Yes, sir, two or three days afterwards we heard some colored people got killed.

Q Where was that? A Somewhere on the Military road near Horse

Creek.

Q How far was that from your house? A About six miles.

Q Now when was the [illegible] Brown, and [illegible] came to your house [illegible] or the [illegible] pond? A Fall of [illegible].

Q How do you know it was in the fall of the year? A Because it was [illegible] with cotton.

Q How do you fix it as 1869? A Well, I [illegible] in '68, about three weeks before Christmas, and I [illegible] and the baby was born the 20th day of May, in 1869, and this was the fall following.

Mr. Hastings: Did you ever have any other children born? A Yes, sir.

Q When? A Different times.

Q Well, when was the next one born? A Next one, well I am not able to answer that.

Q Well, when was the second one born? A In 1870.

Q That was the second one after this one? A Yes, sir.

Q When was the third one born? A I can't tell you that.

Q Did you have any more than three? A Yes, sir.

Q How many children have you had? A 13 in all.

Q How do you know that happens in September always after your children have been born? A No, sir.

Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.

Q When were you married? A I can't tell you that.

Q You heard of this question being up before the Courts here five years ago didn't you? A No, sir.

Q Never heard of it? A No, sir.

Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk of it, but as to the date I didn't know anything about it.

Q You didn't know anything about the date? A I didn't know it was about the date.

Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the Courts.

Q Where do you live now? A I live at the Sewing Ferry place.

Q What is your husband's name? A Jim Brown.

Q What was your maiden name? A Mary Miller?

Q When were you married? A I told you I didn't know the date, I don't know the date.

Q And you have got thirteen children? A I have had thirteen children.

Q Now when was your second child born? A The second one was born in '69.

Q When was the third one born? A The third one was born May 26.

Q Of what year? A In [illegible].

Q When was the [illegible] born? A I don't know that.

Q Now when was the [illegible] born? A He was born in 1870.

Q When was the sixth one born? A I don't know that.

Q When was the seventh one born? A I don't know that.

Q When was the eighth one born? A I don't know that.

Q When was the nineth one? A Well, I don't know that.

Q When was the tenth one? A I told you I didn't know.

Q Eleventh one? A I don't know that.

Q Twelth one? A I don't know, I can't count them, all of them.

Q Don't know? A No, sir, I am no scholar.

Q Where was Bob Knight living at that time? A I can't tell you just exactly.

Q How far did you live from him? A I believe he lived on the old Military crossing on Horse Creek, I wouldn't say positive.

Q Well, how far did you live from there, from where that Military road crosses Horse Creek? A About 12 or 13 miles.

And that was the distance, was it? A About [illegible]

Q Had you ever seen Rob [illegible] up to that time? A No, sir.
Q You wasn't over there in that time, the Knight place? A I had passed the road.
Q You saw these people there? A No, sir.
Q You didn't see [illegible] A No, [illegible] I don't call it.
Q You never saw any of these [illegible] at that time? A No, sir, I never seen them.
Q Don't know who they were? A [illegible] them.
Q Don't know who was shot at that time? A No, sir.
Q Don't know where it was? A [illegible] was right at the place.
Q Was it over at this Knight place? A No, sir, not right at the Knight place.
Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was.
Q Kinch West is dead, isn't he? A I suppose so.
Q You have heard it, haven't you? A Yes, sir, I have heard it.
Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
Q Let's have them? A John Wells.
Q Is he alive? A No, sir.
Q Well, another one? A Ben Smith.
Q Is he alive? A No, sir.
Q Who else? A Well, I can't positively say any other one.
Q Yet there was others? A Yes, there was others, but I never got acquainted with them, those I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mellette: I want the testimony taken attached to Lewis Martin, D-282, and Arthur Bean, I don't know the number of that.

Commissioner: This testimony will be filed in those cases and the others to which it is applicable.

****

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

Bruce C. Jones

Sworn to and subscribed before me this the 25th of October, 1901.

[illegible]

Commissioner.

File with Geo. Martin, C. F. D. 211.

[illegible] of the Interior,
[illegible] to the Five Civilized Tribes,
[illegible], Okla.

In the matter of the application of Lewis Martin et al., C. F. D.269

SUPPLEMENTAL TESTIMONY.

Appearances:
Jewett S. Davenport for Cherokee Nation
Mallette & Smith for applicant.

H. C. HARFORD, being first duly sworn by Com'r T. B. Needles, testified as follows for the Cherokee Nation:
(By Davenport)
Q What is your name? A H. C. Harford.
Q How old are you? A 44.
Q What is your post office address? A Ottowa, Kansas, Franklin County
Q How long have you lived there? A Since June, '68--1868.
Q Since you have been living at Ottowa Kansas, did you become acquainted with a colored family named Martin? A Yes sir.
Q Do you know what any of their first names were? A I was acquainted with a man named Lou Martin.
Q What was his wife's name? A Sarah.
Q Did they have any children? A Yes sir, four boys, Will, George, John and Fred.
Q When did you first become acquainted with Lou Martin? A In '68 or '70.
Q Where were they living when you first became acquainted with them? A They lived in the same block I did in Ottowa, on Poplar Street.
Q How long did they live there after you became acquainted with them? A About four years.
(By Smith)
Q What was the oldest one of his boys? A Will.
Q Which is the next oldest? A John.
Q Which was the youngest? A Fred.
Q What did the [illegible] do there? A He was a blacksmith.
Q Do you know that this is the same man that is applying for enrollment in this court? A I know that Lou Martin has applied.
Q How do you know? A From what I heard.
Q Are you swearing from what you heard or from what you know? A I have heard that he has applied.
Q I ask you if you are swearing from what you know or from what you have heard? A I don't know that he has applied, positively, I just heard he had.
Q Then you don't know positively that the man you are swearing about is the man that has applied or not? A No sir, I don't.
Q You didn't know him until '68 or 70? A No sir.
Q Where did he come from to Kansas? A He came from Mapleton to Ottowa.
Q Where did you come from to Ottowa? A I came from Brown County, Indiana.
Q Did you ever live in Mapleton Kansas? A No sir.
Q Was Ottowa the first place you ever lived in Kansas? A Yes sir.
Q Have you never been away since you came there? A Only for two or three months at a time.
Q You have never seen Lou Martin since '70? A Not since he left there.
Q [illegible] A [illegible]
Q [illegible] lived there? A I was acquainted with him [illegible]
Q [illegible] A No sir, [illegible] four years [illegible] four or five years after.
Q [illegible] as to when he came, [illegible] when he

come; I landed there in '65.

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

This will be filed in Cherokee Freedman Cases, D-639; D-656; D-657; D-658; D-911; D-940 and

* * * * * * * * * * *

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 24th of October, 1901.

C. R. Breckinridge

Commissioner.

[illegible] Cherokee Freedmen [illegible]

[illegible]

[illegible]

[illegible] es,

[illegible], I.T.,

In the matter of the application of [illegible] et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicants.

Appearances:

Mellette & Smith, attorneys for applicants;
F. W. Hastings, of counsel for Cherokee Nation.

R. B. ROWE, being duly sworn by Commissioner Needles, testified as follows:

Mr. [illegible] State your name? A R. B. Rowe.

Q What is your postoffice, Mr. Rowe? A Rose.

Q What is your age? A 52.

Q How long have you lived in the Cherokee Nation, Mr. Rowe? A I have lived here all my life.

Q Are you a Cherokee Indian by blood? A Yes, sir.

Q Were you out of the nation during the war? A No, sir.

Q Where were you, Mr. Rowe, in the year 1866? A I was at my father's place.

Q Where did your father live at that time? A Lived in Saline district, Cherokee Nation.

Q Did you know a colored man named George W. Vann? A Yes, I know George.

Q Which George is it you know? A I know George Vann, lives on Spring Creek.

Q Spring Creek George, sometimes called Spring Creek George? A Yes, sir, Spring Creek George.

Q Do you know, Mr. Rowe, when a fight occurred on Horse Creek soon after the close of the war? A Well sir, there was a fight down there, to the best of my recollection it was in '66, fall of '66.

Q Is there anything about the circumstance to make you remember the fight, was anybody killed in it? A There was three men killed I think, to the best of my recollection.

Q What knowledge have you that they were killed? A What knowledge have I?

Q Yes? did you see them? A Yes, I saw the dead men afterwards, saw bullet holes in them.

Q Do you know whether they were buried or not? A Yes, they were buried at Aunt Katie Williams place.

Q Who were the men? A Well I don't just recollect the names, but I think one was named Phil something, I heard the name, a fellow that I didn't know.

Q Were they colored men? A Yes, sir.

Q Who helped to bury them? A A whole lot of colored fellows buried them there.

Q Can you think of those whose names you remember? A There was Colbert Vann, Eli Vann, George Vann, [illegible], and a good many men I don't recollect.

Q How many more do you think there were besides those you mentioned? A I don't know, I never counted them.

Q Do you know what was ever done about that affair, whether anything was ever arrested or not? A No, sir, I never knew who was [illegible] it.

[illegible] Vann that you think of, state whether [illegible] a [illegible] Creek [illegible]

A [illegible]

Q [illegible] was [illegible] man?

I [illegible]

Q [illegible] you [illegible] the year [illegible] go the year [illegible]

Q That is [illegible] A Yes, I [illegible] certain [illegible]

Q What time of the [illegible] you think it was? A Along [illegible]

Q Do you know what [illegible] Horse Creek this fight [illegible] that you speak of? A No, I don't know where it occurred or nothing about it.

Q Know whether it occurred at the old Knight place? A No, sir, I don't know where it occurred.

Q How old were you then? A I guess I must have been 15 or 17 years old.

Q Just a lad of a boy? A Yes, sir.

Q You hadn't been out during the war? A Out of the Cherokee Nation, no I wasn't out of it.

Q There was no date to mark your return by? A No.

Q How far did you live from Horse Creek? A I expect it must be about fifty or sixty miles.

Q You were not up there when the fight occurred? A No, sir.

Q You ever testify to these circumstances before? A No, sir.

Q You were never called upon to remember the date before? A No, sir.

Q You were [illegible] for it? A No, sir.

Q Have any interest in it? A I wasn't interested any way at all.

Q You were not taken to court with for it? A No, sir.

[illegible] testimony will be made part of the record in [illegible] and is D-218, D-[illegible], D-280, D-207, D-[illegible], D-[illegible], D-[illegible], D-[illegible], D-911, D-940, and D-[illegible].

[illegible]

[illegible] C. Jones, being duly sworn, says that as stenographer to the [illegible] to the [illegible] Cherokee Tribe he correctly recorded the proceedings and testimony in the above cause, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1921.

[illegible]

Commissioner.

To be filed with C. P. B-611.
R

C.P.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 3, 1908.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Tobias Bean for the enrollment of himself, wife and child as Cherokee citizens.

APPEARANCES:
Mr. Mellette, of Mellette & Smith, Vinita, I.T., attorneys for the applicants;
W. W. Hastings, of attorneys for the Cherokee Nation.

C.D.MARKHAM, being first duly sworn, and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah, now.
Q How long have you lived in the Cherokee Nation? A All my life except during the war; I went south on Red River.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Where were you in the fall of '66? A I was up here at Grand River, Locust Grove.
Q What were you doing? A Selling goods.
Q Who were you selling goods for? A Why I and my brother and an old man named Elliott from Kansas were interested in the store.
Q During that summer or fall did you learn anything about a fight up on Horse Creek? A Yes, sir, sometime to the best of my recollection about the last of September in 1866. That was when a young darkey came into the store and wanted to get something out of the store and said they had a fight up at Horse Creek, and there was a shot darky in the wagon, the wagon stopped one hundred and fifty yards from the store out in the road; I don't remember how many wagons there was.
Q Was there more than one? A Yes, sir, I think there was as many as three.
Q Where did he say the fight had occurred? A Up about Horse Creek somewhere.
Q After he told you about the fight up there did you hear anything more about it? A Very little, because soon after that I went to Texas, and was gone about six weeks.
Q Now that was in '66 you said? A Yes, sir, I know it was '66.
Q Now you say there was a man by the name of Elliott in the store where you were working? A Yes, sir.
Q What became of him? A Well while I was gone to Texas he was killed and robbed there two miles and a half from the store, on the Orphan Asylum road, and when I come back his son had taken the goods and gone back to Kansas; the store was broke up.
Q You went to Texas in '66? A Yes, sir, about the first of October, is my recollection, and I came back sometime in November.
Q And in the meantime this man Elliott had been killed? A Yes, sir.
Q After you came back from Texas did you hear anything further about the fight on Horse Creek? A Nothing, only just rumor.
Q That there had been a fight? A Yes, sir.
BY MR. HASTINGS:
Q You don't know any of the parties engaged in it? A No, sir, I don't remember those.
Q You don't know either about Tobe Bean being in it? A No, sir.
Q You never saw Tobe Bean at the time? A No, sir.
Q You don't know what place on Horse Creek it was? A No, sir.
Q That is all you know about it? A Yes, sir, that's all.
Q You don't know whether that is the one that Tobe Bean was in or not do you? A No, sir.

BY MR. MELLETTE:
Q You know whether George Vann was in that fight or not? A No, sir, I don't remember the darky that come in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann darkies, but I don't remember what his name was.
Q The darky that come and told you about the fight and said they had a shot man in the wagon was some one of the Vann family? A Yes, sir, but I don't remember the name.
Q When did you see George Vann after that? A I couldn't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.
BY MR. HASTINGS:
Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:
BY MR. MELLETTE:
Q What is your name? A Joshua Ross.
Q How old are you? A 69.
Q You are a Cherokee by blood? A I am.
Q Where were you in the fall of '66, and the winter of '66?
A I was at Fort Gibson, and Tahlequah.
Q Were you at any time up about Locust Grove, a store up there?
A Yes, sir.
Q What place were you? A Well, I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.
Q You mean was it in December '66 or along there in '67? A Yes, sir.
Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.
Q Was that after or before this man Elliott was killed? A It was after he was killed.
Q How do you know George Vann? A I do.
Q Did you see him along about that time? A Yes, sir.
Q Where? A I saw him there at this time.
Q While you were taking these claims? A Yes, sir.
Q This colored man George Vann is the one I mean? A Yes, sir, that was the man.
MR. HASTINGS waives cross-examination.

S.S.STEPHENS, being first duly sworn and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A S. S. Stephens.
Q What is your age? A I am about 64 years old, 63 or 4.
Q Are you a Cherokee by blood? A Yes, sir.
Q Where were you in the year '66? A I was here in the Cherokee Nation. That is in the Cherokee Nation, near Fort Gibson.
Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.
BY MR. HASTINGS:
Q George Vann alive? A Yes, sir.
BY MR. MELLETTE:
Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I got information through George Vann.

BY MR. HASTINGS: I am going to object to that because he was not there and he gets his information through George Vann and this George Vann's alive, present and available.

BY COMMISSION: Answer the question.

A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country, and Sam Smith asked me to write him an order; I wrote an order for Sam Smith for George Vann to kill cattle.

Q What year was that? A That was '66; I wrote the order myself. I remember making the order for more, I was elected school superintendent.

Q Now wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes, sir, when I wrote the order I gave it to Smith and Smith gave it to Vann.

Q What information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.

Q What year was that? A That was in the fall of '66 as near as I can remember.

Q And you don't know the time? A Yes, sir.

Q You wrote the order for George Vann? A For Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.

Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Mose.

Q Did you know Tobe? A Tobe, I mean, I know them well.

Q Did Art and Tobe talk to you about the fight? A Yes, sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.

BY MR. HASTINGS:

Q When did they tell you that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools only among those who were actually citizens.

BY MR. MELLETTE:

Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.

Q Did you talk to them in '66? A Yes, sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.

BY MR. HASTINGS:

Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes, sir.

Q You were around with us a good deal of that time? A Yes, sir.

Q This case of the Horse Creek fight was at that time a burning question? A Yes, sir.

Q Also a great many witnesses were introduced on both sides? A Yes, sir.

Q There was a great deal of discussion about it? A Yes, sir.

Q Did you ever go on the stand and testify at that time? A No, sir.

Q Did you ever tell me, one of the representatives of the Cherokee Nation at that time the facts you knew and now testify about? A No, sir.

Q Never told any one about it? A No, sir, you requested me at

Claremore to see Tip Mayes' daughter, and I had a conversation with her and her conversation was what I told you I think.
Q You told me about it? A Yes, sir.
Q And you told me you knew it too? A You never asked me.
Q Well the daughter of Tip Mayes? A Rachel, the one that married Tuck Bryan, what they testified about it here, looking it up, you sent me over to see,- it was Sam's wife I think, she was there at Rachel's.
Q AndI sent you over there? A Yes, sir.
Q And you came back and told me it wouldn't do? A I come back and told you they thought these people were here at home when they got back.
Q You never told me anything you knew about it? A You never asked me a single thing.
Q You never was on the stand; it was your business to help us get up testimony? A You had me to do certain duties, Hastings, and I did that.
Q This question was largely discussed at that time? A Yes, sir.
Q Well, you never told me you knew those facts you testify about now? A Never did I say a word to you about it.
Q How long were you with us? A Was with you during the whole time, that is from Vinita down.
Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.
Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.
Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.
Q You saw Tobe Bean in '66? A Yes, sir.
Q Where? A Up here at Island Ford.
Q Living there? A I suppose living right there yet.
Q. He was living there? A Yes, sir.
Q Are you positive about it? A No, I wouldn't say I am positive about it; he did live there; yes he did.
Q Have you ever been tried in any courts for anything? A No, sir.
Q Never was convicted? A No, sir. What did you ask that question for? A I am asking you right square across the counter now, you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

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

(Signed) M. D. GREEN.

Arthur O. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the

original transcript.

Arthur Glasmyer

Subscribed and sworn to before me this 12th day of April, 1902.

Robert J. Ruter

Notary Public.

B.
G. F. D-213.

[illegible] of the [illegible]
Commissioner of the Five Civilized Tribes.
Muskogee, I. T., April 5, [illegible]

Supplemental testimony and proof taken in the matter of the application of MARTIN [illegible] for enrollment as a Choctaw Freedman.

Appearances:
Pollette & [illegible], attorneys for applicant.
W. T. Hastings, attorney for Choctaw Nation.

E. J. Clayton, being first duly sworn, and being examined, testified as follows:

Mr. Hastings: What is your name? A E. J. Clayton.
Q What is your age? A I was 56 years old the 22d day of February last.
Q What is your post office? A Walnutown, Bourbon County, Kansas, at this time.
Q When did you come to the State of Kansas?
A I got here on the 7th day of September, 1867.
Q Did you know a colored man by the name of William Martin? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A We called her Oneada.
Q When did you become acquainted with the husband and wife?
A I suppose about the 15th, I think. I put a wagon tongue in in the shop on the 15th of September, as near as I can remember.
Q What was Bill Martin doing? A Blacksmith.
Q What is your occupation? A Farming. I did some work at the wagon business for that winter. That was my occupation for that winter, and no longer.
Q You did work at the wagon trade for that winter A Yes sir.
Q The winter following September, 1867? A Yes sir. The winter and spring of 1867 and 1868.
Q It was the winter after you got the Kansas? A Yes sir.
Q How long did you continue to know this family, Martin and his wife? A I knew them until 1868, I think, I forget just now. He died there about that time, right south of me right on Roach's place.
Q Have any family? A Yes sir, had several children.
Q Know any of them? A Yes sir, but I don't remember their names.
Q Did Bill Martin have a brother that you knew of? A Yes sir, he had Lou Martin, who was a blacksmith and worked there with us at that time.
Q How long did Lou continue to live there? A Until 1870. They worked together until he went away. I seen him there, but never knew anything about him afterwards.
Q He lived around there until 1870? A Yes sir.
Q How long after you came there before you got acquainted with him in the fall of 1867?
A Both worked together in the shop. Worked all together. He had two more brothers there.
Q What were their names?
A One was Tobe and the other was Pert. I think he was older than Bill or Lou either one. Pert was the next one.
Q How long did you know Pert? A Until about 1875.
Q He was a brother to Lou and Bill Martin? A Yes sir.
Q And a brother to Pert Martin? A Yes sir.
Q Did you know Peyton Martin? A Yes sir, knew him well.
Q How long did you continue to live in Kansas there?
A I knew him [illegible] 1869. [illegible] those brothers did. I [illegible] 1869, that some fellow tried to [illegible] of a charge, stealing a horse or a cow, I forget which. A.

Q Did he run away?
A Yes, but they caught him and brought him back, but did not [illegible] against him, then he went away to the Cherokee Nation, and I heard that he was dead. I never knew anything about him after he left there.
Q That was in 1869? A Yes sir.
Q Did you know him [illegible] from 1867 to 1869.
A Yes sir, in 1867 and 1868. He worked for me in the harvest in 1868.
Q Did you know Peyt's wife? A Yes sir.
Q Did you know who he [illegible]?
A A girl by the name [illegible] Neals.
Q Do you know a [illegible] Martin's, Jack Bean?
A Yes sir, I knew [illegible]
Q When did you first [illegible]?
A It could not have been [illegible] than the middle of September, 1867.
Q How long did you know Jack Bean? A He left there in 1866.
Q Was he living there when you came there in 1867?
A Yes sir, he had made a crop up there that summer.
Q He had a family? A Yes sir, he said he had, I never seen his family to know them.
Q Did you know a colored man by the name of Tobe Bean?
A Yes sir. He was a brother to this Martin's wife, he said.
Q How long did you continue to know Tobe Bean up there?
A I knew him until 1868. He helped me harvest in 1868, I think. I am pretty sure he did. My brother and me was together there.
Q You and Bill Martin, the husband of Oneatie, worked together in the shop in the fall of 1867? A Yes sir.
Q Louis worked with you? A Yes sir. Both blacksmiths and good workmen, I thought.
Q Is there any peculiar circumstances that makes you remember Jack Bean, any trade that you made with him?
A He never paid me for a pistol that I brought out of the war. I sold him a pistol that I brought home. He said he wanted to kill a nigger with it, and he never paid me for it either.

Mr. Mellette: What is your name? A E. J. Clayton.
Q Did you know Tobe Bean, who is an applicant for enrollment here, in the Cherokee Nation?
A I don't know whether he is an applicant for enrollment or not.
Q How was Tobe Bean, was he a lame man? A I think so, for he had a sore foot.
Q You will swear that it was the Tobe Bean you know?
A Yes sir, the brother of Oneadie Martin.
Q When did you know him first?
A He was there around the shop all the winter of 1867, pretty much.
Q The winter of [illegible] 1867, you mean?
A No sir, I was [illegible], it was 1867.
Q The winter of [illegible] 1867? A It was the fall of 1867 and the spring of 1868.
Q Don't you know that Tobe Bean, that is an applicant here for enrollment is not a lame man? A I don't know whether he is or not.
Q When did Oneadie Martin leave Kansas to come to the Cherokee Nation? A In 1877 or 1878, I don't know which.
Q She didn't come to the Cherokee Nation in 1866?
A I never heard tell of her in 1866. I was not there in 1866. I knew her in 1867.
Q You said 1877? A I said it was in 1877 when she come to the Cherokee Nation, 1877 or 1878.
Q Was she there in 1877? A She was up there in 1877 or 1878. I forget which it was.
Q Where was Oneadie Martin in 1867?
A Lived on Beach's place, [illegible] south of Mapleton there.
Q Did she come to the Cherokee Nation in the fall of 1866?
A I was not here in 1866, [illegible] 8.

Q When did you move to Kansas? A Moved in 1867.
Q Was Neadie Martin in Kansas when you came there? A I think she was.
Q Do you remember her? A Yes sir.
Q How long ago has it been? A Since 1867?
A Thirty-three [illegible]
Q When were you [illegible] remember back that far as to these people?
A Never asked to [illegible] back to that people.
Q When were you [illegible] to about being a witness in this case?
A About two or [illegible] ago. You mean about this Neadie Martin case, two [illegible] hours ago.
Q When were you [illegible] anything about any of these colored people up there [illegible] first knew them? When were you first talked to about being a witness in any of these cases?
A A week or two ago, I guess.
Q You have not seen any of these people since they left Kansas, have you? A No sir.
Q You don't know anything about them? A No sir.
Q That is a long time to remember? A I guess it is.
Q You keep in your mind clearly all the names of these different colored people, do you?
A Yes, and a whole slough more of them that live there.
Q Why do you remember their names so distinctly?
A They worked for me. This Neadie Martin washed for my wife.
Q You remember Tobe? He is a brother to Bill Martin?
A I think he was the oldest one of them.
Q What county was that in? A Bourbon County, Kansas.
Q How far from the Cherokee line? A About 75 miles.
Q You are positive, as positive as you are of anything in this case that Tobe Bean was in Kansas in 1867, are you?
A I know that he was. That is, I know that there was a Tobe Bean there.
Q Was he a lame man? A He was lame there that winter at some time. I don't know whether it was a permanent lameness, or anything about it.
Q What time did you see him? A He was around the shop in the winter.
Q When, of 1867? A Yes sir.
Q That would throw him into the year 1868 too?
A Yes sir, I think he left there in 1868 or 1869. That is, in the winter, probably, of 1868.
Q Tobe Bean left there in 1868-9 A Yes sir, I think he did.
Q The Tobe Bean that you are talking of? A Yes sir.
Q He did not then, leave Kansas in the fall of 1863 or the fall of 1867? A I don't know what he done in 1866. I was not there in 1865.
Q He didn't leave Kansas in the fall of 1867? A Not to my knowledge.
Q Never went away? A I never missed him if he did. He was around the shop there.
Q The Tobe Bean you are talking about did not leave Kansas until about 1869? A I think it must have been.

Mr. Hastings: Do you know whether these people came down to the Cherokee Nation afterwards, these people that you are talking about?
A They said they was coming here.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases:
D-388, D-389, D-520, D-418, D-305, D-869, D-556, D-657, D-658, D-811, D-846, D-804, D-313, and in the case at bar.

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

Wm. Hutchinson.

File with C.F. D-912, Nancy Claggett.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 25,1901.

In the matter of the application of Ibbie Daniels for the enrollment of herself, one child, one grandchild and husband as Cherokee Freedmen; said Daniels being sworn and examined by Commissioner T. M. Needles, testified as follows:

Appearances:

Messrs. Mellette & Smith, for applicants.
Messrs. Hastings and Davenport for Cherokee Nation.

Q What is your name? A Ibbie Daniels.
Q How old are you? A I don't know how old I am. (Hands paper to Commissioner.)
Q What is your post-office? A Dewey.
Q What district do you live in? A Coweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many children have you got under 21 years of age and not married? A I ain't but but three married.
Q Well, you haven't got any children under 21 years of age, have you? A No, sir.
Q Is Frankie your son? A Yes, sir.
Q Who is Martha Ann? A That is my child.
Q Josephine? A That is my daughter.
Q You haven't got but one child here under 21; what is that once's name, Frankie? A Yes, sir. (17 years of age.)
Q You got a grand children here named Martha Ann? A Yes, sir.
Q Born in 1889; is your name on the roll of 1880? A It ought to be.
Q Well, is it? A I could not tell you whether it is or not.
Q What was your father's name? A Thomas Watie.
Q Is he living? A No, sir.
Q What is your mother's name? A My mother's was Peggie Wann.
Q Is she living? A No, sir, she is dead.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Andy Daniels.
Q Is he a citizen? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q Why didn't he enroll you when he enrolled himself? A He was enrolled.
Q Has he been enrolled by us? A No, sir, He can't come live to wheel him around on a chair.
Q Do you want to enroll him? A Yes, sir.

BY MR. SMITH:

Q Mrs. Daniels, how many children have you older than the child Frankie for whom you apply? A I have got two, Frankie is the baby, I got three that is older that is on the rolls.
Q How many children have you over 21 years of age? A I haven't got but three.
Q Who are they? A Charley, Nancy and Lucinda.
Q Is Nancy's name still Daniels? A Nancy Claggett.
Q Is Lucinda Daniels yet? A Yes, sir, she is living with me.
Q Where do you live? A I live on Caney.
Q Cherokee Nation? A Yes, sir.
Q How long have you lived on the place you live on now? A 22 years or longer.
Q Have you got a farm there? A I have had it fenced, we haven't out there.
Q Where is Nancy living? A She is living over here on California Creek.
Q What is her husband's name? A John Claggett.
Q Where does he live? A Right there near me at Dewey.
Q How old is Charley? A I don't know.
Q Was he born after the war? A Born long before the war.

Ettie Daniels et al 8

Q [illegible] down here at Gibson
af[illegible] the [illegible]
C [illegible] A On Caney.
Q [illegible] the close of the war?
A [illegible]
Q [illegible] Caline and Charley.
Q [illegible] A They are dead.
Q [illegible] Andy Daniels.
Q [illegible] A Married long before the
[illegible]
Q [illegible] have mentioned all his child-
[illegible]
Q [illegible] Yes, sir.
Q [illegible] his wife.
Q [illegible] A Yes, sir.
Q Where did [illegible] live? A Lived Gibson Creek and
rivers.
Q [illegible] the time the war came up?
A [illegible]
Q [illegible] Nation during the war?
A [illegible] some took me down there
and [illegible]
Q [illegible] after the war?
A I [illegible] A [illegible] line is not killed; come back to Gibson.
Q How do you know that? A They all said so.
Q Who did you come back with? A I came back with Government
troops.
Q Who was with you when you came back? A There was a whole lot
of Cherokees and Creeks.
Q Did you have any children at that time? A I had three.
Q Did you [illegible] with you? A Yes, sir.
Q Where was your husband? A I could not tell you, he was in the
army [illegible].
Q How long after you got back did he get back? A It was
about a year and he came to me, we was down at Gibson.
Q [illegible] you stay? A I stayed at that time? A I stayed
Com[illegible] two [illegible] I moved up to Caney.
Q [illegible] since you moved to Caney? A I
[illegible] other place.
Q [illegible], you apply for is that a boy or girl? A Boy.
Q [illegible] with you? A Yes, sir.
Q Was he ever [illegible] any more except the Cherokee Nation?
A No, sir, [illegible].

Q [illegible] your husband isn't here? A He is paralyzed
and [illegible]
Q [illegible]? A No, sir.
[illegible]
Q You [illegible] brought you back from Fort Smith up to Fort
Gibson? A Yes, sir.
Q How far from Fort Smith were you when you got with the troops?
A Right in Fort Smith.
Q Right in the [illegible] A Yes, sir.
Q And you come back up from there to Fort Gibson? A Yes, sir.
Q Now, with whom did you live when you come up to Fort Gibson?
A I lived with old Aunt Sallie Bacon, she is a grandmother of
my daughter.
Q Now, where did Sallie Bacon live? A Lived right in the bottom.
Q How far is it down from Fort Gibson? A It is not very far
from Fort Gibson, right on the edge of the lake.
Q What family did Sallie Bacon have at that time? A No one but
her daughter.

[illegible] A Yes, sir.

[illegible] A No, sir.

[illegible] and a little girl

[illegible] is alive.

[illegible] tell you exactly how old she is.

[illegible] response.]

[illegible] resides there with Sallie

[illegible] get there? A I came

[illegible] I left there in the spring.

[illegible] 1867? A I could not tell you what time.

[illegible] A Yes, sir.

[illegible] A I went to Caney where I

[illegible]

[illegible] out there to Caney? A Yes, sir.

[illegible] your husband, Lady Lindsale? A Yes sir.

[illegible] continued to reside there ever since have you? A Yes sir.

[illegible] claim to have come there in the fall of [illegible] and a half A Yes, sir.

And left there in the spring? A Yes, sir.

And you arrived there two months? A Yes, sir.

[illegible] 1867? A Yes, sir.

[illegible] was it you want? A Three miles.

[illegible] at that time? A No, sir.

[illegible] you [illegible] at that time out there? A Nobody but

[illegible] at that time? A No, sir.

[illegible] year and [illegible] at that time, you and Andy?

[illegible] A Yes sir.

[illegible] A He went off to work.

[illegible]

[illegible] sir.

[illegible] about what [illegible] was that, on Caney?

A No

[illegible] there ever since? A Yes, sir.

[illegible] sir.

[illegible] that place? A Thomas.

[illegible] one born there was he? A Yes, sir.

[illegible] A I could not tell you how old he is.

[illegible] been living there when Tom was born?

[illegible]

[illegible] how many years old Tom is? A No, sir.

[illegible] Lindsline back from Fort Smith with you?

[illegible] A Lea is dead.

[illegible] were living with Sallie Bacon you had three children [illegible]

[illegible] there? A Yes, sir.

Q You did not see Andy for about a year after you got to Fort Gibson? A Yes, sir, he was in the service.

Ibbie Daniels et al v [illegible]

Q Soldier? A Yes, sir.
Q He died there about a year after you did? A Yes, sir.
Q [illegible] ever married? A Yes, sir.

Q [illegible] and he live together at Fort Gibson before you moved to Caney? A I told you we moved down there a year.
Q I am [illegible] with Andy, how long did Andy stay down there with you at Fort Gibson before you and he moved to Caney? A A year and a half.
Q Was Andy there with you all the time? A Yes, sir.
Q And you and he lived together and you moved from there up to Caney? A Yes, sir.

BY [illegible]

Q Mrs. Daniels, I asked you awhile ago the names of your children besides Frankie and you spoke of James, Henry and Charley, and of Nancy and of Caroline and stated that Caroline and James were dead? A Yes, sir.
Q Now, these children whose names I have just called are not all of your children? A Yes sir.
Q Did you have any other? A Yes, sir, of course I have got some other, there is Josephine and Thomas.
Q Is Josephine still Daniels? A Yes, sir.
Q There is she? A She is at home.
Q Living with you? A Yes, sir.
Q Where was she born? A Living on Caney.
Q Was she always lived with you? A Yes, sir.
Q Well, now, you spoke of a Thomas awhile ago? A Well, he is with me too.
Q Is he married or single? A Yes, sir, single.
Q Is he your child? A Yes, sir.
Q Well, was there any others, how about Freeman? A He is dead.
Q How about Lucinda? A Lucinda is my daughter.
Q Is her name still Lucinda? A Yes, sir, she is married.
Q Is she living with you? A Yes, sir; Lewis Jones ain't married.
Q Where does Lewis live? A He lives with me.
Q Where was he born? A Caney, Cherokee Nation.
Q Was he lived anywhere else except the Cherokee Nation? A No, sir.
Q Where does Jones live? A Cherokee Nation.
Q Now about Martha Ann? A She ain't never lived in Choctaw else either.
Q Who was the mother of Martha Ann? A She was a Gaskin.
Q Who was the father? A My son Jim.
Q Is she living with you? A Yes, sir, I have had her ever since she was a baby.
Q How old is she? A 12 years old.
Q The father is dead? A Yes, sir.
Q The mother is dead? A Yes, sir.

BY COURT ATTORNEY:

Q What is the father's name now of Martha? A Jim.
Q Well, who is the mother? A The mother is deaf, she is a Gaskin.
Q Is she a citizen? A No, sir.
Q Was Jones and the mother of this Martha ever married? A Yes, sir.
Q What was her name? A Fiona Gaskin.
Q She was a non-citizen Indian? A Yes, sir.
Q Well, were they ever married? A Yes, sir.
Q How do you know that? A [illegible] Teacher married them.
Q Did you see them married? A I didn't see them married.
Q You will have to prove that marriage? A Well I guess I can prove it.

BY [illegible]:

Q Do any of the witnesses that you called up here know about this

Ibbie Daniels et al B

[illegible] I guess know it.

[illegible] eight or nine years.

[illegible] sir.

[illegible] I know of.

[illegible] call them husband and wife, [illegible] and wife and receive them as husband and [illegible]

Q [illegible] before she married him? A Yes, sir.

Q [illegible] you and your husband lived together [illegible] a year and [illegible] before you married [illegible]

Q [illegible] your husband, did you, Andy?

A [illegible] sir.

Q [illegible] had [illegible] until your husband [illegible] after he was mustered [illegible] mustered out.

Q [illegible] was after he came up there?

A [illegible]

L.D. [illegible] sworn by Commissioner Tate [illegible]

Q [illegible] your name? A L. [illegible]

Q [illegible] you live? A Cl[illegible]

Q How old are you? A 86.

Q How many years have you lived in the Cherokee Nation? A All my life.

Q Are you a Freedman of the Cherokee Nation? A Yes, sir.

Q Recognized citizen? A [illegible]

Q Do you know this applicant, Ibbie Daniels? A Yes, sir, I do.

Q How long have you known her? A I have known her ever since [illegible]

Q Did you see her in 1896? A I seen her sir.

Q [illegible] A [illegible]

Q [illegible] in the field.

Q [illegible] your seeing her? A Well, [illegible] Fort Smith [illegible] there was a good many people come up in the morning; they were going on to Fort Scott and are stopped [illegible] for a certain family there and I told them [illegible] there and then after that I saw her very frequently.

Q How long did she remain in that settlement, do you know?

A Well, she remained there [illegible] year or such a matter.

Q You don't know exactly how long she stayed? A No, because [illegible] I could see her [illegible] days and sometimes more than that, because I would [illegible] every twenty days, every time they would come to pay [illegible] I would see her there.

Q Do you know where she lives now? A Yes, sir.

Q Where? A Down in Canadian County, four miles above Yukon, north.

Q Do you know how long she has been living there? A I have been living [illegible] and when I moved up here they were living over [illegible] there, and she is at home.

Q Do you know her husband? A Well, she had three to Fort Gibson, two girls and a boy.

Q She had three husbands? A Yes, sir, three.

Q Do you know [illegible] she has had since that time? A She has [illegible] I haven't been to her house since [illegible] I was [illegible] and there was five I knew was down with the [illegible]

Q [illegible] many there was that didn't have the chills? A [illegible] was [illegible] many months around there.

Q [illegible] Andy, [illegible] A [illegible] Yes sir.

Q Do you know whether Andy was out of the Cherokee Nation during

Ibbie Daniels et al.

[illegible] belonged to the Second Mounted
Q [illegible] come back? A [illegible] came up to Gibson after
[illegible] there and met this man down [illegible], I don't know
[illegible] '67 or the last [illegible] of '67.
Q [illegible] was mistaken about it? A [illegible].
Q [illegible] your own personal knowledge when he came back
to [illegible]? A No, because I was living to Gibson and
he [illegible] much [illegible] out there and I could not tell you that
time [illegible] the other part of the Cherokee Nation.
Q [illegible] a slave? A I didn't know the former owners of all.
Q [illegible] acquainted with her until '65? A Yes, sir, not
until [illegible]

Q [illegible] at Sam Andy Daniels after the war? I think
[illegible] either latter part of '66 when he came to Gibson.
Q [illegible] in '67 you seen him at Gibson after the war? A
Yes, sir, I seen him in the area.
Q [illegible] this woman living down there when you knew her
[illegible] the war? A She came there every time she would come
to get rations she would come with Isaac Grayson's wife.
Q What was her name? A I don't know, claimed to be his mother.
Q Claimed to be Isaac Grayson's mother? A Yes, his mother.
Q You don't know what house she stayed? A She stayed at her own
house on the old place, about a mile from Houston Tengu's.
Q You saw her three children at that time? A Yes, sir, and I saw
and her children there too.
Q What were the names of these children you saw at that time?
A I didn't know, it was strange to see a Cherokee with a little
white child and she had a white child at that time.
Q Well do you know that she continued to reside around there
at that time? A She stayed around there four or five months to
my knowledge.
Q You would see her about when she came and get her feet under
the table to get rations? A She came to the old house the people
applied to get the rations.
Q You are willing to swear that she was there from '65 until
'67? A I am willing to swear that she was there in '65 and around
there four or five months.
Q To be alive about that? A Yes, sir.
Re-cross of application taken by stenographer, Chas. von Weiss.

---oooOOOooo---

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

(signed) J.O.Rosson.

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

(signed) T.B.Needles,
Commissioner.

Continued from Stenographer, J.O.Rosson.

Nowata, I. T., June 2[illegible]th, 1901.

In the matter of the application of Ibbie Daniels et al.

EASTER WILLIAMS called and sworn by Commissioner T.B.Needles testified as follows:

[illegible] counsel for applicant.
Q What is your name? A Easter Williams.
Q Do you know the applicant, Ibbie Daniels? A Yes, sir, slightly acquainted with her for 20 years.
Q Do you know where she lives? A Yes sir.

Q Do you know [illegible]? A Yes sir.
Q Where has she been living since you knew her? A On Cane [illegible].
Q Do you know who her husband was during the war? A Yes sir, Walker Lerry, was said to be. I heard some of them on Grand River.
Q Did you know her before the war? A No sir.
Q Did you know her during the war? A No sir.
Q You don't know anything about her citizenship? A No sir, not personally.

By Intervenors, the Cherokee Nation, cross-examination:

Q Did you [illegible] A [illegible] about [illegible] years ago.
By Intervenors, the Cherokee Nation, cross-examination:
Q How far do you live from Parkin? A I don't know.
Q Do you know him? A Yes sir.
Q But you don't know how far you live from him? A No sir.
Q When did you see W. [illegible] last after the war? A At Fort Gibson.
Q When was that? A I don't know.
Q Before you left the war? A Yes sir.
Q Was your husband there then? A No sir, he was in the army.
Q That time of the year was it? A [illegible] there, I don't know the month.
Q And you don't know the year? A No sir.
Q At what place was it? A [illegible] in town where I was hired out.
Q At whose house? A I don't know. I don't remember the name.
Q You remember seeing this man Daniel? A Yes sir.

William Foreman, called and sworn as a witness for the applicants.

By Mr. Barnes:
Q What is your name? A William Foreman.
Q What is your post-office address? A Wagoner.
Q What is your age? A 64 years.
Q Are you an Indian? A Yes sir.
Q A Cherokee Indian? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this woman, Chloe Daniels? A Yes sir.
Q Did you know her before the war? A Yes sir.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Thomas Carey.
Q Was her citizen of the Cherokee Nation? A Yes sir, by adoption.
His first wife was a Cherokee, named Jane Duncan and then she died and he married another Cherokee, named Jane Muskrat.
Q Both his wives were Cherokees? A Yes sir.
Q Was he recognized as a Cherokee citizen of the Cherokee Nation? A Yes sir.
Q How far did they live from you at the time of the war? A I was living 10 miles north of their place when the war commenced.
Q He was here when the war commenced? A Yes sir in Delaware district Cherokee Nation at Carey's Prairie.
Q Do you know if this applicant was taken out of the Cherokee Nation during the war? A No sir I didn't.
Q When did you first see her after the war in the Cherokee Nation? A At Vinita before the Dalton court.
Q Did you testify for her claim? A I might have, I don't recollect. I think I did as to her owners.
Q Did you know her husband? A Yes sir.
Q Was his name Andy? A Yes sir.
Q Was he a slave? A [illegible]
Q Who did he belong to? A [illegible] Daniels.
Q Was Zeke Daniels a [illegible] citizen? A Yes sir.
Q Do you know if he was taken out of the Cherokee Nation during the civil war? A I don't know of my own knowledge.

Q When did you first see Andy Lock here after the war? A At Vinita before [illegible]

Further, [illegible] and sworn as a witness for the applicant, [illegible]

Q What is your name? A Polly Vivens.

Q How old are you? A 78

Q Do you know this applicant here? A Yes sir.

Q When did you first get acquainted with her? A Just after peace was made I got here.

Q You didn't know her before the war? A No sir.

Q You don't know who she married? A No sir.

Q Where did you first see her after the war? A At Fort Gibson.

Q How long after [illegible] was declared in the spring and she came in the fall, the first fall after peace.

Q How long did she stay around there? A I guess she said there a little over a year, I don't [illegible] there about that long.

Q Did you ever know of her [illegible] up on Caney to live? A No sir.

Q Never have been at her house on Caney? A No sir.

By Testimony

Q The old she lived with a [illegible]? A Her husband was a soldier when I saw her, [illegible] a little log house and a white girl, [illegible]

Q How far [illegible] A I [illegible] and my grandfather lived at the [illegible] and she lived close to my grandmother, closer to town than my grandfather [illegible]

Q What name did she go by then? A Cornelia.

Q Was she married then? A I don't know, she said when she came there that her husband was in the army.

Q You lost after that before you saw her husband? A I don't remember, didn't pay no attention to him, no I didn't.

Q You don't remember him? A Yes sir, but I don't know how long after that that I saw him.

Q How many children did she have there? A Only that white one.

Cross Q Was that a girl or a boy? A Girl.

Q Do you know Sallie Lawson? A Yes sir that is my grandmother.

Q Did she live in town? A She lived at the lake, this side of Gunman Vann's.

Q And this woman lived down there close? A Yes sir.

By Commission of applicant-

Q Did you ever draw money for another? A Yes sir.

Q Did you draw your own money? A No sir.

Applicant not found on the authenticated roll of 1880.

Applicant not found on the Census roll of 1896.

Applicant not found on the Vann Cliffanroll.

Testimony duly examined and the names of applicants found as follows:

Page 1 No. [illegible] Lorenzo Daniels, Cherokee Nation.

Page 1 No. 2 [illegible] Daniels

Vann Cliffanroll examined and the name of applicants child found as follows:

Page 104 No. [illegible], Frank Daniels, Delaware district.

Q Did you ever apply to the Cherokee authorities to have your name put on the 1880 roll? A Yes sir.

Q Where did you apply? A At Clarensa.

Q That was when they were taking the census? A Yes sir.

Q You never [illegible] to have it done? A No sir.

Q Did your husband? A No sir.

Q You didn't get your share money for yourself or husband? A Yes sir only for the children, me and the old man and Lewis was left out.

Q Is Martha living? Yes sir.

Warn Clifton roll examined and the applicants child is the identified [illegible]
Page [illegible] No. 3004 Martha Hendricks, Delaware District.

By Commissioner Needles-

[illegible] husband Andy [illegible] not identified on any roll [illegible] identified on the [illegible] the years [illegible] that [illegible] wife was [illegible] by his [illegible] between the said [illegible] mother and [illegible] fact that they are not [illegible] of 1880, and by reason of the [illegible] the said Abbie [illegible] her husband [illegible] be denied for enrollment [illegible] a decisional card and she will be notified by a [illegible] decision of the Commission.

Chas. VanWeise, being duly sworn, says 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 thereof.

(signed) Chas. VanWeise.

Subscribed and sworn to before me this the 6th day of July, 1901.

(signed) T. Needles,
Commissioner.

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

M. K. [illegible]

Subscribed and sworn to before me this November 21, 1901.

COMMISSIONER.

Notary Public.

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

ACTING CHAIRMAN.

[illegible] OF THE COMMISSION,
CONGRESS[illegible] TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 27th, 1901.

In the matter of the application of Nancy Claggett for the enrollment of herself and seven children as Cherokee Freedman and for the enrollment of her husband as a Cherokee Freedman by Intermarriage; said Claggett being sworn and examined by Commissioner T.B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, For Applicants.
Mr. J. S. Davenport, For Cherokee Nation.

Q What is your name? A Nancy Claggett.
Q How old are you? A 30.
Q What is your post office? A Nowata.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children and my husband.
Q What is your husband's name? A John Claggett.
Q How old is he? A I don't know.
Q About how old, Mrs. Claggett? A 40 I suppose.
Q How many children have you? A Seven.
Q All under age and unmarried? A All under age.
Q Give me the names? A Willie.
Q How old is he? A 14.
Q The next one? A Elizabeth Claggett.
Q How old is Elizabeth? A 12.
Q The next one? A Isabella Claggett.
Q How old is Isabella? A Ten.
Q The next one? A Mariah.
Q How old is Mariah? A Seven.
Q The next one? A Alexander.
Q How old is Alexander? A Five.
Q The next one? A Nancy Jane.
Q How old is Nancy? A One years old.
Q Is that all? A Jessie May.
Q How old is Jessie? A She is three years old.
Q Are these children all li ving at this time? A Yes, sir.
Q All living with you? A Yes, sir.

BY MR. SMITH:

Q Nancy have you got a certificate of your marriage to your husband? A Yes, sir.

Mr. Smith: If the Court please I desire to offer a license issued by the Cherokee Nation authorizing the marriage, by William V. Carey, Clerk of Coowescoowee District of the Cherokee Nation, authorizing the marriage of John Claggett, a citizen of the United States, to Nancy Jane Daniel, a citizen of the Cherokee Nation.

Mr. Davenport: The Representatives of the Cherokee Nation object to the introduction of said li cense for the reason that there is no law authorizing the issuance of a license to a citizen of the United States to marry a citizen Freedmen of the Cherokee Nation, an d if the Clerk violates the law in issuing a li cense to a non-citizen it does not tend to prove that a non-citizen can acquire the rights of citizenship by Intermarriage.

Com'r Needles: The license will be filed.

Mr. Smith: If the Court please I desire to offer the marriage certificates.

Com'r Needles: The applicant offers a marriage certificate certifying that John Claggett, of Butler County, Kansas, and Hannah J. Daniels, a citizen of the Cherokee Nation were married on the 2nd day of August, 1886; the certificate signed by Reverend Samuel Webber. The certificate and marriage license will be filed.

BY MR. SMITH:

Q Where hxxxxxxx do you li ve now, Mrs. Claggett? A I live north of Nowata.
Q How far from Nowata? A Three miles.
Q How long have you been living there? A I have been living there about 16 years.
Q Have you a farm there? A Yes, sir.
Q How long have you had it? A Ever since we have been married; we ade it after we married.
Q Where did you live before you married? A I lived out here to Bartlesville, 25 miles west of here.
Q In there Cherokee Nation? A Yes, sir.
Q With whom did you live? A With Mrs. Daniels, my mother.
Q What is her name? A Ibbie Daniels.
Q How old are you? A 20.
Q Has your mother applied for enrollment here before this Commission? A Yes, sir.
Q Were you here when she applied? A Yes, sir; I was here.
Q What brothers and sisters have you who are grown? A Well, the eldest one is Charley Daniels and the next one is Thomas Daniels.
Q And who is the next one? A The eldest one is Lucinda Daniels
Q And the next one? A Lewis Daniels and Jonas Daniels and Josephine Daniels.
Q Q That brings it down to the minor children with your mother, that she applied for does it? A Yes, sir.

BY COM'R NEEDLES:

Q What is your father's name? A Andy Daniels.
Q He is living? A Yes, sir.
Q And what is your mother's name? A Ibbie.
Q Have you lived in the Cherokee Nation ever since you married?
A Yes, sir.
Q Were these children all born in the Cherokee Nation?
A Yes, sir.
Q All living at this time? A es, sir.

BY MR. DAVENPORT:

Q You were married in t he Cherokee Nation were you? A Yes, sir.

BY MR. SMITH:

Q Are ou on any of the rolls of the Cherokee Nation? A Yes, sir we ought to be on the roll.
Q Are you on the Kern-Clifton roll? A Yes, sir.
Q Did you draw money? A Yes, sir.

The 1880 Authenticated and 1896 census Roll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicants found thereon as follows:

Page 124, #3085, Willie Claggett, Delaware District.
Page 124, #3086, Lizzie Claggett, Delaware District.
Page 124, #3087, Isabell Claggett, Delaware District.
Page 124, #3088, Maria Claggett, Delaware District.
Page 124, #3089, Nancy Claggett, Delaware District.

BY COM'R NEEDLES: You didn't draw for John, your husband?
A No, sir.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 108, #2299, Nancy Claggett, Cooweescoowee District.

JOHN CLAGGETT, being duly sworn by Commissioner T. B. Needles, testified as follows:
BY MR. W. W. HASTINGS, Cherokee Representative:

Q What is your name? A John Claggett.
Q What is your age? A Be 48 years old 26th day of this month.
Q When did you come to this country? A I came here in 1880.
Q Where were you first married? A Up here on California Creek.
Q Is this your first wife? A Yes, sir.
Q You were never married before? A No, sir.

NANCY CLAGGETT, the Applicant, recalled: BY MR. HASTINGS:

Q Were you ever married before? A No, sir, first time.

BY MR. DAVENPORT: I want to offer a certified copy of a decision of the Supreme Court of the Cherokee Nation regarding colored citizens of the Un ited states intermarrying with colored women citizens of the Cherokee Nation, rendered Ju ne 21, 1871.

BY MR. HASTINGS:
Q Did you ever have a child before you married this man? A No, sir.
Q All the children were born since your marriage? A Yes, sir.

BY MR. SMITH: The Applicant objects to the introduction of the evidence offered for the reason that it is incompetent, immaterial and irrelevant.

Com'r Needles: This will be filed and objections noted.

COM'R NEEDLES: Nancy Claggett applies for the enrollment of herself and seven children as Cherokee Freedmen and also applies for the enrollment of her husband as a Cherokee Freedman by Intermarriage. She c annot be identifie d u pon the authenticated roll of 1880 or census roll of 1896, but is identified upon the Kern-Clifton roll and Wallace roll. her four oldest children are also identified upon the Kern-Clifton roll. The names of her three younger children are not found upon any of the rolls and it will be necessary for her to make satisfactory proof as to their brith. She avers that she is a child of Andy and Ibbie Daniels, she c laims her citizenshi p through her mother and the t estimony taken in the matter of the application of Ibbie Daniels on doubtful card #659, will be made part of the record in the case at bar and a copy of said t estimony will be filed herewith. The said Nancy Claggett and her children as enumerated herein, will be list ed for enrollment as Cherokee Freedmen upon a doubtful card. Applicant presents a duly authenticated marriage license issued by the authorities of the Cherokee Nation authorizing the marriage of herself and John Claggett and also a certificat of marriage, on the 23d day of August, 1889, and that they have been li ving together as man and wife from that date until the present time, and the said children for whom applicant applies is the result of said marriage between herself and John. Satisfactory proof has been made as to the residence of John Claggett and he will now be listed for enrollment as a Cherokee Freedman by Intermarriage upon a doubtful card. Said Nancy Claggett wi ll be duly notified by mail of the action of the Commission when the same is acted upon by the Commission.

Nancy Claggett, et al, v.

J. O. Rosson, being first duly sworn, states that as st enographer to the Commission to the Five Civilized Tribes, he correctly recorded the t estimony and proceedings in t his case, and that the foregoing is a true an d complete transcript of his stenographic notes thereof.

J O Rosson

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

Commissioner.

VALLE

File with John Clagget et al C.F.D. 912

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

SUPPLEMENTAL TESTIMONY in the case of Andrew Daniels, C. F. D. 859

W. W. Hastings attorney for the Cherokee Nation.
Mellette & Smith attorneys for the applicants.

JOE B. PARKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

Q What is your name? A Joe B. Parker.
Q How old are you? A I don't know exactly, between 52 and 4.
Q What is your post office? A Welling.
(By Hastings)
Q How far do you live from the town of Caney? A About 7 miles north.
Q Do you know a colored man in the vicinity named Andrew Daniels? A
A Yes sir.
Q Do you know his wife? A No sir, I don't.
Q Do you know her name? A No sir, I don't.
Q Is this man an old man, middle age or young man? A Old like.
Q Has he a family? A Yes sir.
Q Do you know any of the members of his family? A No sir, I don't, I have never been to their house.
Q How long has he been living out in that vicinity? A Ever since the Delawares came there.
Q What year did the Delawares come there? A In '68.
Q Do you belong to the Delaware tribe? A Yes sir.
Q Where did you first know this Andrew Daniels? A Up here in Kansas where the Delawares had their reservation.
Q How long did you know him in Kansas? A About a year.
Q Did you come here with the Delawares? A No sir, there was a few families come first; the first ones that started they stopped here on Grand river, and I came with them, we stopped with the Wyandotts first and then come on.
Q About what time did you leave Kansas? A Went through Lawrence Kansas on the first day of January '68.
Q Prior to that time you had known Andrew Daniels in Kansas about a year? A Yes sir.
Q Did he come with you? A No sir.
Q When did you next see Andrew Daniels? A That was along in August some time, in '68.
Q Where? A Up there on Caney.
Q In the Cherokee Nation? A Yes sir.
Q State how you come to see him? A I and another boy got on our horses and went visiting and we run on to the camps there on Caney and I saw him.
Q Whose camps? A The Delawares camps.
Q How far was that from where this Andrew Daniels is now living? A
A About three miles below.
Q In the same neighborhood then? A Yes sir.
Q Have you known him ever since? A Yes sir.
(By Smith)
Q How old were you when you come to the Cherokee Nation? A Just as I said a while ago, I don't know my age exactly.
Q Well, about how old were you? A Must have been about twenty.
Q Were you grown? A Yes sir.
Q Married or single? A Married.

Q Where did you [illegible] A Kansas.
Q Near what [illegible] I lived 2 or 3 miles [illegible]
Q You [illegible] of Delawares [illegible]? A [illegible] the reservation and staid all winter.
Q You stated that you [illegible] in Kansas? A Yes sir.
Q [illegible] you give [illegible] A It must have been about '65 [illegible] when I saw him first.
Q [illegible] you ever [illegible] sir.
Q [illegible] A [illegible] I lived, working for old man [illegible]
Q [illegible] A Must have been about [illegible]
Q [illegible] before you came here? A [illegible] don't [illegible] such a matter.
Q You [illegible] A No sir.
Q [illegible] the Cherokee Nation you say [illegible]
Q [illegible]
Q [illegible] No sir.
Q Don't [illegible] A No sir.
(Cross Exam.)
Q [illegible] A Yes sir.
Q [illegible] about the first of '68? A I cant tell that I don't know [illegible] then.
Q Had you been hid [illegible] that? A Yes sir.
Q Where had you seen him? A He was [illegible] for old man Sarcoxie.
Q How long before you left [illegible] you seen him? A I dont remember that [illegible]
Q Have you no knowledge as to about how long you saw him in Kansas before you left [illegible] here? A No sir I dont know.
Q You have no [illegible] as to whether it was a short time or a long time? A No sir.
(By the Commission)
Q Your first recollection of him in Kansas was in '65? A Yes sir in '65 or '66.
Q Soon after the close of the war? A Yes sir.
Q Was he living in your neighborhood at that time? A Yes sir, four miles from where we lived.
Q There did he [illegible] from that time until the first of [illegible]
Q You don't [illegible] you were there in that neighborhood or not? A No sir.
Q Have you any [illegible] of meeting him from '65 until you left in [illegible] any [illegible] to the fellow; the way I got acq[illegible] the [illegible] field in '65 or '6.
Q Have you any recollection of seeing him from that time until '68? A No sir.
Q If he was living in your neighborhood then you dont recollect it? A No sir.

(Continued by stenographer Bruce G. Jones.)

Chas. [illegible] being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes [illegible] reported in full all the proceedings in the above [illegible] and the foregoing is a full, true and correct transcript of his stenographic notes thereon.

Subscribed and sworn to before me this [illegible] of October, 1901.

Commissioner.

— Continued from testimony taken by Mrs. von Weise. —

[illegible] by Commissioner Breckinridge, [illegible] Parker, interpreter:

Q [illegible] A [illegible]

Q How old are you [illegible]

Q What is your [illegible]

Q Are you a citizen [illegible]? A Yes, sir.

Q Are you a [illegible] A [illegible]

Q What are you [illegible]? A [illegible]

Mr. Breckinridge: How far do you live from the town of Dewey? A About six miles.

Q What direction? A A little bit northwest.

Q Do you know a colored man out in that vicinity by the name of Andrew Daniels? A Yes.

Q Do you know his wife? A Yes, I have seen his wife.

Q Do you know her name? A No, I don't know her name.

Q How long have you known Andrew Daniels? A About a year before I left Kansas.

Q When did you come from Kansas? A I don't know, it has been about 35 years ago.

Q Did you come with the Delawares when they came to this country? A Yes.

Q You don't remember the year that the Delawares came here? A No.

Q Was it before or after the Delaware Treaty with the Cherokee Nation, the Delaware Treaty? A Yes, after the treaty.

Q That were you doing up there in Kansas? A I was making some ties there on the railroad.

Q How far was Andy from where you lived? A About half a mile from where I lived.

Q Do you know what time of the year you left up there? A Left there in the spring.

Q Do you know where Andrew Daniels was when you left, where Andrew was when you started to come down here? A No.

Q Well, what became of him? A Well, when I started I don't know, I don't know where Andrew Daniels was, but after the Delawares came together at the [illegible], then Andrew was there.

Q What county? A A little west of Leavenworth.

Q Kansas? A Yes, sir.

Q Then what became of Andrew Daniels? A He came down with them.

Q Came down with the Delawares? A Yes, sir.

Q Where did he come to? A Came on down, Cherokee Nation.

Q Has Andy lived up there in that vicinity ever since? A He went back to Kansas after they came down here.

Q That is Andrew Daniels? A Yes.

Q How long did he stay up there, or stay away? A I don't know how long he was gone, but he went after his family up there in Kansas.

Q When he came back did he have his family? A Yes, he had his family.

Q Well, have you known his there ever since? A Yes.

Q Well, he has a wife and [illegible], has he? A Yes.

Mr. Smith: How old were you when you came down to the Cherokee

[illegible]

Q [illegible] A I [illegible] I was

[illegible] they came as

[illegible]

Q [illegible] you

[illegible] it

Q [illegible] I know it was

[illegible]

Q [illegible] about

[illegible] go.

Q [illegible] had

[illegible] live?

A [illegible]

Q [illegible] A [illegible]

Q [illegible] all his time.

Q [illegible]

Q How long [illegible] it was several years ago.

Q [illegible] A Yes.

Q [illegible]

Q [illegible]

Q [illegible] [illegible] A No, I never did know [illegible]

Q [illegible] about the children of Andrew Daniels? [illegible]

Q [illegible] of many of these children? A No, but I [illegible]

Q [illegible] A No.

Q [illegible] is [illegible] about when you [illegible], have any [illegible]

Q [illegible] A No.

Q [illegible] the [illegible] Daniels'

Q [illegible] Daniels, how long [illegible] A [illegible]

Q Is [illegible] A I don't remember, [illegible] I don't [illegible]

[illegible] in [illegible] of [illegible]

[illegible]

Q [illegible] A [illegible] I don't know [illegible]

Q [illegible] A It was [illegible] up there in [illegible]

Q [illegible] the [illegible] came down to the Cherokee [illegible]

Q [illegible] of the Delawares at that [illegible] time?

A [illegible]

Q [illegible] A Very [illegible]

Q [illegible]

Q [illegible] A [illegible]

right [illegible] making ties.

Q [illegible] down to the Cherokee Nation?

A [illegible]

Q [illegible] A Yes.

Q [illegible] you [illegible] down here along in June?

A [illegible]

Q [illegible] Withrow was cutting ties [illegible] fall the winter before.

Q [illegible] Yes.

Q [illegible] the time he was making ties [illegible] time he came with you?

A [illegible] saw him on the road with [illegible]

Q [illegible] fall in [illegible] Bellefonte? A Well I [illegible] hired him to drive a [illegible]

Q [illegible] was he? A Yes, sir.

Q [illegible] a good man? A Yes, sir.

Q [illegible] in the Cherokee Nation before [illegible]

Q [illegible] neighborhood [illegible]? A Yes, right close to Carey.

Q [illegible] living there even after he went back up to Kansas and got his family? A Yes.

[illegible] Edmund Duncan Carey, being duly sworn and examined by Commissioner [illegible]:

Q [illegible] full name, Edmund Duncan Carey.

Q How old are you, Mr. Carey? A Going on 70.

Q What is your [illegible]? A Iowa.

Mr. [illegible]: Will you what was your father's name? A Thomas Carey.

Q [illegible] your father live before the war? A He lived right on the small [illegible] river at Carey's Ferry, it was known, about half a mile [illegible]

Q [illegible]? A Right near where I live now.

Q [illegible]? A Yes, sir.

Q [illegible] citizen of the Cherokee Nation by blood?

A [illegible]

Q [illegible] mother's name? A Jane Carey.

Q [illegible] the war came up? A No, sir.

Q [illegible]? A Yes, sir.

Q [illegible] have a colored woman as a slave by the name of Abbie? A [illegible]

Q [illegible] with reference to the war? A I left [illegible] in June.

A [illegible]? A [illegible]

Q [illegible]? A No, he moved across into Missouri [illegible]

Q [illegible]? A She was with my father.

Q In [illegible]? A [illegible]

Q [illegible]? A Yes, sir.

Q [illegible] your father? A 'Bout, sometime in June.

Q [illegible] this time? A He is dead.

Q [illegible]? A [illegible], I can't tell you just exactly, about 30 [illegible]

Q [illegible] after the war? A Just after the war two or three years.

Q Now when you saw your father - I believe you said in June?

A [illegible]

Q In June of [illegible] had to have this colored woman, Abbie, with him?

A Yes, sir.

Q Where did you see your father? A [illegible]

Q Did he have any colored people with him? A No, sir.
Q Did your father remain there in Fort Smith? A No, he went on back up to Butler Creek in Missouri.
Q Fort Smith, Arkansas, to Missouri? A Yes, sir.
Q Did he go as you went along? A Yes, sir.
Q Along as you went? A Yes, sir.
Q He didn't have any colored people with him? A None at all.
Q What had become of this colored woman, Abbie? A Well, he said he sold her in Fort Smith.
Q When did he tell you that? A Well, when I first met him in Fort Smith.
Q In June of '63? A Yes, sir.
Q And you saw her no more? A Never saw her any more, never saw her yet.
Q You have never seen her since the war? A No; if I have I haven't knowed her.
Q You don't know by what name she goes now? A Well now, her man was by the name of Daniels.
Q Well, did you know Daniels' first name before the war? A Andy.
Q To whom did Andy Daniels belong before the war? A He belonged to one of the Daniels, I don't recollect his name now.
Q Anyway, the man and the woman belonged to different people, didn't they? A Yes, sir.
Q Your father had no control over Andy? A None at all.
Q Was there any other Isaac Carey, who lived over there on Grand River, before the war? A No, sir.
Mr. Smith: Mr. Carey, how old were you when the war commenced? A I don't know, somewhere about thirty.
Q Married or single? A Married.
Q Where were you living? A I was living right on the river bank at the ferry.
Q How far from your father's? A About half a mile or more.
Q What date did you leave there, you speak of going away? A I went away in July sometime.
Q What year? A '62.
Q Where was your father at the time you left? A Well he went, when I went to the army, went to Missouri.
Q He go before or after you left? A He went just the same time, we both went across the line at the same time, I went to the army and he went to a place up there.
Q Did you leave your home place and travel together until you crossed the Missouri line? A Yes, sir.
Q That was in July, '62, was it? A Yes, sir.
Q Then where did you separate from your father? A Separated right there in the edge of Missouri, I went in the army and he stayed there.
Q Then how long from that time was it until you saw your father again? A Well it was along sometime in June, 1863.
Q About a year? A Pretty near a year, it wasn't quite.
Q Are you sure it was '63? A Yes. I am pretty sure it was '63.
Q Are you quite certain about it? A Yes, sir.
Q You couldn't be mistaken? A No, sir, don't think I could.
Q Now what was your father doing in Fort Smith? A He moved down there he said.
Q Had moved to Fort Smith? was he living there? A Well, he moved down there with some of his darkies, and he said he sold them there; I was in the army, I don't know what he was doing, I met him there.
Q You see any other members of your father's family there? A No, sir
Q How long had your father been in Fort Smith at the time you saw him? A He has been there a week or two.
Q That was June, 1863? A June, 1861, as well as I recollect.
Q You know whether it was in the summer or not? A Well yes, sir, it was warm weather.

Q It was in [illegible] A I guess so.
Q Was it [illegible] time, that your father had sold [illegible] to you? A Yes, sir.
Q Did [illegible] No, sir, I never asked him.
Q He [illegible] within a week or two of the time you [illegible]
Q [illegible] the time you and he before that left the [illegible] A Yes, sir, him and his family went out, his wife and him and his daughter went together, and he [illegible]
Mr. [illegible] Q [illegible] time to see your father from [illegible] or did you stay in the army? A I stayed in the army, and [illegible] back up there.
Q Did you see your [illegible] A No, I didn't see him for a year afterwards pretty near, we went out on a scout and he went out to Texas with us.
Q Did he have any wives among them when he went to Texas? A No, sir.

Mr. Hastings: I want to introduce, from the laws of the Cherokee Nation, 18[illegible], the date of the Delaware Agreement, made with the Cherokee Nation, about which date I suppose there is no dispute, which [illegible] on the [illegible] day of April, 1867. I don't care to put the whole agreement in there, it is not necessary except for the purpose of the date when that agreement was entered into.

Commissioner: This testimony will be filed as supplemental testimony in Cherokee Freedman cases D-869, Andrew Daniels et al: and also in Cherokee Freedman Doubtful cases D-912, D-913, D-931, D-968, D-965, and D-971.

****

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

Bruce C. Jones

Sworn to and subscribed before me this the 7th of October, 1901.

Commissioner.

[illegible]

[illegible] Tribes,

[illegible] matter of the application of FANNY ADAMS for enrollment as a [illegible] Freedman;

[illegible] appears by [illegible] to [illegible]

[illegible] in the [illegible] a [illegible] case and [illegible] to the said case of [illegible] and it is ordered, [illegible] that a copy of the said decree be filed in this case and [illegible] following class, to-wit:

Fanny Chesnutt, D 415;

By W. W. [illegible]:

Comes [illegible] Cherokee Nation and objects to the introduction of the [illegible] decree. First: It does not tend to show that the applicant [illegible] a citizen of the Cherokee Nation at the beginning of the year, [illegible] returned within the time specified in the treaty of [illegible], or that she had been a continuous resident of the Cherokee Nation since [illegible], or that she is a descendant of such a person. Second: [illegible] the same is incompetent, irrelevant and immaterial, [illegible] to prove any [illegible] case. Third: Because the [illegible] will take judicial notice of all laws, treaties and [illegible] of the right of any person [illegible] Fourth: The Cherokee Nation [illegible] copy of this decree in the [illegible] is called and filed in each [illegible] case.

[illegible] The motion of the [illegible] for the applicant will be sustained and the decree of [illegible] in the case of [illegible] will be [illegible] by reference in all [illegible] cases which come [illegible] provided [illegible] from recently granted [illegible] of the [illegible] of the Northern District, Indian Territory.

It is [illegible]

[illegible] further [illegible] that as to the above named cases including [illegible] that counsel for the applicants be allowed [illegible] to file proof of any or all of the [illegible] other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was co[illegible] mission o[illegible]

[illegible]

The C[illegible]

[illegible]

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

I hereby [illegible]

in notice on [illegible]

by delivering a true copy [illegible] on the

day of [illegible] A. D. 1901

Given under my [illegible]

day of [illegible] A. D. 1901.

Marshal for the [illegible]

I, the undersigned [illegible] the within named [illegible] hereby accept service of the within notice on this the

day of [illegible] 1901.

[illegible]

[illegible] OF [illegible] } s. s.

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

on the day of A.D. 1901

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

Notary Public.

Filed SEP 13 1901

NOTICE!

IN THE MATTER OF the application of John Claggett for enrollment as a Cherokee citizen:

Case No. D 212

To John Claggett or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory*, Indian Territory, on Sat. Oct. 1st at 9 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 on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L B Bell

N. M. Hastings

Attorneys for the Cherokee Nation.

File with C.R. P-[illegible], Lucin[illegible]

[illegible] Com-

[illegible] paper

[illegible] A Yes, sir.

[illegible] child

[illegible] of age and not

[illegible] of age, have

[illegible] at is that

[illegible] are.)

[illegible] A Yes, sir.

[illegible] A I [illegible]

[illegible] it is or not.

[illegible] A [illegible]

[illegible] A [illegible] Peggie Vann, [illegible]

[illegible] is dead.

[illegible] A [illegible] Daniels.

[illegible] enrolled himself? A He was

[illegible] A Yes, sir, he can't come here to

[illegible] Yes, sir.

[illegible] older than the child

[illegible] Frankie is the

[illegible] A I have n[illegible]

[illegible] living with me.

[illegible] A 27

[illegible] I've had it indeed, we haven't

[illegible] living over here in California

[illegible] A [illegible]

[illegible] war in at Dewey.

[illegible] A [illegible]

[illegible] born after the war? A Born long before the war.

Ibbie Da[illegible] et al 2

Q [illegible] down here at Tahlequa
after t[illegible]
Q [illegible] A Fort Gibson.
Q [illegible] of the war?
Q [illegible]
A [illegible] Charley.
Q [illegible] are dead.
Q When was [illegible] long before the war.
A [illegible] ned all his children
Q [illegible] A Yes, sir.
Q [illegible] and his wife.
Q [illegible] A Yes, sir.
A [illegible] lived right in Fort Gibson.
Q [illegible]
A Lived [illegible] the war broke up.
Q [illegible]
A [illegible] during the war
and [illegible] down there.
Q [illegible]
A I [illegible] after the war
son. [illegible] came back to Gibson.
Q How do you know [illegible] did so.
Q Who did you come back [illegible] came back with Government
troops.
Q [illegible] with you when you [illegible] A There was a whole lot
of Cherokees and Creeks.
Q Did you have [illegible] children at that time? A I had three.
Q Did you bring [illegible] A Yes, sir.
Q Where was your husband? A I [illegible] not tell you, he was in the
army th[illegible]
Q How long a t[illegible] he got back? A It was
about a year and [illegible] we were down at Gibson.
Q [illegible] at that time? A I stayed
down [illegible]
Q [illegible] moved up to Coweta.
A [illegible] you moved to Coweta? A I
Q [illegible]
Q [illegible] that a boy or girl? A Boy.
Q Was [illegible]
A No, [illegible] Cherokee Nation
Q [illegible]
and could [illegible] isn't here? A He is paralyzed
Q [illegible] A No, sir.
Q [illegible]
Q [illegible] you back from Fort Smith up to Fort
Gibson? A Yes, [illegible]
Q How far b[illegible] Fort Smith were you when you got with the troops?
A Right in [illegible]
Q [illegible]
Q And you [illegible] Fort Gibson? A Yes, sir.
Q Now, [illegible] you come up to Fort Gibson?
A I lived [illegible] Old Aunt S[illegible] she is a grandmother of
my daughter.
Q Now, where [illegible] A Lived right in the bottom.
Q How far w[illegible]
from [illegible] A It is not very far
Q [illegible] the land.
Q [illegible] been here at that time? A No one but
her daughter.

Q What was her daughter's name? A Named Polly Nivens.
Q They were living together at that time? A Yes, sir.
Q Is she a witness in your case? A Yes, sir.
Q Did you have her called up here a while ago? A No, sir.
Q Was any of your children born there? A Had a little girl born there.
Q What was her name? A Fancy Jane.
Q Is Fancy alive? A Yes, sir, she is alive.
Q How old is Nancy? A I could not tell you exactly how old she is.
Q Have you got it down on your paper? (No response.)
Q Well, now how long did you continue to reside there with Sallie Bacon? A I stayed there a year and a half.
Q Now about what time of the year did you get there? A I come there in the fall.
Q In the fall of '65? A Yes, sir.
Q What time did you leave there? A I left there in the spring.
Q Now was that the spring of '66 or '67? A I could not tell you what time.
Q You stayed there two winters? A Yes, sir.
Q Now, where did you go from there? A I went to Caney where I am living now.
Q Direct from there? A Yes, sir.
Q Now, did you go with your husband out there to Caney? A Yes, sir.
Q And by what you mean your husband, Andy Daniels? A Yes sir.
Q You and him continued to reside there ever since have you? A Yes sir.
Q Now let's get it right, you claim to have come there in the fall of '65, you stayed there a year and a half A Yes, sir.
Q And left there in the spring? A Yes, sir.
Q And you stayed there two winters? A Yes, sir.
Q And left there in the spring of '67? A Yes, sir.
Q Now, how far from Bartlesville was it you went? A Three miles.
Q Was there a town there at that time? A No, sir.
Q Who were your neighbors at that time out there? A Nobody but the Osages.
Q Any of the Delawares living out there at that time? A No, sir.
Q Did you and your husband settle down at that time, you and Andy?
A Yes, sir.
Q And you continued to live together? A Yes sir.
Q He never went off and you never went off? A He went off to work.
Q After you moved up there? A No, sir.
Q He never left and you never? A No, sir.
Q That was in the spring of '67? A Yes, sir.
Q Now, about what direction from Bartlesville was that, on Caney?
A North.
Q And you continued to stay right there ever since? A Yes, sir.
Q From that day to this? A Yes, sir.
Q Well, what was your first child born on that place? A Thomas.
Q Tom was the first one born there was he? A Yes, sir.
Q Now, how old is Tom? A I could not tell you how old he is.
Q How long had you been living up there when Tom was born?
A About a year and a half.
Q And you don't remember how many years old Tom is? A No, sir.
Q You didn't bring Eveline back from Fort Smith with you?
A I did.
Q Is she here? A She is dead.
Q Well, then when you were living with Sallie Bacon you had three children? A Yes, sir.
Q And another one was born there? A Yes, sir.

CROSS EXAMINATION BY COUNSEL FOR WITNESS:

Q You say you didn't see Andy for about a year after you got to Fort Gibson? A No, sir, he was in the service.

Q Soldier? A Yes, sir.
Q He came there about a year after you did? A Yes, sir.
Q He been with you ever since? A Yes, sir.

BY MR. SMITHER:

Q How long did you and he live together at Fort Gibson, before you moved to Caney? A I told you we stayed down there a year.
Q I mean with Andy, how long did Andy stay down there with you at Fort Gibson before you and he moved to Caney? A A year and a half.
Q Was Andy there with you all the time? A Yes, sir.
Q And you and he lived together and you moved from there up to Caney? A Yes, sir.

BY MR. SMITHER:

Q Mrs. Daniel, I asked you awhile ago the names of your children besides Frankie and you spoke of James, Henry and Charley, and of Nancy and of Emeline and stated that Emeline and James were dead? A Yes, sir.
Q Now, these children whose names I have just called are not all of your children? A Yes sir.
Q Did you have any other? A Yes, sir, of course I have got some other, there is Josephine and Thomas.
Q Is Josephine still Daniels? A Yes, sir.
Q Where is she? A She is at home.
Q Living with you? A Yes, sir.
Q Where was she born? A Living on Caney.
Q Has she always lived with you? A Yes, sir.
Q Well, now, you spoke of a Thomas awhile ago? A Well, he is with me too.
Q Is he married or single? A No, sir, single.
Q Is he your child? A Yes, sir.
Q Well, was there any others, how about Freeman? A He is dead.
Q How about Lucinda? A Lucinda is my daughter.
Q Is her name still Lucinda? A Yes, sir, she is married.
Q Is she living with you? A Yes, sir; Lewis Jones ain't married.
Q Where does Lewis live? A He lives with me.
Q Where was he born? A Caney, Cherokee Nation.
Q Has he lived anywhere else except the Cherokee Nation? A No, sir.
Q Where does Jones live? A Cherokee Nation.
Q Now about Martha Ann? A She ain't never lived n. wheres else either.
Q Who was the mother of Martha Ann? A She was a Gaskin.
Q Who was the father? A My son Jim.
Q Is she living with you? A Yes, sir, I have had her ever since she was a baby.
Q How old is she? A 12 years old.
Q The father is dead? A Yes, sir.
Q The mother is dead? A Yes, sir.

BY COURT REPORTER:

Q What is the father's name not of Martha? A Jim.
Q Well, who is the mother? A The mother is dead, she is a Gaskin.
Q Is she a citizen? A No, sir.
Q Was James and the mother of this Martha ever married A Yes, sir.
Q What was her name? A Filon Gaskin.
Q She was a non-citizen was she? A Yes, sir.
Q Well, were they ever married? A Yes, sir.
Q How do you know that? A The preacher married them.
Q Did you see them married? A I didn't see them married.
Q You will have to prove that marriage? A Well I guess I can prove it.

BY MR. SMITH:

Q Do any of the witnesses that you calledup here know about this

[illegible]

[illegible]

[illegible]

[illegible]

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

(Signed) T. H. Needles,
Commissioner.

[illegible]

[illegible]

Subscribed and sworn to before me this [illegible]

COMMISSIONER
Notary Public.

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

FILED
JUL 18 1901

Acting Chairman.

[illegible]

Commission to the Five Civilized Tribes,
Muskogee, I.T., [illegible] 1902.

In the matter of the application of Lucinda Daniels for enrollment as a Cherokee Freedman, Lucinda Daniels being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Wallace & Smith, for Applicant.
Mr. J. S. Davenport, for Cherokee Nation.

Q What is your name? A Lucinda Daniels.
Q How old are you? A 22.
Q What is your post office address? A Dewey.
Q What district do you reside in, Coweescoowee? A Yes, sir.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll beside yourself? A Just myself.
Q Are you married? A No, sir.
Q What is your father's name? A Andy Daniels.
Q What is your mother's name? A Ibbie Daniels.

BY MR. FRITZ:

Q Was one Nan cy Claggett who just applied here for enrollment your sister? A Yes, sir.
Q Has your mother, Ibbie Daniels, already applied for enrollment before the Commission here? A Yes, sir.
Q Were you present when she applied or not? A Yes, sir.
Q You claim your citizenship through your mother? A Yes, sir.
Q Are you married or single? A Single.
Q Ever been married? A No, sir.
Q Do you apply for yourself alone? A Yes, sir.
Q Where do you live, Lucinda? A Coweescoowee.
Q What is your post office? A Dewey.
Q How long have you lived in the Cherokee Nation?
A Ever since I have been born; I was born in the Cherokee Nation.
Q Never lived anywhere else except the Cherokee Nation?
A No, sir.
Q How long have you lived at the place you now live?
A Ever since I can recollect.

The 1880 Authenticated and 1896 Census Rolls of Freedmen of the Cherokee Nation examined and names of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 185, #4537, Lucinda Daniels, Coweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 111, #2364, Lucinda Daniels, Cherokee Nation.

COM'R NEEDLES: Lucinda Daniels applies for the enrollment of herself. She cannot be identified upon the Authenticated roll of 1880 or a census roll of 1896. She is duly identified upon the Kern-Clifton and Wallace Rolls. She avers that she is a child of Andy and Ibbie Daniels, and claims her citizenship through her mother, Ibbie, who has been listed for enrollment on doubtful card #839, and the testimony in said case will be made part of the record in the case at bar and a copy thereof filed herewith. Said Ibbie Daniels having made satisfactory proof as to residence, will be listed for enrollment as a Cherokee Freedman upon a doubtful card. She will be notified by mail of the action of the Commission in the premises.

---oo0Ooo---

Lewinda Daniels--R.

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

J. O. Rosson

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

Commissioner.

FILED
9 1901

File with Lucinda Daniels C.F.D. 913

[illegible]

[illegible] Daniels, C. F. D. 1850

[illegible] C. R. Bre[illegible]

Q What is your name? A [illegible]
Q How old [illegible]? A [illegible], between 52 and 4.
Q What [illegible] occupation? A Farmer.

Q How far do you live from the town of Dewey? A About 7 miles north.
Q Do you know a [illegible] man in the vicinity named Andrew Daniels? A
A Yes [illegible]
Q Do you know his [illegible]? A No sir, I don't.
Q Do you [illegible]? A No sir.
Q Is [illegible] or young man? A Old like.
Q Has [illegible]
Q Do you [illegible] of his family? A No sir, I don't, I
have [illegible]
Q How [illegible] that vicinity? A Ever since the
[illegible]
Q [illegible]? A In '68.
Q Do you [illegible] sir.
Q [illegible] Daniels? A Up here in Kansas
[illegible]
Q [illegible]? A About a year.
Q Did you [illegible]? A No sir, there was a few
[illegible] Amey stopped here
on [illegible], and I came with [illegible] stopped with the Pyandotts
first [illegible] on.
Q About [illegible] you leave [illegible]? A Went through Lawrence
Kansas [illegible]
Q Pr[illegible] Daniels in Kansas about a
year? A [illegible]
Q [illegible]? A No sir.
Q When [illegible] Andrew Daniels? A That was along in August
some time.
Q There? A [illegible] on Dewey.
Q In the [illegible]? A [illegible]
Q State how you [illegible] another boy got on our horses
and went visiting and we [illegible] the camps there on Amey and a
saw him.
Q Whose camps? A The Delawares camp.
Q How far was that from where Andrew Daniels is now living? A
A About three miles.
Q In the same [illegible]? A Yes sir.
Q Have you been [illegible] since? A Yes sir.
Q [illegible]
Q How old were you when you [illegible] the Cherokee Nation? A That as I
[illegible]
Q [illegible] how old were [illegible] have been about twenty.
Q Were you grown? A Yes [illegible]
Q Married or single? A Married.

[illegible] Nation

[illegible] the first of '98? A I dont tell that.

[illegible] sir.

[illegible] Sprouse.

[illegible] A I dont remember that.

[illegible] long you saw him in Kansas [illegible] A [illegible] sir I dont know.

[illegible] time? A [illegible]

[illegible] in '65? A Yes sir in '65 [illegible]

[illegible] A Yes sir.

[illegible] A Yes sir, four miles [illegible]

[illegible] that time until the [illegible]

[illegible] that neighborhood.

[illegible] from '65 until [illegible] fellow, [illegible] in '65 or '6[illegible]

[illegible] time until '68?

[illegible] then you dont recollect it? A No sir.

(Witness by [illegible] Mrs. C. Jones)

* * * *

[illegible] remember to the [illegible] full all the [illegible] to a full, true [illegible]

Subscribed and sworn to before me this [illegible]

[illegible]

[illegible]

[illegible] continued from [illegible] by Chas. von Weise. -

[illegible] Commissioner Brock[illegible] Parker, interpreter:

Q [illegible]

Q How old are [illegible]

Q What is your [illegible]

Q Are you a native of [illegible] Cherokee Nation? A Yes, sir.

Q Are you a Cherokee [illegible] A Yes, sir.

Q What are you, a D[illegible] A A Delaware.

Mr. [illegible] How far do you live from the town of Dewey? A About six miles.

Q What direction? A A little bit northwest.

Q Do you know a colored man out in that vicinity by the name of Andrew Daniels? A Yes.

Q Do you know his [illegible]? A Yes, I have been [illegible]

Q Do you know her [illegible] A No, I don't know her name.

Q How long have you known Andrew Daniels? A About a year before I left Kansas.

Q Where did you come from [illegible]? A I don't know. It has been about [illegible]

Q Did you come [illegible] when they came to this country?

A Yes

Q You don't [illegible] A No.

Q Was it [illegible] Cherokee Nation, [illegible]

Q [illegible] A I was [illegible] some time [illegible]

Q [illegible] where you lived? A About half a mile from [illegible]

Q Do [illegible] what time of the year you left to come? A Left there [illegible]

Q [illegible] you left, where Andrew was [illegible]

Q [illegible] A [illegible] I don't know, I don't know [illegible] together [illegible] Delaware [illegible]

Q [illegible]

Q [illegible]

Q [illegible] A He came down with them.

Q [illegible] A Yes, sir.

Q [illegible] Cherokee Nation.

Q Has [illegible] ever since? A He went back to [illegible]

Q That [illegible]

Q [illegible] A I don't know how long he [illegible] in Kansas.

Q [illegible] A Yes, he and his family.

Q [illegible] A Yes.

Q Will [illegible] A Yes.

Mr. [illegible] you come [illegible] to the Cherokee [illegible]

[illegible] know [illegible], but I was [illegible]

[illegible] time, he did not come at [illegible]

Q [illegible] A [illegible]

Q [illegible] the party you came [illegible] wagons in the c[illegible]

Q [illegible] A. No, I think it was about [illegible]

Q. You don't know [illegible] up to about the [illegible] you? A. No.

Q [illegible] about his return [illegible] you to live?

A [illegible]

Q [illegible] A. No.

Q [illegible] time.

Q [illegible]

Q [illegible] it was several years [illegible]

Q [illegible] time? A. Yes.

Q [illegible]

A [illegible]

Q [illegible] if he would hear it? A. No, I never did know [illegible]

Q. Do [illegible] of Andrew Daniels' present [illegible]

Q. Do [illegible] children? A. No, but I would [illegible]

Q. Is [illegible]

A. No.

Q [illegible] have any ch[illegible]

Q [illegible] A. No.

Pre[illegible] Daniels'

Q [illegible] Daniels, how lon[illegible]

A [illegible] A. I don't remember [illegible] together, I don't [illegible]

[illegible] crowd or na[illegible] a new woman, her [illegible]

[illegible] Andrew went back to [illegible]

Q. Do [illegible] the [illegible] that you [illegible] A. No, I don't [illegible]

[illegible] A. It was [illegible] there in [illegible]

[illegible] down to the Cherokee [illegible]

[illegible] or the second time?

Q [illegible] the [illegible]

[illegible] A. [illegible]

[illegible] nearly all [illegible]

[illegible]

Q [illegible] went to the Cherokee Nation?

Q [illegible]

Q [illegible] down here along in June?

A [illegible]

Q [illegible] was cutting ties [illegible] A [illegible] the winter before.

Q [illegible] A [illegible]

Q [illegible] the time he was making ties the [illegible] time he came with you?

A [illegible] I was on the road with the [illegible]

Q [illegible] with you [illegible]? A Well, I don't [illegible] I just [illegible] Pennington paid him to drive a team.

Q He was driving the [illegible]'s team, was he? A Yes, sir.

Q [illegible] A Yes, sir.

Q Do you know when he last came down in the Cherokee Nation before that time? A [illegible]

Q Does he live in your neighborhood now? A Yes, right close to Dewey.

Q Has he been living there ever since he went back up to Kansas and got his family? A Yes.

Edmund Duncan Carey, being duly sworn and examined by Commissioner Breathitt, testified as follows:

Q Give your [illegible] name, please? A My full name, Edmund Duncan Carey.

Q How old [illegible]? A Going on 79.

Q What is [illegible]? A Farmer.

Mr. Breathitt: [illegible] now what was your father's name? A Thomas Carey.

Q Where did your father live before the war? A He lived right on the [illegible] half a mile [illegible] Carey's ferry, it was known about

Q [illegible] A [illegible] where I live now.

Q Was he [illegible]? A [illegible]

Q You are [illegible] citizen of the Cherokee Nation by blood?

A Yes.

Q [illegible] A Jane Carey.

Q [illegible] the war? A No, sir.

Q [illegible] sir.

Q Did you [illegible] a colored woman as a slave by the name of Abbie? A [illegible]

Q When [illegible] much with reference to the war? A I left in [illegible]

A [illegible]

Q [illegible] A No, he moved south into Missouri [illegible]

Q [illegible] A She was with my father.

Q [illegible] A Yes, sir.

Q [illegible] A [illegible], some time in June.

Q [illegible] A He is dead.

Q [illegible] you just exactly, about [illegible] the war? A About before the war two or three years.

Q [illegible] I believe you said in June?

A [illegible]

Q [illegible] Abbie, with him?

Q [illegible] A Just faith.

Q [illegible] A No, sir.
Q [illegible] A No, he went on
[illegible] A Yes, sir.
[illegible] sir.
[illegible] with him? A None at all.
[illegible] colored woman, Louisa? A Well, he
[illegible] in.
[illegible] that? A Well, when I first met him in
[illegible]
Q [illegible] A Yes, sir.
Q [illegible] saw her no more? A Never saw her any more, never
saw [illegible]
Q [illegible] never seen her since the war? A No; if I have I
haven't recognized her.
Q You don't know by what name she goes now? A Well now, her man
was by the name of Bettie.
Q Well, [illegible] I know Angela's first name before the war? A Andy.
Q [illegible] Andy Bettie's belong before the war? A He belonged
to one of the [illegible], I don't recollect his name now.
Q Anyway, the man and the woman belonged to different people,
didn't they? A Yes, sir.
Q Your father had no control over Andy? A None at all.
Q Was there any [illegible] Darey, who lived over there on Grand
River, before the [illegible]? A [illegible], sir.
Mr. [illegible] old were you when the war commenced? A I
don't [illegible]
Q [illegible] A [illegible]
Q [illegible] A I was living right on the river bank
at the [illegible]
Q [illegible] A About half a mile or more.
Q [illegible] you speak of going away? A I
went [illegible]
Q [illegible]
Q [illegible] you left? A Well he went,
[illegible]
Q [illegible] A [illegible] just the same time,
we [illegible] I went to the army
Q [illegible] together until you
[illegible]
Q [illegible] A Separated right
[illegible] in the army and he stayed there.
Again? A [illegible] it was, you saw your father
Q [illegible]
Q [illegible] a year, it wasn't quite,
Q [illegible] I am pretty sure it was '63.
Q [illegible] A Yes, sir.
Q [illegible] A No, sir, don't think could.
[illegible] your [illegible] doing in Fort Smith? A I moved
[illegible]
Q [illegible] living there? A Well, he moved
I [illegible] he sold them there;
Q [illegible] I met him there.
Q [illegible] easily there? A No, sir
[illegible] at the time you
Q [illegible] as I recollect.
[illegible] or not? A Well yes, sir,

Q [illegible] No.

[illegible] your father had

Q [illegible] asked him

you [illegible] two of the

Q [illegible] and he stated that

I [illegible] where

[illegible] army or did you stay in the army? A I stayed in the army, and he stayed back up there.

Q Did you see your father? A No; I didn't see him for a year afterwards pretty near, we went out on a scout and he went out to Texas with us.

Q Did he have any slaves along when he went to Texas? A No, sir.

Mr. Hastings: I want to introduce, from the laws of the Cherokee Nation, 1892, the date of the Delaware Agreement, made with the Cherokee Nation, about which date I suppose there is no dispute, which shows on the 8th day of April, 1867. I don't care to put the whole agreement in there, it is not necessary except for the purpose of the date when that agreement was entered into.

Commissioner: This testimony will be filed as supplemental [illegible] to Cherokee contested cases D-339, Andrew D-511, [illegible], D-[illegible], D-563, D-[illegible], and D-571.

[illegible]

[illegible] C. Jones, being duly sworn, says that as stenographer to the commission to [illegible] proceedings [illegible] he correctly recorded the true and [illegible] and the foregoing is a [illegible] transcript of his stenographic notes thereof.

Pharcelo Jones

Sworn to and subscribed before me this the 7th of October, 1901.

Commissioner.

for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to make and their case before the Commission and that notice [illegible] in March last, that the cases would [illegible]

[illegible]

FIVE CIVILIZED TRIBES

FILED

ACTING CHAIRMAN

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

(Signed) P. [illegible]

Subscribed and sworn to before me this 14th day of [illegible]

(Signed) P. G. [illegible]

(SEAL) Notary Public.

M. C. Burwell, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me

M C Burwell

Subscribed and sworn to before me this July 29, [illegible]

Notary Public.

Freed. D 880

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

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

Applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Lucinda Davidson, D 913;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as test [illegible] concerned by the special permission of the [illegible] the 31st day of May, [illegible] May, 1902, we say that under [illegible] on, that under the agreement between [illegible] testimony in all these cases is to close and [illegible] Commission, and that no extension should be g[illegible] case and no case reopened unless there is some spec[illegible] particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict [illegible] with the decree of the Court of Claims rendered the 3rd day [illegible] ary, 1896, and as the Commission must take judicial notice of the [illegible] roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

NOTICE!

IN THE MATTER OF the application of Lucinda Daniels for enrollment as a Cherokee citizen:

Case No. D 913

To Lucinda Daniels or Mellotte & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory*, Indian Territory, on Oct. 1st 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 on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L B Bell

M. W. Hastings

Attorneys for the Cherokee Nation.

[illegible]

[illegible] Did you know I [illegible]

[illegible] Yes, sir.

[illegible] or the Civil War was [illegible]

[illegible] A [illegible]

[illegible] Did you know him from that time until his death?

A Yes, sir.

Did he live in the Cherokee Nation from that time until his death? A [illegible]

How long did he live? A [illegible] time of the Clifton Depredation.

T. [illegible] was examined by Commissioner [illegible]

Q What is your name? A [illegible].

Q How old are you? A [illegible]

Q Are you married? A [illegible], sir.

Q What is your post office? A [illegible].

Q Live in Cherokee Nation? A Yes sir.

Q Do you know Frank Musgrove, who was a slave? A Yes, sir.

Q Did you know his father? A [illegible] sir.

Q What was his name? A Jack Musgrove.

Q Is he living? A No, sir.

Q Do you know whether Jack Musgrove was a slave or not?

A I heard he was.

Q You don't know it? A No, sir.

Q When did you first know Jack Musgrove? A I got acquainted with the Jack Musgrove's family in about '87.

Q That is the first time you ever saw Frank Musgrove?

A Yes, sir.

Q You didn't know him before the Civil War? A No, sir.

Q Where was he living then? A He was living over there close to Frank Musgrove's near to Sharemore.

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

Q Can you give me their names? A Yes, one of them, a sister Eliza and had several little ones, one's called Lucy and one.

Q Calling your [illegible]? A Yes, sir.

Q Didn't he have one named Sidney? A Yes, sir, had one named Sidney; I have been to the house lots of times, stayed all night there several times.

Q And what was the child's name older than Sidney? A Pearlie I think.

Q Boy or girl? A Girl.

Q Didn't have one named Clara? A I think they did; Yes, sir, I think.

Q Had one named Clara did they? A Yes, sir.

Q Well, then you say you first knew him in about '87?

A Yes, sir.

Q Did you know him from that time up to his death?

A Yes, sir.

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

Q What was her name? A Her name was Aunt Sallie Musgrove.

Q Do you know whether she had been a slave or not?

A No, sir.

Q You know her at the same time you knew Frank? A Yes, sir.

[illegible] ROGERS, being duly sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Rab Rogers.

Q How old are you, Mr. Rogers? A 44 years old.

Q What is your post office? A [illegible].

Q Are you a Cherokee [illegible]? A Yes, sir.

Q Is your name on the roll of [illegible]? A Yes, sir.

Q Do you know the applicant, Frank Musgrove? A Yes, sir.

Frank M[illegible], of al[illegible]

Q How long have you known [illegible] A [illegible] when he was just could walk.
Q [illegible] you knew his father? A [illegible]
Q [illegible] was his father's name? A [illegible]
Q How long have you known him? A I reckon I been knowing him about 65 years.
Q He is an older man than you? A Yes, sir.
Q When did you first know him? A Just when I could recollect at all.
Q Was he a slave? A Yes, sir.
Q Whom did he belong to? A [illegible] old Mungrove, Sallie Mungrove.
Q Well, did you [illegible] Sallie?
Q Well I weed hoe [illegible] Sallie?
Q Where? A Here [illegible]
Q In Kansas? A Yes, sir.
Q Then where did you next see him? A Well, I didn't see him any more until after the war.
Q About what time after the war? A Well, I guess it was '67.
Q What part of '67, in the spring, fall or winter?
A In the spring.
Q Where was that? A That was down here on Spring Creek.
Q When did you see him after that? A Well, [illegible] he came back again.
Q He went away? A Yes, sir, he went back up in Texas and came back again, I reckon about [illegible] years, he went [illegible] after his family; when he came down the first time he had [illegible] wife died, he stayed up there a year and then he came back again, he came twice and then I fixed up some money and one time had [illegible] and went back up there and moved them down.
Q Didn't have his family with him the first time he came?
A No, sir.
Q About what time did he come back with his family, about a year or two after you first saw him? A Yes, sir.
Q You remember his [illegible]? A Yes, sir.
Q Was it a year or two years after say you moved him back?
A It must have been two years.
Q You went up there? A I didn't go, I sent my team.
Q Where did he settle down? A Out on Verdigris there.
Q Did he live there until he died? A Yes, he lived right around in the neighborhood.
Q Do you know his wife, Sallie? A Yes, sir, but then I knew her after she came.
Q You didn't know her before he brought her down? A No, sir.
Q Do you know where he married her? A Married up in the states.
Q Do you know whether she was a white woman or slave?
A She must have been a slave woman.
Q Did Jack and her live together as man and wife until he died? A Yes, sir.
Q All those younger children were born? A Born here.
Q You know them all? A Yes, sir.
Q Is she living now? A No, sir.
Q You don't know where Jack Mungrove was during the war, '63?
A No, sir, I heard of Jack over here on Grand River.
Q You never saw him? A No, sir, I just heard of him.
Q You first saw him in the spring of '67? A Yes, sir.

BY MR. DAVENPORT:

Q Didn't you speak of fixing up teams to go to Kansas and move Jack back? A Yes, sir.
Q Do you remember who went with those teams? A Yes, sir.
Q Who went with them? A [illegible] Howe.
Q Is he living now? A Yes, sir.

BY MR. [illegible], Cherokee Representative:

Frank

[illegible]

[illegible] Yes, sir.

[illegible] about twenty [illegible] for enroll-

[illegible] Yes, sir.

[illegible] Mangrove.

[illegible] the war did you?

[illegible] A My wife is

[illegible] marriage? A We [illegible]

[illegible] that year that was? A Ah, I don't remember [illegible]

[illegible] and his family came back

[illegible] to go to council trees

[illegible] to Council Tree ve

[illegible] about the second day

[illegible] in this country before?

[illegible] to go up there and move his

[illegible] Yes, sir.

[illegible]

[illegible]

[illegible] yourself? A Yes, sir, I [illegible]

Q [illegible]

A [illegible] that time?

[illegible]

[illegible] from [illegible]? A Yes, sir, from [illegible]

Q [illegible] kind of [illegible]? A I heard them [illegible] of [illegible] the

Q [illegible] thereon in the year 1866? A Go here on [illegible]

Q [illegible] you know [illegible]? A [illegible]

Q [illegible] from [illegible] the Tipo payment?

A [illegible]

Q [illegible] know of your own [illegible] whether he had been down

[illegible]? A No, sir, [illegible] said.

Q [illegible] know of your own [illegible]? A No, sir.

A [illegible] before?

[illegible]

Q [illegible]? A [illegible], sir, [illegible] houses.

[illegible] I would like to state that that is a matter [illegible] was elected Chief in [illegible] Treasurer in 1879, and the [illegible]

[illegible] being [illegible] stated that as stenographer [illegible] correctly [illegible] and that the [illegible] of his stenographic [illegible] himself.

Subscribed and sworn to before me this October [illegible], 1900.

[illegible]

Stenographer.

[illegible]

[illegible]

Arthur E. Greninger, being duly sworn, [illegible] as stenographer to the Commission to the Five Civilized Tribes, [illegible] the testimony and proceedings in the [illegible] case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Arthur E. Greninger.

Subscribed and sworn to before me this 20th day of May, 1[illegible].

F. G. Barber, Notary Public.

Retta Chick, being first duly sworn, states that she was stenographer to the Commission to the Five Civilized Tribes and made the above copy, and that the same is a true and complete copy of the original.

Retta Chick

Subscribed and sworn to before me this 2nd day of July, 1982.

(Seal)

[illegible]

Notary Public.

Cherokee Freedmen D 916.

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

In the matter of the application for the enrollment of Frank, Clara, Sidney, Pearl and Turner Musgrove, as Cherokee Freedmen.

D E C I S I O N.

The record herein shows that on June 27th, 1902, Frank Musgrove appeared before the Commission at Muskogee, Indian Territory, and made personal application for the enrollment of himself, his sister sisters, Clara, Sidney and Pearl Musgrove, and his minor brother, Turner Musgrove, as Cherokee Freedmen.

The evidence shows that all the applicants herein were born subsequent to January 19, 1897, and are the descendants of one, Jack Musgrove, through whom they claim the right to enrollment as Cherokee Freedmen; that Jack Musgrove was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of the Cherokee Nation during the rebellion and did not return thereto within the time specified in decree of the Court of Claims, rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation. It further appears that the names of none of the applicants herein, nor of either of their parents, are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Frank Musgrove, Clara Musgrove, Sidney Musgrove, Pearl Musgrove and Turner Musgrove as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.
Commissioner.

T. B. Needles,
Commissioner.

C. R. Breckinridge.
Commissioner.

Commissioner.

Muskogee, Indian Territory,
this APR [illegible] 1907.

[illegible]

In the [illegible] Department held on [illegible] 1[illegible], 1[illegible] ([illegible]), as follows:

"[illegible] Department does not feel [illegible] in reopening the case upon the motion [illegible] affidavits of the witnesses [illegible]."

This was the ruling of the Department upon a motion made by the attorneys for the Cherokee Nation for a new trial upon alleged newly discovered evidence in the case of Celia Kirkpatrick, and we think the Department very properly held that a motion should be supported by affidavits of the witnesses whose testimony they desire to introduce and the courts uniformily hold this for the reasons, among others; first, the court desires to know whether the testimony is cumulative; second, the court desires to know whether it is material; third, the court desires to know whether it is admissible; and fourth, the court desires to know whether the testimony is likely to change the result and if the party is in good faith who makes the motion and if his witnesses are reputable and if they are going to speak the truth he need not fear a detailed statement on behalf of the witnesses what they are going to testify to when called upon the stand.

By an examination of the testimony heretofore introduced in this case it will be seen that this case is clearly without merit. The record shows that Frank Musgrove gave his age as 24 and his postoffice as Talala, Indian Territory, and by an examination of the map it will be seen that Talala is near the Verdigris River and not far from the Big Creek country in Coowoscoowee District, occupied by freedmen almost exclusively. He testified that he was born in Kansas, and from his age he was born about the year 1877. His next younger sister was 17, which would made her been born in 1884 and the others since that date. The record further shows that Hammer Brown gave his age as 55 and his postoffice as Lenapah, which is a few miles north of Talala, and he was a witness for applicant. He had never seen Jack Musgrove until about 20 years ago, and that was on Hickory Creek, which the map shows is near Lenapah.

[illegible] the first time [illegible] Nation [illegible], but you will note that he says that it was about two years before he (Haywood Rowe) went up to Kansas after him, but Rab Rogers says that Frank Musgrove was born when he went up there after his father, Jack Musgrove.

Now, Haywood Rowe testifies that his wife is a cousin of the applicants; that he himself is upon the 1880 roll, had continuously resided in the Cherokee Nation during and since the war; that he had never seen Jack Musgrove until about the time he went up to bring him down and that Jack was living in Council Grove, Kansas, and that he went up the year before Mr. Lipe made a payment, which is shown in the record to have been in 1880; therefore, Haywood Rowe went up to move Jack Musgrove down in 1879, and he says that from conversation with members of the family he knows that Jack had never been here since the war. Now, Frank testifies that he was born in 1877, and he testifies that he was born in Kansas. This corroborates Haywood Rowe. Rab Rogers, the half brother of Jack Musgrove, testifies that the boy, Frank Musgrove, was born in Kansas, and that he was a little fellow when he was brought to the Cherokee Nation. This corroborates Haywood Rowe. Hamner Brown, applicant's witness, did not see Jack Musgrove until about 20 years ago. This corroborates Haywood Rowe. Frank Daniels, the applicant's other witness, did not see him until in the eighties; this corroborates Haywood Rowe. Therefore, we submit that the testimony was convincingly and conclusively shows that Jack Musgrove through whom the applicants claim did not come to the Cherokee Nation until about the year 1879 as to not admit of argument.

Section 3 of the Act of Congress approved April 26, 1906 (Public 129), provides:

"The roll of Cherokee freedman shall include only such persons of African descent either free colored or the slaves of Cherokee citizens and their descendants who were actual, permanent bona fide residents of

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frank Musgrove et al., as Cherokee Freedmen.

MOTION FOR REHEARING.

The record in this case shows that application was made to the Commission to the Five Civilized Tribes for the enrollment of Frank, Clara, Sidney, Pearl and Turner Musgrove as Cherokee Freedmen and that on April 20, 1904 the Commission to the Five Civilized Tribes rendered its decision denying the applications for enrollment herein and that on May 27, 1904, the Honorable Secretary of the Interior affirmed the Commission's decision, and now the applicants urge the Department to grant them a rehearing in order that they may introduce the testimony they have to prove that their father, Jack Musgrove, was the slave of a Cherokee citizen at the commencement of the War of the Rebellion and that on February 11, 1867 he was residing in good faith in the Cherokee Nation and had prior to that time returned to the Cherokee Nation and established his residence therein in good faith and that he continued to reside in the Cherokee Nation until his death.

The applicants expect to prove these facts by Joe Davis of Vinita, I. T., Daniel Sanders of Centralia, I. T., Houston Rogers of Catoosa, I. T., Rab Rogers of Claremore, I. T., Grace Greenleaf of Nelson ~~Tahlequah~~, I. T.

There is herewith filed affidavits in support of this Motion for a rehearing which they deem sufficient to show their good faith and which affidavits are filed as a basis for this Motion for a rehearing. Applicants expect to prove at the rehearing of this case to have present to give their personal testimony a sufficient number of witnesses to establish beyond a question the right of these applicants to be enrolled as Cherokee Freedmen.

Clark V. Palton

[illegible]

[illegible]

Subscribed and sworn to before me [illegible]

[illegible]

My commission expires December 16, 19[illegible].

[illegible] on _____

[illegible] a true copy thereof on the

[illegible] day of _____ A. D. [illegible]

Given under my hand this _____

day of _____ A. D. 1901.

_____

Notary for the [illegible]

_____

I, the [illegible] within notice on the

_____ day of _____, 1901.

_____

Attorney for [illegible]

_____

[illegible] OF ALBERTA,
[illegible] TY,
[illegible] T. } s. s.

I do solemnly swear that I [illegible]

true copy of the within notice to [illegible]

_____

on the _____ day of _____ A. D. [illegible]

_____

Subscribed and sworn to before me

this _____ day of _____ A. [illegible]

_____

Notary [illegible]

NOTICE!

IN THE MATTER OF the application of _____ [illegible] _____ for enrollment as a Cherokee citizen:

Case No. D ___ 214 _____

To ___ Frank Mangrove _____ Tahlequah _____ I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of _____ [illegible] _____, I. T. Indian Territory, on ___ Sept. ___ 23rd _____ 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 on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this ___ Sept. ___ 14th _____

_____

_____

Attorneys for the Cherokee Nation.

[illegible] .....

[illegible] TERRITORY,
[illegible] NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the.....day of.....A. D. 1901

Given under my hand this.....

day of.....A. D. 1901.

.....

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....., 1901.

.....

Attorney for applicant.

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

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

.....

on the.....day of.....A.D.1901

.....

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

.....

Notary Public.

R.

SEP 16 1901

SEP 18 1901

NOTICE!

IN THE MATTER OF the application of Frank Musgrove for enrollment as a Cherokee citizen:

Case No. D 914

To Frank Musgrove Talala I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on [illegible] at 9 [illegible] 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 on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9-17-1901

L B Bell

M. W. Hastings

Attorneys for the Cherokee Nation.

F2D 914

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] of
the [illegible]

[illegible]
decision [illegible]

[illegible] in good faith
in the [illegible]

[illegible] prior to Sep-
tember 1, [illegible].

Wherefore we respectfully request that [illegible] be allowed.

....

....
[illegible] for applicants.

Service of the above motion [illegible] and a copy of the same received by the attorneys for the [illegible], at [illegible], I. T. this day of , [illegible].

[illegible], [illegible],
Attorneys for [illegible] Nation.

By ______________________________

COMMISSIONERS:
TAMS BIXBY,
THOMAS G. ROGERS,
C. R. BARGHAMMER.

WM. O. RHOADS,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Frank, Clara, Sidney, Pearl and Turner Musgrove as Cherokee freedmen.

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

Respectfully,

Chairman.

Enc. D-103.

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
SECRETARY

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

WHEN TO REPLY TO THIS PLEASE REFER TO
[redacted]

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 7, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision dated April 28, 1904, rejecting the application for the enrollment of Frank, Glenn, Sidney, Pearl and Turner Kempsove as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 27, 1904.

Respectfully,

Chairman.

[redacted]

Land

35421-1904.
Orig. [illegible].

November 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir: Referring to departmental letter of May 27, 1904 (N.E.B. [illegible]-1904), affirming the decision of the Commission to the Five Civilized Tribes, rejecting the application of Frank Musgrove, et al., for enrollment as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 19, 1906, enclosing a motion for a rehearing in this case, filed with the Commissioner on June 28, 1906. There is also enclosed a reply of the attorney for the Cherokee Nation.

The Commissioner says that on November 3, 1906, the attorneys for the applicants in this case advised him that after interviewing the witnesses whom they stated in their motion they desired to introduce on behalf of the applicants, they find that the witnesses state positively that Jack Musgrove, the ancestor through whom these applicants claim the right to enrollment, did not return to the Cherokee Nation within the time limited by the Treaty of July 19, 1866, and they therefore request that their motion for a rehearing in this case be dismissed.

R.C. [illegible] (Cherokee) N.F.

[illegible]

I.T. [illegible]-1906. December 8, 1906.

L.R.S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department is in receipt of your letter of November 4, 1906, transmitting with Indian Office letter of November 28, 1906 (Land 98837), submitting a motion for rehearing in the Cherokee freedman case of Frank Musgrove, et al, and recommending that the same be dismissed.

In accordance with the request of the attorneys who filed the motion, it is denied.

The papers have been returned to the Indian Office. A copy of the Indian Office letter is inclosed.

Respectfully,

Thos. Ryan

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 7 to Ind. Of.

REFER IN REPLY TO THE FOLLOWING
Cherokee F.
R 304.

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

Muskogee, Indian Territory, December 19, 1906.

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

Dear Sir:

You are hereby notified that a motion for a rehearing in the Cherokee freedman enrollment case of Scott Musgrove, et al., was denied by the Secretary of the Interior December 8, 1906.

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

Respectfully,

W. C. Bell

Acting Commissioner.

Encl. H-8
JMK

Transfer from

After 10 days, return to
J. C. STARR,
P. O. Box W,
VINITA, IND. T.

VINITA, IN
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VINITA, IND. T.

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W W Hastings

Atty for the Cherokee Nation

Muskogee I T

To be filed with chain of Charge #8 dor, G. W. Duffie.

[illegible] of [illegible]

[illegible] Cherokee [illegible] [illegible]

[illegible] Nation, [illegible] Area.

In the matter of the application of Josie Liberty for the enrollment of herself and child as Cherokee freedmen, which Liberty has never had a contested [illegible] H. B. Ennis, testified as follows:

APPEARANCES:

Messrs. Mullins & Smith, for Applicants.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Josie Liberty.
Q How old are you? A I guess I am about 42.
Q What is your residence? A Tahlequah.
Q What difference do you life [illegible]? A [illegible].
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Have you ever applied to be enrolled by any other Nation or tribe?
A Yes, sir.
Q What do you want to enroll herself? A My daughter, Lucinda Liberty.
Q How old is she? A 16.
Q Are you married? A No, sir.
Q Are you married? A I have been but my husband is dead.
Q What was your husband's name? A Josh Liberty.
Q Where do you live? A Up in Sequoyah Road.
Q Is that in the Cherokee Nation? A Yes, sir.
Q How long have you lived there? A All my life.
Q How old do you say? A My parents told me I was three year old when I was born two years before Christmas. There will one that is old I can go by; but the way I can guess it I think I am about 42 years old.
Q Do you have any recollection of yourself as to when you came back to the Cherokee Nation after the war or the last you out?
A I don't remember anything much about it.
Q You don't remember? A No, sir.
Q The way you have been living here ever since you can remember where you are living now? A Not altogether, I have been to different places after the war.
Q Have you any land in the Cherokee Nation? A Yes, sir.
Q Where? A Right on the bank of Sequoyah.
Q How long have you had it? A Ever since I have been married.
Q How long is that? A I married in 90, Josh Liberty.
Q [illegible] What was your father's name? A Henry Ridge.
Q And what was your mother's name? A Betsy Ray.
Q You don't remember before the war? A No, sir.
Q You don't remember coming back here? A No, sir.
Q How old do you say you were when you can first remember?
A I don't remember how old I was exactly.
Q Who used you living with when you were here? A Mr Brady
Q How far was Fort Gibson? A I don't know.
Q How long did you stay there? A Good while.
Q With how old were you when you left there? A I was single woman
Q Why did you stay there until you were married? A No, I
married [illegible] my father came back here, he moved up here on the river.
Q [illegible] you stay there with your father on Brady?
A [illegible] Q [illegible] you [illegible] the way.
Q [illegible] A [illegible]
Q Was [illegible] moved from [illegible]? A Yes, sir.
Q [illegible] from [illegible] before you moved?

A I don't tell you.

Q [illegible] A [illegible]

A [illegible]

Q [illegible] A [illegible]

Q [illegible] A Yes, sir, I was [illegible]

Q [illegible] A Little old log house.

Q [illegible] A I don't remember any of the [illegible]

Q [illegible] A Indian [illegible] Rider, [illegible]

Q [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible] they had [illegible]

Q About how old your dad your father's away from down there?

A I guess he's [illegible]

Q [illegible] A Yes, sir.

Q [illegible] A [illegible]

Q [illegible] A I could not [illegible] at the [illegible] A I wasn't grown [illegible]

Q [illegible] A Yes, sir, got rather [illegible]

Q [illegible] A [illegible]

Q Do you remember Ro We Lindsey? A I think, I think my mother did [illegible].

Q [illegible] up after you? A [illegible]

Q Do you know what [illegible]

A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A Yes, sir, I am his [illegible]

Q [illegible] Father? A [illegible]

Q [illegible] A Oh, I have been back lots of times but not to stay.

Q How long did you ever stay up there? A I never stayed there but just a little while at the [illegible].

Q Did you apply to the Eastern Commission for enrollment?

A Yes, sir.

Q [illegible] A Fanie Liberty, or Fanie Wright, but I didn't get my money, but the [illegible] I got.

The 1896 authenticated roll, the 1896 census roll and the Commission roll of freedmen of the Cherokee Nation compiled and index of applicants not found therein.

The Dawes roll of freedmen of the Cherokee Nation compiled and index of applicants identified therein, page 185, 2042, Fanie Liberty, no allotment given.

Mr. [illegible] Now, did you say you drew money on the Eastern [illegible] A Yes, sir.

Q What was your [illegible] A Betsy King.

Q [illegible] A [illegible].

Q Your father living? A No, sir, he is dead; Henry Rider, is dead.

The 1896 census roll of freedmen of the Cherokee Nation compiled and index of applicants child found therein, page 399, 400, Muskogee Library, Commissioner Kennedy.

By [illegible] the [illegible] come back with you? A [illegible] [illegible] as that after, two boys and one [illegible]

Q When did you first see Louis [illegible]? A First saw Louis over [illegible]

Q [illegible] see Louis? A In the Nation.

Q [illegible]? A [illegible]

Q [illegible]

Q [illegible]? A No, sir, same like place.

Q [illegible]? A [illegible] sir, my father had him with him.

Q Your [illegible]? A No, sir.

Q Just you and your [illegible]? A [illegible] some of them.

Q You [illegible]? A Yes, sir.

Q [illegible]? A Yes, sir.

Q [illegible]? A I used to stay with Hattie.

Q [illegible] the war? A [illegible]

Q When did you see her after the war? A Shortly after I come home.

Q Where? A She was [illegible] in [illegible] here.

Q [illegible]? A I could not [illegible]

Q [illegible]? A [illegible] I suppose.

Q Was it [illegible]? A No, [illegible]

Q Down here [illegible]? A [illegible], sir.

Q On what side of [illegible]? A I could not tell the sides of the river [illegible] if I [illegible]

Q How long was it [illegible] you come back until you saw her? A Ever since I [illegible] I saw her.

Q How long is that after you got back? A I could not tell you that.

Q As much as seven years? A I could not tell.

Q Twenty?

Objected to by Attorney for Applicant for the reason that [illegible] does not know.

[illegible]: [illegible] does not know.

L. D. D[illegible], being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. [illegible]:

Q State your name? A L. D. [illegible].

Q How old are you? A [illegible] Claremore.

Q Do you know this applicant, [illegible]? A Yes, sir.

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

Q What was her [illegible] name? A Oh, I know her good but I can't think of her name now; she lives right by me there, I can't think of her name now.

Q Did you know her father? A Yes, sir, he was my uncle, Henry Rider.

Q How long have you known this girl? A I have known her ever since '76.

Q Where was she when you first knew her? A On the Verdigris river, [illegible] up [illegible] where she is living now.

Q Who was [illegible]? A Henry Rider, her father.

Q Were you [illegible] were you not acquainted with Henry Rider before the war? A Yes, sir.

Q Were you acquainted with his girl's mother? A No, sir, I wasn't acquainted with her mother.

Q Was Henry [illegible] a [illegible]? A Yes, sir.

Q To whom did he [illegible]? A [illegible]

Q Was Henry [illegible]? A Yes, sir, he was.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q Where was Henry Rider living at the time the war commenced?

A [illegible]

Q [illegible]? A Yes, sir.

Q Where was [illegible]? A [illegible] was there, same place.

Q Do you know [illegible] Henry was [illegible] out of the Nation or whether he [illegible] the war? A No, sir.

Q [illegible]

[illegible]

Q [illegible] Cherokee Indian?

[illegible]

[illegible] at Fort Gibson, sir.

[illegible] 10

[illegible] I believe

[illegible] Q [illegible] Indian, what

[illegible] Q [illegible] A [illegible] three miles from

Chandlers [illegible] Q [illegible] to have any children

[illegible] Q [illegible] with Mr. Adams,

[illegible] Q [illegible] back to the Cherokee

[illegible] A [illegible] I saw them in '78, Spring

[illegible] Q [illegible] A Right up here on the

[illegible] Q [illegible] A Henry and George

[illegible] Q [illegible] here? A Jessie.

[illegible] Q [illegible] about how large?

[illegible] Q [illegible] in the Cherokee Nation when

[illegible] Q [illegible] A No, sir.

Q Is you under of your own knowledge about these children were born?

A No, sir.

Q Well, about how old did Joseph the boy, appear to be at that

[illegible] A [illegible]

Q [illegible] A Yes, sir.

[illegible] Q [illegible] Henry Liberty

[illegible] Q [illegible] A He appeared to be about nine o'

[illegible]

Q Did Cathrine [illegible] between the two, between Joseph and Henry?

A No, Cathrine was older than Joseph, he is [illegible] Q [illegible]

Q Is he younger or older than Joseph? A He is younger than this

girl.

Q Did she have any sisters? A Yes, sir, she got sisters up there

[illegible]

Q [illegible] A I got no [illegible] with

[illegible] Q [illegible] A [illegible]

Q [illegible] A She is younger I

[illegible] younger you say? A [illegible] I guess she is younger, I don't

[illegible]

Q [illegible] other children [illegible] A Yes Sir, the

[illegible] Q [illegible] A [illegible]

[illegible]

Q [illegible] Henry Rider had by this

[illegible] A [illegible]

[illegible] Q [illegible] A [illegible]

[illegible]

Q You didn't see her at the time you saw Henry the first time?
A Yes, sir.
Q [illegible] A Yes, sir.
Q [illegible] A Yes, sir, Henry went [illegible]
Q You didn't know whether Henry and Betsy were ever married or not?
A No, sir.
Q You didn't know where Betsy was a slave or not? A No, sir.
Q [illegible] Now, do you know when you knew Henry Colter the war [illegible] A [illegible] yes, sir.
Q You he always lived with her as her wife, that is, after the war?
A Yes, sir.
Q And you look in the mother of 4 home children you have mentioned here a while ago? A [illegible]
Q Living or deceased? A [illegible]
Q Didn't Mandy the mother of Jennette or Jennie? A No, sir.
Q Who is the mother of Jennie? A Polly Colter.
Q That I mean this girl's mother is not the mother of any of these children you have mentioned a while back? A No, sir.
Q And you never saw this girl and her mother since the war until 1909? A No, sir.
Q That is the first time you saw her? A Yes, sir.
REDIRECT Now, where has Polly been living all ago 1876.
Q Lived over in the Cherokee Nation on Verdigris river in half a mile of my farm.
Q You never knew her mother before the war? A No, sir, I wasn't acquainted with her before the war.

JOSIE ALBERTY, the applicant, recalled: By Mr. Faulkner:
Q Didn't you used to live at Iola, Kansas? A No, sir.
Q You came to Sequoyah Home in 1906 from Iola Kansas?
A No, sir.
Q Didn't you have a witness named John Baldridge before?
A No, sir.
Q Is your mother named Betsy? A Yes, sir, I can tell you who my witnesses was. Ed Hays and Rufus Vann and Henry Brown.
Q Did you know a woman by the name of Lindsey here you got a sister by that name? A No, sir, I ain't got no other sisters.
Q Well, half sisters? A No, sir.
Q Do you know Louisa, Walter Mar a nd Figgens? A That's my half sister's child.
Q They are nephews of yourself? A Yes, sir, they is here now.
Q Where did your mother die? A My mother ain't dead she is living, she is ain't dead, she is [illegible].

KIZZIE VANN, being first duly sworn by Commissioner T. B. Needham, testified as follows: By Mr. Faulkner:
Q State your name? A Kizzie Vann.
Q How old are you? A 54 years old.
Q Where do you live? A Lenapah.
Q How long have you lived in the Cherokee Nation? A Well, I was born and raised here and went out to Kansas during the war and came back here in '66.
Q Do you know Ed's applicant, Josie Alberty? A Yes, sir.
Q Who was her father? A Richard.
Q Who was her mother? A Betsy May.
Q Did you know her father and mother before the war? A Yes, sir.
Q Was Betsy May a slave? A Yes, sir.
Q Who did she belong to? A [illegible] May, she was a widow May.
Q Was Betsy May a Cherokee Indian? A Yes, sir.
Q Citizen of the Cherokee Nation? A Yes, sir.
Q Was Henry Rider a slave? A Yes, sir.
Q Who did he belong to? A John Rider.
Q Was you Rider a Cherokee Indian? A Yes, sir.

[illegible] settlement? A. [illegible]

[illegible] at the time the war

[illegible]

[illegible] I wanted the

[illegible] There were [illegible]

[illegible] sir, I don't remember

[illegible]

Q. [illegible]

Q. [illegible] about the [illegible]

A. [illegible]

Q. [illegible] before the war or

[illegible] was it, I [illegible]

Q. [illegible] of the [illegible] home? A. She lived [illegible]

Q. [illegible] the war? A. She [illegible]

Q. [illegible]

Q. [illegible]

Q. [illegible] I guess, [illegible]

[illegible] have remained in the

Q. [illegible]? A. [illegible] here

Q. [illegible] this applicant and her [illegible]

[illegible] A. It must have been [illegible]

Q. [illegible] A. I think he went after them [illegible]

Q. [illegible] A. [illegible] sir, their mother sent word by me when I

[illegible] to some other [illegible]

Q. [illegible] any time about

A. [illegible]

Q. Where did you see them? A. [illegible] Bank.

Q. Who were they with? A. I [illegible]

Q. Do you know where Josie [illegible]

[illegible] A. [illegible]

[illegible]

Q. [illegible]? A. I guess about 15 or 16 years ago.

A. I [illegible]. How old was Josie when she returned to [illegible]?

Q. [illegible]? A. No, sir, she wasn't [illegible]

Q. [illegible] and her mother [illegible], Betty? A. She came [illegible]

about the same [illegible]

Q. She stayed [illegible] there? A. Yes, sir.

Q. [illegible] Josie [illegible] before the war? A. [illegible]

Q. And she [illegible]? A. Yes sir.

lived [illegible] did you live before the war? A. I

Q. [illegible] A. [illegible]

Q. How far [illegible]? A. About four or five

miles.

Q. [illegible] that you said [illegible] mother lived? A. She lived

[illegible]

Q. [illegible] A. I guess I was about

15 or [illegible]

Q. Do you first remember [illegible] of seeing this girl before the war?

A. [illegible]

A. The one very [illegible]
or five years old.
A. He lived at Roberts

[illegible] A. [illegible] the west side.

[illegible] freedmen of the Cherokee
[illegible] father [illegible] thereon,
[illegible]

[illegible] Cherokee Nation in 1880 [illegible]
[illegible] did not appear to the Cherokee Nation
[illegible] until the year [illegible] but she had lived in the Cherokee
Nation since that time. [illegible] the said Harry Rider was married to [illegible] the mother of
the applicant, and [illegible] in 1880, she was a child
Her name cannot be [illegible] on any of the rolls of the Cherokee
Nation because well and she is only identified
with [illegible] the Dawes roll. [illegible]
observed upon the census roll of [illegible] Harry
Rider is duly identified upon the [illegible] roll of
1880, all according to the page and number of the rolls as
indicated in the testimony. The proof that the said Harry
is her child. Consequently Jessie Alberty and her child,
Esther, will be listed for enrollment as Cherokee freedmen
upon a [illegible] card. They will be notified of the action of
the Commission when the case is arrived at.

---oo0Ooo---

F. C. Rodgers, being duly sworn, says that [illegible]
the Commission to the Five Civilized Tribes, he [illegible]
the testimony and proceedings in this case, and [illegible]
is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 27th of August, 1906.

Commissioner.

[illegible]

[illegible]

[illegible]

[illegible]

Subscribed and sworn to before me this [illegible] day of [illegible], 1902.

[illegible]

Commissioner.

File with [illegible]

[illegible]

[illegible], being first duly sworn, testified as

[illegible] A William [illegible]

[illegible] I live at [illegible]

[illegible] in the State of [illegible]

[illegible]

[illegible] I think [illegible] same way

Q [illegible] there are [illegible]

[illegible] of their

[illegible] in

[illegible] remember that?

[illegible] was going

[illegible] were shot? A

[illegible] away from the [illegible]

[illegible] Bailey [illegible] and

[illegible] relative to you

they [illegible] A Well

[illegible] in the country [illegible] property.

Q Were they living [illegible] came up
between [illegible]
[illegible] I
[illegible]
[illegible]
A [illegible] although
knew [illegible] I didn't
Q [illegible]
[illegible] I
[illegible] I
by [illegible]
Q [illegible]
Q [illegible] her all [illegible] A Yes, Mr. I didn't [illegible] her
all [illegible]
Q [illegible]
retu[illegible] A [illegible] I [illegible] of [illegible] and
Q [illegible]
A [illegible] to [illegible] and yeah
Q [illegible]
d [illegible] A I [illegible] quickly.
Q [illegible] A [illegible]
is [illegible]
Q Well, [illegible]
you [illegible] and
thi[illegible]
should [illegible]
couldn't [illegible] I,
Q [illegible] you [illegible] remember it or this time next A If they
were [illegible]
Q Would you [illegible] A I [illegible]
Q You [illegible]
of their [illegible] A If I had known
Q Well, but [illegible] on your [illegible] the fact
of [illegible]
going from [illegible] A [illegible] the fact of their
Q But then [illegible]
thing [illegible] your [illegible]
Q You don't [illegible]
Q Well, when [illegible] the time and asking as
to whether you remembered [illegible] A In this
case?
Q Yes, sir. A [illegible]
Q You hadn't [illegible]
A I hadn't [illegible] people my id that time?
Q Hadn't [illegible]
Q Any [illegible] A [illegible]
[illegible] to [illegible] attempt to
Q [illegible]
[illegible]
Q You [illegible]
[illegible] A [illegible]
see [illegible] I wouldn't
Q Any [illegible] A No, sir.

[illegible] Mr. [illegible] Point Nine only [illegible] identified as [illegible]

Down:

Q [illegible]
[illegible]
Q [illegible]
Q [illegible] A [illegible]

Q How long [illegible] Osawatomie, [illegible] A [illegible]
Q Where [illegible] that is, on a [illegible]
Q While you were [illegible] know a [illegible] sir.
Q Do you know [illegible]
Q Do you know whether or not [illegible] that went by her name? A Yes, sir.
Q What was their name? A [illegible] something like that; it's been a long time [illegible] any [illegible] they saw without a written [illegible] interested in it.
Q Well, give the names, if you remember them; if you don't, [illegible]
A And I think then there was one named [illegible] if I don't mistaken.
Q Well, were there any others? A Yes, sir, there was two boys, George and Henry.
Q How long did they live in [illegible] or [illegible] you [illegible] you became acquainted with them, Mr. [illegible] A [illegible] they lived there for I guess as much as [illegible] or seven [illegible]
Q How far from you did they live? A Well, in the neighborhood of betwixt three and four miles.
Q Do you remember anything about the boys having any trouble at any time, or were you living there in that country at that time? A Yes, sir.
Q Do you know what the trouble was as to whether anybody was hurt or not? A Well, yes, sir, they were both hurt, but one was hurt worse than the other.
Q Well, now, who was it that was hurt? A The worst?
Q Who were the parties? A Why George and Henry.
Q Who? A Rider they called them.
Q Do you know by whom they were hurt? A Well, as I understood it a man by the name of John Snider.
Q Well now was their mother and them still living there in the neighborhood where you had known them at the time they were hurt? A I think they was.
Q Well do you know, Mr. Duncan, is what I want to get; do you know whether or not they were living there in the country at that time? A Yes, sir, I know that.
Q Well, now do you know what year that trouble occurred? A Well as near as my recollection, as near as I can remember, I think it was somewhere along either [illegible] Q.
Q You remember when that was; you know that they were living there in the country when the trouble occurred? That was what I have reference to.
MR. [illegible]: You think it was about '70? A Somewhere along there that that occurred.
Q Well, your recollection is not very good about these things that occurred thirty-five years ago? A No, sir, it's not.
Q A man can't do it? A No, sir, not good.
Q Then did you first get acquainted with these people? A Why when I first got to Kansas.
Q When was that? A That was in '64, I think, or '65.
Q You don't remember just what date you went there? A No, sir, I don't.
Q Then you were acquainted with them four, three or four years? A Yes, sir.
Q They left there soon after you say that they had some trouble there? A Well, yes, sir, I think they did.
Q Now you don't know whether they came down here to the territory or not? A Well, no; I didn't know where they went.
Q You can't tell whether they came down to this country and back or not? A I know there was some went away, and some couldn't get away.

[illegible] vs.

W. W.

[illegible]

be made [illegible] freedmen shall
rendered th[illegible]
take judicial [illegible]
proceedings [illegible] Court in the
for additional time to file certified copies of the proceedings or
the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. C. Rentz,
Notary Public.

I, E. G. Rothenberger, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. G. Rothenberger

Subscribed and sworn to before me this July 23, 1902.

[illegible]
Notary Public.

916

DEPARTMENT OF THE [illegible]
COMMISSION TO THE FIVE C[illegible]
FILED
AUG 22 1901

916, Lizzie Shaffer

[illegible] A As [illegible]

[illegible] A Texas.

[illegible] A Yes sir.

[illegible] roll? A Yes sir.

[illegible] to have enrolled besides yourself?

[illegible]

[illegible] A [illegible]

[illegible] A [illegible]

[illegible] A [illegible]

Q [illegible] is your [illegible]? A About the year after that I am.

Q Is [illegible] roll? A [illegible] is on the Walker [illegible] Cherokee roll and the roll the Cherokees [illegible]

[illegible] at the beginning of hostilities between the United States [illegible]? A On Grand River east of Vinita.

Q [illegible]? A Yes sir.

Q [illegible]? A Robert [illegible].

Q [illegible]? A Yes sir.

Q [illegible] the close of the war? A In the Choctaw Nation.

Q [illegible] from the Choctaw Nation to the Cherokee Nation?

A [illegible] we and went to Mexico.

Q How [illegible] there? A Five or six years, in Mexico on a ranch [illegible] with a Jew from New York [illegible].

Q [illegible] did you come to? A Went back to Texas and staid at San [illegible] a few years.

Q How long did you stay in Texas before you came to the Cherokee Nation? A I don't know how long, I was working my way back from place to place, didn't have any means of getting back and had to work my way.

Q When did you get back to the Cherokee Nation? A I don't remember exactly the [illegible] I got back [illegible] the Council was in session [illegible] the Council to have my [illegible] recorded.

Q What did the Cherokee Council do for you? A They [illegible] and [illegible] and they [illegible] as I [illegible] of the [illegible] of the [illegible] I was [illegible] swamp and it passed all the Council except [illegible] and they did not wait for them and Council address [illegible] that they would make me a citizen anyhow as I [illegible] of the United States at the time of the treaty [illegible] out and did not get a chance to come back [illegible] to.

Q Where [illegible] all this time? A She was with me.

Q Where [illegible] for her? A In the Cherokee Nation.

Q [illegible] the war and during the time that you were in [illegible] one was with you was she? A Yes sir.

Q [illegible] back with you? A Yes sir.

[illegible] Bryant father? A. He was born in [illegible]

[illegible] came to the [illegible] A. Don't know [illegible] bit of a [illegible]

[illegible] all the time? A. Yes [illegible]

[illegible] you? A. Was [illegible]

[illegible] to be [illegible]

[illegible] back to the [illegible]

[illegible] way, when the [illegible]

[illegible] refused to [illegible]

[illegible] and [illegible] with [illegible]

[illegible] stealing [illegible]

[illegible] of [illegible]

[illegible] a [illegible]

[illegible] Texas law [illegible]

[illegible] were [illegible] a [illegible]

[illegible] and said that [illegible]

[illegible] for a cook and he [illegible]

[illegible] money to pay me out [illegible]

[illegible] and I was [illegible]

[illegible] of Chihuahua [illegible]

[illegible] and the Jew paid [illegible]

[illegible] the place where this Jew [illegible]

[illegible] for twelve months and [illegible]

[illegible] to relieve us. When [illegible]

[illegible] us paying Col. Bryant and [illegible]

[illegible] our part and put it into court and [illegible]

[illegible] the Mexicans had no law there anymore [illegible]

[illegible] end in power and they said that if we [illegible]

[illegible] it would have been all right because it was [illegible]

[illegible] found people owed their old masters anything, but under the law

there then we was all pauped to pay that claim. Well I was there

several years and then Gen. Grant sent them two officers down there in

[illegible] to relieve us and they took us away and they went from

[illegible] to San Antonio, and we went with the soldiers and would

go [illegible] miles and then we would camp and while we were camping I

would take no many mules for them and when they got to a certain place

across the Rio Grande called ———— they left us and I went

on to San Antonio. When the troops left me I asked them how much

[illegible] that far bringing me and my family that far and the officers

said that we did not owe them nothing but that they owed us something

for the work they had had us do and he handed my [illegible] and then I

went on to San Antonio with my family.

Q. And the officers brought you into Texas and turned you loose and

you went on to San Antonio? A. Yes sir.

Q. And you say you resided in San Antonio several years before coming

up to the Cherokee Nation? A. Yes sir.

Q. You have made that the reason that you did not come back to the

[illegible] right after the war was because [illegible] to

[illegible] pauped out as you call it, [illegible]

[illegible] sent there to relieve [illegible] that when you

[illegible] work your way to the Cherokee Nation? A. Yes

sir, I was [illegible] there by Col Bryant and paid out to Ben Lewis

[illegible] the governor of Chihuahua.

[illegible]

[illegible] A Yes sir

[illegible] Mexico [illegible] five or six years

[illegible] Cherokee

[illegible] and

[illegible] years [illegible]

[illegible] thou

[illegible] I [illegible]

[illegible] ing

[illegible] he would pay [illegible] he [illegible] him

[illegible] A The [illegible]

[illegible] on his [illegible]

[illegible] A Yes [illegible] and wanted

[illegible] you work [illegible] A Five or six years.

[illegible] you out? A Had sir sent [illegible] to

How much money did you take when you left Mexico? A [illegible]

[illegible] you come back to [illegible]

[illegible] A Well I got [illegible]

[illegible] did [illegible] have any money and had a [illegible]

[illegible] all today? A Don't know how long, [illegible]

[illegible] years.

[illegible] Nation

[illegible] Robert [illegible]

[illegible] found

[illegible] well of [illegible]

[illegible] not found on any of the [illegible]

[illegible]

[illegible] 1901.

[illegible]

Commissioner.

To be filed with case of Lizzie Sawyer, C. F. R. #[illegible].

[illegible] OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., June 20, 1901.

In the matter of the application of Andrew Daniels for the enrollment of himself and nine children as Cherokee Freedmen.

APPEARANCES:

Mellette & Smith Attorneys for applicant;
W. W. Hastings, of counsel for Cherokee nation.

ANDREW DANIELS, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Andrew Daniels.
Q How old are you? A I don't know, about 37 I guess.
Q What is your post office address? A Ramona.
Q Indian Territory? A Yes, sir.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and nine children.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Dora Daniels.
Q Is she a citizen? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes, sir.
Q Is it on the roll of 1880? A I think it is, year sir.
Q What is your father's name? A Burrell Daniels.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Miranda Daniels.
Q Is she living? A Yes, sir.
Q Have you got nine children under age and not married? A Yes, sir
Q Give me the name of your eldest child? A Willie.
Q How old is he? A Mm. I guess he is about 16.
Q The next one? A Lewis.
Q How old is Lewis? A I just can't tell you exactly; there is about a years difference in between them.
Q Then Lewis must be 17? A Yes, sir.
Q The name of the next one? A Susie.
Q Susie then would be 16, would she? A No, sir, there was one between Lewis and Willie, and she is dead.
Q That would make Lewis then 16? A Yes, sir.
Q Then Susie would be 15, if he comes next to Lewis? A Yes, sir, but that is a little too old for her I think.
Q How old is she? A I think she is about 13 or 14.
Q Well, what is the name of the next one? A Thomas.
Q How old is Thomas? A He must be about ten I guess.
Q The next one? A Burley.
Q How old is he, A He must be, I don't know exactly just about how old, about 8 or 7 I think.
Q What is the name of the next one? A Emaie though is older than Burley.
Q How old is she? A She must be about eight or nine, and then Burley comes next.
Q Who is after Burley? A Minnie.
Q How old is Minnie? A She must be about 5 I t was.
Q Well, the next one? A Miranda.
Q How old is Miranda? A She is a little over 2 years old I think.
Q What is the next one? A Ruth.
Q How old is Ruth? A She isn't quite a year old yet. I am not on the 1880 roll, I am on the other two rolls.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified therein.
The 1896 census roll of Cherokee Freedmen examined and the

The Kerr roll was then examined and the applicants identified thereon as follows:

Andrew Daniels on page 181, No. 4448, Cooweescoowee district
William Daniels on page 181, No. 4447, Cooweescoowee district
Lewis Daniels on page 181, No. 4449, Cooweescoowee district as Lewis Parris;
Susan Daniels on page 181, No. 4450, Cooweescoowee district
Thomas Daniels on page 181, No. 4446, Cooweescoowee district as Tom Daniels;
Lucie Daniels on page 181, No. 4451, Cooweescoowee district
Burley Daniels not on Kerr Clifton roll.
Minnie Daniels on page 181, No. 4452, Cooweescoowee district

Q What is the matter with Burley; Burley is older than Minnie?
A I don't think he is on the roll though.
Q Why not? A He didn't get on there, they didn't enroll him.
Q Have you got any witnesses here? A My daddy.
Q Has your daddy been enrolled? A Yes, sir.

TURRELL DANIELS, being duly sworn by Commissioner Needles, testified as follows:

Q State your name. A My name is Burrell Daniels.
Q How old are you? A I expect I am nearly 70.
Q Where do you live? A Out west of Tahlequah on Caney River.
Q How long have you been living in the Cherokee Nation? A I have lived in the Cherokee Nation all my life time until I went to Mexico; I have been back, though, ever since Mr. Bushyhead was Chief.
Q Ever since Mr. Bushyhead was Chief? A Yes, sir.
Q Do you know this man sent here, Andy Daniels, here first on the stand? A He is my son.
Q How old is he? A I don't know exactly, he was born just about a year before the war ended.
Q Where was he born? A He was born down here close to Doaksville in the Choctaw Nation.
Q Was you a slave then? A Yes, sir.
Q Who did you belong to? A I belonged to Robert Daniel, first belonged to Miss Susie Taylor, living in Tahlequah, and she gave me to her daughter.
Q Who was her daughter? A Annie Daniels, died in Vinita here time of the Lightning Creek payment.
Q Who was your owner at the time the war commenced? A She was my owner; when the war commenced why she had me with one of her sisters that lives in Tahlequah now, Mrs. Thompson, exchanged me for a boy named Will. I belonged to Mrs. Thompson a while after the war commenced.
Q Well Burrell, about what time, about how long had you been in the Choctaw Nation when this boy Andrew was born? A Well, we had been down there I reckon not quite a year, but I was with the army, backwards and forwards, in the Nation here and then out.
Q He was born in the Choctaw Nation a year after you left the Cherokee Nation? A Yes, sir.
Q Who took you out of the Cherokee Nation? A They put us with Mr. Bryant's outfit.
Q How many children did you have at the time you were in the Choctaw Nation at the time you were in the Choctaw Nation when this boy Andrew was born? A I had Lewis, Abram, Sarah and Tom.
Q Have a wife there then? A Yes, sir.
Q What was her name? A Miranda Daniels.
Q Was she a slave too? A She was the slave of Zeke Daniels.
Q Was he a Cherokee citizen? A Yes, sir, my old Boss' brother.
Q Was Joel Bryant a Cherokee? A He was a white man but he had a Cherokee wife.
Q When you were in the Choctaw Nation, how did you get into Mexico? A Mr. Bryant carried a number of us out there, a drove of us.
Q How big a drove did he have? A I reckon he had, must have had

[illegible] forty or fifty of us, little and big.
Q [illegible] boy taken down to Mexico at the time you were? A Yes, sir.
Q Did other members of your family, if any, were taken down there?
A I had my eldest son Lewis, and a boy named Abram, a girl, out of the Choctaw Nation named Sarah, taking Lewis and Abram and this boy [illegible].
Q How long did you stay in Mexico? A I must have stayed there; I was working on a Mexican Ranch about five or six years till they relieved me down there, I stayed on the ranch yonder about five years, and came a merchant from Santa Fe named Mr. Juberg
Q You were penned down there in Mexico were you? A Yes, sir.
Q How old was this boy Andrew when you returned to the Cherokee Nation? A I reckon he was about five or six years when I returned back to San Antonio, six or seven.
Q About how long did it take you to make your way back to the Cherokee Nation? after you came to San Antonio? A I was several years on my way, I worked a year or two in San Antonio and then I came up to Fayette County and stayed there.
Q Do you know what year it was when you came back to the Cherokee Nation? A No, sir, I guess I could find out at Tahlequah when I come back; when I came back Council was up there and I worked on Arkansas River till Council commenced, again.
Q That was when Mr. Bushyhead was chief? A Yes, sir, and when council commenced again I went and reported at the General Council.
Q About how old when was this boy when you came back to the Cherokee Nation at the time Bushyhead was chief? A I don't know, I can't tell you exactly how old he was, he was a young man I reckon when he came back here.
Q Well, can you tell us about how many years since you came back to the Cherokee Nation, can you count back that way and tell? A It must have been something over twenty years ago.
Q And you say the boy was born after the war commenced?
A No, sir, he was born just before the war ended.
Q You took his mom to the Choctaw Nation? A Yes, sir.
Q He was born down there before the war ended? A Yes, sir, just a year before it ended.
Q And you came back and the boy came back about twenty years ago?
A Yes, sir, I think it must have been twenty years ago, I can find out by going to Tahlequah.
Q What other children did you bring back with you twenty years ago, by whatever time it was? A I brought Robert and Lizzie and one named Andy.
Q What is Lizzie's name now? A She is married, she is named Liz ie Haines, and one of my daughters died before I got back, and left two grandchildren, and they went by the name of Mary Hator and Lizzie Hator, but she goes by the name of Mary Hill and Lizzie Shelter.
Q They were your children, members of your family, when you brought them back here at the same time you brought Andy? A Yes, sir, when I brought these little children back here they were just little kids, they have grown up here since they came back.
Q Which ones do you mean by those little children? A These here girls that are married now.
Mr. Hastings: Where was Andy married? A He was married just down here the other side of Hempstead, near Wimer, Texas.
Q His wife was State raised? A Yes, sir.
Q Where was his first child born? A Born here in the Nation.
Q Willie? A Yes, sir.
Q Willie was born in the Nation? A Yes, sir, born down here on the Arkansas river at Mrs. Rivens.
Q Had Mr. Bushyhead been re-elected then, been elected the second time as chief, when you came? A I think he was, I think he was I will not be certain.

Q How long did you stay in Texas, about how many years?
A [illegible] about six or seven, I [illegible] on a [illegible] five or six years.
Q [illegible] left the [illegible] come back to Texas? A After [illegible] in Texas [illegible] to [illegible].
Q [illegible] until you came up here?
A [illegible], just on [illegible] on it [illegible] as I was coming.
Q [illegible] the rest of your time? A Until I came up [illegible], I traveled as far as I could.
Q [illegible] between six and seven or eight or nine [illegible] in Texas either leaving [illegible], before you returned the [illegible] for the war? A Yes, sir, I stayed in Tex as in places, I travel around and then stopped maybe a year or two.
Q [illegible] how old was Andy when you brought him back here?
A [illegible] about 14 or 15 years old, he married [illegible] he was [illegible] but a boy.
Q [illegible] brought him back to the Cherokee nation? A Yes, sir, he [illegible] in Texas and he was nothing but a boy.
Q [illegible] been over 14 years old? A The people down there [illegible] about having him team up for that marriage, he was [illegible] a boy.
Q [illegible] present wife? A Yes, sir.
Q [illegible] did he stay in Texas after he married? A [illegible] married [illegible] and he came here in the fall.
Q [illegible] there? A Yes, sir.
Q [illegible] he [illegible] over 13 or 13 years old? A I don't know as he was 13 years old, he was a boy because I know they were trying to get the one that married him took up for marrying him.
Q How old is he now? Q I don't know, sir, exactly how old he is; his age is on them rolls.
Q Who was Andrew's mother? A My wife, what used to belonged to the same set of people I belonged to.
Q Did she come back with you? A Yes, sir, she is at home now.
Q You [illegible] here back together? A Yes, sir.
Q Andrew's mother was a slave? A Yes, sir, slave of Zeke Daniels.
Q Was she with you all the time you were emigrating around through Texas and [illegible]? A Yes, sir, she was the slave of Zeke Daniels [illegible] war ended she got to be the slave of Mrs. Thompson, at [illegible] now.
Q Andrew is your eldest child? A No, sir, I have one named Tom.
Q Older than Andrew? A Yes, sir.
Q [illegible] was Tom born? A Tom was born here in the Cherokee Nation on [illegible] river east of Vinita, before the war.
Q [illegible] living? A Yes, sir, he is here in the Nation.
[illegible] did I ask you, Farrell, when you testified in your own [illegible] why you didn't come back to the Cherokee nation [illegible] after they left you at Fort Gibson? A Yes, sir.

Andrew Daniels, recalled, testified: Cross-examined:
Q Are all these children for whom you apply living at this time?
A Yes, sir.
Q [illegible] all of them born in the Cherokee nation? A No, not all of them.
Q [illegible] was Willie born? A He was born in the Cherokee Nation.
Q [illegible] born? A I think I was working over in the Creek [illegible].
Q [illegible] live in the Creek Nation? A A while I did.
Q [illegible] you said you had lived in the Cherokee Nation sometime [illegible]? A Well, I have been.
Q [illegible] couldn't have been living in the Cherokee nation and the Creek [illegible] at the same time? A A good while ago I used to live [illegible].
Q [illegible] did you live in the Creek Nation? A Several years, [illegible] there.
Q [illegible] Susie born? A She was born in the Creek Nation.

Q Where was Thomas born? A I think he was born in Canadian if I am not mistaken, Cherokee Nation.
Q Canadian district? A Yes, sir.
Q Where was Burley born? A I disremember now exactly where he was born.
Q In the Cherokee Nation or the Creek Nation? A I think I was living in the Creek Nation at that time.
Q Where was Essie born? A She was born in the Cherokee Nation, I disremember, I am not sure of it though.
Q Minnie, your five-years old child? A Canadian I think.
Q Where was Miranda? A Born here on Gargo.
Q In the Cherokee Nation? A Yes, sir.
Q And Ruth? A Yes, sir.
Q Well you appear to have lived in the Creek Nation a good deal.
A A while when I first came to the country.
Q What part of the country? A Right on the line about Muskogee, I worked through there.
Q Worked over all at Muskogee? A Yes, sir.
Q These children, that is where they were born, over about Muskogee? A Some of them were.
Q Where were the others that were born in the Creek Nation born?
A Kinder along backwards and forwards? A Yes, sir, worked around in there a while.
Q They are all the children of Dora, your wife? A Yes, sir.
Q What proof have you got of your marriage to Dora? A I haven't got any unless I send off after it.
Q Married in the State of Texas? A Yes, sir.
Q Got a license there? A Yes, sir, at Ladonia, Texas.
Commissioner: Well, you will have to send a certificate copy of your license from the record there.
Mr. Hastings: How long did you live there after you married?
A I married along the the spring and came out that fall.
Q You know what fall you got here? A No, sir, not exactly.
Q What is your best judgment about when you got here?
A I never paid the strictest attention to it, I don't tell you just what fall it was.
Q You made a crop there after you married, came back in the fall after that? A Yes, sir.
Commissioner: You know how old you were when you came?
A No, sir, I don't.
Q Did you ever vote in the state of Texas? A No, sir.
Q Ever vote in the Cherokee Nation? A Yes, sir.
Q How long after you came back before you ever voted in the Cherokee Nation? A It wasn't very long, I voted several times in Canadian and I voted one or twice up here.

Commissioner: Andrew Daniels applies for the enrollment of himself and nine children, as enumerated in the testimony. He cannot be identified upon the authenticated roll of 1896 or the census roll of 1896 but he and his children, with the exception of Burley and Miranda and Ruth, are identified upon the Kern-Clifton pay-roll. He avers that he is the son of Burrell Daniels, who is listed for enrollment upon enrollment card No. R-40, and the testimony taken in the case of the said Burrell Daniels will be made part of the record in the case at bar, and a copy thereof filed herewith. He has submitted proof as to his residence, and avers that he was married to his wife Dora in the state of Texas. She is a non citizen. He has no proof of marriage. It will be necessary for him to file with this commission satisfactory proof of his marriage, or a certified copy of the records from the State of Texas. The testimony shows that his father and mother in the Cherokee Nation until about twenty years ago, and that he brought with him the applicant, his child, at that time.

The testimony shows that the said Andrew was born in the Cherokee Nation during the war, the applicant's father, Burrell at that time having been taken out of the Cherokee Nation. Because of the fact that the applicant was a minor, born after his father and mother were taken out of the Cherokee Nation, and before they lost their rights as Cherokee Freedmen, and the weight of the testimony showing that he was a minor when he returned, the applicant, Andrew Daniels, and his children as enumerated herein, will be listed upon a doubtful card, awaiting further consideration by the Commission. He will be notified by mail of the action of the Commission in the premises. The only doubtful question in the mind of the Commissioner is as to the rights that the said Andrew Daniels has by reason of his being a minor at the time that he was taken from the Indian Territory, and a minor when he returned, the evidence showing that his father and mother were slaves in the Cherokee Nation before the war.

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

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 8th day of July, 1924.

(Signed) C. R. Breckinridge,
Commissioner.

Supplemental, Cherokee Freedman D-551.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 26, 1901.

In the matter of the application of Andrew Daniels et al for enrollment as Cherokee Freedmen.

Supplemental testimony.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, Counsel for Cherokee Nation.

BURRELL DANIELS, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Burrell Daniels.
Q Are you the father of Andrew Daniels, who applied yesterday to be listed for enrollment? A Yes, sir.
Q You were a slave, were you? A Yes, sir.
Q Who did you belong to? A I belonged to Bob Daniels.
Q Were you taken out of the Cherokee Nation during the war?
A I was taken out after the war ended.
Q Who by? A By Joel Bryant.
Q What right had he to take you; was he your owner? A When the war was coming on we were put with him to keep out of the way of the Northern people and he carried us down here in the Choctaw Nation near Doaksville, with all the families.
Q Whose family? A All the families, their families and colored families; and when the war ended, before he turned the darkies loose he took a drove of them and went to Mexico.
Q Took you among them? A Yes, sir.
Q Where from? A South from the Choctaw Nation.

Q [illegible] was in the Choctaw Nation at that time, were you?
A [illegible]
Q [illegible] where Andrew was born? A Andrew was born in the Choctaw Nation near a Sampson Pulsam's.
Q [illegible] A Yes, sir.
Q [illegible] born? A Yes, sir, he was just a baby.
Q [illegible] your [illegible]? A Yes, sir, all the [illegible] family.
Q [illegible] was Andrew [illegible]? A [illegible] I [illegible] was something [illegible] a year old, [illegible] made a crop there and [illegible] there all one winter and one [illegible].
Q How old your wife and Andrew happed to be in the Choctaw Nation?
A My wife and Andrew, he had the whole family, my family and half a dozen others.
Q [illegible] happen to be there? A He took us down there.
Q [illegible] A Yes, sir.
Q Took you from the Cherokee Nation into the Choctaw Nation?
Q Yes, sir, first to Fort Smith and from Fort Smith to Van Buren and then to the Choctaw Nation.
Q There is where Andrew was born? A He stayed there one winter and made a crop that fall, made a crop, and along in coming December of [illegible] he moved us all over to Texas.
Q Was that after the war? A Yes, sir, everybody was going home, peace was declared.
Q Didn't you know you were free then? A Yes, sir, he had his battallion surrout with him.
Q Was he a soldier? A He had the soldiers with him.
Q Was [illegible] a Confederate or a federal? A He was a confederate.
Q Was he an officer? A He was a colonel.
Q And he took you along when he took his soldiers back; when he took his soldiers he took you folks? A Yes, sir.
Q Did you try to b et away from him? A No, sir, he didn't ask us anything, just told us we had to go with him and said we would come back when everything got quiet.
Q I understand Andrew was born in the Cherokee Nation? A No, sir. He was born in the Choctaw Nation.
Q After this man took you down there? A Yes, sir.
Q And took your wife there? A Yes, sir.
Mr. Smith: At the time Andrew was born and the time you speak of being in the Choctaw Nation and going over into Texas to cut wheat, the war wasn't ended was it? A No, sir, it wasn't ended then.
Q That was while the war was going on? A Yes, sir; when the war ended why he moved us from Mr. Sampson Pulsam's to a place below Denksville, between Denksville and old Mr? Jones' farm.
Cross-examination: You stayed at Sampson Pulsam's until the war ended? A Yes, sir.
Q He took you there before the war ended? A Yes, sir.
Q He had the families all there, and there is where Andrew was born? A Yes, sir.
Q Then Andrew was taken on down into Texas? A Yes, carried down into Texas, went down to Waco, from Waco to Austin, and met some people and they said the Yankee army was in Austin, and he took is then across the plains.
Q And there Andrew stayed until he was married? A Yes, sir, he took us to Mexico.
Q Took Andrew to Mexico? A Yes, sir, and he married the same year I was working out was back.
Q He married in Texas? A Yes, sir.
Q And after he married he came back to the Nation? A Yes, sir.
Mr. Mathual: You stayed six or seven years in Mexico?
A Yes, sir.
Q That was six years or seven years after the war? A Yes, sir
Q When you came back here you say after Mr. Bushyhead was elected chief the second time; that was after '87? A I came back from

the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 9th of July, 1901.

(Signed) T. B. Needles,

Commissioner.

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J. O. Reason, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly made the foregoing copy and that same is a true and complete copy of the original transcript of the testimony and proceedings in said case.

J. O. Reason

Subscribed and sworn to before me this August 28th, 1901.

Commissioner.

COm.

JUL

[illegible]

[illegible] the matter of [illegible] for the enrollment of [illegible] and examined by commissioner [illegible], [illegible] being sworn [illegible] as follows:

[illegible] Appearances:

[illegible], Attorney for Applicant.

Mr. W. W. [illegible], Representing the Nation.

Q What is your name? A [illegible]
Q How old are you? A I [illegible]
Q Are you [illegible]? A I am [illegible]
Q What is your post office? A [illegible]
Q What citizenship are you [illegible]
Q Why do you want to enroll [illegible]? A Just myself.
Q Is your name on the roll of [illegible]? A Yes, sir.
Q Is it on any of the rolls of the Cherokee Nation? A Gilreen roll and Wallace roll.
Q What is your father's name? A My father's name was John Newton.
Q What was your mother's name? A [illegible].
Q Do you claim your citizenship through your father or mother?
A My mother.

BY MR. [illegible]:

Q Who was Mary's father? A [illegible].
Q Do you know your grandfather? A Yes, sir.
Q Where did he live? A On [illegible].
Q In the Cherokee nation? A Yes, sir.
Q How long has he lived there? A I don't know.
Q How long have you lived in the Cherokee nation?
A I have been living in the Cherokee [illegible] ever since I have been here [illegible] enough to know [illegible].

BY MR. [illegible]:

Q Where were you born? A I was born in Texas.
Q Is your mother living? A No, sir.
Q Where did she die? A She died in Texas.

BUCK BARNETT, being duly sworn by Commissioner T. H. Woodlee, testified as follows:

BY MR. [illegible]:

Q State your name? A Buck [illegible].
Q Where do you live? A I live on Upper River.
Q Are you the Buck Daniels who applied for enrollment before this Commission at Fort Gibson? A Yes, [illegible].
Q Do you know this applicant, Lizzie Newton? A Yes, sir, grandfather.
Q Who is her mother? A Her mother died before she got here.
Q Her name was Nancy? A Yes, [illegible].
Q Was she your daughter? A [illegible].
Q When did this girl come to her father's when you came?
A She came when I came; she was a girl about that high (indicating).
Q How old would you say? A About three or four years old.

BY MR. [illegible]:

Q Her mother died in Texas? A Yes, sir.
Q Did she marry in Texas? A Yes, [illegible].
Q How many children did she have after that one?
A Just had two, this one and this one.
Q How much about in her older sister than she, the applicant?
A She is, I reckon, about two years older.
Q Was she married in Texas you say? A She was married right here on Upper River.
Q [illegible] her mother? A Her mother married in Texas.
Q Both of these children born in Texas? A Yes, sir.
Q Your father died in Texas? A Yes, sir.

Linnie Shafer.--8.

[illegible]

BY MR. [illegible]

Q How [illegible] you lived in the Creek Nation? A I don't know, sir, how long I lived there.

Q Is your husband a Creek citizen? A No, sir.

Q Was he a Creek man? A [illegible], sir, he is a Freedman.

Q Well, don't you know how long since you been living in the Creek Nation? A No, sir.

Q Well, about how long? A Well, I don't know, sir.

Q Twenty years? A No, sir.

Q Well, then, how long? A I don't know how long I lived there.

[illegible]

Q You live in the Creek Nation now don't you? A No, sir.

Q How long have you been up here? A About five years.

Q Since the last time? A We was living here at the time of the last payment.

Q [illegible]

MRS. DANIELS, recalled:

Q Mrs., when did this girl come up here? A I moved them up here.

Q When? A I moved her up here from Greenover.

Q Greenover is on the line? A Yes, sir.

Q What direction from Greenover? A South of Greenover.

Q You give the residence in before Creek Nation? A They was not living in the Creek Nation.

BY MR. [illegible]

Q Do you know how she happened to be put down as being living in the Creek Nation? A I didn't know how they came to put that down, she was living right there at Greenover.

Q Were they living in the Creek or Cherokee Nation?

A It was in the Cherokee Nation, Cherokee Nation.

BY MR. [illegible]

Q Did you ever live in the Creek Nation since you came back here?

A Yes, sir, I lived in the Creek Nation and Cherokee Nation both.

Q Sometimes it was in the Creek Nation don't he? A No, sir.

Q Isn't he a Creek citizen? A No, sir, he is a Cherokee and lives in the Cherokee Nation.

MR. [illegible]: Linnie Shafer applies for the enrollment of herself. She swears that she is a daughter of Lucy Daniels.

Q What relation is Andy Daniels to you? A He is my uncle. She swears that she is a granddaughter of Mark Daniels and a niece of Andy Daniels. She swears that she is now married to one Henry Shafer. She is identified upon the Dawes citizen roll and Wallace roll, but cannot be identified upon the authenticated roll of 1880 or census roll of 1896. By request of the attorneys the testimony taken for the enrollment of the applicant sets of Mark Daniels as the noted card 800, and Andy Daniels as [illegible] card [illegible], will be made part of the record in the case of her husband, Henry Shafer. A certificate in said cases will be filed with the testimony in new cases for the applicants. Said Linnie Shafer will be listed for enrollment as a Cherokee freedman upon a [illegible] card.

MRS. DANIELS, recalled:

Q What was Linnie Shafer's mother's maiden name? A Her mother was named Nancy.

Q How old was she when the war came up? A She was about three or four years old when the war was up and he it was.

Subscribed and sworn to before me this 25th day of [illegible], [illegible].

[illegible] Spriggs.

[illegible] of the [illegible]

[illegible]

[illegible] enrollment [illegible] tribe.

[illegible] on behalf of applicant.

[illegible] appeared:

[illegible], attorneys for applicant;

W. [illegible], of counsel for Service [illegible].

[illegible] appearing before the [illegible] and being duly [illegible] testified as follows:

[illegible] What is your name and residence? A [illegible].

[illegible] Katie.

[illegible] age? A 29.

[illegible] by blood, a [illegible]

[illegible] by blood, [illegible]

[illegible] A [illegible]

[illegible] A [illegible]

[illegible] A [illegible]

[illegible] Burrell [illegible] A I [illegible]

[illegible] year was that? A That was in [illegible].

[illegible] there [illegible] A [illegible] there in [illegible]

[illegible] too about his rights [illegible] said.

[illegible] section? A [illegible] sir, I wrote it out, and the [illegible] from [illegible] Quan to introduce it [illegible] Senate.

Mr. [illegible]: There comes in a matter of record: I was going to object to further examination [illegible] last line.

Commissioner: I will have to note the objection and let it go on.

Mr. Hastings: I don't think Mr. Ballette will insist on going on.

Mr. Ballette: I think the fact of his filing his application is [illegible]. I don't care to go on.

Q Did you know [illegible] Daniels before he left the Indian Territory at the beginning of the war? A No, sir, I didn't know him, I was too young then.

Commissioner: This testimony will be filed in the following cases: B-[illegible], B-[illegible], B-616, B-617, and B-[illegible].

Stenographer's Certificate

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

Bruce O. Young

Sworn to and subscribed before me this the 29th of [illegible], 1921.

M. D. Green

Notary Public.

116.

ENT OF THE INTERIOR,
THE FIVE CIVILIZED TRIBES.
FILED
8 1902

ACTING CHAIRMAN

To be filed with D. R. 918, Lizzie Shafer.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T. May 17, 1902.

In the matter of the application of Burrell Daniels for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO R-80

APPEARANCES:
Mellette, Smith & Cravens, for applicant.
W. W. Hastings for Cherokee Nation.

COMMISSION: There is offered in evidence by the attorney for the applicant a certificate which purports to be a true and correct copy of so much of the Wallace Roll made by J. W. Wallace as shows the enrollment of ~~J. W.~~ Andrew Daniels and family as Cherokee Freedmen and as beneficiaries of the per capita fund of seventy five thousand dollars appropriated by the act of Congress approved October 19, 1888. Also certified copy of that part of the J. W. Wallace roll as shows the enrollment of Burrell Daniels and family as Cherokee Freedmen and beneficiaries of the per capita fund of seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888.

MR. CRAVENS: Applicant offers to file the affidavits of Andrew Daniels taken on the 22nd day of November, 1898, and the affidavit of Burrell Daniels, taken on the 4th day of October, 1889, and the supporting affidavits of L. D. Daniels, Luster Foreman, and Ben Grimmett, taken before John W. Wallace on the 4th day of October, 1889, being copies of affidavits on file in the office of the Secretary of the Interior as shown by the certificates attached.

MR. HASTINGS: The Cherokee Nation objects to the filing of these affidavits because it is against the rules of the Commission to file affidavits and because Burrell Daniels and Andrew Daniels are alive and have testified before the Commission in their cases heretofore, and because L. D. Daniels and Ben Grimmett are alive and have testified before the Commission in numerous cases, and they can be gotten so as to be brought before the Commission and there examined and cross examined so as to ascertain their knowledge and means of knowledge.

COMMISSION: The objections of the Cherokee Nation will be sustained.

COMMISSION: These proceedings will be filed with and made a part of the record in the case of Andrew Daniels et al, D-861, Lizzie Shafer, D-918, Mary Hill et al, D-917, Lizzie Haynes, D-941, Mack Daniels, D-1089, Thomas Daniels, D-1100, Burrell H. Daniels, D-1101, and Burrell Daniels, R-40, the same being the case at bar. It appears from the records of the Commission that all of these applicants are represented by Mellette, Smith & Cravens.

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

(Signed) Arthur G. Creninger.
Subscribed and sworn to before me this 6th day of June, 1902.
(Signed) P. G. Reuter,
Notary Public.

-2-

I, the undersigned, being [illegible] duly sworn, do on oath state that I am a stenographer in the Commission to the Five Civilized Tribes. [illegible] I have made the above and foregoing copy, and that the same is a true and complete copy of the original transcripts.

Francis S. Botsford

Subscribed and sworn to before me this 6th day of August, 1902.

[illegible]

Freed U 880

Commissioner of the Interior,
Commissioner to the Civilized Tribes,
[illegible], Dec. 31, 1902.

[illegible] of the application of [illegible] ADAMS for enrollment as a [illegible].

[illegible] appears by Mallette & [illegible], Cherokee Nation, by W. W. Hastings:

[illegible]

copy of the decr[illegible] certified Moses [illegible], Trustee [illegible] No. 1720 filed in [illegible] Nation case F D [illegible] Nation, record in this case [illegible] of the case hereinafter mentioned by reference to the said case [illegible] hearing, and if it be deemed necessary [illegible] a copy of the said decree be filed in this case and in the following cases, to-wit:

Lizzie Shaffer, U 816;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, or that he returned within the time specified in the treaty of [illegible], or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commissioner will take judicial notice of all laws, treaties and decrees necessary for the adjudication of all rights of any person who makes application for enrollment. Fourth: The Cherokee Nation objects to the filing of a certified copy of the decree in the case of an applicant unless the same is called and filed in each individual case.

Commissioner:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Marian Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. [illegible]:

The applicant [illegible] moves that as to the above named cases in [illegible] such case that [illegible] for the applicant be allowed [illegible] days to file a [illegible] proof of any or all of the record of [illegible] the decree [illegible] referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings.

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before [illegible] that matter [illegible] be closed [illegible] mission of the [illegible] the 31st day of May, 1902, and [illegible] 1902, we say that under the rul[illegible] the agreement between the attorneys, [illegible] cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the [illegible] 1902, and as the Commission must [illegible] of said Court in the [illegible] for applicants for said Court is denied. [illegible] proceedings of the [illegible]

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

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 27, 1902.

P G Reuter
Notary Public.

917

Document Object.

917, Mary Child

57

A

A

[illegible] A

[illegible] A

[illegible] sir.

[illegible] sir.

[illegible] ourself?

[illegible] A [illegible]

[illegible] A [illegible]

[illegible] child? A Roberts

A No.

[illegible] wife? A About one year older than I am.

[illegible] fall of 1880? A No sir, but it is on the [illegible] roll and the roll was [illegible] taken.

[illegible] the beginning of hostilities between the United [illegible]ney? A On Grand river west of Kinsta.

A Yes sir.

[illegible] name? A Robert Dandis.

[illegible]n? A Yes sir.

[illegible] the cause of the war? A In the [illegible] from the Choctaw Nation to the [illegible] of us and went to Mexico.

[illegible] there? A Five or six years in Mexico on [illegible] a few from New York.

[illegible] you come to? A [illegible] years.

[illegible] in Texas before [illegible] how long, I was [illegible] have any means of [illegible] you work

[illegible] work in the [illegible]

[illegible] did not [illegible] would make me a [illegible] as I [illegible] tion of the United States [illegible] of the [illegible] out and did not get a chance to come back [illegible] to.

[illegible] all this time? A She was with me.

[illegible] her? A In the Choctaw Nation.

[illegible] and during the time that you were in [illegible] you was she? A Yes sir.

[illegible] with you? A Yes sir.

[illegible] way: when the [illegible] better [illegible]
[illegible] he refused to do it and he t[illegible]
[illegible] people and started south with th[illegible] to
[illegible] compel on the plains and [illegible] of
[illegible] head of cattle on [illegible] we crossed over into Mexico [illegible]
[illegible] wanted us to promise him that [illegible]
[illegible] pay him and some of us made [illegible]
[illegible] the slaves was set free did not [illegible] we would
[illegible] but he drawed it up in writ[illegible] us all
[illegible] there [illegible] ment
[illegible] ---------- gave [illegible]
[illegible] years until a Je[illegible] for
[illegible] and said that [illegible]
[illegible] for a week and [illegible]
[illegible] I [illegible] him
[illegible] Jew said we [illegible]
[illegible] where this Jew was in [illegible] and
[illegible] months and then [illegible] and
[illegible] to relieve us. When we got [illegible] there was
[illegible] trying Col. Bryant and there [illegible]
[illegible] part and put it into court and [illegible]
[illegible] had no law there anymore [illegible]
[illegible] in power and they said that if we [illegible]
[illegible] were been all right because it was [illegible]
[illegible] we owed their old masters any[illegible]
[illegible] was all pedmed to pay that claim. [illegible]
[illegible] and then Gen. Grant sent them two [illegible] in
[illegible] following us and they took us away [illegible]
[illegible] to San Antonio, and we went with the [illegible]
[illegible] miles and then we would camp and [illegible]
[illegible] for them and when [illegible]
[illegible] called ---------- [illegible]
[illegible] When the troops left us I [illegible]
[illegible] home and my family [illegible]
[illegible] for the work [illegible] but [illegible]
[illegible] went on to [illegible] and he handed [illegible] then I
[illegible] with my family.

[illegible] by [illegible] you into Texas and turned you loose and

Q [illegible] A Yes sir.

Q [illegible] in San Antonio several years before coming [illegible] A Yes sir.

Q [illegible] that the reason that you did not come back to the [illegible] after the war [illegible] to [illegible] out as you call it, [illegible] back [illegible] way to the [illegible] A Yes [illegible] Bryant and looked out to Don Lewis [illegible]

[illegible]

In the [illegible] the name of his son, [illegible] of 1894. They [illegible] states in the [illegible] as a Cherokee Freed- [illegible] be refused and they [illegible] is rejected.

[illegible]

Commissioner.

PRAYER

OF HONOR

To be filed with case of Mary Hill, C. F. D. 2917.

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

In the matter of the application of Andrew Daniels for the enrollment of himself and nine children as Cherokee freedmen.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, as counsel for Cherokee Nation.

Andrew Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Andrew Daniels.
Q How old are you? A I don't know, about 37 I guess.
Q What is your post office address? A Dunsmore.
Q Indian Territory? A Yes, sir.
Q What district do you live in? A Goweeseeowee.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and nine children.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Dora Daniels.
Q Is she a citizen? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir.
Q Is it on the roll of 1880? A I think it is, yes, sir.
Q What is your father's name? A Harrell Daniels.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Miranda Daniels.
Q Is she living? A Yes, sir.
Q Have you got nine children under age and not married?
A Yes, sir.
Q Give me the name of your eldest child? A Willie.
Q How old is he? A I guess he is about 18.
Q The next one? A Lewis.
Q How old is Lewis? A I just can't tell you exactly, there is about 2 years difference in between them.
Q Then Lewis must be 17? A Yes, sir.
Q The name of the next one? A Susie.
Q Susie then would be 16, would she? A No, sir, there was one between Lewis and Willie, and she is dead.
Q That would make Lewis then 16? A Yes, sir.
Q Then Susie would be 15, if she comes next to Lewis? A Yes, sir, but that is a little too old for her I think.
Q How old is she? A I think she is about 13 or 14.
Q Well, what is the name of the next one? A Thomas.
Q How old is Thomas? A He must be about ten I guess.
Q The next one? A Burley.
Q How old is he? A He must be, I don't know exactly just about how old, about 6 or 7 I think.
Q What is the name of the next one? A Rosie though is older than Burley.
Q How old is she? A She must be about eight or nine, and then Burley comes in next.
Q Who is after Burley? A Minnie.
Q How old is Minnie? A She must be about 5 I guess.
Q Well, the next one? A Miranda.
Q How old is Miranda? A She is a little over 2 years old I think/
Q What is the next one? A Ruth.
Q How old is Ruth? A She isn't quite a year old yet; I think she not on the 1880 roll, I am on the other two rolls.

The 1880 authenticated roll of Cherokee freedmen examined and the applicant is not identified thereon.

[illegible] examined and the applicants identified.

[illegible] on page 141, No. 4446, Cherokee District.

While [illegible] on page 141, [illegible], Cherokee District.

[illegible] on page 141, [illegible], Cherokee District.

[illegible] on page 141, No. 4420 Cherokee District;

[illegible], on page 141, No. [illegible], Cherokee District.

Emmie [illegible] on page 141, No. [illegible], Cherokee District;

[illegible]

Minnie [illegible] on page 141, No. [illegible], Cherokee District.

Q What is the matter with Burley; Burley is older than Minnie?
A I guess he is on the roll [illegible].
Q Why not? A He didn't get [illegible], they didn't enroll him.
Q [illegible] A My daddy.
Q Was your daddy born [illegible]? A Yes, sir.

Purrell [illegible], being duly sworn by Commissioner Needles, testified as follows:

Q State your name. A My name is [illegible].
Q How old are you? A I expect I am [illegible].
Q Where do you live? A [illegible] of Tahlequah on Indian River.
Q How long have you been living on the Cherokee Nation? A I have lived in the Cherokee Nation all my life [illegible] I want to Kansas; I have been [illegible] ever since my husband was killed.
Q What since Mr. [illegible] was killed? A Yes, sir.
Q Do you know this allotment here, Andy Daniels, here first on the street? A He is my son.
Q How old is he? A I don't know exactly, he was born just about a year before the war ended.
Q Where was he born? A He was born down here alone to Tahlequah in the Cherokee Nation.
Q Were you a slave here? A Yes, sir.
Q Who did you belong to? A I belonged to Robert Daniel, first belonged to Miss Annie Taylor, living in Tahlequah, and she gave me to her daughter.
Q Who was her daughter? A Annie Daniels. She died in Vinita here time of the Lightning creek present.
Q Who was your mother at the time the war commenced? A She was my owner; when the war commenced they sent her with one of her sisters that lives in Fayetteville now, Mrs. Thompson, married my father a boy named Will, I belonged to Mrs. Thompson a while after the war commenced.
Q Well Purrell, about what time, about how long had you been in the Cherokee Nation when this Andrew was born? A Well, we had been down there I reckon not quite a year, but I was with the army, backwards and forwards, in the Nation here and there.
Q He was born in the Cherokee Nation a year after you left the Cherokee Nation? A Yes, sir.
Q Was Andy Pitt of the Cherokee Nation? A They put me with Mr. Bryant's owners.
Q How many children did you have at the time you were in the Cherokee Nation at the time you were in the Cherokee Nation when this boy Andrew was born? A I had Louie, Alfred, Sarah and Tom.
Q Have a wife there then? A Yes, sir.
Q What was her name? A Mirandi Daniels.
Q Was she a slave too? A She was a slave of John Daniels.
Q Was he a Cherokee citizen? A Yes, sir, I'd say he was.
Q You took Bryant a Cherokee? A He took a white man and he said a

Cherokee wife.

Q Well now, from the Choctaw nation, how did you get into Mexico?
A Mr. Bryant carried a number of us out there, a drove of us.
Q How big a drove did he have? A I reckon he had, not have had about forty or fifty of us, little and big.
Q Was this boy taken down to Mexico at the time you were?
A Yes, sir.
Q Which other members of your family, if any, were taken down there?
A Taken my eldest son Lewis, and a boy named Abram, a girl, out of the Choctaw nation, named Sarah, taken Lewis and Abram and this boy was a baby.
Q Well, how long did you stay in Mexico? A I must have stayed there I was working on a Hacienda, I reckon about five or six years till they relieved me down there. I stayed on a ha ranch yonder about five years, and come a merchant from Santa Fe named Mr. Ayrerg.
Q You were penned down there in Mexico were you? A Yes, sir.
Q How old was this boy Andrew when you returned to the Cherokee Nation? A I reckon he was about five or six years when I returned back to San Antonio, six or seven.
Q Then how long did it take you to make your way back to the Cherokee Nation after you came to San Antonio? A I was several years on my way, I worked a year or two in San Antonio and then I came up to Fayette county and stayed there.
Q Do you know what year it was when you came back to the Cherokee Nation? A No, sir, I guess I could find out at Tahlequah when I come back, when I come back Council was up there and I worked on Arkansas river till Council commenced again.
Q That was when Mr. Bushyhead was Chief? A Yes, sir, and when Council commenced again I went and reported at the General Council.
Q About how old than was this boy when you came back to the Cherokee Nation at the time Bushyhead was chief? A I don't know, I can't tell you exactly how old he was, he was a young man I reckon when he came back here.
Q Well, can you tell us about how many years since you came back to the Cherokee nation, can you count back that way and tell?
A It must have been something over twenty years ago?
Q And you say the by was born after the war commenced? A No, sir, he was born just before the war ended.
Q You took him down to the Choctaw Nation? A Yes, sir.
Q He was born down there before the war ended? A Yes, sir, just a year before it ended.
Q And you came back and the boy came back about twenty years ago?
A Yes, sir, I think it must have been twenty years ago, I remfind out by going to Tahlequah.
Q What other children did you bring back with you twenty years ago, or whatever time it was? A I brought Robert and Lizzie had one named Mack.
Q What is Lizzie's name now? A She is married, she is named Lizzie Haines, and one of my daughters died before I got back, and left two grandchildren, and they went by the name of Mary Paton and Lizzie Paton, but one goes by the name of Mary Hill and Lizzie Shafer.
Q They were your children, members of your family, when you brought them back here at the same time you brought Andy? A Yes, sir, when I brought them little children back here they were just little kids, they have growed up here since they came back.
Q Which ones do you mean by these little children?
A These same girls that are married now.
Q Where was Andy married? A He was married just down here on the other side of Hempstead, near Waller, Texas.
Q His wife was she a raised? A Yes, sir.
Q Where was his first child born? A Born here in the Nation.
Q Willie? A Yes, sir.
Q Willie was born in the Nation? A Yes, sir, born down here on

the Arkansas river at Mrs. Nivens.
Q. And Mr. Rutherford Boyer re-elected them, been elected the second time at Choctaw, when you came? A. I think he was, I think he was I will not be certain.
Q. About how long did you stay in Mexico, about how many years?
A. I must have stayed in Mexico about six or seven, I worked on a ranch about five or six years.
Q. Then after leaving Mexico you came back to Texas? A. After leaving Mexico the Government allowed us back to Texas.
Q. You remained in Texas from that time until you came up here?
A. Yes, sir, just one place and another on the way as I was coming.
Q. But you remained in Texas the rest of your time? A. Until I came up there. It revolved as far as I could.
Q. That was between six and seven or eight or nine years you remained in Texas after leaving Mexico, before you crossed the Territory, after the war? A. Yes, sir, I stayed in Texas in places I travelled around and then stopped maybe a year or two.
Examination Now old was Andy when you brought him back here?
A. Andy was I reckon about 14 or 16 years old, he married when he was nothing but a boy.
Q. When you brought him back to the Cherokee nation?
A. Yes, sir.
Q. He married in Texas and he was nothing but a boy?
A. He must have been over 14 years old. A. The people down there were talking about having him took up for that marriage, he was nothing but a boy.
Q. Married his present wife? A. Yes, sir.
Q. How long did he stay in Texas after he married? A. He married along in the summer of Spring and he came h re in the fall.
Q. Been here ever since? A. Yes, sir.
Q. You think he wasn't over 16 or 18 years old? A. I don't know as he was 16 years old, he was a boy because I knew they were trying to get the one that married him took up for marrying him.
Q. How old is he now? A. I don't know sir exactly how old he is; his age is on them rolls.
Q. Who was Andrew's mother? A. My wife, what used to belong to the same set of people I belonged to.
Q. Did she come back with you? A. Yes, sir, she is at home now.
Q. You and her came back together? A. Yes, sir.
Q. Andrew's mother was a slave? A. Yes, sir, slave of Zeke Daniels.
Q. Was she with you all the time you were emigrating around through Texas and Mexico? A. Yes, sir, she was the slave of Zeke Daniels and before the war ended she got to be the slave of Mrs. Thompson, at Tahlequah now.
Q. Andrew is your oldest child? A. No, sir, I have one named Tom.
Q. Older than Andrew? A. Yes, sir.
Q. Where was Tom born? A. Tom was born here in the Cherokee Nation on Grand river east of Vinita, before the war.
Q. Is he living? A. Yes, sir, he is here in the Nation.
Mr. Smith: Did I ask you, Burrell, when you testified in your own case about why you didn't come back to the Cherokee nation sooner after they left you at San Antonio? A. Yes, sir.

ANDREW DANIELS, recalled, testified:

Examination:
Q. Are all the children for whom you apply living at this time?
A. Yes, sir.
Q. Were all of them born in the Cherokee Nation? A. No, not all of them.
Q. Where was Willie born? A. He was born in the Cherokee Nation.
Q. Where was Louie born? A. I think I was working over in the Creek Nation then.
Q. Did you live in the Creek Nation? A. A while I did.
Q. I thought you said you had lived in the Cherokee nation continuously all the time? A. Well I have been.

Q Well you couldn't have been living in the Cherokee Nation and the Creek Nation at the same time? A A great many years ago I used to live there.

Q How long did you live in the Creek Nation? A Several years, twenty one or so there.

Q Where was Dorie born? A She was born in the Creek Nation.

Q Where was Thomas born? A I think he was born in Cherokee if I am not mistaken Cherokee Nation.

Q Cherokee District? A Yes, sir.

Q Where was Harley born? A I don't remember her exactly where he was born.

Q In the Cherokee Nation or the Creek Nation? A I think I was living in the Creek Nation at that time.

Q Where was Dorie Ward? A She was born in the Cherokee Nation, I don't remember, I am not sure of it though.

Q Minnie, your five years old child? A Cherokee I think.

Q Where was Mirenda? A Born here on Coweta.

Q In the Ch reservation? A Yes, sir.

Q And Ruth? A Yes, sir.

Q Will you appear to have lived in the Creek Nation a great deal.

Q A while when I first came to the country.

Q What part of the country? A Right on the line about Muskogee, I worked through there.

Q Worked over about Muskogee? A Yes, sir.

Q These children, that is where they were born, over about Muskogee?

A Some of them there.

Q Were were the others that were born in the Creek Nation born?

A There along on the line of the Cherokee Nation and the Creek.

Q Winder along backwards and forwards? A Yes, sir, worked around in there a while.

Q They are all the children of Dora, your wife? A Yes, sir.

Q What proof have you got of your marriage to Dora? A I haven't got any unless I send off after it.

Q Married in the State of Texas? A Yes, sir.

Q Got a license there? A Yes, sir, at Lafourche County.

Commissioner: Well, you will have to send a certified copy of your license from the record there.

Mr. Hastings: How long did you live there after you married?

A I married along in the spring and came out that fall.

Q You know what fall you got here? A No, sir, not exactly.

Q What is your best judgment about when you got here?

A I never paid the strictest attention to it, I can't tell you just what fall it was.

Q You made a crop there after you married, came back in the fall after that? A Yes, sir.

Commissioner: You know how old you were when you came?

A No, sir, I didn't.

Q Did you ever vote in the state of Texas? A No, sir.

Q Ever vote in the Cherokee roll out? A Yes, sir.

Q How long after you came back there you ever voted in the Cherokee Nation? A It wasn't very long, I voted several times in question and I voted some around up here.

Commissioner: Andrew Daniels applies for the enrollment of himself and nine children, as enumerated in the testimony. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he and his children, with the exception of Harley and Michael and Ruth, are identified upon the genealogical roll. He avers that he is the son of Burrell Daniels, who is listed for enrollment upon rejected card No. 8008, and the testimony taken in the case of the said Burrell Daniels will be made part of the record in the case at bar; and a copy thereof filed herewith. He making satisfactory proof as to his residence, and avers that he was

married to his wife born in the State of Texas. That is a non-citizen. He makes no proof of marriage. It is necessary for him to file with the application some proof of his marriage or a certified copy of the record from the State of Texas. The testimony of the applicant shows that he was born in the Cherokee Nation during the war, the father and mother of the applicant were slaves in the Cherokee Nation. Because of the fact that the applicant was a negro, born after his father and mother were taken out of the Cherokee Nation and before they lost their rights as Cherokee freedmen, and the weight of the testimony showing that he was a minor when he returned, the applicant Andrew Daniels, and his children as enumerated herein, will be listed for enrollment as doubtful cases, pending further consideration by the Commission. He will be notified by mail of the action of the Commission in the premises. The only doubtful question in the mind of the Commission is as to the rights that the said Andrew Daniels has by reason of his being a minor at the time that he was taken from the Indian Territory, and a minor when he returned, the evidence showing that his father and mother were slaves in the Cherokee Nation during the Civil war.

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

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 6th of July, 1901.

(Signed) C. R. Breckinridge,
Commissioner.

Supplemental, Cherokee freedmen D-461.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 26, 1901.

In the matter of the application of Andrew Daniels et al. for enrollment as Cherokee freedmen.

Supplemental testimony.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee nation.

Burrell Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Burrell Daniels.
Q Are you the father of Andrew Daniels, who applied yesterday to be listed for enrollment? A Yes, sir.
Q You were a slave, were you? A Yes, sir.
Q Who did you belong to? A I belonged to Bob Daniels.
Q Were you taken out of the Cherokee nation during the war?

A I was taken out after the war ended.
Q Who by? A By Jim [illegible]
Q Did Jim had he to take you and be your owner? A When the war was ended we got were we did not want to keep out of the war or the southern people did he brought us down here in the Choctaw Nation [illegible]
Q Where [illegible]? A All the [illegible] their families and colored families and then the war ended, before he burned the [illegible] leave he took a drove of them and went to Mexico.
Q Took you along [illegible]? A Yes, sir.
Q Where was? A [illegible] from the Choctaw nation.
Q Your family was in the Choctaw Nation at that time, were you?
A Yes, sir.
Q Was there where Andrew was born? A Andrew was born in the Choctaw Nation near [illegible] Pulsen's.
Q That near Doakerville? A Yes, sir.
Q Did he take Andrew? A Yes, sir; he was just a baby.
Q Take your wife? A Yes, sir, all the whole family.
Q How old was Andrew then? A Andrew I think was something over a year old, pretty near a year old; they made a crop there and stayed there all one winter and one season.
Q How did your wife and Andrew happen to be in the Choctaw Nation?
A My wife and Andrew, he had the whole family, my family and half a dozen others.
Q How did he happen to be there? A He took us down there.
Q Who? A Mr. Bryant.
Q Took you from the Cherokee Nation into the Choctaw Nation?
A Yes, sir, first to Fort Smith and from Fort Smith to Fort Burton and then to the Choctaw Nation.
Q There is where Andrew was born? A He stayed there on winter and made a crop that fall, made a crop, and along in spring I remember I suppose he moved us all over to Texas.
Q Was that after the war? A Yes, sir, everybody was going home, peace was declared.
Q Didn't you know you were free then? A Yes, sir, he had his battalion outfit with him.
Q Was he a soldier? A He had the soldiers with him.
Q Was Bryant a Confederate or a Federal? A He was a Confederate.
Q Was he an officer? A He was a colonel.
Q And he took you along when he took his soldiers back; when he took his soldiers he took you folks? A Yes, sir.
Q Did you try to get away from him? A No, sir, he didn't ask us anything, just told us we had to go with him and said we would come back when every thing got quiet.
Q I understand Andrew was born in the Cherokee Nation? A No, sir, he was born in the Choctaw Nation.
Q After this man took you down there? A Yes, sir.
Q And took your wife there? A Yes, sir.
By Mr. Smith: At the time Andrew was born and the time you speak of he was in the Choctaw Nation and going over into Texas he cut up at the war, didn't ended that war yet? A No, sir, it wasn't ended then.
Q That was while the war was going on? A Yes, sir; when the war ended why he moved us from Mr. Simpson Pulsen's to a place below Doakerville, a church Doakerville and old Mr. Jones' farm.
Commissioner: You stayed at Simpson Pulsen's until the war ended? A Yes, sir.
Q He took you there before the war ended? A Yes, sir.
Q He had the families all there, and there is where Andrew was born? A Yes, sir.
Q Then Andrew was taken on down into Texas? A Yes, sir, carried down into Texas, went down to [illegible], Franklin to Austin, and met some people and they said the Yankee army was in Austin, and he took us then across the [illegible].
Q And there Andrew [illegible] was married was married ?

A [illegible]

Q [illegible] A [illegible], sir, and he married [illegible] [illegible] married in [illegible]

And [illegible] the nation? A [illegible], sir.

[illegible] A Yes, sir.

[illegible] or more years after the war? A [illegible], sir.

[illegible] Bushhead was elected [illegible]

[illegible]

Mr. Hastings: Mr. [illegible], can we agree that Mr. Bushhead was elected chief the second [illegible] in his first meeting in November, 1889, that is a historical fact?

Mr. Smith: Yes, I will agree to that.

Mr. Hastings: You lived five or six years in Mexico?

A Yes, sir.

And the rest of the time you were working your way back here?

A Yes, sir.

Commissioner: What did you stay so long in Mexico for?

A He [illegible] us to Mexico and passed us.

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

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 9th of July, 1901.

(Signed) T. B. [illegible]

J. O. Ponder, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that the same is a true and complete transcript of the original in said case.

J. O. Ponder

Subscribed and sworn to before me this 26th day of August, 1901.

[illegible]

Commissioner.

[illegible]

In the matter of [illegible] for the enrollment of herself and [illegible] as members of the Choctaw Tribe, [illegible] the following:

APPEARANCES:

[illegible] for applicant [illegible]

Q What is your name? A [illegible]
Q How old are you? A [illegible]
Q Are you married? A [illegible]
Q [illegible] Nancy Willis.
Q [illegible], Y our home is [illegible]? A Yes, sir.
Q What is your post office address? A [illegible]
Q What district do you live in? A [illegible]
Q Do you want to be enrolled as a Choctaw Freedman?
A Yes, sir.
Q Who do you want to enroll besides yourself? A My child.
Q What is your child's name? A Alice B.
Q Alice Willis? A Yes, sir.
Q How old is she? A Going on 4 or years old.
[illegible]
Q Who was your father? A Nancy Daniels.
Q Do you know Ford Daniels? A Yes, sir.
Q What kin is Ford to you? A Grandfather.
Q Where do you live? A On Caney.
Q Where is Caney, how far is that from Hartshorne?
A I don't know.
Q Is it in the Choctaw Nation? A Yes, sir.
Q How long have you lived there? A I don't know exactly how long we lived there.
Q Well, about how long as near as you can tell?
A About five years I guess.
Q Where were you living before you went to Caney?
A Down in Canadian District.
Q Choctaw Nation? A Yes, sir.
Q When did you come to the Canadian District? A While, well before the last enrollment.
Q I am talking about Canadian District now; where did you come from when you came to Canadian District? A From in the Creek Nation.
Q Whereabouts did you live in the Creek Nation?
A I was down below Muskogee.
Q Do you know how long you lived down there?
A No, sir, I don't.
[illegible]
Q Did you ever apply to be enrolled as a Freedman Creek Citizen?
A No, sir.
Q Did you e ver draw any money from the Creek Nation?
A No, sir.
Q Were you born in the Creek Nation? A No, sir.
[illegible]
Q [illegible] A Reverend Jones.
Q Where does he live? A Over on Caney.
Q [illegible] Yes, sir.
Q How old [illegible] A [illegible]
Q And your [illegible] A Yes, sir.
Q About how old [illegible] you came to Caney? A I don't know.
Q About how old was you when you came from the Creek Nation?
A I don't know.
Q [illegible] Yes, sir.
Q Is [illegible] A Citizen? A No, sir.

Mary Hill, et al.

5

Q [illegible] The 1896 Authenticated and Final Dawes Rolls of Freedmen [illegible] the case of applicant Mary [illegible]

[illegible] of the Cherokee Nation [illegible] Page 119 [illegible]

[illegible] of the Cherokee Nation [illegible] Thereon, page 109, [illegible] Mary [illegible]

Q What is your father's name? A John Newton.

Q Is he alive? A Yes, sir.

Q What is your mother's name? A Nancy Douglas.

Q What was your name prior to your marriage? A Grandmother.

Q What relation are you to Mary Hill? A My is my uncle.

Q How long have you been living in the Cherokee Nation? A About five years.

Q Come from the Creek Nation did you when you came up here to the Cherokee Nation? A No, sir, I came from the Cherokee Nation to my home.

Q Well, how long have you been living in the Cherokee Nation? A Come up here about five years.

Q Well, how long have you been living in the Cherokee Nation here and everywhere else? A I don't know.

Q Do you [illegible] how long you lived in Cherokee District before you came up to County? A About two or three years.

Q Then you came from the Creek Nation to Cherokee District?

A Yes, sir.

Q Do you know how long you lived in the Creek Nation? A Yes, sir.

Q Do you know where you went from to the place you lived in the Creek Nation? A No, sir.

Com'R [illegible]: Mary Hill applies for the enrollment of herself and her child, Alice. She swears that she was born in the State of Texas and she has lived in the Cherokee Nation about seven years, living before that in the Creek Nation. She knows about she is a grandmother of Burl Douglas, who applied for enrollment on Dawes card [illegible] and was a day of the hearing taken in said case will be made a part of the record in the case of her, and she also swears that she is a blood of Mary Douglas who is listed for enrollment on Dawes card [illegible] and the last a money taken in the matter of the applicant and of Judy Daniels will also be made part of the record in the case of her and Judy thereon filed herein. She is identified upon the Dawes Citizen Roll as Mary Newton and on the Freedman roll as Mary Douglas. It will be necessary for her to prove satisfactorily proof as to the birth of her child, Alice, and there has appeared upon one of the rolls. If these children be found upon the Authenticated roll of 1896 or Dawes Roll of 1896. She will now be 12 used for enrollment as a Cherokee Freedman upon a doubtful card pending for her examination of the Creek roll. She will be notified by mail at her post office address of the action of the Commission.

Examination.

J. D. Newton, being first duly sworn, states that he stenographer to the Commission in the above entitled proceeding, he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. D. Newton

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

[illegible]

Commissioner.

File with S.F. D-917, [illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., September 14, 1894.

In the matter of the application of Burrell Daniels et al. for enrollment as Cherokee freedmen.

Supplemental testimony on behalf of applicant;

Appearances;

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

[illegible], being duly sworn, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Mellette: First state your name and residence? A. George G. Butler, [illegible], Cherokee Nation.

Q What is your age, Mr. Butler? A 39.

Q Are you a full blood Indian by blood, a recognized citizen of the Cherokee Nation? A Yes, sir, Cherokee by blood, recognized.

Q Do you know the applicant, Burrell Daniels? A Yes, sir.

Q How long have you known him? A I have known him for about 23 years, or 24; well 23 years I reckon, since 1883, that is when he first came up there, second year after Bushyhead was inaugurated.

Mr. Hastings: The second time? A Yes, second time of his election.

Q I want to correct you; he was inaugurated in 1885, and the next year would be 1884. A Well 1884 then.

Mr. Mellette: Where did you see Burrell Daniels first? A I saw him in Tahlequah.

Q About what year was that? A That was in 1884, in November, during the council.

Q What was he doing there at that time? A He came there to be readmitted to citizenship, to see about his rights he said.

Q Do you know if he presented an application to council for readmission? A Yes, sir, I wrote it out, had the member from Tahlequah to introduce it in the Senate.

Mr. Hastings: There comes in a matter of record; I am going to object to further examination along that line.

Commission: I will have to note the objection and let it go on.

Mr. Hastings: I don't think Mr. Mellette will insist on going on.

Mr. Mellette: I think the fact of his filing his application is competent; I don't care to go on.

Q Did you know Burrell Daniels before he left the Indian Territory at the beginning of the war? A No, sir, I didn't know him, I was too young then.

Commission: This testimony will be filed in the following cases; R-40, D-861, D-916, D-917, and D-941.

****

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

Bruce C. Jones

Sworn to and subscribed before me this the 20th of September, 1894.

M D Green
Notary Public.

MENT OF THE INTERIOR,
ON TO THE FIVE CIVILIZED TRIBES.

FILED
AUG 8 1902

ACTING CHAIRMAN

To be filed with No. D. 917-Mary Hill.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., May 29, 1902.

In the matter of the application of Burrell Daniels for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO R-40.

APPEARANCES:

Mellette, Smith & Cravens, for applicant.
W. W. Hastings for Cherokee Nation.

COMMISSION: There is offered in evidence by the attorney for the applicant a certificate which purports to be a true and correct copy of so much of the Wallace Roll made by J. W. Wallace as shows the enrollment of J. W. Daniels and family as Cherokee Freedmen under beneficiaries of the per capita fund of Seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888. Also certified copy of that part of the J. W. Wallace roll as shows the enrollment of Burrell Daniels and family as Cherokee Freedmen and beneficiaries of the per capita fund of Seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888.

MR. CRAVENS: Applicant offers to file the affidavits of Andrew Daniels taken on the 22nd day of November, 1889, and the affidavit of Burrell Daniels, taken on the 4th day of October, 1889, and the supporting affidavits of L. D. Daniels, Hester Foreman, and Ben Grimmett, taken before John W. Wallace on the 4th day of October, 1889, being copies of affidavits on file in the office of the Secretary of the Interior as shown by the certificates attached.

MR. HASTINGS: The Cherokee Nation objects to the filing of these affidavits because it is against the rules of the Commission to file affidavits and because Burrell Daniels and Andrew Daniels are alive and have testified and have testified before the Commission in their cases heretofore, and because L. D. Daniels and Ben Grimmet are alive and have testified before the Commission in numerous cases, and they can be gotten so as to be brought before the Commission and there examined and cross-examined so as to ascertain their knowledge and means of knowledge.

COMMISSION: The objection of the Cherokee Nation will be sustained.

COMMISSION: These proceedings will be filed with and made a part of the record in the case of Andrew Daniels et al, D-661, Lizzie Shafer, D-916, Mary Hill et al, D-917, Lizzie Haynes, D-941, Hack Daniels, D-1089, Thomas Daniels, D-1100, Burrell H. Daniels, D-1101, and Burrell Daniels, R-40, the same being the case at bar. It appears from the records of the Commission that all of these applicants are represented by Mellette, Smith & Cravens.

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

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 6th day of June, 1902.

(SEAL) (Signed) F. G. Reuter,
Notary Public.

I, the undersigned, being duly sworn, do as stenographer to the Commission to the Five Civilized Tribes, hereby swear that I made the above and foregoing copy, and that the same is a true and complete copy of the original transcript.

Samuel D. Rutfield

Subscribed and sworn to before me this 5th day of August, 1902.

Robert L. Owen,

In the case of [illegible] Whitmore, trustee, vs Cherokee Nation, on file in the Court of Claims, to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the [illegible] representing [illegible] the 31st day of [illegible] and that this being the 1902, we say [illegible] the Commission [illegible] the agreement [illegible] attorneys, that the testimony [illegible] cases is to close [illegible] closed by the Commission, no extension [illegible] granted in [illegible] cases reopened unless there is [illegible] and [illegible] shown either by the Cherokee [illegible] on the one side or the applicants on the other why an extension of time is necessary or desirable.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of January, 1896, and as the Commission must take judicial notice of the [illegible] roll of said Court in the proceedings referred to [illegible] of attorneys for applicants for additional time to file certain copies of the proceedings of the said Court is denied.

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

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 16th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 28, 1902.

P G Reuter
Notary Public.

F D918

File with Henry Rider, C.N. 8-918.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June [illegible], 1901.

In the matter of the application of Josie Alberty for the enrollment of herself and child as Cherokee Freedmen; said Alberty being duly sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:

Messrs. Mellette & Smith, for Applicants.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Josie Alberty.
Q How old are you? A I guess I am about 45.
Q What is your postoffice? A Lenapah.
Q What district do you live in? A Goweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you ever applied to be enrolled by any other Nation or tribe? A No, sir.
Q Who do you want to enroll besides yourself? A My daughter, Hester Alberty.
Q How old is she? A 18.
Q Anyone else? A No, sir.
Q Are you married? A I have been, my husband is dead.
Q Was your husband named Alberty? A Josh Alberty.

By Mr. Smith:

Q Where do you live? A Up in Goosneck bend.
Q Is that in the Cherokee Nation? A Yes, sir.
Q How long have you lived there? A All my life.
Q How old are you, you say? A My parents tell me I was three years old before the war; I was born two weeks before Christmas they said and that is all I can go by; but the way I can guess it I think I am about 45 years old.
Q Do you have any recollection of yourself as to when you came back to the Cherokee Nation after the war? or who took you out? A I don't remember anything much about it.
Q You don't remember? A No, sir.
Q You say you have been living there ever since you can remember where you are living now? A Not altogether, I have been to different places after the war.
Q Have you a farm in the Cherokee Nation? A Yes, sir.
Q Where? A Right on the Bend of Goosneck.
Q How long have you had it? A Ever since I have been married.
Q How long is that? A I was married in '85, Josh Alberty.

By Mr. Hastings:

Q What was your father's name? A Henry Rider.
Q And what was your mother's name? A Betsy May.
Q You don't remember before the war? A No, sir.
Q You don't remember coming back here? A No, sir.
Q Now, with whom did you live when you can first remember? A I can't remember half of the people.
Q Who were you living with, where was you home? A On Brushy.
Q How far was that from Chouteau? A I don't know.
Q How long did you stay there? A Good while.
Q Well, how old were you when you left there? A I was single woman.
Q Well, did you stay there until you were married? A No, I married up here, my father moved here, he moved up here on the river.
Q Well, did you stay there with your father on Brushy?
A Yes, sir, he went and got us after the war.
Q Before he moved? A Yes, sir.
Q Just before he moved from Brushy? A Yes, sir.
Q How long did you stay down there at Brushy before you moved?
A I can't tell you.
Q You will have to tell me something about how long now, did you stay there the year before your father moved up to Brushy?

A [illegible]

Q [illegible] down there you lived [illegible] sir, I was [illegible]

Q [illegible] house did you live in? A It was a old log house.

Q [illegible] your neighbors down there? A I don't remember any of the [illegible]

Q Well, some of them? A [illegible] Sunday, [illegible]

Q [illegible] down there? A [illegible]

Q [illegible] that [illegible]? A Yes sir.

Q What were their names? A I don't know any one but Bill Sunday and Joe Sunday.

Q [illegible] did your father move away from down there?

A I can't not tell [illegible].

Q You were about 14 or 15 years old? A Yes, sir.

Q Is trying to get your best judgment about how long you remained down there before you moved away? A I can't not guess at it.

Q You have got no judgment at all as to that? A I wasn't grown when my father came up from the south and got us.

Q Your father came up here and got you? A Yes, sir, got mother one Sunday and my father went south and got three of us children.

Q Was old man Joel Bryant living down there when you came there?

A I won't re member.

Q Do you remember R. V. Lindsey? A I think, I think my name is did I aint certain.

Q What town were you living in in Kansas when your father came up after you? A Little town we used to call Lawrenceville.

Q Do you know what other towns were anywhere near it?

A They say there aint none now is Oswego now.

Q Who did you live with up there? A Stayed with my mother.

Q Are your husband is named Jesse Alberty? A Yes, sir, I am his second wife; I married him in [illegible].

Q You went back to Kansas after you came down here with your father? A No.

Q Never been back up there? A Oh, I have been back lots of times but not to stay.

Q How long did you ever stay up there? A I never stayed there but just a little while at the time.

Q Did you apply to the Kern-Clifton Commission for enrollment?

A Yes, sir.

Q Under what name? A Josie Alberty, or Josie Wright, but I didn't get any money, but the Wallace roll I got.

The 1880 unauthenticated roll, the 1896 Dawes Census roll and the Kern-Clifton roll of freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Wallace roll of freedmen of the Cherokee Nation examined and name of applicant found thereon, page 183, field, Josie Alberty, no district given.

By Atty Wagoner:

Q Did you ever get any money on the Kern-Clifton roll for freedmen? A Yes, sir.

Q What was your mother's name? A Betsy May.

Q Betsy May living? A Yes, sir.

Q Your father living? A No, sir, he is dead. Henry Rider, is dead.

The 1896 Dawes Roll of freedmen of the Cherokee Nation examined and name of applicant's child found thereon, page [illegible] Alberty, Cooweescoowee District.

Q [illegible] come back with you? A My folks [illegible] there

[illegible] with him.

[illegible] to say [illegible]

[illegible] saw her [illegible] A. [illegible] since I came [illegible]

A. She was living [illegible]

A. I [illegible]

Q. [illegible] A. [illegible] was I [illegible]

Q. [illegible] A. No, [illegible]

Q. [illegible] A. [illegible] sir.

Q. On what side of [illegible] A. I could not tell the sides of the [illegible] if I [illegible]

Q. How long was it [illegible] came back until you saw her? A. [illegible] since I remember [illegible] I saw [illegible]

Q. How long is that after you got back? A. I could not tell you that.

Q. As much as seven years? A. I could not tell.

Q. Twenty?

Objected to by Attorney for Applicant for the reason that applicant does not know.

[illegible] he does not know.

L. D. [illegible], [illegible] duly sworn by Commissioner [illegible] Needles, [illegible] as follows:

Q. [illegible]? A. [illegible] D. [illegible].

Q. How old are you? A. [illegible]

Q. Do you know this applicant, [illegible]? A. Yes, sir.

Q. Do you know her mother? A. Yes, sir.

Q. What was her mother's name? A. [illegible] I know her good but I can't call her name [illegible]; she lives right by me [illegible] I [illegible] think of her name now.

Q. Did you know her father? A. Yes, sir, he was my uncle, [illegible] [illegible]er.

Q. How long have you known this girl? A. I have known her ever since [illegible].

Q. Where was she when you first knew her? A. On the Verdigris River, Cherokee Nation; [illegible] living [illegible].

Q. Who was she with? A. [illegible] her [illegible].

Q. Were you or were you [illegible] acquainted with [illegible] before the war? A. Yes, sir.

Q. Were you acquainted with [illegible]? A. No, sir.

[illegible]

Q. [illegible] A. [illegible], sir, he was.

Q. [illegible] A. Yes, sir.

Q. [illegible] living [illegible] the war commenced?

Q. [illegible] A. Yes, sir.

[illegible]

[illegible]

Q [illegible] A [illegible]

Q [illegible] Lee Hicks living? A Yes sir.

Q [illegible]

Q Was he [illegible] A [illegible] at Fort Gibson, sir.

Q Is he living or [illegible] A [illegible]

Q How many [illegible] dead nor about 18 or 19 [illegible] years; I believe

Q Well, [illegible] after coming, what became of him after you saw him in [illegible] A He moved up here on Bunny, sir, about 25 miles from [illegible]

Q [illegible] A [illegible] three miles from Choctaw Station, west of the station.

Q Well, at the time you saw him in '76 did he have any children with him? A No, sir, he didn't, he was there with Mr. Hicks, Ben Hicks there at Fort Gibson.

Q Well, now, did you know when Josie came back to the Cherokee Nation? A The first time I seen them I seen them in '76, Spring of '76.

Q Where were they when you saw them? A Right up here on the river known as Longneck, Cherokee Indian.

Q Well, and did you see anybody besides Josie? A Henry and George and the same father and mother, so I [illegible]

Q Which was the older, this girl or the boy? A Josie.

Q How old did she appear to be at that time, about how large?

A She looked to be about 14 or 15 years old.

Q Do you know how long they had been in the Cherokee Nation when you first saw them? A No, sir.

Q You don't know that? A No, sir.

Q Do you know of your own knowledge when these children were born?

A No, sir.

Q Well, about how old did Henry, the boy, appear to be at that time? A He appeared to be.

Q You said this girl had two brothers? A Yes, sir.

Q What were their names? A Josie, George and Henry Alberty; Henry I supposed seemed to be the youngest one.

Q How old did he seem to be? A He appeared to be about nine or ten.

Q And George was between the two, between Josie and Henry?

A No, George was older than Henry, he is next to Josie.

Q Is he younger or older than Josie? A He is younger than this girl.

Q Did she have any sisters? A Yes, sir, she has got sisters up there now that are living.

Q When did you first know her sisters? A I got acquainted with one of her sisters at Fort Gibson, the baby that is Charley Key's wife now, they called Hannah.

Q Is Hannah older or younger than Josie?

A She is younger I guess she is on the authenticated roll.

Q Younger you say? A Yes, sir, I guess she is younger, I don't know.

Q Well, any other sisters now besides Hannah? A Net Rider, she goes by the name of Net Scott now, on the roll it is Net Rider, and then she had got another sister by the name of Lena.

Q Are these last children you mention of different mothers?

A Yes, sir. One father.

Q Well, now, do you know how many children Henry Rider had by this woman, Josie's mother? A Only three that I knew of.

By Com'r Dawes:

Q Did you know this girl's mother, Betsy? A Yes, sir.

Q Was she a slave? A I don't know, I didn't know of her being a slave, I just got acquainted with her since the surrender.

Q What was the first time you saw Betsy? A I saw Betsy near about the same time, it may have been a year after that.

[illegible] A [illegible]

Q [illegible] you didn't see her at the time you saw Henry the first time?
A [illegible]
Q [illegible] his first wife? A Yes, sir.
Q [illegible] is the mother of Josie? A Yes, sir, Henry went [illegible]
Q [illegible] Henry and Betsy were ever married or not?
A [illegible]
Q [illegible] know where Betsy was a slave or not? A No, sir.
Q [illegible] where Henry after the war he had another [illegible]
A [illegible] Yes, sir.
Q And he always lived with her as his wife, that is, after the war?
A Yes, sir.
Q And Mariah is the mother of these children you have mentioned [illegible] A [illegible] of one.
Q [illegible] of Lannie? A [illegible]
Q [illegible] the mother of [illegible] Josie? A No, sir.
Q [illegible] the mother of Jennie? A Fully [illegible].
Q [illegible] I mean this girl's mother is not [illegible] mother of any of the children you have mentioned a while ago? A No, sir.
Q And you never saw this girl and her mother since the war until 1874? A No, sir.
Q That is the first time you saw her? A Yes, sir.
Q Now, where has this girl been living since 1874?
A Right over in the Cherokee Nation on Verdigris river in half a mile of my farm.
Q You never knew her mother before the war? A No, sir, I wasn't acquainted with her before the war.

JOSIE ALBERTY, the Applicant, recalled by Mr. Westover:
Q Didn't you used to live at Iola, Kansas? A [illegible]
Q You came to Goosneck Band in 1874 from Iola, Kansas?
A No, sir.
Q Didn't you have a witness here named John Baldridge before?
A No, sir.
Q Is your mother named Betsy? A Yes, sir. Iom tell you the my witness was, Eli Keys and Katie Vann and [illegible] Brown.
Q Did you know a woman by the name of Louisa, have you got a sister by that name? A No, sir, I aint got no other sisters.
Q Well, half sisters? A No, sir.
Q Do you know Louisa, Vallie Mae and Pigeon? A That's my half sister's children.
Q Then they are nephews of yourself? A Yes, sir, they is here now.
Q Where did your mother die? A My mother aint dead she is living, she is not dead, she is living.

KATIE VANN, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Reid:
Q State your name? A Katie Vann.
Q How old are you? A [illegible] years old.
Q Where do you live? A Kansas.
Q How long have you lived in the Cherokee Nation?
A Well, I was born [illegible] here and went out to Kansas during the war and come back [illegible].
Q Do you know the [illegible], Josie Alberty? A Yes, sir.
Q Who was her [illegible] A Henry [illegible].
Q Who was her mother? A Betsy Key.
Q [illegible] you were here before and during the war?
A Yes, sir.

[illegible] Yes, sir.

[illegible] she was a widow woman.

Q [illegible] of the C[illegible] A Yes, sir.

[illegible] Rider a [illegible] A [illegible], sir.

Q [illegible] he belong to? A [illegible] sir.

Q Was Jim Rider a [illegible]? A Yes, sir.

Q Was he living at the time you were married? A On Grand River.

Q [illegible] this girl's father and mother live at the time the [illegible]? A [illegible] was living on Grand River.

Q [illegible] married in Kansas? A Yes, sir, I wasn't at the wedding, but I heard about it. I could have been there they were married.

Q Do you know when Josie was born? A No, sir, I don't recollect when she was born.

Q Was she born before the war? A Yes, sir.

Q Has Josie any sisters or brothers? A Yes, sir.

Q What are their names? A George and Henry.

Q Are they older or younger? A They are younger, she is the eldest.

Q Do you know whether George was born before the war or after?

A He was born before the war.

Q Do you know whether Henry was born before the war or after the war or during the war? A He was born during the war, I guess, was a little baby when they went to Kansas.

Q Now, what became of the mother of Josie in 1861?

A She lived out on Verdigris.

Q What became of her during the war? A She went to Kansas.

Q What became of these children? A She had them with her.

Q What became of their father? A He went south.

Q Who did he go with? A Went with Jim Rider, I guess, Rider.

Q Do you know when the father, Henry Rider, first returned to the Cherokee Nation after the war? A Yes, sir.

Q When? A In '66.

Q Do you know when these children, this applicant and her two brothers, George and Henry, returned? A It must have been in '75 or '76 somewhere along there.

Q With whom did they return? A I think he went after them if I am mistaken.

Q Why, Henry? A Yes, sir, their mother sent word by me when I started from Kansas for him to come after them.

Q Did you see them here in the Cherokee Nation at any time about the time you have mentioned did you say it was '75 or 6?

A Yes, sir.

Q Where did you see them? A Up on Verdigris, Coowescoowe band.

Q Who were they with? A I saw them here at their mother's.

Q Do you know where Josie this applicant has been living since that time? A She lived around there with her father and with Jess Vennie Dilks some time until she married and she married Joseph Liberty and lived out around places.

Q When did she marry Joseph? A I guess about 12 or 13 years ago. I forget what year.

By [illegible]:

Q How [illegible] when she returned in '75? A I dont know.

Q Was she grown? A No, sir, she wasn't grown.

Q Well, when did her mother return, Betsy? A She came along about the same time.

Q She stayed there until that time? A Yes, sir.

Q Was Josie born before the war? A Yes, sir.

Q And was taken to Kansas and stayed there until '75? A Yes sir.

By [illegible]:

Q [illegible] before the war? A I lived down on Grand river.

Q On which side? A On the east side.

Q How far from where Locust Grove is now.

Q. [illegible] or five miles.
Q. How far from you did this [illegible] live.
Q. She lived about [illegible] away.
Q. How old were you when the war [illegible] Rider.
A. I was about 18 or 19.
Q. [illegible] married. Do you [illegible] especially of seeing this kind before the war? A. Yes [illegible] especially of seeing
Q. How old did you take Easter to be then? A. She was very small, I could not tell. She must have been [illegible] or three years old.
Q. Where did Rider live before the war? A. He lived at Rider's
Q. [illegible] of the river did they live? A. On the west side.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of [illegible] father found thereon, Page 151, [illegible], Henry Rider, [illegible] District.

[illegible] Com'r Needles: [illegible] the enrollment of herself and her child, [illegible] that she is the child of Henry [illegible] that Henry Rider was a slave [illegible] of the [illegible] Nation [illegible] and then out that [illegible] evidence shows [illegible] that [illegible] in 1861 [illegible] Cherokee Nation until the year [illegible] to the in the Cherokee [illegible] that time. The evidence [illegible] lived [illegible] shows that the said Henry Rider was married to Betsy May, the mother of the applicant, and applicant returned in 1866 she was a child. Her name cannot be found upon any of the rolls of the Cherokee Nation except the Wallace roll and she is duly identified upon the Wallace roll. Her child, Easter, is duly identified upon the census roll of 1896; her father, Henry Rider is duly identified upon the authenticated roll of 1880, all according to the page and number of the rolls as indicated in the testimony. She avers that the said Easter is her child, consequently Josie Alberty and her child, Easter, will be listed for enrollment as Cherokee Freedman upon a doubtful card. They will be notified of the action of the Commission when the same is arrived at.

J. G. Reason, 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. G. Reason.

Subscribed and sworn to before me this 13th day of July, 1901.

Signed, T. B. Needles,
Commissioner.

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

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the said is a true and correct copy from the original.

Sworn to and subscribed before me this 21st of July, 1901.

Bruce G. Jones

M. O. Grace
Notary Public.

F 5918

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 9 1901

ACTING CHAIRMAN

File with [illegible]

[illegible]

[illegible]

[illegible]

[illegible] Nation, [illegible] testified as follows:

[illegible]

[illegible]

Q What is your name? A [illegible]

Q [illegible]

Q What is your [illegible] father? A [illegible]

Q What district do you live in? A [illegible]

Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.

Q Who do you want to enroll besides yourself? A Myself.

Q Does your name appear upon any of the rolls of the Cherokee Nation? A Not that I know of.

Q What is your father's name? A [illegible] Rider.

Q What is your mother's name? A [illegible].

Q Are they living? A Yes, sir.

Q Is your mother a Cherokee Freedman? A Yes, sir.

Q Is her name on any of the rolls of the Cherokee Nation?

A No, sir.

Q Where were you born? A I was born in the Cherokee Nation.

Q Josie Liberty is your sister? A Yes, sir.

Q Where about were you born? A On Grand River.

Q Have you lived in the Cherokee Nation ever since? A No, sir.

Q Well, where have you been living? A I have been here part of the time.

Q Well, what part of the time? A Since '78.

Q Have you been here since '78? A Yes, sir.

Q Where did you live before that? A Lived in the State.

Q What State? A Kansas.

Q You have been here since '78? A Yes, sir.

Q Why isn't your name on the roll of 1880? A I don't know.

Q Did you apply to have it put on the roll of 1880? A My father did.

Q Well, they refused to do it; your father's name isn't on the roll of 1880? A Yes, sir.

Q Is your father's name on the roll of 1880? A Yes sir.

Q Your father was named Henry Rider? A Yes, sir.

Q Did you apply to the Mack-Clifton Court to get your money?

A I never got any.

Q You never drew any? A I drew the Wallace money.

Was 1 80 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon; name of applicant's father appears upon the 1880 Authenticated Roll, page 141, #818, Henry Rider, Coowescoowee.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, Page 135, #821, Coowescoowee District.

Q Did your father have a wife named Marish? A Yes, sir.

Q Your father was married twice was he? A I guess he was.

Q Was Marish his first wife? A No, sir.

Q Second wife? A Yes, sir.

Q Marish Rider your stepmother? A Yes, sir.

Q Are you a brother of Josie Liberty? A Yes, sir.

Q And Josie [illegible] here? A Yes, sir.

Q Have you [illegible] sir.

Q [illegible] the same mother of the Josie Liberty who testified here? A [illegible], sir.

Q [illegible] your father [illegible] mother? A We have a book [illegible]

Q [illegible] in a [illegible] mother always [illegible]?

Q [illegible] you live? A [illegible] District.

Q What is your post-office? A [illegible]

Q How long have you lived there? A I have been living there [illegible]

Q [illegible] from in '76? A [illegible] Osawattomie.

Q [illegible] In the State of Kansas.

Q [illegible] with you? A No, sir.

Q Did she continue to live up there? A Yes, sir.

Q Is she living there? A Yes, sir.

Q Where? A She is at home.

Q [illegible]? A No, sir, down here in the Nation.

Q [illegible] you come down here? A I don't know.

Q [illegible] after 1876? A Little bit afterwards.

Q You were with your mother during the war? A Yes, sir.

Q You were taken down at the beginning of the war? A Yes, sir.

Q And you came back here in '66? A Father came after us.

Q In '66? A Yes, sir.

Q Now, have you ever been out of the Cherokee Nation to work since that time? A Yes, sir.

Q Where? A In Coffeyville.

Q Any place else? A No.

Q Have you been married? A No, sir.

Q Never were? A No, sir.

Q You have resided then continuously in the Cherokee Nation since [illegible] A Yes, sir.

By [illegible]:

Q [illegible] Dent after you at Osawattomie himself in '66?

A He may have come before that.

Q He brought you and your mother? A Three children of us.

Q Didn't drink your mother? A No, sir.

Q There was [illegible] at that time? A They were living together.

Q [illegible] and Henry were living together? A Yes, sir.

Q Did he have any children by Mariah? A Yes, sir.

Q They were younger than you? A Yes, sir.

Q Your mother was his first woman? A Yes, sir.

By Mr. [illegible]:

Q Did you [illegible] to the Kern-Clifton Commission yourself?

A No, sir.

Q You didn't come in and make a statement? A No, sir. I sent Josh Alberty.

By [illegible]:

Q [illegible] how long your father, Henry Dent, had been living with Mariah Dent? A I don't know.

Q Your father must have had two wives at that time?

A He got more than that.

By Mr. [illegible]:

Q You don't know about that, you can guess at it? (No response.)

By [illegible]:

Q Do you know [illegible] do you know that he had more than two [illegible]?

A Had another woman.

Q He didn't live in Utah did he? A I don't know anything about Utah.

Q Do you know that he was living with your mother and Mariah at the same time? A He was living with Mariah.

Q Your mother was his first wife? A Yes, sir.

Q The war parted them? A Yes, sir.

Q He was not with her up in Kansas? A No, sir.

Q There was he married? A He was down here.

Q He was living with Mariah [illegible] your mother up there?
A Yes.
Q Why do you say not? A He went to [illegible] and got us children and left us.
Q When your children got [illegible] he was living with Mariah?
A Yes, sir.
Q What is your oldest sister's name by your mother?
A Josie Liberty.
Q How old is she? A She is a year or two older than I am.
Q Did you know Polly Rider? A Yes, sir.
Q Was she Mariah's child? A No, sir.
Q Did you know [illegible]? A Yes, sir.
Q She was Mariah's child? A No, sir.
Q She was your father's child? A Said to be.
Q And not by your mother? A No, sir.

Now, Needles, George Rider applied for the enrollment of himself. He cannot be identified upon the authenticated roll of land by the census roll of 1880. He is only identified upon the Vallejo Roll. He avers that he is a child of [illegible] and his father, Henry Rider, is found upon the authenticated roll of 1880 according to the page and number of the roll as indicated in the testimony. He avers that he is a sister of Josie Liberty and same father and same mother of Josie Liberty, who has been listed for enrollment upon doubtful card [illegible], and the testimony taken in the matter of the enrollment of Josie Liberty will be made part of the record in the case at bar, and a copy thereof filed herewith. Reference is made as to the residence of the said George Rider. He will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be duly notified of the action of the Commission in the premises.

J. O. Fossen, 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. Fossen.

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

Signed, T. B. Needles,
Commissioner.

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

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

Bruce G. Jones

Sworn to and subscribed before me this the 31st of July, 1901.

M. D. Green
Notary Public.

[illegible]

[illegible]

Q. How old are [illegible]? A. [illegible] I'm say I was born [illegible] the year, I guess is [illegible].

Q. What is your postoffice address? A. [illegible].

Q. What district do you live in? A. [illegible].

Q. You apply it for enrollment as a [illegible]? A. [illegible].

Q. Who do you want to enroll [illegible]? A. [illegible].

Q. What are the names of your children? A. [illegible] there is [illegible] a boy.

Q. How old is [illegible]? A. About 12.

Q. The next child's name? A. Flora Belle.

Q. How old is [illegible]? A. 12.

Q. The next [illegible]? A. [illegible].

Q. How old is [illegible]? A. About 12.

Q. Are you married? A. Yes, sir, I am married.

Q. What was your wife's name? A. [illegible].

Q. You say she is not living? A. No, sir, she is dead.

Q. You married since her death? A. No, sir, I haven't been married since.

Q. When did she die? A. Seems to me it has been [illegible].

Q. [illegible]? A. [illegible], she was a full [illegible].

Q. [illegible] your name [illegible]? A. Yes, sir, [illegible].

Q. [illegible] children all living at this time? A. Yes, [illegible].

Q. Where were they born? A. [illegible] was born here in the Nation.

Q. Where was [illegible] born? A. Flora was born in [illegible].

Q. Where was [illegible] born? A. He was born in the Nation.

Q. Is it a boy? A. Yes, sir.

Q. Is your name on the roll of 1896? A. Not as I know of, [illegible] want to Tenlewah and enrolled me and I guess it was back off.

Commissioner: Applicant presents a marriage license [illegible] certifying that he was married to [illegible] daughter of [illegible] one Martha Durant, on the 6th day of [illegible].

Mrs. Martha Mrs. Ross, where do you live now? A. I live at [illegible].

Q. What is your postoffice? A. Lenapah.

Q. How long have you lived at Coone Bend? A. I lived there [illegible] and on for nearabout 12 years, or 15.

Q. When did you first go there? A. I don't recollect. I came with the rest.

Q. Who do you mean by the rest? A. That is my brothers and sisters, [illegible] and [illegible].

Q. What is [illegible] name? A. [illegible].

Q. Was she [illegible] for enrollment? A. [illegible].

Q. Are you a brother of [illegible] Liberty who applied here for enrollment? A. [illegible].

Q. What is your [illegible]? A. Savage Ross.

Q. You state that you came from the same time they did? A. [illegible].

Q. Are you married? A. [illegible] Ross.

Q. Where [illegible]? A. Born in the Nation.

Q. [illegible] the war. A. [illegible] the war.

[illegible] - [illegible]

Q [illegible] and [illegible] [illegible] [illegible] married [illegible]

A [illegible]

Q [illegible] you [illegible]

was? A After I came [illegible] [illegible] [illegible] after the

Q How long did you stay with [illegible] [illegible]?

A I never went, I stayed [illegible] [illegible] till he died.

Q How long was that? A [illegible] seems to me it was the 18th of April, 1[illegible]

Q [illegible] live with him [illegible] time continuously without interruption from '[illegible] to '[illegible] [illegible] he [illegible]? A [illegible], as near as I can recollect; no, he died in this [illegible] is [illegible], he died on the 18th of April, [illegible]

Q Did you live with him [illegible] from the time you came till he [illegible]?

A No, I lived on the [illegible], and then I worked on the railroad [illegible] he [illegible]

Q [illegible] won't tell me whether you lived there till he died or not?

A [illegible], I lived there till he died.

Q All the time? A Yes, sir, [illegible] was, they taken him to Coffeyville so Dr. Tolman could attend on him and they would go backwards and forward to him, and I came down that night and [illegible] told me to wait, she was going back.

Q Don't tell all that; did you live with him till he died?

A Yes, sir.

Q [illegible] you went up to Kansas? A No, I went [illegible]

Q [illegible] see in Kansas? A I went up there to [illegible]

Q What kind of work did you do? A Worked on a farm [illegible]

Q Where did you [illegible] marry your wife? A At [illegible].

Q How long did you know her before you married? A Knew her about a year.

Q You married her in Kansas? A Yes, sir.

Q Your oldest child was born there? A No, sir, it was born in the Nation.

Q How many of your children were born there? A One.

Q When did you bring her down and keep house [illegible]? A Shortly after we married, I came [illegible]

Q How did you go back up there? A I [illegible]

Q How long have you been here this time? A [illegible]

Q [illegible]? A In the [illegible]

Q [illegible] A I have been here [illegible] to me about 11 years.

Q All the time? A Yes, sir.

Q [illegible] in the [illegible] the last 11 years? A [illegible] [illegible] and [illegible].

Q [illegible], what place? A That was at [illegible].

Q How far is that [illegible] up in Kansas? A That is right close to [illegible], about eight miles east of Coffeyville, not far from the line.

Q [illegible] children living now? A Yes, sir.

Q [illegible] A [illegible], sir.

Q [illegible] on any of the rolls of the Cherokee Nation? A [illegible]

Q What roll? A Wallace roll.

The 1880 authenticated roll of Cherokee Freedmen examined and [illegible] not identified thereon.

The [illegible] census roll of Cherokee Freedmen examined and the [illegible] not identified thereon.

The Wallace roll examined, and the applicant, Henry Rider, identified [illegible], No. [illegible], as Henry Rider, [illegible]

The [illegible] roll examined and the applicants [illegible]

[illegible]

Q [illegible] you ever [illegible] any money for these children? A [illegible]

[illegible] for the enrollment of [illegible] in the year [illegible]. He swears that he is the son of [illegible] and a [illegible] is listed [illegible] of the application of [illegible] part of the record in this case [illegible] filed herewith. [illegible] who is [illegible] will be made part of the [illegible], and a copy of said testimony will be filed [illegible] and her three children [illegible] applicant is identified upon the [illegible] of the roll as [illegible] are not identified upon any [illegible] to make satisfactory proof of the birth [illegible]. He will be notified by mail of the action of the Commission in the premises.

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

Sworn to and subscribed before me this the [illegible]

Commissioner.

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

FILED:
OCT 11 1901

ACTING COMMISSIONER.

SUPPLEMENTAL; C.F. D- 918, Henry Rider.

[illegible] Commission to [illegible] tribes,
Fort Gibson, I.T., [illegible], 1901.

In the matter of the application of Henry Rider for enrollment as a Cherokee Freedman;

TESTIMONY ON THE PART OF THE CHEROKEE NATION.

Appearances:
Mr. Smith, of Mellette & Smith, att'ys for applicant;
Mr. W.W. Hastings, attorney for Cherokee Nation.

BENJAMIN NAVE, being sworn, and examined, testified as follows:
BY MR. HASTINGS:
Q What is your name? A Benjamin Nave, or Nellin.
Q What is your age? A 37.
Q What is your post-office? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A I am.
Q Do you know an applicant for enrollment as a Cherokee Freedman name of Henry Rider, Jr., who lives at Lenapah? A Yes sir.
Q Mr. Nave, how long have you known him? A I have known him since 900, or 901.
Q Where did you first see him? A First saw him in Coffeyville, he was coming to Codsonack wood, hunting his people.
Q Did you have any conversation with him? A Yes sir.
Q What was the conversation about, that is, I mean, about his residence? A I met him in Coffeyville, and some one told him I lived down in the neighborhood where his folks lived, and he came to me and wanted to know if I knew his people; I told him I did; and he asked me how soon was I going down there that way; I told him I was going out pretty soon, and he rode out in the buggy with me down as far as Bill Vann's, that was in about a quarter of where he wanted to go.
Q And you directed him to his mother's? A Yes sir.
Q Did he know anything about the country at that time? A No sir, it was the first time he had been down there he said; he lived in Ottawa, Kansas; he left his family down there and had come to look out a location.
Q Was he married at that time? A Yes sir, said he was.
Q Where did he marry? A In Ottawa I suppose, that's where he said he married.
Q Did you see him after that? A Yes sir.
Q About how long? A He said stayed there probably a couple of months and went back and was gone about a year, and then he came back and brought his family; after he had been down there probably 6 or 8 months his wife taken sick and died; we set up with her the night she died.
Q Did he have some children? A Had 3.
Q You know whether they were born before or after he came down here? A He brought them with him.
Q What were the children's names? A I don't know their names.
Q Did you know his wife's name? A No sir.
Q What year was it you say he brought his wife down there? A Well the first time he came it was right after the Wallace payment, and he stayed down there a couple of months and went back, and he was gone about a year, and came back again with his family.
BY MR. SMITH:
Q Now what Rider was that you are talking about? A Henry Rider.
Q You know who his father was? A No sir.
Q You know who his mother was? A They called her Aunt Nelly Rider.
Q Now that was just after the Wallace court? A Yes sir; after the Wallace payment.
Q Did you testify against this man before the Kerns Clifton court?

Henry Rider sworn:

A No sir, I didn't testify against any one.
Q Where do you live now? A I live in Vinita.
Q Will you know this man didn't you, when the Kerns Clifton court was in session? A Yes sir, but I wasn't around with the Kern Clifton Court, I [illegible] him.
Q Were you around when [illegible]? A Not particular around with it, but I am here now, summoned here.
Q What is your business now? A My business is common laborer.
Q Aren't you in the employ of the Cherokee Nation now? A I am a witness here, summoned here.
Q How long have you been a witness? A Why I have been here probably about three weeks.
Q Were you a witness when the Commission was taking testimony on the rounds when they were taking applications at Vinita and Chelsea and Nowata? A No sir, I wasn't no witness.
Q Where were you then? A I was employed by the Cherokee Nation then.
Q Well aren't you employed still by the Cherokee Nation? A Yes sir.
Q In what capacity are you employed?

MR. HASTINGS: Now, Mr. Smith, I submit that that doesn't [illegible] man; that's no way of impeaching him; he says he [illegible] as a witness.

[illegible] questions go for what they are [illegible] of the witness; [illegible] it.

Q That's your business? A Yes sir.
Q You are a Freedman are you? A Yes sir.
Q Have you ever been arrested for anything? A Yes sir.
Q What? A Assault and attempt to kill.
Q What else? A Nothing.
Q Were you tried? A Yes sir.
Q Where? A Fort Smith.
Q Is that the only thing you were ever arrested for? A Yes sir.
Q That's the only thing you were ever tried for? A Yes sir.

BY COMMISSION: This testimony will also be made a part of the record in Cherokee Freedman cases number D-870, and D-915.

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 October 8th, 1901.

Commissioner.

File with R. V. D-618.

[illegible]

[illegible]

In the matter of the [illegible] of Jack Liberty et al for enrollment as Cherokee [illegible]

[illegible] TO D-678.

[illegible] Smith, Vinita, I. T.
[illegible] Nation [illegible] by James S. Davenport.

[illegible], being first duly sworn, testified as follows:

Q [illegible] what is your name? A William [illegible].
Q Wh[illegible], Mr. Martin? A I live at [illegible], Miami County,
Q How lo[illegible] you lived at Commerce in the state of Kansas?
A Since [illegible].
Q Since you first at Commerce did you get acquainted with a colored f[illegible] by the name of [illegible]? A Yes, sir, I knew some colored people there by the name of Rider.
Q Where were they living when you first got acquainted with them?
A They were living about four miles south of Commerce, on a farm called the Prescott farm.
Q Do you know what the old lady's name was? A I think her name was Betsy.
Q Were there any children in the family, any sons and daughters?
A Yes, sir, there were some children.
Q Do you know what their names were? A I [illegible] Rider and [illegible], and I [illegible] was a girl [illegible].
Q How long did you know them [illegible] that [illegible] where you from? A [illegible], I know them [illegible] in the [illegible], in the town or living in the immediate vicinity, up till along in [illegible].
Q How long in the fall do you have any definite recollection of their living there? A Well to the best of my recollection it was in [illegible], fall of [illegible], late in the fall.
Q That, if any, circumstance happened that makes you remember that they were living there at that time? A These two young Riders were shot there by a white man.
Q Was the [illegible] any relation of yours by which you remember that?
A Yes, sir, he was a [illegible] of mine.
Q Who was it shot the [illegible]? A John [illegible].
Q Do you remember anything about whether or not he was tried for it, and what year it was? A I think it was at the October term of '98.
Q Now after that did they move away from Kansas, Mr. Martin?
A Yes, sir, [illegible] after that.
Q Have you any knowledge as to where they went? A No, sir, only I heard that [illegible] from the Territory was going to come up and did come up, and lived down here.
Q You heard that; [illegible] Was that after the boys were shot? A Yes, sir.
Q And they went [illegible] the neighborhood [illegible]? A Yes, sir.
Q Now when was it you first got [illegible] with Betsy Rider and these boys and girls? A [illegible].
Q After you got acquainted with them how long did they live to you at any of the time or all of the time up to this shooting? A Well they lived right there in town where I lived sometime, and probably two or three miles out in the country part of the time.

Q. Were they living in [illegible] up between [illegible] and [illegible] A. [illegible]

[illegible]

A. [illegible]

Q. [illegible]

[illegible] she [illegible] or not.

Q. Where was [illegible] A. [illegible]

Q. Did you [illegible] her all [illegible] A. [illegible] all the time.

Q. You [illegible] return [illegible]

Q. Well, [illegible] A. No, [illegible]

Q. [illegible] A. [illegible]

Q. [illegible] A. [illegible]

Q. [illegible] is [illegible]

Q. Well, you [illegible] you did [illegible] $50 [illegible] absent for a [illegible] couldn't [illegible] A. [illegible]

Q. Well, [illegible] were [illegible] A. [illegible]

Q. Would [illegible]?

Q. You [illegible] of their [illegible] A. [illegible]

Q. Well, [illegible] of them [illegible] A. [illegible] going from [illegible]

Q. But then [illegible] been about without your knowing anything about [illegible]? A. [illegible], yes, sir.

Q. You don't [illegible]

Q. Well, [illegible] to whether you [illegible] A. [illegible] sweet.

Q. Yes, sir. A. [illegible]

Q. You haven't [illegible]

A. I don't [illegible] up to that time.

Q. [illegible]

Q. And then you [illegible] locate these [illegible] A. No, sir.

Q. Don't [illegible] A. [illegible] month in [illegible]

Q. You can't [illegible] sometimes I [illegible] A. [illegible] one time for [illegible]

Q. They weren't particular [illegible]? A. No, sir.

By Mr. [illegible], being [illegible], testified as follows:

Q. [illegible]

Q. [illegible] shoulder.

Q. [illegible]

Q How long have you lived [illegible] or Osawatomie, Kansas? A [illegible]
Q Where were you living [illegible] A [illegible] that is, or a [illegible]
Q While [illegible] know a [illegible] sir.
Q Do you [illegible]
Q Do you know whether or not [illegible] that went by her name? A [illegible]
Q What were their [illegible] something like that; [illegible] anything they can [illegible] ested in it.
Q Well, give the [illegible] if you don't [illegible]
A And I think [illegible] if I wasn't mistaken.
Q Well, were there any [illegible] A [illegible] there was two boys, George and Henry.
Q How long did they live in your [illegible] of [illegible] you after you became acquainted with [illegible] A [illegible] they lived there for I guess as [illegible]
Q How far from you did [illegible] live? A [illegible] neighborhood of betwixt three and [illegible]
Q Do you remember [illegible] about the boys having any trouble at any time, or were you [illegible] there in that country at that time? A Yes, sir.
Q Do you know what the trouble was as to whether anybody was hurt or not? A Well, yes, sir, they were both hurt, but one was hurt worse than the other.
Q Well, now, who was it that was hurt? A The worst?
Q Who were the parties? A Why George and Henry.
Q Who? A Rider they called them.
Q Do you know by what they were hurt? A Well, as I understood it a man by the name of John [illegible].
Q Well now was their mother [illegible] living there in the neighborhood where you had known them at the time they were hurt? A I think they was.
Q Well do you know, Mr. Duncan, is what I want to [illegible] do you know whether or not they were living there in the country at that time? A Yes, sir, I know that.
Q Well, now do you know what year that [illegible] occurred? A Well as near as my recollection, as [illegible] I [illegible] I think it was somewhere along [illegible]
Q You remember when that was; you know that they [illegible] living there in the country when the trouble occurred? That was what I have reference to.

MR. [illegible]: You think it was about '70? A Somewhere along there that that occurred.

Q Well, your recollection is not very [illegible] about those things that occurred thirty-five years ago? A [illegible] 35's now.
Q A man can't do it? A No, [illegible]
Q When did you first get acquainted with these people? A Why when I first got to Kansas.
Q When was that? A That was in '54, I think, or '5.
Q You don't remember just what date you came there? A No, sir, I don't.
Q Then you were acquainted with them some three or four years? A Yes, sir.
Q They left there soon after you say that they had some trouble there? A Well, yes, sir, I [illegible]
Q Now you don't know whether they [illegible] down here in the territory or not? A Well, no; I [illegible]
Q You can't tell whether they [illegible] and back or not? A I know there was some [illegible] away, and some couldn't get away.

and some of them that did [illegible] on the road or shot them, [illegible] afeard to try to come, [illegible] couldn't come.

Q. Let your recollection [illegible] indefinite at [illegible] much about it; I [illegible] the head and I'm getting old.

Q. How old [illegible] A. [illegible]

[illegible] said [illegible] I was [illegible] as I can [illegible] I [illegible] as I sold [illegible] that [illegible] I was [illegible]

Q. [illegible] difference [illegible] A. [illegible]

Q. You're not very well posted on [illegible] A. No, I don't now.

[illegible] part of [illegible] No. 2-613, [illegible]

Arthur G. Groninger, being first duly sworn, [illegible] that is stenographer to the [illegible] ported in full the testimony [illegible] that the foregoing is a true and correct transcript of his stenographic notes thereof.

Arthur G. Groninger

Subscribed and sworn to before me this [illegible] day of April, 1934.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

By W. [illegible]

[illegible] cts to the impor-
[illegible] that we shall
[illegible] verified.
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] will be
[illegible]
[illegible]
[illegible]
[illegible] to the above stated
[illegible] for the
[illegible] pro
[illegible] referred to

in the case of Mamie Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission; that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee Freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) F. G. Porter,
Notary Public.

I, E. G. Rothenberger, stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the certified testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. G. Rothenberger.

Subscribed and sworn to before me this July 29, 1902.

F. G. Porter
Notary Public.

[illegible]

Henry Rider, et al.,---------- [illegible]
Josie Rider, et al.,---------- [illegible]
Geo. [illegible]

MOTION FOR REVIEW OF DECISION.

Come now the above named persons who have been denied enrollment as Cherokee Freedmen, by their attorneys, Blue & Bulger and McGowan & Carson, and move the Honorable Secretary of the Interior to open their respective cases above named, to review the decisions of the Commission to the Five Civilized Tribes denying said applications; to reverse said decisions, and to enroll each of the said applicants as a Cherokee Freedman, for the following reasons:

The decision of said commission in the matter of each application was and is contrary to law.

The evidence adduced by said applicants in support of their applications show:

1. That each of said applicants was a slave of a Cherokee citizen at the time of the commencement of the war of the rebellion and was liberated by voluntary act of his Cherokee owner or by law, or is the descendant of such slave.
2. That each of said applicants, if born, was a resident in good faith in the Cherokee Nation prior to June 28, 1898.
3. That said applications were made prior to September 1, 1902.
4. That at the date of said application, the said applicants had not abjured or forfeited their Cherokee citizenship by moving out of the Cherokee Nation with their effects to some other state or nation and by becoming a citizen thereof.

[illegible] August 11, 1905.

WHEREFORE, Said applicants, by their attorneys, respectfully request that they be enrolled as Cherokee Freedmen.

Blue and Bulger
W. F. Carson
Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, [illegible] & [illegible],
Attorneys for Cherokee Nation.

By _____

BEFORE THE DEPARTMENT OF THE INTERIOR
Washington.

To the Honorable,

The Secretary of the Interior,

In the matter of the application of Henry Rider for the enrollment of himself and his three minor children as Cherokee freedmen.

Cherokee Freedman D-918, Henry Rider, et al.

PROTEST and MOTION.

Comes now Henry Rider, Cherokee freedman D-918, and Ms PROTESTS again against the decision of the Commission to the Five Civilized Tribes, dated January 10, 1908, and moves the Honorable Secretary of the Interior to rescind said decision to to enroll him and his three minor children as Cherokee freedmen, for the reasons herein after set out and hereto attached

The record shows that I/ Henry Rider, and a son of One Henry Rider, who was a slave of a Cherokee citizen at the commencement of the Civil war, and was taken out of the Nation, south, but returned in 1865, and resided there continuously until his death in 1881. The record shows that my father Henry Rider is identified upon the authenticated Cherokee roll of 1880.

The record shows that I was born after the commencement of the Civil war, and was taken out of the Nation to Kansas, by the Union soldiers in 1862, and that soon after the close of said war my father came to Kansas and took his three children, including my sister Jessie (Jessie Alberty); my brother George and my self to his home in the Cherokee nation close to Rider's ford in the Ceowesscowee district, and that I lived with my father until the time of his death and was living with him when he was enrolled on the 1880 roll.

The record and my own affidavit hereto attached and made a part of t this protest and motion shows that I never forfeited my Cherokee tribal rights by going out of the Nation and becoming a citizen of any other government as is contemplated in section 2 of the act of March

constitution.

In fact I remained with and worked on the farm with my father, Henry Rider, until he died in 1881. I then ran the home farm until the fall of h that year, and the went to work for wages.

I continued to work for wages off and on in and out of the Cherokee nation until after the Secretary of the Interior enrolled me on appeal from John W. Wallace in 1892.

I always I removed to our old home farm that year and have resided there ever since until last September when I moved to the Josie Alberty farm about 3 miles north west of my old home. Yet I still own part of the home place, and have filed on it. When my father died it was divided between us children and I got 40 acres as my share.

I make this protest at this time because one Scott has caused XX a receiver to be appointed for my crop on the land I claim in the Nation.

If I am enrolled I will be entitled to this land. Scott filed on my place and I filed a contest in due time.

I here with attatch a copy of the complaints in law in equity in the receiver case. I my case is decision in my favor I can defend the suit much better than If if is pending when the case comes up and for this reason I beg the Honorable Secretary of the Interior to take up my case and the earliest possible convenience.

I know that I am a Cherokee freedman and that I am entitled to be enrolled as a Cherokee freedman, unless it is decided that because I was o not physically in the Cherokee nation on August 11, 1866, or did not physically return thereto on or prior to February 11, 1867, I lost my rights, regardless of the fact that I was an infant and my father brought me back to the Nation as soon as he could find me and prepare to take care of me. I have been legally a resident of the Cherokee nation since my father brought me back some time before 1876. My father is on the 1880 roll, and I was born after the commencement of the civil war.

I respectfully refer to the record in this case, and to the copy of the Departmental letter which I quote in my affidavit hereto attached.

I must answer the complaint of the plaintiff (a copy of which compl aint is here to attached) before October 23, 1906. In the mean time my crop is in the hands of a receiver. I have a good crop of corn and need it badly. It is now ready to harvest and I cannot touch it.

If the Honorable secretary of the Interior will grant this motion, and enroll me as a cherokee freedman, I will be better able to protect my interests. I am very poor after the long fight of the freedmen in the Cherokee nation.

Wherefore I respectfully ask the Honorable secretary of the Interior to heed this protest, and to garant this motion and to enroll me and my children as Cherokee freedmen.

Respectfully Submitted,

Henry Rider

Applicant.

BEFORE THE DEPARTMENT OF THE INTERIOR,
Washington.

To the Honorable,

The Secretary of the Interior.

In the matter of the Application of Henry Rider, et al., for enrollment as Cherokee freedmen.

Henry Rider, et al., Cherokee freedmen D- 870

A F F I D A V I T .

United States of America,
Indiand Territory, SS.
Northern District.

Henry Rider of lawful age being first duly sworn on oath said;

My name is Henry Rider; my post office address is Lenapah, Indian Territory; I am an applicantt for enrollment as a Cherokee freedman, and Carlos, Viera B., and Lullen Rider are my minor children.

My father's name was Henry Rider, and he is identified upon the authenticated Cherokee roll of 1880.

I am informed and the record shows that my father was a slave of a Cherokee citizen at the commencement of the rebellion, and was taken south in the early spring of 1862. At this time my mother informed me, I was just 6 month of age. At this time the whole family of my old mistress, Elzinah Mays, started south with my father's master, Tom Rider, but Mrs. Mays took sick and would not go. Mrs. May died before July of that year, and the Union soldiers came to our place and took my mother; my sister Josie (Now Josie Alberty); my brother George and my self to Kansas.

The record shows that my father, Henry Rider, returned to the Cherokee nation in 1866, and was a resident of the Cherokee nation until his death in the spring of 1881.

Some time after the treaty of July 19, 1866, my father came to Kansas and took us three children with him to his home in the Cherokee nation.

At that time my father lived alone to Riders ford in the Cooweescoowee District, Cherokee nation. Thisford is named after my father and is on the Verdigris river south of Coffeyville, Kansas.

I lived at my father's home near this ford until after his death. He died in the spring of 1881. I worked for him all thatime, and after his death ran the home farm until the fall of 1881.

In September of 1881, I began to work on a construction train on the M. K. & T. R. R. John Schanceney was my boss, and D. W. C. Perry was the Road master.

In the winter of 1881 this construction train was taken off and I was transferred to an "extra gang " on the same road, where I worked for 4 or 5 years.. We wokked all the time between Parsons, Kansas, and Muskogee, Indian territory.

During this time D. W. C. Perry, Mr. Harris, Courtney and Mr. Brown were the road masters on this district.

In 1886 I took sick and was sent by the rail road people to their hospital in Sedalia, Mo. I remained there about one and onehalf months and then returned to the Nation. I then went to Garnett, Kansas and worked J. P. Davies in a lumber yard there for some time . I worked around Garnett for some time. Working on a brick yard; in a lumber yard and on the M. K. & T. R. R.

After working around Garnett for some time, I returned to my old home place on the Verdigris, near Rider ford.

I applied to John W. Wallace for enrollment and he rejected my application. I appealed to the Department of the Interior and on December 4, 1901 the following was written to my relative to my appeal:

Refer in reply to the following

Land
48796-1891

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

Washington, December 4, 1901.

Henry Rider, Jr.,
Garnet,
Anderson Co., Kansas.

Sir:

In reply to you letter of November 29, 1901, you are informed, that your name appears as No. 838 on the "Rejected Schedule" report by Special Agent Wallace.

The Schedule is as follows:

837	Rider	Elizabeth	29	Female	Kansas.
838	Rider	Henry	27	Male	"
839	Rider	Callie	22	Male	"
840	Rider	Flora	1	Female	"

grouped as one family. In examinig the evidence submitted, I find only the affidavit of Elizabth Rider, age 49, who states that she is not married and had no children. I then referred to Mr. Wallace rough noted which he took from day to day as applicants would put in their claims. Here he has the name of Elizabeth Rider seperated from the other three and the age of Callie is there set down as 2 not 22. From these rough notes it would appear that Henry Rider, age 27 had these two children, which three persons composed the family, all of whom were rejected by Mr. Wallace. I am unable however to find the proof if any was submitted in this case. I cannot there fore pass upon your case or decide as to the equity of the decision made in your case by Mr. Wallace.

If you desire to appeal from the decision of Mr. Wallace, who rejected your claim, you will, if you can get corroberative proof, appear before U. S. Indian Agent Lee E. Bennit, at Muskogee, Indian Territory, with this latter and make answer as full as possible under oath as to the following questions:

1. When and where you were born?

2. Who were you parents?

3. Were you the slave of a Cherokee Indian at the commencemtn of the rebellion?

4. If so what was you owner's name?

5. Where did you reside at the time of the treaty?

6. If not in the Cherokee country, when did you return to the Natiente reside?

7. Have you lived there continuously ever since?

8. If not, state when you left and how often and how long you

remained away each time and your reasons for leaving each time

9. Were your parents the slaves of Cherokee Indians, If so state their owners names at the time of the rebellion.

When your affidavit is made it must be vouched for by two or more disinterested credible Cherokee citizens or authenticated freedmen.

Agent Bennett is fully instructed in these matters and will cheerfully direct you as to the manner of obtaining the evidence necessary to establish your claim to enrollment, etc.

Very Respectfully,

T. J. Morgan,

Commissioner

(R. F. T.)

P

I answered these questions as directed by the Honorable Commissioner, and he recommended that I be enrolled as a Cherokee freedman. I was so enroll, as shown by the record in this case.

I worked on the Iron Mountain out of Siminole station in the Cherokee nation for some time and then in the winter of 1892, I moved out on the old Rider farm on Goose Neck and lived ther until Sept. 1904, at which time I moved to a place about 3 miles south west of this place where I am living now.

I helped my father make this Rider farm and after his death ran it for a time, and have considered it my home ever since until I moved to the Josie Alberty place last September.

I worked out of the Nation at times, but have always considered the Nation my home since brought back to it by my father in the year of about 1876.

I own own improvement on this Rider farm and have owned them ever since the death of my father in 1881. I have lived on the farm a number of time , but have worked on public workes such as rail roads, from 1881 until after the Wallace roll was made. Some of this time I worked in Kansas, and some of the time in the Indian Territory.

When I go enough money ahead I came back to my farm on Goose Neck, the old Rider farm, and have been on that farm until last September. I finally returned to that farm in about 1892. I was there several time and put in crops before this date, but I did not reside continuously on this palce after 1881 until 1892. During this interval I worked 4 or 5 years on the M. K. & T. R. R. between Parsons and Muskogee. I worked on the Iron Mountain R. R. at Siminole, Indian Territory; I worked on the M. K. & T near Garnett, and I worked for the Davies Lumber Company at that town.

When the Secretary of the Interior reversed the decision of John W. Wallace and enrolled me, Uncle Jerry Alberty and Willis Markam were my two witnesses. They were both authenticated citizens. I was born in Willis Markam's house.

Henry Rider, my father; Hannah Keys, nee Riser; Jeannette Vann, nee Rider; Magdaline Vann, nee Rider, my half sisters, and Charles Riser my half brother, are on the '80 authenticated roll.

I was living at home when the '80 authenticated roll was made, and my father had me enrolled a s his minor child. If my name is not on the 1880 roll now it has been erased.

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

Henry Rider

[illegible]

In the matter of the [illegible] R, [illegible] Al., for a rehearing, [illegible]

Protest of the Cherokee Nation.

There is no dispute [illegible] testimony in this case. All of the [illegible] that Henry Rider were the slaves [illegible] children; [illegible] applicant. [illegible] that at the [illegible] Rider, Sr., [illegible] death, and there is no testimony [illegible] until 1875. Therefore, he could not have been the father of [illegible] children after the [illegible] war. Henry and their children were taken [illegible] by government troops where she continued to reside near [illegible], Kansas, for at least seven years [illegible] the war, namely, until 1876, and it is [illegible] that the children continued to reside there with her, and there is no testimony whatever tending to show that Henry was ever in the Cherokee Nation prior to that time.

Now Henry Rider had no rights whatever in the Cherokee Nation at the date of his birth. If he acquired any it was by virtue of the provisions of the 9th Article of the Treaty of 1866. The Dawes Bill provides that the Commission shall make a roll of the [illegible] freedmen in strict compliance with the decree of the Court of Claims rendered on February 3, 1896. [illegible] the court has [illegible] descendants of slaves. By reference to the Court of Claims reports 147 and 148, we find a letter from William A. Richardson, Chief Justice of the Court of Claims, dated February 18, 1896, addressed to Honorable Daniel M. Browning, Commissioner of Indian Affairs, [illegible] Inquiry of the Commissioner of Indian Affairs as to certain [illegible] which were referred by the Secretary of the Interior under date of February 15, 1896. It will be seen that this was only [illegible] days after the decree of February 3, 1896, was rendered. Answering the inquiry officially the Chief Justice of the Court of Claims states after advising the Secretary that the [illegible] "now [illegible] therein or who may return within six months [illegible] their [illegible] limited both the slaves and the free colored persons." The report goes on to say "that is to say freedmen and the descendants of freedmen who did not return within [illegible] months are excluded from the benefits of the treaty and of the decree." Now it is admitted that Henry Rider did not come within the [illegible] and the court says if he did not he is excluded from the benefits of that decree. Congress says that this roll of freedmen shall be made in strict compliance with the same decree referred to.

We submit from the testimony introduced in this case that no other decision could be rendered by the Commission to the Five Civilized on January 10, 1896, than one rejecting the application. No reason is shown why the order should be reversed or modified and we submit that the same should be affirmed and not reopened.

[redacted]

[redacted]

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true copy
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on the day of A.D.1901

Sworn to before me
this A.D.1901.

Notary Public.

NOTICE!

IN THE MATTER OF the application of [illegible] for enrollment as a Cherokee citizen:

Case No. D [illegible]

To [illegible] Major or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept. 26th 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 on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9-13-1901

L B Bell

M M Hastings

Attorneys for the Cherokee Nation.

613

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
D-918

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

Muskogee, Indian Territory, March 20, 1907.

W. W. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of a letter from the Secretary of the Interior, dated March 4, 1907, granting the application for the enrollment of Henry Rider, et al., as Cherokee freedmen.

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

Respectfully,

Commissioner.

Encl.E-50
JMH

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

D.C.12922-1907.
I.T.D.1704-06.
12922-1906.
LRS.

SUBJECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

August 20, 1906, you reported relative to your withholding the enrollment of Henry Rider and his minor children, Carlos, Flora E., and Leullen Rider, as Cherokee freedmen, wherein the Department, on October 10, 1906 (I.T.D. 1704), overruled the decision of the Commission to the Five Civilized Tribes adverse to the applicants and authorized you to enroll said applicants.

In view of the provision in section 3 of the act of April 26, 1906 (34 Stat., 137), relative to the roll of Cherokee freedmen, concluding with these words:

"but this provision shall not prevent the enrollment of any person who has heretofore made application to the Commission to the Five Civilized Tribes or its successor and has been adjudged entitled to enrollment by the Secretary of the Interior,"

the Department does not believe that the recent ruling of the Assistant Attorney-General of February 27, 1907, in the case of Burrell Daniels (I.T.D.3484), applies to the case of Henry Rider and his children, who were "adjudged entitled to enrollment by the Secretary of the Interior" on October 10, 1906. You are accordingly directed to enroll Henry Rider and his minor

children, Carlos, Flora B., and Luellen Rider, as Cherokee freedmen.

You will advise the applicants of this action.

Your report with accompanying papers has been sent to the Indian Office. A copy of Indian Office letter of September 7, 1906 (Land 73480-06), relative to said case, is inclosed.

Respectfully,

(Signed) M. A. Hitchcock,

Secretary.

1 inc. and
8 for Ind. Or. with
copy hereof.

A. F. Mc.
3-4-07.

Copy.

Land.
73480-1906.

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

Sept. 7, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report from the Commissioner to the Five Civilized Tribes, dated August 20,1906, on the letter of Henry Rider, of Lenapah, Indian Territory, referred to the Commissioner for report and recommendation by Departmental reference of August 10, 1906.

The report shows that Henry Rider, among others, in the Cherokee freedman case of Josie Alberty, et.al., was denied enrollment by the Commission to the Five Civilized Tribes on January 10, 1905, and that on October 10, 1905, the Department overruled this decision, in accordance with an approved opinion of the Assistant Attorney General, and authorized the Commission to enroll them as Cherokee freedmen. On November 6, 1905, the Commissioner requested authority to withhold the names of these persons from schedules to be transmitted for the approval of the Department until after the final decision of the Department in the Cherokee freedman case of Burrell Daniels, et.al., the subject of an approved opinion of the Assistant Attorney General dated May 9, 1905, and of which the Commissioner requested a reconsideration on September 25, 1905. The records of this Office show that the record in the case of Burrell Daniels et.al. was

forwarded to the Department for its action on January 5, 1906, and the records do not show that any action has been had up to this time. The Commissioner's report further shows that the lands that Henry Rider claimed as allotments for himself and members of his family on Novemebr 9, 1904, had therefore been selected by members of the Scott family, and that no action has been taken looking to a determination of the rights of these parties to the land by contest proceedings, pending the final determination of the citizenship of the Riders. The report also shows that the Commissioner has no knowledge of the appointment of a receiver to control the crops grown on the land claimed by Rider as his allotment.

Attached to a protest and motion, verified by Henry Rider on October 5, 1905, is a copy of a purported complaint at law, filed in the United States Court for the Northern District of the Indian Territory, in which John Scott, on behalf of his children, Buster, Edna and Eva Scott, is plaintiff, and Henry Rider and Josie Alberty are plaintiffs, praying for the recovery of a certain tract of land therein described and $500 damages for its unlawful detention; also a copy of a purported complaint in equity, between the same parties, over the same land and in the same court, in which plaintiff alleges that defendants are insolvent and unable to respond in damages, and prays the court to appoint a receiver to take charge of the land and crops and hold both until further order of court. These copies were made out to be verefied in June 1905, and had to do with the crop of

1905. There is no showing made as to the action of the court in the matter, but taken in connection with the letter of Henry Rider, it does not appear unreasonable to assume that such a receiver was actually appointed and has controlled and harvested not only the crop of 1905 but a part, at least, of the crop of 1906.

The Office would respectfully recommend that if the Department considers it necessary to suspend final action in this case until the Burrell Daniels case is disposed of, that a decision in that case be rendered at an early date, in order that this man may know his rights in the land. In the event that he is enrolled he will likely have to contest the Scotts, and the final settlement of his title can hardly be reached in time to allow him to make a crop in 1907. On the other hand, if her be denied enrollment, it is just to the Scotts that they should know that their title is clear and to be able to farm the land without having the crops tied up in the hands of a receiver. A receivership does not tend to produce good husbandry.

The letter and report are enclosed herewith.

Very respectfully,

F. E. Leupp,

Commissioner.

E.W.E.-NL.

[illegible] Tahlequah, C.N., [illegible]

[illegible]

[illegible]

[illegible]

In the matter of the [illegible] Beck for the enrollment of himself and [illegible] as a citizen of the Cherokee Nation, [illegible] and examined by [illegible], was identified as follows:

Appearances:
Mr. Smith, of Mr. [illegible] & Smith, for the applicant;
Mr. W.W.Hastings, for the [illegible].

Q What is your name? A [illegible] Beck.
Q What is your age? A 38 or 9.
Q What is your postoffice? A Ruby.
Q What district do you live in? A Chewenacowee.
Q You apply to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and 5 children.
Q Are your five children under age and unmarried? A No sir.
Q Give me the names of those under age and not married? A Ida and Harvey.
Q Ida Beck? A Yes sir.
Q How old is Ida? A 18 years old.
Q How old is Harvey? A 16 years old.
Q Any others? A Yes, my other grown children.
Q You have just two not grown? A Yes sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A Minnie Beck.
Q Is she a citizen? A Yes, sir.
Q Has she been enrolled? A Yes, sir.
Q Is her name on the 1880 roll? A Yes, sir.
Q Why didn't she enroll these children? A They are not here.
Q She is not the mother of them? A No sir.
Q How many times have you been married? A 3 times.
Q What was your first wife's name? A Ibbie Lewis.
Q Is she living? A Yes, sir.
Q What was your second wife's name? A Mary Beck.
Q What was her name before you married her? A Mary Lett.
Q What is your wife's name? A Minnie.
Q What was her name before you married her? A Minnie Sanders.
Q Who is the mother of Ida Beck? A Mary Lett.
Q Who is the mother of Harvey Beck? A Mary.

By Mr. Smith:

Q Mr. Beck, who are your witnesses? A Sam Webber, Allen Lynch, Jack Landrum, John Baldridge.
Q Mr. Beck, were you a slave before the war? A Yes sir.
Q Where did you live? A I live in the Cherokee Nation.
Q Where were you living when the war came up? A I was living in Delaware district in the Cherokee Nation.
Q Who was your owner? A Joseph Beck.
Q Was Joseph Beck a Cherokee Indian? A Yes sir.
Q Was he a Cherokee Indian by blood? A Yes, sir.
Q Recognized citizen of the Cherokee Nation? A Yes sir.
Q Did you go out of the Cherokee Nation during the war or remain here? A I remained [illegible].
Q Where were you in 1866? A I was at Ft.Gibson.
Q Were you at Ft. Gibson during all the year of 1866? A No sir.
Q Where were you the most of the time? A I was up on Big Creek, where I lived.
Q Where did you stay during the war? A I stayed at Ft.Gibson.
Q How much of 1866 did you spend at Ft.Gibson? A [illegible]
Ex.Com'r Needles: Ft.Gibson in the Cherokee Nation? A Yes sir.

Harvey to Mr. Ketch's last question: I went there from the coming to rail.

Q What time did you go to Big Creek? A In the early part of the fall.

Q Where were you during all the time of the war? A I was at Ft. Gibson.

Q What were you doing down there? A I guided there.

Q Did you do any kind of work? A Yes sir, I looked some for the Government.

Q How old are you now? A I am 28 or 9 I guess.

Q Have you any children older than the ones you have applied for Harvey, Ida and Harvey? A No.

Q Who are they? A Oldest is Ibbie.

Q What's her name now? A Lizzie Webb.

Q Where does she live? A She lives here in the Nation.

Q Where was she born? A She was born up on Big Creek.

Q In the Cherokee Nation? A Yes sir.

Q Where has she lived all the time? A Lived here in the Nation.

Q Any others grown besides? A Next oldest is Bennie.

Q Where does he live? A He lives with me.

Q Married or single? A He is single.

Q Well then who else? A Another boy lives with me, he is married.

Q What is his name? A Dallas.

Q Has he any children? A No, sir.

Q Who was the mother of these children, that is those that you have just mentioned? A Ibbie Webb.

Q The mother of these three grown children? A Yes sir.

Q Who is the mother of those 3 you have just applied for? A Mary Lett, Mary Beck I call her.

Q Mary Lett was her maiden name? A Yes, sir.

Q Were you married to Mary Lett? A Yes sir.

Q Where were you married to her? A On Big Creek.

Q Have you any certificate of your marriage to her? A No sir.

Q Who married you? A Sam Webber.

Q Did you have any license or did you just marry? A No sir, we just married.

Q Well, at that time what had become of your wife Ibbie, or was Ibbie ever your wife, the mother of the grown children? A She was dead.

Q Did she die before you married Mary? A Yes sir.

Q Were you married to Ibbie? A Yes sir.

Q Have any licenses? A No sir.

Q When were you married to her? A I was married there on Big Creek.

Q When I said? A Long in the fall of '66.

Q In the fall of '66? A Yes sir.

Q Who married you and Ibbie? A Webber.

Q Have any license or just married? A Just married.

Q Who did you say is on the base roll, your present wife? A Yes sir.

Q What is her name? A Minnie.

Q Where is Mary, the mother of Ida and Harvey? A She is in Missouri somewhere.

Q You and she separated? A Yes, sir.

Q Your first wife was dead however before you married this woman Mary? A Yes sir.

Q Where are these children, Ida and Harvey, with you? A Harvey is with me, and Ida is with her.

Q Does your wife live in Missouri? A Yes sir.

Q That is your former wife, Mary? A Yes, sir.

Q Are you on any of the rolls of the Cherokee Nation? A I am on the Kern-Dillon roll and the Wallace roll.

Kern-Clifton pay roll of citizens [illegible] Nation [illegible]
[illegible] and enrollments [illegible]
[illegible] 1st [illegible] District;
[illegible] roll of citizens [illegible] Nation examined
and [illegible] [illegible]
Page [illegible]
Kern-Clifton pay roll of [illegible]
Page [illegible] Nation,
Page [illegible] Harvey [illegible] District.

By Com'r Mellott:

Q Have you any children by your present wife? A No sir.
Q You say she is an educated [illegible] sir?
Q You apply for her? A She has [illegible]
Q Tobie [illegible] was dead before you married Mary Lett? A Yes sir.
Q Mary left a child? A No sir.
Q She is a [illegible] citizen? A Yes sir.
Q You don't apply for her then? A No sir.
Q Where do I understand you to say you were in the year '62?
A Ft. Gibson.
Q You never went out of the Cherokee Nation that before '86?
A No sir.
Q And was here during the year at Ft. Gibson in the Cherokee Nation?
A Yes sir.
Q Where was you in 1867? A I was here on Big Creek, in '67.
Q In the Cherokee Nation? A Yes sir.
Q Have you lived continuously in the Cherokee Nation from that time until this? A Yes sir.
Q Never lived out of it? A No sir.
Q Why aint your name on the roll of 1880? A They wouldn't put it on.

By Mr. Hastings:

Q Maryland, what part of the Cherokee Nation did you live in before the war? A I lived in Delaware District.
Q Joe Beck have a wife? A Yes sir.
Q What was her name? A Cynthia.
Q He have any family? A Yes sir.
Q What are some of his family names? A Oldest boy nameed Ed, Dud, Lugo, Polly, Amy.
Q Did you know Beck there before the war? A Yes sir.
Q How far did he live from you? A About 2 miles.
Q You applied to the Doc Dumble Court in '71 for enrollment didn't you? A Yes sir.
Q You have your witnesses there then? A Yes sir.
Q The court refused to enroll you didn't it? A Yes sir, it did not do it.
Q You applied to the Kern-Clifton Commission? A Yes sir.
Q At that time you said that you had been in Kansas during the war didn't you? A No sir.
Q Didn't you state at that time that you came from Ft. Leavenworth after the war to Ft. Gibson? A No sir.
Q Didn't you state that you came back from there, but was sent to Ft. Gibson from Ft. Leavenworth? A No sir.
Q You deny that you had been in Kansas all during the war?
A I stayed that while I was driving a Government team I went on a trip to to Leavenworth and back to Ft. Gibson.
Q How long were you in Kansas? A Generally made a trip in about 20 days.
Q Did you live in the town of Ft. Gibson through the war? A Yes sir
Q Right in the town? A Mostly most Yes, well part of the time in town.
Q And where the rest of the time? A Might out in the edge of town where my daddy lived.
Q You lived with him then during the war? A Yes sir, when I wasn't

my work I stopped there.

Q. Did you tell the Kansas-Clifton Commission that you had [illegible] there with your father during the war? A. Yes sir.

Q. Did you introduce any witnesses at all before the Kansas-Clifton Commission? A. Yes sir.

Q. Who did you introduce? A. I introduced Jack Landrum, Allen Lynch and Lynch.

Q. They went in and made statements did they? A. No sir, they weren't called.

Q. They didn't testify before it? A. No sir.

Q. You say Sam Webber married you to your first wife? A. His father.

Q. That was in the fall of [illegible]? A. In the winter.

Q. Was it before or after Christmas? A. It was after Christmas.

Q. About how long after Christmas? A. Somewhere in January I guess.

Q. Don't you know? A. No, it was after, I don't know exactly.

Q. Whose was your first wife's name? A. Nancy [illegible].

Q. Whose daughter was she? A. She was David Moye's daughter.

Q. How long after you were married until your first child was born?

A. First child was born in October, I think, '47.

Q. What was that child's name? A. Lettie Pack.

Q. Is she alive? A. Yes, sir.

Q. Where was she born on Big Creek? A. Yes sir.

Q. Where were you living at that time? A. Living there on Big Creek.

Q. Had you a place there at that time? A. Yes sir.

Q. Was that the first place you made on Big Creek? A. Yes sir.

Q. When did you make that place? A. I commenced it in the fall, early part of the fall of '46.

Q. Before you were married? A. Yes sir.

Q. How far does Jim Martin live from you? A. Jim Martin is living about, well I guess it must be a mile and a half, maybe 2 miles.

Q. Was he living there at that time? A. No sir.

Q. About how long after you got there until he came? A. I had been there I think about a year.

Q. How far are you from the Kansas line? A. It is about 20 miles I guess to the nearest part.

Q. How far do you live from Sam Webber? A. How?

Q. No, then; how far did you live? A. About 2 miles.

Q. You located within 2 miles of Sam Webber did you? A. Yes sir.

Q. When did you first see Allen Lynch after the war? A. I saw him first at Ft. Gibson right after the war.

Q. Who married you to your second wife? A. Young Sam Webber.

Q. What was your second wife's maiden name, Lett? A. Lett.

Q. You married her on Big Creek? A. Yes sir.

Q. About what year? A. I don't remember just about the year.

Q. You and she were separated? A. Yes sir.

Q. How long did you live with her? A. About three or four years.

Q. You had two children born to you? A. Yes, sir.

Q. How long until she moved out of the country after you separated?

A. It may have been 6 months, probably might be a year.

Q. You weren't in the army during the war? A. No further than a tomahawk.

Q. Was Sam Webber living up there when you first went up there from Ft. Gibson? A. Yes sir.

Q. What time of the year did you go up there? A. It was in the fall.

Q. About what time in the fall? A. Pretty early.

Q. As early as September? A. Between September and October, somewhere along in there.

Q. Who else was living around up in there at that time? A. There was quite a lot of them, I don't know all of them.

Q. Peter Ward living up there at that time? A. I don't know, I won't be positive whether he was or not.

Q Have none of the rest of your relations been there?
A Never heard lived there and the [illegible] and brothers.
Q You say you have one child with your second wife in Missouri?
A Yes.
Q One child there with its Missouri? A Yes sir.
Q It went with its mother? A Yes sir.
Q Been living with its mother? A Yes sir.
By Com'r Needles:
Q You say you are separated from Mary Lett are you? A Yes sir.
Q Got a divorce from her? A No sir.
Q Was Ida Beck and Harvey Beck born while you were living with Mary Lett? A Yes sir.
Q Were they both born in the Cherokee Nation? A Yes sir.
Q Harvey is living now in Missouri? A No, Ida.
Q With her mother? A Yes sir.
Q How long has she been living there? A She has been there about all the time her mother had.
Q Well how long has her mother been there? A She has been there about going on 12 years now.
Q She came very near being born there didn't she, she is only 12 years old? A No, she went since she was born.

ALLEN LYNCH, being sworn by Com'r Needles, testified as follows:
By Mr. Smith:
Q State your name? A Allen Lynch.
Q What is your age? A 61 years old.
Q Where do you live? A I live in Vinita.
Q How long have you lived in the Cherokee Nation? A Well, I have been here all the time only when I was out in the army.
Q Lived here all your life? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes sir.
Q Recognized citizen? A Yes sir.
Q Do you know this applicant, Maryland Beck? A Yes sir.
Q How long have you known him? A I knowed him 3 or 4 years before the war.
Q Was he a slave? A Yes sir.
Q Who did he belong to? A Joe Beck.
Q Was Jim Beck a Cherokee Indian? A Yes sir.
Q Citizen of the Cherokee Nation? A Yes sir.
Q Were you out of the Nation yourself during the war? A I was in the army, yes sir.
Q What year did you leave the Cherokee Nation? A I believe I left here in July '62 if I make no mistake.
Q When did you return after the war? A I came back here in February, '66.
Q Were you out of the Cherokee Nation all of the time from the time you went out until you returned? A Yes sir.
Q Were not back in the Nation at any time? A I was back in the Nation during the war when the army was here.
Q Where was this applicant when the war commenced? A He was on Long Prairie.
Q In the Cherokee Nation? A Yes sir.
Q Where did Joe Beck live? A Lived up on Long Prairie; this side of Long Prairie a ways.
Q When did you first see Maryland Beck after you returned here in '66? A First time I saw him was along in the spring of '68, I couldn't tell exactly.
Q You had been here yourself about how long when you saw him? A I came here in February, I guess it must have been May or June when I saw him.
Q Where did you see him? A At Ft. Gibson.
Q When did you see him then? A First time I saw him I believe

[illegible] River after I [illegible]
[illegible] with a few times [illegible]
A [illegible] I have seen him pretty [illegible]
Q [illegible] been living? A On [illegible] Creek.
Q You know where he lives now? A Yes sir.
Q How long has he been living there? A I don't know just how long he had been living where he lives now, but he lived out to the Creek from where he is living now when I used to go to see him, when I used to be over in there, but he has moved about a mile or a mile and a half, maybe 2 miles further.
Q How long has it been since you first knew of his living on big Creek? A It has been about 20 or 4 years, 20 years.
Q Do you know Mary Lett? A His wife?
Q Yes? A No sir, I didn't know his wife.
Q Have you ever been to his house during the time that he and Mary were living together? A No sir. I never went to his house while they were living together, I know where his house was, and passed by there, but I always made my stopping place at Ben Sanders.
Q Did you ever see them together during the time he was living together? A Yes sir, I saw them together there at his place about 24 or 5 years ago, but I wasn't particular acquainted with her.
Q Do you know whether they were man and wife or not, or whether they lived as man and wife or not? A No sir, I don't.
Q How far was that from where you lived? A I lived then on Grand river.

By Mr. Hastings:

Q Where did you live before the war? A I lived on Grand river.
Q Where did this man live before the war? A On Long Prairie.
Q How far was that from where you lived? A It must have been nearly 30 miles.
Q What was his owner's name? A Joe Beck, or Jeff Beck; I was acquainted with his mother and his father and all of his folks.
Q Did you know which one owned this man? A Joe Beck, is the one I think owned him.
Q Are you certain? A I am not certain whether it was Joe Beck or Jeff Beck, but I know the folks.
Q Have you been to their house before the war? A Yes sir.
Q What sort of a house did they live in? A They lived in a hut, log house when I used to go there.
Q How long before the war was that? A 6 or 7 or 8 years; that used to be my route to go in to Hog Eye, what we called "Hog Eye," to our whiskey.
Q It has been 6 or 8 years before the war the last time you were over there? A No, it wasn't the last time I was over there, I was there time the troops was over there.
Q Well you mean before the war? A I think it was about 3 or 4 years before the war after that I was up there.
Q You know what his mistress' name was? A No I don't remember just what her name was.
Q You know any other members of the family? A There was Butt Beck.
Q Well some one of your his young masters? A Yes sir, there was Butt Beck and I believe Head Beck, I don't recollect just what their names was.
Q That was his young master? A That is the name he called his young master.
Q They were living there at that time? A Before the war?
Q Yes? A Yes sir, they was there before the war.
Q Butt Beck and Head Beck brothers? A I couldn't tell you whether they are brothers or not, all of them Beeks lives right in there, we had to go up in there and I knowed them all by name.
Q Doubt log house was that? A I don't recollect just now how the house was made.
Q You don't know whether it was boxed up or not? A I don't think it was.

[illegible]

Q [illegible] A [illegible] I [illegible]

Q [illegible] A I [illegible] tell [illegible] how old he

[illegible]

Q [illegible] was married [illegible] or not? A No sir,

I don't [illegible]

Q [illegible] A [illegible]

[illegible] time at the [illegible] A [illegible] sir, it was, if

I remember [illegible] it was either in [illegible], along [illegible]

[illegible]

Q [illegible] a town was he? A [illegible]

Q [illegible] A [illegible] was standing on the

bank of the [illegible] some [illegible] we came [illegible].

Q [illegible] next see him? A [illegible] I saw him was about a

year [illegible] in [illegible], on a year and a half.

Q [illegible] you next see him? A In Grand River at Saxon

Lake.

Q You know where he came from at that time? A No sir, I didn't

see him.

Q [illegible] where he was living at that time? A No, I don't believe

I [illegible] where he was living.

Q You know whether he was married at that time? A No sir, I don't

Q [illegible] also with him and his [illegible] you saw then?

A [illegible] two or three women with him, one of them was

[illegible] to be Jesse Buffington's wife, and Nancy Taylor over

[illegible]

Q [illegible] with him at Saxon [illegible]? A [illegible] now who was with

him, I don't remember who was with him. I don't remember only I

saw two or three with him.

Q How long after that until you saw him again? A Well I didn't

[illegible] for 6 or 7 years, it might have been longer and might

not have been as long.

Q [illegible] a witness for him before the Kent-Clifton [illegible]?

A No sir, he didn't have any I don't think; he asked me to witness

for him and I told him I would.

Q You didn't go in and testify? A I don't think I did.

Q [illegible] whether he had any witnesses at all or not? A No sir,

I don't [illegible].

Q [illegible] the same sort of [illegible] as we have [illegible]

[illegible] testified? A [illegible] sir.

Q [illegible] Kent. And took down what they said? A Yes sir.

Q You [illegible] of seeing him down before the Job Estelle court?

A I [illegible] there.

Q [illegible]? A No sir, I did not go.

Q [illegible] 5 or 7 years after that you have saw him? A Yes

sir, I [illegible] a mill after we moved on Big Creek.

Q [illegible] his house in [illegible] A No sir.

Q [illegible] you at that time? A Me and James Ragsdale and

Art [illegible].

[illegible], being sworn by Jim's Brother, testified as follows:

Q [illegible] A [illegible].

Q [illegible] A [illegible].

Q [illegible]? A I [illegible] of [illegible].

Q [illegible] A Yes sir.

Q [illegible] that? A Yes sir.

Q How long have you known him? A I was acquainted with him since [illegible].

Q Where did you first get acquainted with him? A On Big Creek.

Q When? A Long some time [illegible] or '35 he came there.

Q Came to what? A Big Creek, [illegible] section.

Q At what place did you see him on Big Creek, near what place was it, [illegible] on where was it? A He came to my house and around at [illegible] house that was there, [illegible].

Q [illegible] he remain up there about Big Creek? A He just stayed there [illegible] was [illegible].

Q Who came with him? A An old fellow we used to call Uncle Joe [illegible] back, [illegible].

Q You know where he now lives now? A He lives there on Big Creek.

Q How far from you? A It is about 12 or 15 miles, I guess, over there.

Q How long has he been living in the neighborhood? A Ever since he settled there.

Q Ever since the fall of '35? A Yes sir.

By Gen'l Beedles:

Q Do you know his wife, Mary? A Yes sir, I got acquainted with her.

By Mr. Hastings:

Q Did you know whether he and Mary were married or not? A Yes sir, I married them.

Q Where did you marry them? A Right at his house.

Q When, you know about how many years ago? A Not exactly, it has been a good while ago though.

Q You know whether he and Mary has any children or not? A They had one child when I was there last. Saw the child and the woman last.

Q One when you saw them last? A Yes sir, when I saw her last she had one child then.

Q Did she go away from here? A Yes sir, I heard she left. I didn't see her [illegible].

Q How long before she left was it before you saw her? A It was quite a little but before she went that I saw her.

By Gen'l Beedles:

Q Do you know how long they lived together as man and wife? A I don't know whether it was 2 years or 3 years.

Q You know how many children they had born to them? A I heard she had another one, I don't know.

Q You only saw one? A Yes sir, I only saw one.

Q You don't recollect about what year it was you married them? A I couldn't tell exactly just what year it was.

By Mr. Hastings:

Q What was her maiden name? A I don't know what her maiden name was, she was a widow, her husband died there, she was a Lett.

Q Did she have some children by her first husband? A Yes sir.

Q How many? A I couldn't tell you that, I don't know, there was two or three, to my knowledge, I don't know exactly.

Q You don't know whether they were boys or girls? A No sir, I don't; they was little things, small children, I couldn't tell you.

Q Was her first husband dead at that time? A Yes sir, he died there [illegible].

Q [illegible] that you he died? A No sir, I don't; it was along in August though, we was holding association there when he died, but I don't know what year it was.

Q You don't know what year you married this man? A Don't tell exactly, it has been right smart little bit ago.

Q [illegible] a good whole since he came up to that country too? A [illegible].

Q [illegible] have a distinct recollection when he first came there? A [illegible], we was glad to see anybody come.

Q He was a stranger to you? A Yes sir.

Q [illegible] was his first wife's name, was that his first wife?

A Yes sir.

Q What was her name? A Ibbie.

Q Ibbie what? A Mays I guess; her daddy was Mays.

Q What was her daddy's first name? A [illegible] Mays.

Q Was she living there when Maryland came up there? A I believe she was. I aint right certain. I don't know whether he got there first or they got there first.

Q Where did he marry her? A He married her there on Big Creek.

Q You know how long after he came up until he married her? A No sir, not exactly.

Q As much as a year? A I couldn't answer that, because I never paid much attention. I was working out a good deal right then. I had to make something.

Q Was you a witness for Maryland Beck 5 years ago, before the Kerr-Clifton court? A No sir.

Q Were you down before what is known as the Bob Daniels court in Pike? A Yes sir, I was down there.

Q Did you see Maryland Beck down there? A I think I did, and I whole lot more.

Q Did you witness for him down there before that court? A No sir, I don't think I did.

Q How far from you on Big Creek did he locate? A Some two or three miles.

Q Made a place there? A Yes sir, made a place.

Q How far was Jim Martin living from him at that time? A Little over a half a mile, or nearly a mile I reckon.

Q Did he continue to live there? A What?

Q Maryland Beck? A Yes sir, Jim Martin bought a place just below Beck's when he came in.

Q How long after that until Jim Martin came? A Jim Martin brought 51 head of cattle there in the fall of '67 and left them, and we put to hay for them, and left and moved back in '68.

Q And Maryland Beck was living there at that time? A Yes sir.

By Mr. Smith.

Q You were asked about as to whether you testified for this applicant before the Bob Daniels court, did you see anybody testify for him before the Bob Daniels court? A No sir.

Q Do you know whether he ever had any trial at the Bob Daniels court or not? A He didn't have any as I know of.

Q You say you saw quite a number of people there at the Bob Daniels court? A Yes sir.

Q What were you doing there? A We saw piece in the papers where they was calling us down there and we made up a big crowd and went there.

Q What did you go when you got there? A My father and another one or two made applications there and of course they admitted them some way, I couldn't tell you how, I was admitted at the same time, but I can't tell you how it was done really.

Q Do you know how many of these people made applications? A I believe Harry Still my father and Charley Campbell and my brother Johnson, was admitted all at the same time, but they couldn't find his name on the roll, though they say over yonder.

Q So far as Maryland Beck is concerned, you don't know whether he had any trial at all or not? A They didn't try all of them I believe.

By Mr. Hastings:

Q You know whether they tried his case at all or not? A They didn't try all of them, they didn't try his case that day.

Q Are you willing to say they didn't try his case? A If they did I didn't see them.

Q Well you don't know then? A No sir.

JOHN LANGLEY, being sworn by Dow'r Needles, testified as follows:

By Mr. Hastings:

Q State your name? A John Langley.

Q What is your age? A 66.

Q Where do you live? A On Lightning Creek.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know this applicant, Maryland Beck? A Yes sir.

Q How long have you known him? A Been knowing him before the war, when we was boys. Little children you might say.

Q Did you go out of the Cherokee Nation during the war or not, yourself? A No sir, I didn't go out myself.

Q Where were you during the war? A I went out with the soldiers.

Q You didn't go out yourself, you just went out with the soldiers? A No sir.

Q When did you get back to the Cherokee Nation? A I got back in '66 in the fall.

Q When did you first see Maryland Beck after you got back? A I saw him in Gibson.

Q When? A In '65.

Q What were you doing in Gibson in '65? A I helped haul the Creek Indians from Kansas down to Gibson to their country, the Creek derelds I mean, some of them, a few that was left.

Q Then where did you go after you made that trip? A Went back to Kansas.

Q And then when did you come back to the Cherokee Nation? A In '66.

Q Well how long after you came back here in '66 before you saw Beck? A After I come back from -

Q From Kansas here, after you come back in '66 did you see him any time after that? A Yes sir.

Q Where did you see him then the next time? A I saw him up on Big Creek.

Q When was that? A I think it was, yes it was in '67, if I aint mistaken, somewhere along there.

Q You know where he lives now? A Yes sir.

Q Where? A On Big Creek.

Q How long has he been living there? A Ever since he moved there, he has never been away from there to my knowing.

Q When did he move there? A I don't know, when I saw him he was there.

By Mr. Hastings:

Q Where was he at in '65 when you saw him? A At Gibson. Right on the bank of the river. When we drove up and stopped to camp right at the boat landing.

Q Just standing there? A Yes sir. By the side of his wagon.

Q Was Allen Lynch down there at that time? A He wasn't with me.

Q Did you see him in Ft. Gibson at that time? A He was there after we located to camp he came there in camp.

Q And you saw him? A Yes sir, I saw him there.

Q What time in '65 was that? A I couldn't tell you just what time it was.

Q Spring or fall or summer? A It was along up in the summer.

Q How many Creek families did you take down there? A I took down a couple of families, well I had a man and his family and 3 daughters.

Q What was his name? A One of them was named Tecumseh Bennett.

Q What was his wife's name? A I forget his wife's name, I wasn't acquainted with them good enough to remember from that time, it was so long.

Q What was his daughter's name? A One of them I think was named Hannah, I think they called one of them, that's about all I remember of the conference.

Q From what place in Kansas did you take them? A Lawrence.

Q What were you [illegible] I wasn't a soldier, when they first [illegible] when we first went from the [illegible] you know freed as they called it [illegible] and then we vanished [illegible] Mound City.

Q Was that when you [illegible] discharged [illegible] A No sir.

Q Was you in the [illegible] out of here by the soldiers, I mean we was turned loose there at Ft.Scott.

Q And you continued to work at Mound City did you? A That's where we went to make a [illegible] you know.

Q Were you at Mound City in the spring of '68? A No sir.

Q Where were you in the spring of '68? A I was at Leroy.

Q And these Greek day laborers were all up there? A Yes, sir, they was at Leroy.

Q And you turned them loose at Ft.Gibson? A Yes sir, that's where we left them.

Q Were you at this man's home in Ft.Gibson at that time? A No sir. He didn't have my place then; he was just a young boy, stopping I guess with his daddy.

Q About how old washe? A I couldn't tell you.

Q How old did he look to be? A I couldn't tell you anything about his age.

Q Was he 10 years old? A Oh he was over that.

Q What was his master's name? A Joe Cook.

Q Where did Joe live before the war? A He lived the other side of Long Prairie.

Q Was you ever at their house? A Yes sir, lots of times.

Q How long before the war was it? A I couldn't tell you, it was a long time.

Q As much as ten years? A Yes. We was just small boys then.

Q Was as much as ten years before the war? A I expect, maybe more, it was a good while.

Q You hadn't seen him then up until '68? A Yes sir.

Q Next time you saw him was in '70? A Yes, sir, on Big Creek.

Q Did he have a place up here then? A Yes sir.

Q How far was he living then from where he lives now? A I don't know, about half a mile, hardly that far.

Q You know whether he was married? A I guess he was married on Big Creek. He was married when I saw him [illegible]

Q Was he married when you saw him at Ft.Gibson? A No sir.

Q Didn't have a wife at that time? A [illegible]

Q You testified in the George [illegible] case? A No sir.

Q Didn't you testify for Alfred [illegible]? A Yes sir.

Q You said you saw him in '68 here? A Yes sir.

Q What time do you think you saw him? A It was in '67.

Q What time in '67? A —

Mr. Smith: If the court pleases, I object to this.

By Com'r Needles: Well it does to test the witness I think.

By Mr. Hastings:

Q About what time was it? A I think it was in January, it was said to be January by the people who knew better than I do.

Q You don't know about the months? A Not exactly, of course I didn't know them, and I am getting old, I forget them; if I don't put down the dates I forget them.

Q How about the years, do you ever forget them? A I sometimes have to take time to study for it then.

Q You didn't witness for this man before the Kern-Clifton court did you? A Yes sir, I think I did.

Q You came in and were sworn and made a statement before the Kern-Clifton court in his behalf did you or not? A Yes sir.

Q You told them you [illegible] in the dark there did you? A They never asked me nothing of that kind.

Q But you did make a statement? A Yes sir, but they never asked me any questions hardly at all, just asked me did I know [illegible] and who he belonged to and that time he went out and how he went out.

Applicant, MARYLAND BECK, recalled and further examined:

By Mr. Hastings:

Q How long did you and your second wife Mary Lett live together?

A Somewhere between 3 and 4 years.

Q [illegible] A She was a

Q [illegible]

Q She bore you other? A Yes sir.

Q How long after you married her until this child for which you make application was born? A Oh I don't know, it might have been a year probably.

Q Was that second child born while you were living together as husband and wife? A Yes sir.

Q How long did she remain in the neighborhood after you separated?

A She stayed there pretty near one summer, winter.

Q And then she left? A Yes sir.

Q She take both of these children with her? A Yes sir.

Q Both of them living with her yet? A No sir.

Q When did you get this child back for which you make application?

A He has been with me a good while, the boy.

Q How long? A He has been with me a couple or three months.

Q How old is he now? A He is 10 years old.

Q Where did he come from? A Came from Springfield.

Q The other child is in Springfield now? A Yes sir.

By Com'r Needles:

Q Why didn't you get the other child when you got this one? A She wouldn't let me have it because it was a girl.

Q Did she willingly let you have this boy? A Yes sir.

Q Was her first husband a citizen? A No sir.

Q He was a non-citizen man here? A Yes sir.

By Mr. Hastings:

Q How old is Lottie? A Lottie is 20 years old, according to my judgment.

By Com'r Needles:

Q Did you ever have any child by Ibbie Mays? A Yes sir.

Com'r Needles: Maryland Beck applies for the enrollment of himself and two children, Ida, 12 years of age, and Harvey, 10 years of age. He avers that he was a slave of Joseph Beck, never left the Cherokee Nation during the war, and that he was at Ft. Gibson in the Cherokee Nation in the year 1866; he avers that he has resided in the Cherokee Nation from that day until this. He avers that he was first married to one Ibbie Mays, and that upon the death of Ibbie Mays, he married Mary Lett, a non-citizen, whom he avers is the mother of the children for whom he makes application. He makes proof of his marriage by Elder Webber, who testified that he married him; said Mary Lett and the applicant separated and he has since married one Winnie Sanders, a Cherokee freedman, whose date is on the roll of 1880. He avers that the oldest child, Ida, is now living with his wife, Mary, from whom he has separated, in the state of Missouri; the youngest child, Harvey, is now in his care and keeping. The fact that the name of Maryland Beck does not appear upon the authenticated roll of 1880 and the further fact that his oldest child is contested by the Representative of the Cherokee Nation, said Maryland Beck and his 2 children, Ida and Harvey will not be listed for enrollment as Cherokee

Freedmen on a doubtful card, he will be notified by the Commission at his postoffice address of their decision in the premises.

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

Signed, N. D. Green.

Subscribed and sworn to before me this July 10, 1901.

Signed, A. S. Needles,

Commissioner.

[illegible]

[illegible]

Q. [illegible] A. [illegible]
Q. What is your [illegible]? A. [illegible].
Q. [illegible] A. [illegible].
Q. Do you [illegible] to be [illegible]? A. Yes, [illegible].
Q. Do you want to [illegible] your [illegible]? A. Just myself.
Q. Is your name on the roll of [illegible]? A. [illegible].
Q. What is your father's [illegible]? A. [illegible].
Q. Is your name in the roll of [illegible]? A. I don't know [illegible].
Q. Are you married? A. [illegible], sir.
Q. What is your wife's name? A. Eliza Whitmire.
Q. Is she a citizen? A. Yes, [illegible].
Q. Has she been [illegible]? A. Yes, [illegible].
Q. What is your mother's maiden name? A. Nancy Beck.
Q. Where were you born? A. On Big Creek.
Q. What Nation? A. Cherokee.
Q. Well, what Nation? A. Big Creek.
Q. Big Creek Nation? A. Yes, sir.
Q. Ever hear of the Cherokee Nation? A. Yes, sir.
Q. Were you born in the Cherokee Nation? A. Yes, sir.
Q. You lived in the Cherokee Nation all your life? A. Yes, sir.
Q. Have you any children? A. No, sir.
Q. Did you ever hear of what is known as the Kern-Clifton strip money?
A. Yes, sir.

The 1896 supplemental roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton [illegible] and the applicant identified thereon, page 147, [illegible] strip.

The Wallace roll [illegible] and the applicant identified thereon, page 54, No. [illegible].

Q. You claim your citizenship through your father or mother? A. You may claim by both.

Mr. [illegible]. What is your mother's maiden name? A. Nancy Beck.

Q. Is the same Nancy Beck who applied here the first night for enrollment? A. Yes, sir.

Q. How long have you lived in the Cherokee Nation? A. All my life.

Q. Ever live out of it? A. No, sir.

[illegible] Nancy Beck evidence for the enrollment of herself. As cannot be identified upon the supplemental roll of 1896 or the census roll of 1896. She is identified upon the Kern-Clifton and Wallace roll according to page and number of the roll as indicated in the testimony. No record [illegible] as to her [illegible]. No proof [illegible] the roll of [illegible] was to be filed [illegible] the evidence of [illegible] Nancy Beck roll [illegible] if the record in the case [illegible] does not show proof of blood relationship. Said Nancy

[illegible]

[illegible]

[illegible] tion of [illegible] ALLEN for enrollment

[illegible] & Smith; Cherokee Nation, by

[illegible]

[illegible] be filed in this case [illegible]

Dallas Tech, [illegible]

By V. V. Eastings

Comes now [illegible] Cherokee Nation and objects to the introduction of the decree [illegible] cause, First: It does not tend to show that the applicant was a [illegible] of the Cherokee Nation [illegible] the beginning of the [illegible] nor that [illegible] returned within the ti[illegible]ified in the treaty of [illegible], or that he had been a continuo[illegible] of the [illegible] that he is a [illegible] of [illegible] same in [illegible], irrele[illegible] Second: Because [illegible] to prove an issue in this [illegible] will take judicial know[illegible] of the [illegible] of any pe[illegible] for the determi[illegible] Fourth: [illegible] application for citize[illegible] deny of [illegible] to the filing of a certified [illegible] applicant unless the same [illegible] in [illegible] individual case.

[illegible]

[illegible] the attorney for the applicant will be en[illegible] of [illegible] Claims filed in the case [illegible] a part of the record by reference in all the [illegible] of those which come within [illegible] motion recently granted by [illegible] Court, of the Northern District, [illegible]

[illegible] that as to the above named [illegible] that counsel for the appli[illegible] file any of the proof of any [illegible] already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request [illegible] that most of these applicants have had more than a [illegible] they desired to [illegible]

[illegible]

proceedings referred to. The motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) F. G. Reuter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

F. G. Reuter
Notary Public.

CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of..... A. D. 190....

Given under my hand this .....

day of..... A. D. 190....

.....

Marshal for the Cherokee Nation.

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

.....day of ....., 190....

.....

Attorney for applicant.

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

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

.....

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

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

---

filed

SEP 2 ...

NOTICE!

IN THE MATTER OF the application of Dallas Book for enrollment as Cherokee citizens:

Case No. D 9[illegible]

To Dallas Book or Mollette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 19th 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 9 — 20 1902.

Attorneys for the Cherokee Nation.

A

30920

[illegible]

[illegible]

In the matter of the application for the enrollment of Granville Walker as a Cherokee [illegible]

[illegible]

F. M. Baldridge, [illegible] applicant;
W. W. Hastings, of counsel for the Cherokee Nation.

[illegible] sworn and examined by Commissioner Meeker, [illegible] as follows:

Q What is your name? A Lizzie Vann.
Q What is your post office address? A [illegible]
Q Are you the [illegible] child that has just been listed for enrollment?
A Yes, sir.
Q Did you apply for the enrollment of Granville Bell? A Yes, sir.
Q What relation is he to you? A He is my son.
Q How old is he? A I don't know sir.
Q About how old? A He must be 22 or 23 years old.
Q Where is Granville Bell? A He is in jail in Independence, Kansas.
Q Incarcerated in jail so it is impossible for him to be here himself? A Yes, sir.
Q Is he married? A Yes, sir.
Q Bell [illegible]: You are the father of Granville Bell? A I am.
Q Who was his mother? A Mary Bell.
Q When did you marry Mary Bell? A Why I don't know just what year it was, it was something after the war though, something after the war closed.
Q Where were you living? A I was living when I married her?
Q Yes? A Why I wasn't living anywhere particularly, I was just living.
Q At what place though did you marry her? A I married her in Ottawa, Kansas.
Q Did you know her at any other place than Ottawa, Kansas? A Yes, sir
Q Where? A I knew her in this Nation.
Q When did you first get acquainted with her in the Nation? A I knew her during the war.
Q At what place did you know her during the war? A Dick Goody's.
Q Where is that? A I don't know what direction, but they called it Goodys Bluff, in the Cherokee Nation.
Q Do you know whether or not she was a slave? A I don't know that, but I guess she was a slave, said she was a slave.
Q Do you know with whom she lived prior to the war? A Before the war, no, sir.
Q Before the war? A She lived with Mr. Dick Goody.
Q Do you know what his nationality was? A He was a Cherokee, supposed to be, and she was hired to Dick Goody; she belonged to Bell, Mary Bell, belonged to this Mr. Bell here, some of his folks, his uncle I think, I will not be positive, I can't give in only just what I have learned, but she told me she belonged to George Bell or one of the Bells and when he died she belonged to his son George. That is just she thought. Mr. Bell there can tell you.
Q Where did Mr. Bell live at that time? A I don't know sir.
Q Where was Granville born? A Born in the Nation.
Q What place? A On Grand River.
Q And what is his age at the present time? A About 22 I guess, maybe a little older.
Q How came the two [illegible] to be married? Do you know where she lived then? A [illegible] I got acquainted with her here [illegible]
Q How long in Kansas? A I don't know, not very long, three or

[illegible] Page # 2.

[illegible] years.

Q. When did she return? A. She came back here with her uncle [illegible].

Q. To this country? A. Yes, sir, to this country in '66.

Q. Where is he? A. He is [illegible].

Q. [illegible] Spencer [illegible]? A. [illegible].

Q. [illegible] Were you about with [illegible] in it? A. It was [illegible] Mary Bell then.

Q. When did you first see Mary [illegible] before the war? A. [illegible] Mary Bell then.

Q. She is Mary White now isn't she? A. Yes, sir, [illegible] to [illegible] she is dead.

Q. Is she dead? A. Yes, sir.

Q. Where did you first know her before the war? A. [illegible] to Mr. Dick Goody's.

Q. Where was he living? A. Up here to a place they call [illegible]

Q. How long before the war was that? A. That was just in time of the war.

Q. That was after you were in the army? A. Yes, sir.

Q. After you joined the army? A. I never joined the army.

Q. After you were employed, after the war started up? A. Yes, [illegible] every saw Mary.

Q. How long had the war been going on? A. About a year I reckon, pretty near that.

Q. Who were you with? A. Some men; I told you that before; I was with a squad of men foraging.

Q. Who were those men? A. I don't know; there were a whole lot of men, several of us together; lots of indian boys and white men, I don't know the names.

Q. Don't know a one of them? A. No, sir. I believe Jess Shaw was along, that is the only colored man.

Q. He is dead? A. Yes, sir; we went out foraging, there is where I saw her, we went to Mr. Goody's.

Q. Was he living there at that time? A. Yes, sir.

Q. What was his name? A. Dick Goody.

Q. What was his wife's name? A. I don't know what his wife's name was.

Q. How big was Mary at that time? A. She was a woman, had one child, I guess she was a woman.

Q. Don't see any more colored people there? A. No, sir, I don't think I did.

Q. When was the next time you saw Mary? A. Well after that I saw her, I told you that before, down here about [illegible] Mr. Dick Goody and then was going south and taken her home, to where they hired her from.

Q. Where did they hire her from? A. Hired her from Mr. Bell.

Q. And they were taking her home then? A. Yes, sir, taking her home.

Q. Where did you first see her after the war? A. Well after the war I first seen her, I seen her in Kansas.

Q. That is the first time you saw her after the war? A. Yes, sir.

Q. Was that after you had been to Fort Gibson? A. That I seen her?

Q. Yes; did you see her before or after you had been to Fort Gibson? A. I saw her before I had been to Fort Gibson and after too.

Q. Where was she before you had been to Fort Gibson? A. Well, she was there in Kansas.

Q. In what town? A. In Ottawa.

Q. Now there is the only time you saw her before you went to Fort Gibson? A. No, sir, I saw her even before that.

Q. That was in [illegible] was it? A. Yes, sir, I saw her in Kansas [illegible] I saw her in Ottawa.

Examination Page 2.

Q You was here at any place around [illegible] before you went to Fort Gibson? A No, sir. I came there I did.

Q I should want to know the time and how it was you went to Fort Gibson?

A I went down to Fort Gibson in the spring of '66.

Q You helped put up hay that summer? A Yes, sir.

Q You made rails that fall? A Yes, sir.

Q And you stayed there about two or three years? A Oh no I didn't do that.

Q How long did you stay there? A I lived there all winter, old fall and summer, a part of the fall.

Q Of what year, sir? A '66.

Q Where did you go from there? A I don't know particularly where I did go. I don't know particularly now. I don't tell you where I went to.

Q Well, you will have to give me your best effort of where you went from Fort Gibson? A Let me see. I don't tell you right now. I don't know about it.

Q Did you make rails down there that winter? A I did that fall. I went back to Kansas.

Q Did you spend that Christmas in Kansas? A I don't know sir whether I did or not.

Q How did you go to Kansas, horseback or wagon? A I went horseback. I made me a pack and I [illegible] rode him up there.

Q By the military road? A Well not all the way.

Q Which way did you go? Q Went through the country there somewhere sir.

Q Through what part of this country did you go? A I don't know sir.

Q Do you remember any town from Fort Gibson to Kansas that you went through? A I came through by the old asylum and by where I saw this Mrs Riley.

Q These are the two points you remember? A Those points I remember.

Q Did you see anybody else along there you knew? A No, sir, didn't see anyone just the Riley family.

Q Then you spent your Christmas up in Kansas? A I think I did.

Q How long was it after you got back up there until you saw your wife? A I saw her the same time I went there.

Q How long after that until you married her? A Oh I married her along in the same fall; yes, I married her in '66 I believe.

Q You saw her up there from the time you met her until you married her? A Why no sir, she was here, her and her Uncle Spencer had come down here.

Q Were you down here then? A No, sir, she was here. I started with them and came part of the way with them, that fall, fall of '66; in the fall of '66 her and her uncle, Spencer, came down here and I came with them part of the way.

Q How far did you come? A I don't know, they were supposed to wind down here to Grand River to her aunt's.

Q How far did you come with them? A I came with them here to Big Creek, and that I went on down to Fort Gibson.

Q Did you not yourself testify that you went to Fort Gibson in the spring of '66, and that you stayed there all summer and that you made rails in the fall and then went back up there just about Christmas? A I will tell just what I did. I made hay in Fort Gibson for a man named Coon in the fall of '66, rails and a term stayed and that as I told you, I don't remember all these things, I don't carry them all, then I went back to Kansas that same fall, '66.

Q Did you make some rails down there part of the time before you went? A Yes, sir.

Q And then you went back to Kansas? A Yes, sir.

Q And you got there, didn't you state, just about Christmas?

A. I don't [illegible]

Q. Well, how do you know that this boy was born down here on the river, you were living in Kansas with your wife at the time?

A. My wife said he was.

Q. You were living with her at the time in Kansas? A. At the time he was born.

Q. That was your home, wasn't it? A. Yes, sir.

Q. That was her home, wasn't it? A. Now, it was there she was living, she had no [illegible]

Q. [illegible] is where you [illegible]? A. Yes, sir.

Q. There is where you [illegible]? A. Yes, sir.

Q. You kept house up there? A. Yes, sir.

Q. Your first child was born [illegible], wasn't it? A. Yes, sir.

Q. And you and she moved from [illegible] up you said, about fifteen or sixteen years ago? A. We came down here, as I told you, her and her uncle went down on Grand River.

Q. Where was your next child born? A. Born on Grand River.

Q. Although you lived up yonder? A. Yes, sir.

Q. And your wife stayed with you and kept house up there? A. My wife didn't stay there, she came down here with her aunt.

Q. When did she come? A. In '66 with her uncle, Spencer.

Q. I thought you said you married her in '65? A. If I said that I may it yet.

Q. Well, she didn't come till after you married her, did she?

A. She certainly did, I told you that.

Q. How could she be living down here and having and children and you be living up there in Ottawa, Kansas? A. Very easy. I have seen lots of them do it.

Q. Wasn't she living up there with you? A. She was for a while.

Q. You moved her down here 15 or 16 years ago, didn't you? A. I told you that her Uncle Spencer and her came down in '66.

Q. After that she went back? A. Yes, sir.

Q. How long did she stay when she came back with her Uncle Spencer?

A. Not very long, and not very long up there either.

Q. How many children did she have before you moved down here about 15 years ago? A. She had two.

Q. Now where was this man convicted, for whom you analyze, Granville Wells? A. I don't know sir, up there in Kansas, somewhere.

Q. What was he convicted of? A. I don't know sir.

Q. He was up in Kansas at the time? A. Yes, sir, I suppose he was, that is what I heard.

Q. He convicted in the Kansas court? A. I don't know sir, I didn't hear.

Q. Never been married, has he? A. No, sir, if he has I don't know.

Q. Did you bring him down here with your wife when you came about 15 or 16 years ago? A. No, sir.

Q. You left him up there, did you? A. No, sir.

Q. How old is he now? A. About 27 or 28.

Commissioner: If you didn't bring him down and didn't leave him where was he? A. He wasn't born.

Mr. Hastings: About 15 years ago, when you brought your wife down here, didn't you bring him down? A. No, sir.

Q. Was he born after that time? A. My gracious, I have told you the best I can, I don't want you to make me lie.

Q. I am trying to get this thing straightened out? A. I just can't remember these things.

Commissioner: You said you didn't bring this boy when you came down here fifteen or sixteen years ago? A. I didn't, and I told you he lived with his aunt.

Q. You said he wasn't born then? A. I didn't mean that, he was born and lived with his aunt on Grand River.

Granville Smith - 3.

Q. [illegible] What was the [illegible]'s name? A. Dottie [illegible].

Dave Martin, being duly sworn by Commissioner Beatley, testified as follows:

Q. [illegible] What is your name? A. Dave Martin.

Q. [illegible] A. [illegible]

Q. You a Cherokee [illegible]? A. Yes, sir.

Q. What is your [illegible]? A. [illegible].

Q. Are you [illegible] well, the [illegible]? A. [illegible]

Q. Do you know [illegible] A. Yes, sir.

Q. State who she was? A. In the time of slavery she was [illegible]

Q. What relation was she to you, [illegible]? A. [illegible]

Q. Do you know who [illegible] Sam Bell, Sam Bell's wife [illegible] Bourton [illegible] the way.

Q. [illegible] beginning of the war was [illegible] owner? A. Mrs. [illegible] was the owner of her I guess, she was her slave.

Q. What was Sam Bell, [illegible] Bell's name? A. Sam Bell first [illegible] when he died she married [illegible] Robinson.

Q. Do you know where she lived after the war? A. No, sir, I didn't know where she lived since the war, she lived a portion of the time on Grand River.

Q. When was it you say she lived on Grand River? A. I don't know sir, I can't tell the years.

Q. Give us your best judgment? A. She was there in my sister's in '75, '73, during along then times, and then she would go away and stay with first one and then another, I don't know where she had a permanent home at.

Q. When did she marry Elijah Tinnon? A. I don't know sir when she did marry him, I know they were married, he went out of the army, when he went out of the army he went up to Kansas.

Q. Where did she go immediately after the war or while the war was going on? A. She went to Kansas.

Q. How long did she stay there, do you know? A. I don't know.

Q. Do you know when she returned to the Cherokee Nation? A. I don't know.

Q. When did you first see her after the war? A. I saw her a dozen times.

Q. When was the first time? A. I can't say the first time, they came to see me, they have been to see me eight or ten times to where I live, came to visit me and stayed there two or three days.

Q. Where did she come to see you the first time after the war? A. I was out to my sisters.

Q. When was that? A. That was in '75.

Q. Do you know what would be the age of her oldest child, if it was living now? A. No, sir, I don't, he must be thirty nearly, something along about thirty.

Q. Was that child born before or after the war? A. I can't tell much about that, I was in the woods scouting, I was kid out from home when that child was born.

Q. Do you know whether these Bells had any right, what their nationality was? A. They were citizens in the Cherokee Nation, Cherokee citizens.

Q. Where did they reside? A. On Grand River.

Q. Do you know whether at the beginning of the war they took her to anyplace? A. Just before I went to the woods they hired her to Nick Doody and he was here on the Verdigris.

Q. What year was it you went in the woods? A. In the fall of '[illegible].

Q. Where did Nick Doody live at that time? A. Lived over here there to [illegible] nearly.

Liga Waite, recalled, testified as follows:
Commissioner: Granville Bell your son? A Yes, sir.
Q Born after you married? A Yes, sir.
Q How does his name happen to be Granville Bell then? A They went after his mother here.
Q But if he is your son he ought to have your name? A Yes, sir, he ought to; well I will call him Granville Tinnon, you put me there.
Q Well your name isn't Tinnon? A Well I call him Granville Waite now; that is the way we had put it here, we had agreed to go after our masters' names.

Commissioner: The applicant's name is Granville Waite.
Mr. Salathiel: Do you know whether his name is on any of the rolls?
A Yes, sir, he is on the Wallace roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined, and the applicant not identified there.

The Wallace roll examined and the applicant identified thereon Page 188, No. 5341, district not given, as Granville Bells.

L. B. Bell, being duly sworn by Commissioner Needles, testified as follows:
Mr. Salathiel: Were you acquainted with George Bell, a Cherokee citizen that lived here, to which the witnesses referred in his testimony? A Yes, sir.
Q Do you know what his nationality was? A Cherokee.
Q Where did he reside at the beginning of the war; at what place?
A George Bell, he lived with his Uncle Lynch at the beginning of the war, he was a minor, his mother died a year or so before the war and the children were distributed about among the relations, as well as the slaves and things they owned, he lived on Grand River, Saline district, I don't know whether she particularly belonged to George or to the others, but she belonged to them.
Q You know of the family having this Mary Bell? A Oh yes, the mother of these boys was my aunt, and their father was my uncle, they were double cousins; yes, if that is Mary Bell, the one they talked about, she belonged to them; her mother was named Maria.
Commissioner: Was she taken out of the Cherokee Nation during the war? A I expect so, she was in here when the war begun.
Q When did you first see her after the war? A About when the Wallace roll was being made she came to my house to see about getting on, her name wasn't Bell then, Tinnon is what she gave me as her name.
Mr. Hastings: Do you know where she was living at that time? A No, I don't.
Q Did she make any statement to you as to where she was living?
A Well, either at that time or another time she told me she was living about Chelsea.
Commissioner: What did she call herself? A She went by Tinnon when she came to my house.

Commissioner: Elijah Waite applies for the enrollment of his son, Granville Waite, known as Granville Bell, 28 years of age. He avers as the reason why the said Granville Waite is not present, he being 28 years of age, that he is incarcerated in prison in Independence, Kansas. He avers that said Granville Waite is his child by his wife, MaryBell, and makes no satisfactory proof of marriage between himself and his wife, and claims citizenship for the said Granville Waite through his mother, Mary Bell. The said Granville Waite, Br Bell,

[illegible]

[illegible]
his men to [illegible]
and ten [illegible]
his [illegible]
[illegible]
Freeman when [illegible]
of the action of the Commander [illegible]

[illegible] G. Jones, being [illegible]
the foregoing to [illegible]
proceedings and testimony [illegible]
true and complete t[illegible]

Sworn to and subscribed before me this [illegible]

JD-920

C.F.D-929.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September [illegible], 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of GRANVILLE WATIE as a Cherokee Freedman.

Appearances:
W. W. Hastings and L. B. Bell, Attorneys for Cherokee Nation.

ALLEN LYNCH, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Allen Lynch.
Q How old are you? A About sixty-three years old.
Q What is your post office address? A Vinita.
Q Do you know Granville Watie? A No sir, not particularly acquainted with him, I know his mother. Yes sir, his father too.
Q Who is his mother? A Her name was Mary Bell, used to be.
Q What is her name now, is she dead? A She is dead.
Q She is the mother of Granville Watie, who is an applicant for enrollment as a Cherokee Freedman? A Yes sir.
Q Did you know Mary Bell before the war? A Yes sir.
Q Was she the slave of a Cherokee citizen at the commencement of the war? A Yes sir.
Q Who was her owner? A Her first owner was Rachel McDaniel, she raised her; then she died and she belonged to the heirs, that is, George, Jake and Jinnie, and Joe Lynch, the man that owned me, I reckon he administered on the estate, he took the children and the darkies and brought them up there and lived on the same place with me.
Q Who was her owner at the commencement of the war? A Them same heirs, Jinnie and George and Jake, that's the children, she belonged to the estate. I don't know which one of them owned her, it was them there three children.
Q Their owner's name was McDaniel? A Rachel McDaniel was the woman that raised her.
Q Did she ever belong to George Bell? A I guess George and Jake and Jinnie was the three children, and that's the estate.
Q Was George's name George Bell or Daniels? A George Bell.
Q Is George Bell a Cherokee citizen? A Yes sir.
Q Do you know when Mary Bell returned to the Cherokee Nation after the war? A No sir, I don't know when she came back.
Q Was she taken out of the Cherokee Nation during the war?
A Yes sir, I got a wagon for her to go out in.
Q Where did she go during the war? A Kansas.
Q When did you first see her after the war? A I don't know how long after the war it was when I seen her, I don't remember anything about it.
Q Don't you know how long she lived in the Cherokee Nation after the war? A No sir, I don't. I don't know when she came back. I couldn't tell you how long she lived here after the war.
Q Do you know how long Granville Watie has lived in the Cherokee Nation? A No sir, they all lived on Grand River, and then went out near Chelsea. I only seen them but once in three or four or five years.
Q Were you acquainted with Lije Watie, the father of Granville Watie?
A Yes sir, Elijah, we called him Lije Tinnen.
Q Was Elijah a born citizen? A I don't know.

1.

MR. BELL: How come you to call him Lije Timmen?
A He lived with Timmen when I first got acquainted with him at Maysville.
Q He was a white man, lived in Arkansas? A Yes sir.
Q He belonged to him, didn't he? A I believe he belonged to him then.

ELIJAH WATIE, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Lije Watie.
Q How old are you? A I am about sixty years old, somewhere about there.
Q What is your post office address? A Chelsea.
Q What relation, if any, is Granville Watie to you?
A He is my son.
Q Was Mary Watie, now deceased, your wife? A Yes sir.
Q When did you first know her? A About 35 years ago. I knowed her before that, but I got acquainted with her about 35 or '6 years ago.
Q Did you get acquainted with her before or after the war?
A About the time of the war.
Q Do you know when she returned to the Cherokee Nation after the war?
A Yes sir.
Q When did she return? A She returned in the spring of '66, her and her Uncle Sponge, and they came hunting after Mr. Bell and her young masters, that's George Bell that Lynch spoke of. That was in the spring of '66.
Q Who all came with her? A Her and her uncle Sponge.
Q Anybody else? A One man, I forget the other man's name.
Q How do you know about that? A I know it by seeing them.
Q When did you frist see her after the war? A It was probably two years, maybe a year. I think I seen her a year after that.
Q A year after the close of the war? A A Yes sir, I think that is the time, I am pretty well satisfied of that.
Q That was about '67? A Somewhere along about that.
Q What time of the year? A Alongin the spring. I believe it was in the spring - or fall, I don't know, because they come down the next summer after the war, the spring after the war, hunting for Mr. Bell and her young masters.
Q Now, if you didn't see her until a year after the close of the war, how do you know they returned them? A I wasthere.
Q You say you didn't see her until a year after the close of the war? A That's the summer afterthe war, or might have been '67.
Q What year was that? A That was '66, when them folks come here hunting for Mr. Bell.
Q How long hadthey been here when you first saw them?
A After I seen them here? After they come here?
Q Yes. A Why it was about six months, along toward the fall of the year.
Q Where did they come to when they returned? A They went on Grand River, I don't know whereabouts, that is that Uncle Sponge told me afterwards, I saw him at Fort Gibson, that he left her with her aunt on Grand River, left her there, and then went down Grand River and worked for Mr. Lewis Kell a [illegible]
Q How long did she stay here at that time on Grand River?
A She stayed here six months, until her mother got well, stayed with her until her mother died, I am pretty well satisfied of that.
Q Where did she go to? A Back to the Nation.

Q Cherokee Nation? A Yes sir.
Q Where was Granville Watie born? A Born on Grand River at his aunt's, that's what she told me, I don't know. I wasn't there, I was down in below Fort Gibson making rails.
Q Was Granville Watie born since the close of the war? A Yes sir.
Q How long has he lived in t he Cherokee Nation? A All his life this has been his home.
Q Never been out? A He has been in and out like all other runabout boys. He is stuck up in jail now.
Q How long has he lived in the Cherokee Nation? A All his life, except when he is running in and out, all his life. He has been in and o ut like others, three, four or five months at a time or longer.
Q What is the longest he ever stayed out? A About five months.
Q Where was he then? A In jail.
Q When was he sent to jail thelast time? A I guess it must have been a year ago, somewhere about that. He is sent from Wagoner for the charge of killing a man, I don't know just how long it has been, about a year, I reckon, pretty near it if not quite a year. Never kept no account of it.
Q Was Granville living in the Cherokee Nation during the year 1898?
A Yes sir, lived right with me.
Q What time, all the time? A Yes sir, not all the time, that is his home. He has run about like all other bad boys. He worked a little on the farm and stayed around some, and the next thing I would hear of him in Tahlequah or somewhere else, or in jail.
Q Did he ever remove his property and effects out of the Cherokee Nation when he left? A No sir, never had none. Where his hat was at, that's his property, never moved nothing, just go himself.
Q Has he ever been married? A No sir.
Q Has he always made his home with you in the Cherokee Nation?
A Yes sir, when he is in the Nati on that is his home, only when he is in jail.

MR. HASTINGS: Did youe ver live at Ottawa, Kansas? A Yes sir.
Q Did you know Mr . Silas Pierzall? A Yes sir.
Q Did you know J. C. Herford? A Yes sir.
Q Know him well? A Not so powerful well. I have seen him around there once or twice, they call him Jim Herford.
Q When was the last time you was at Ottawa? A I don't know, sir, it has been a good many years.
Q You was there when the war closed? A No sir, I was in Fort Scott driving a team for the government of the United States.
Q How far was Ottawa from Fort Scott? A I don't know, sir.
Q How long after the close of the war before you went to Fort Scott?
A It must have been as much as six or eight months, because I was here at Fort Gibson.
Q When did you and Mary Bell commence living together? A Along when I first seen her.
Q After the war or before the war? A After the war, about '66, I reckon, that we commenced living together.
Q What was your oldest child by her? A Will.
Q How much older is he than Granville? A About a year and a half.
Q That was your oldest child? A Yes sir.
Q He i s about a year and a half older than Granville?
A About that, I think.
Q Did you commence living with her about a year before Will was born?
A Well, some -- yes sir, I and her we kind of married old-fashioned
Q That was about a year before Will was born? A No sir, it wasn't quite a year, it wasn't a year.
Q Will is about a year and a half older than Granville? A I think that is just whatit is.

Q That is when you first was married after the war? A Yes sir.
Q Where was that, Lije, that you first saw her after the war?
A I seen her at Mapleton, Kansas; then -- no, not Mapleton, Osawatomie, then from there she went to Ottawa.
Q And you went to Ottawa? A Yes sir, I was kind of around about her, like all other bad men.
Q At Ottawa is where you knew Mr. Herford? A Yes sir.
Q You didn't get acquainted with Mr. Pierwall? A No sir, I don't remember him, it has been so long. I don't know how to carry time, only from what I seen others.
Q Who was Chief when you came down here the first time?
A Bushyhead, I think
Q I think you are right? A I am not certain, I forget. I can't tell you now.
Q What year is this? A Well, this must be '95.
Q What year didn Kerns Clifton make the roll? A I don't know, sir
Q You don't know one year from another then? A I would if I would give my attention to it, but I haven't business enough to keep up with it. I make 20 or 30 or 75 cents and that's all, and when I get it in my hand that's all there is to it.
Q You never saw Mary in the Cherokee Nation until after ~~she~~ Will was born, did you? A Yes sir, no, -
Q After the war? A No, I didn't see her. I don't know whether I did or not, yes sir.
Q You know you never saw her until after Will was born?
A Will, he is my son.
Q You never saw her in the Cherokee Nation after the war until after Will was born? A I don't remember now, couldn't say positive
Q The year you testified about them coming down here was the one they told you about? A It is a fact, I know that.
Q You never saw them? A yes sir.
Q Did you see them in the Cherokee Nation? A I know when her uncle Spence and her come together.
Q Did he tell you? A I didn't see them after Uncle Spence come. Yes, I did, at Fort Gibson, sometime after, two or three months afterwards, after they get here.
Q Had you taken Mary for your wife yet?
A yes sir, I was living with her.
Q How long after that time before Will was born that you took her?
A Pretty near a year, eight or ten months.
Q You have no idea how old Granville is? A I guess he would be 34 or 35 years old, that't the way I guess at it, maybe more.
Q He made this application for himself, didn't he? originally?
A No sir, his ma her hadto do it.
Q When did his mother die? A She died about six years ago.
Q His mother wasn't alive two years ago, when this application was made for him? A No, not this last one. I reckon he must have made it himself, I don't know anything about it. I knew I furnished all the money.
Q Where did you first see Mary Bell yourself, and not what you heard about it? Where did you first see Mary Bell yourself in the Cherokee Nation after the war? A On Grand River, at her aunt's.
Q Where did her aunt live? A On Grand River.
Q At whose place? A At her own place, she and uncle Spence built a little log house.
Q Where? A It has been so long I don't know exactly. I don't know none of these places.
Q Who was her aunt? A Betsy May, Bettie May, t yey call her.
Q Is she a colored woman? A Yessir, she is a black woman.
Q How far did she live from Al Lynch, down here on Grand River?
A I don't know, sir, he tells me he lives on Spavinaw, up somewhere towards Mayesville, and she lives towards the old man Lynch place.

Q That is down here near Allen Ford? A Yes sir.
Q You saw Mary Bell there? A Once or twice. I went down there to see her.
Q You saw her afterwards in Ottawa, didn't you? A Yes sir.
Q You lived with her up there? A Yes sir.
Q How long after that did you see her in Ottawa? A I don't know what you mean.
Q How long after you claimed to have seen her on Grand River at Betsy May's, until you saw her after that time in Ottawa?
A It was, I guess, about five or six months.
Q You went back up there and found her there? A Yes sir.
Q She was there? A Yes sir.
Q Had she any children born then? A I think Will was born up there. Seems to me she had one child, I can't tell in particular, it has been so long.
Q You went to living with her there? A I stayed with her there.
Q You were recognized as husband and wife? A I suppose so, I called her my wife.
Q You continued to live there ten or twlve years in Ottawa?
A No sir.
Q You lived there about 1881 or 1882? A No sir, I hadbeen away from there hundreds of times.
Q How long did you live with her in Ottawa, Kansas? A I don't know, sir.
Q Did you live there twenty years? A No sir.
Q About how long? A I don't know.
Q You haven't got any judgment about anything but '66?
A Well, I have got that pretty fast.
Q I understand that. What was you doing up there?
A Knocking around, digging a little here and there.
Q Digging wells? A Digging wells once in a while.
Q One of those men said you was a well digger?
A I am a well digger, that's right.
Q On whose place did Betsy May live? A On the old Lynch place, somewhere close there, I don't know. I told you I didn't know any of the places. I don't know where I am at now, hardly.
Q You just saw Mary Bell there one time? A I told you twice.
Q Twice? A Yes sir. If you let me tell you, I could tell you how I seen her.
Q You don't know how long after the war that was? A I told you it was about six or eight months. I think I told you that.
Q What was she doing there? A Just living there like all the rest.
Q Any colored people living there? A A few.
Q Who? A I don't know them. Jess Shore for one, but he is dead.
Q Any living? A I knew lots of them, Jess died during the smallpox The people I particularly know, I drove a government team with, they are dead.
Q You don't have any idea how long this woman lived at Ottawa?
A No sir, I don't know nothing about that.
Q Where was Granville born? A I told you he was born on Grand River somewhere, at his aunt's.
Q Who is his aunt? A Aunt Betsy.
Q Betsy May's? A Yes sir, that's Mary's aunt.
Q Was he born there? A Yes sir, I guess he was. I didn't see him. His mother told me, and I am supposedto take her word, I don't know.
Q Did you have any other children except Will and Granville by this woman? A No sir.
Q These are the only two? A Yes sir, that's all.
Q How did she get back from Betsy May's to Ottawa, Kansas?
A I suppose her uncle Spence carried her.

Q Did you see Uncle Spence up there? A Yes sir.
Q He lived in Ottawa? A No sir, he lives in Lawrence.
Q With whom was Mary living when you found her in Ottawa?
A Living with her mother.
Q What was her mother's name? A Maria.
Q Her mother was living there, was she? A Yes sir, she died there, and this Mary, I told you about it, waited on her until she died.
Q How long did she live after the war?
A I don't know, sir, not long.

MR. BELL: Where was this Betsy May living at? A She lived on Grand River there somewhere.
Q That's seventy-five or eighty miles long? A It was down towards Island Ford there somewhere, close to where -
Q What was her husband's name? A George Mann, I believe. He is dead, both of them is dead.
Q If you was there at the that house, and saw Mary there, couldn't you tell where that place was? A No sir, I so uldn't.
Q Which side of the river was it on? A I think it was on the west side, I wouldn't be positive about that.
Q Was you sober when you was there? A Duly sober.
Q How long was you there? A probably a night. I think I stayed all night.
Q Wasn't she your wife at that time? A Yes sir, she was my woman.
Q You can't recollect positively which side of the river?
A No sir, I couldn't positively tell you, but I think it was the west side.
Q Do you know who that Betsy May belonged to before the war?
A She belonged, I suppose, I think she belonged to the Mayes, I think, at least I have heard so much about who they belonged to, Betsy May. You knew Spence, it was his sister.
Q Who lived near her at the time? A I don't know a thing about that I think some of them Rileys lived just down the river below her.
Q Couldn't you name anybody? A No sir, can't do it.
Q When was it you seen her? A In the spring or summer of '66, somewhere along about there.
Q Did you see her twice there? A Yes sir.
Q Once in the spring and once in the summer? A Yes sir.
Q You can't recollect anything about the house there?
A No, only it seems to me Rileys lived down the river there.
Q Was you ever at Island Ford? A Crossed there hundreds of times.
Q How far did Betsy May live from there? A I don't know.
Q Was you ever at the tanyard ford? A I don't remember, might have been.
Q Was you ever at the Lynch farm? A Yes sir.
Q How far did Betsy May live from there? A I don't know.
Q You don't know which side she lived on? A I think she lived on the west side. It is so long I wouldn't take oath on it.
Q You stayed with your wife just one night? A One night and went back to work.
Q Where were you working? A Below Fort Gibson, making rails.
Q When did you next come up to see her? A Along probably in June somewhere along there.
Q June '66? A Yes sir.
Q How long did you stay there the second time?
A Stayed a couple of days.
Q Didn't find out the house there? A Didn't look for some.

MR. HASTINGS: The truth of the matter is, Betsy May lived at Oswegatomie? A No sir, she never.

Q Betsy May never lived in this country after the war, did she?
A Yes sir, if she hadn't I would have told you so.
Q Didn't you say she lived on the old Lynch place a while ago?
A No sir.
Q Whose place did she live on? A On her own place that she built, her and her uncle Spencer and other friends of theirs, when they was looking for Mr. Bell then.

[illegible], Examined, testified as follows:

MR. HARTLEY: Your name is Allen Lynch? A Yes sir.
Q You were on the stand a moment ago? A Yes sir.
Q You live on Grand River? A Yes sir.
Q You are a former Cherokee freedman? A Yes sir.
Q When did you come back to that country after the war?
A I came there in the winter of '66.
Q I will ask you if you knew a colored woman named Betsy May?
A Not up there, no sir.
Q How far did you live from Island Ford? A Lived about five miles above, five or six miles.
Q You are well acquainted in that country? A Yes sir.
Q You lived there before the war? A Yes sir, raised there.
Q You know all that country there? A Yes sir.
Q Did you ever know a Betsy May living there? A No sir, not that I know of.
Q About how many years was it after the war until you saw Mary Bell in that country? A I don't know.
Q Your best judgment? A I never seen her for five or six or seven years. I don't remember when I did first see her.

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

Wm Hutchinson

Subscribed and sworn to before me this 13th day of October, 1903.

Charles H. Stamper
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Granville Bell et al., for enrollment as Cherokee freedmen, consolidating the applications of:

Granville Bell   Cherokee Freedmen D [illegible]
Leslie Bell   Cherokee Freedmen D [illegible]

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission [illegible] for Granville Bell [illegible] by Leslie Bell [illegible]. [illegible] hearings were had in the matter of said applications on [illegible] at Vinita, Indian Territory. A copy of the testimony [illegible] taken at [illegible], Indian Territory, [illegible], Indian Territory, October 2, [illegible] and [illegible] is [illegible] and made a part of the record in this case.

The [illegible] shows that Granville Bell is [illegible] the name of [illegible] for [illegible].

The evidence further shows that the applicants, Granville Bell and Leslie Bell, were born since [illegible] Mary Bell, [illegible] has been found by this Commission to [illegible] as a Cherokee freedman; that the said Mary Bell was the [illegible] of a Cherokee citizen at the commencement of the rebellion and [illegible] within the time prescribed in the decree of the Court of Claims rendered February 3, [illegible], in the case of [illegible] etc., vs. the Cherokee Nation et al., for the [illegible] said [illegible].

Neither of the applicants [illegible] through whom they claim, is identified upon the [illegible] Cherokee roll.

[illegible]

[illegible]

this [illegible]

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

ALBERT L. AVERSWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 15, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There are herewith enclosed copies of supplemental testimony taken before the Commission at Vinita, Indian Territory, in September, pursuant to a notice heretofore given you in the following Cherokee freedmen cases:

R 197, Lieutenant Vann,
D 642, Patsy Whitmire,
D 999, Russell Henderson,
D 797, Jane Whitmire,
D 899, Grant Wolfe et al.,
D 806, Sarah Whitmire et al.,
D 207, Fannie Hight,
D 920, Granville Watie,
D 276, James H. Moore.

Respectfully,

Chairman.

Enc. V-5.

1105

COMMISSIONERS
TAMS BIXBY
THOMAS B. NEEDLES
C. R. BARRICKMAN
WM. O. BEALL
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedman
B-[illegible] D-[illegible]

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 26, 1904.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, in the consolidated case of Leslie Ball, et al., rejecting the applications for the enrollment of Leslie and Granville Ball as Cherokee freedmen.

The decision, with the record of proceedings, 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-164.

Commissioner in Charge.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREECHINRIDGE.
WM. O. BEALL,
Secretary.

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

Cherokee Freedman
D 320, et al.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 6, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the applications for the enrollment of Grenville and Leslie Bell as Cherokee freedmen, was affirmed by the Secretary of the Interior on September 16, 1904.

Respectfully,

Chairman.

a 7P921

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 13 1901
ACTING CHAIRMAN.

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

In the matter of the application of Lige Waite for enrollment as a Cherokee freedman.

Appearances:

Mallette & Smith, attorneys for applicant;
W. W. Hardwick, of counsel for Cherokee Nation.

Lige Waite, being duly sworn and examined by Commissioner Wisdom, testified as follows:

Q What is your name? A Lige Waite.
Q How old are you? A Why I guess I am about 57 years old.
Q What is your post office address? A Chelsea.
Q What district do you live in? A Delaware.
Q You apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Two sons.
Q What are your sons' names? A One is named Granville and the other is Leslie.
Q How old is Granville? A He is 20.
Q Well he can enroll himself; have you got any under 21 years of age? A No, sir.
Mr. Smith: Who are your witnesses? A Mose Hardrick, Mose Riley, and Bill Liberty.
Q Mr. Waite, what is your postoffice? A Chelsea.
Q How long have you lived there? A About 15 or 16 years, thereabouts.
Q In that neighborhood? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q Who was your owner? A Well, I was in the hands of Mr. Waite, Sam. Waite, in the beginning of the war, and remained there till I was freed; I claim he was my last owner.
Q Stand Waite? A Yes, sir.
Q Was he a Cherokee indian? A Yes, sir, a full blood.
Q A citizen of the Cherokee Nation? A Yes, sir.
Q Where were you at the time the war commenced? A I was in Arkansas at the first beginning of it.
Q How did you get with Stand Waite? A I was taken there to him.
Q Who took you there? A Bill Timmen.
Q Who was he? A That was a man lived in Arkansas.
Q When did he take you there? A At the beginning of the war.
Q Where were you when the war actually began, in the Cherokee Nation? A Right in the Cherokee Nation.
Q How long before the war began were you taken to Arkansas? A I was taken from Arkansas to the Nation.
Q How long after the war began were you taken out of the Nation? A I wasn't taken out of the Nation at all.
Q Where were you then, where did you remain during the war? A I remained in the army with Mr. Stand Waite part of the time.
Q Where were you the rest of the time? A In the other army, on the other side.
Q In what way were you in the army, were you a soldier? A I was driving teams before I was taken to the Cherokee Nation by Mr. Stand Waite.
Q When did you come back to the Cherokee Nation after the war was over? A I never lived here till the war was over.
Q You said you went to the Cherokee Nation? A No, I went there, I thought I was in the Nation.
Q I am talking about the Cherokee Nation; when did you come back to the Cherokee Nation after you went to the Cherokee Nation? A I came back in the fall of '63 time of the Prairie Grove fight.
Q Where did you quit the army? A At Prairie Grove.
Q What did you do when you quit the army? A Went back to Fort Gibson.

Lizy Waite - 2.

Q How long did you remain in Fort Gibson then? A I stayed there about a month I guess.

Q Then where did you go? A They hired me to go to driving teams on the other side.

Q Other side what? A For the Union army, we called it.

Q How long then were you with the Union army? A I was there with them till the war closed.

Q Where were you when the war closed? A I was down to Fort Gibson in the Cherokee Nation.

Q Well, what did you do after the war closed, where did you stay? A I came around there, roamed around through the Nation and from this then I went to Kansas.

Q Where were you in the year '86? A I was down to Fort Gibson part of the time.

Q Well, how much of the time? A Oh I was down there I guess about I was down there, sometime, you might say I was there in the spring and went away and came back in the fall about hay making time.

Q Hay making time in the year 1886? A Yes, sir, helped them put up hay there.

Q Where have you been living since that time? A Part of the time here and part of the time somewhere else, I didn't have any particular home, I wasn't a married man, and I went wherever I could.

Q About how long have you been living in the Cherokee Nation permanently and without going out at all? A Oh about 16 or 18 years.

Q And during that time you been living where? A Been here about Chelsea in Coowescoowee.

Q Are you on any of the rolls? A Yes, sir.

Q What roll? A Wallace roll.

Q Did you draw Wallace money? A Yes, sir.

Q Are you on any other roll? A No, sir, if I am I don't know it.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Wallace roll examined and the applicant identified thereon, page 186, No. 3412, district not given, as Elijah Tinnon.

Commissioner: Well you are on the roll as Elijah Tinnon; how did that happen? A I don't know, they asked me what was my name, and I told them Lige Tinnon.

Q Were you ever connected with Tinnon? A No, sir, never that I heard of; I went to make a little explanation.

Mr. Smith: The question is, whether you ever went by the name of Tinnon? A Yes, sir.

Commissioner: You changed your mind in the last minute or two? A I can tell you how that happened; in the beginning of the war Mr. Tinnon taken me to the army and Mr. Waite hired me in the Cherokee Nation, there he put me in the charge of Stand Waite.

Q You went by the name of Tinnon at that time? A Yes, sir, at that time.

Mr. Heathree: Where did you first see Jim Alberty? A I saw him in the Cherokee Nation.

Q When was that? A That was in, well I expect it was about 62 or '3, I won't tell exactly when.

Q During the war? A Yes, sir, during the war.

Q Where did you first see Rose Hardrick? A I first seen Rose Hardrick in Stand Waite's camp.

Q During the war? A During the war.

Q Was the first time you ever saw Stand Waite? A I saw Stand

Waite when I was a little kid, I don't know how old.

Q. How long before the war? A. Were ten or fifteen years, maybe that long.

Q. Did you live with Stand Waite ten years before the war? A. No, sir.

Q. What was your old Mistress named, Mrs. Tinnon? A. I don't know what her name was.

Q. Do you know Hugh Tinnon? A. Yes, sir, I knew him.

Q. You belonged to his mother? A. No, sir; if I did I didn't know it.

Q. Do you know Jim Tinnon? A. I did.

Q. Did you know him when the war came up? A. Yes, sir.

Q. Did you belong to his people? A. No, sir, I didn't know that I did, I don't think I did.

Q. Well, tell us what you know? A. I can't tell you, I don't know it, that is a fact.

Q. How old were you when the war came up? A. I don't know, I was quite a boy, I was able to eat wheat with a five finger cradle.

Q. Where were you living? A. In Arkansas.

Q. When the war came up? A. Yes, sir.

Q. You joined the army when General Blount came through there? A. No, sir, never joined the army in my life.

Q. In what place in Arkansas were you living? A. I don't know, I don't know whether I was in Arkansas or New Jersey only they called it Arkansas.

Q. That was the other side of ~~[illegible]~~ Maysville?

A. Yes, sir.

Q. Near Maysville? A. Yes, sir.

Q. How far was that from Maysville? A. I can't tell you that.

Q. Two or three miles? A. I don't know, might have been.

Q. How long had you been living at that place when the war came on? A. I can't tell you.

Q. As far back as you can remember? A. Well I might, I don't believe I did because I was to Maysville some of the time.

Q. Either in that place in Arkansas or in Maysville, you lived clean up to the war? A. Yes, sir, and sometimes lived in the Nation when I was little with Mr. Fields and Mr. Enoch Nicholson, when I was a boy; the first thing I remember was setting up ten pins in town.

Q. That was on the other side? A. Yes, sir, but I lived in the Nation.

Q. Who was Jim Fields wife at that time? A. I don't know sir.

Q. Was he married at that time? A. I don't know sir.

Q. Who were you staying with over there in Arkansas? A. The Tinnons.

Q. What Tinnons? A. Why Jim Tinnon and the Tinnons generally.

Q. Jim Tinnon or Hugh Tinnon? A. Hugh Tinnon and Jim Tinnon, among the family.

Q. You stayed with them? A. Yes, sir, among the family.

Q. You don't remember how long you were there or how old you were when you started to live with them? A. I started from my birth I reckon.

Q. And you were living with them when the war came on? A. Yes, sir.

Q. And that was in Arkansas? A. Yes, sir.

Q. You know whether the Tinnons were Cherokees or citizens of the United States? A. I can't tell you that only by hearsay.

Q. You been up in Ottawa, Kansas? A. Yes, sir.

Q. When was the last time you were living up there? A. About twenty years ago, maybe longer.

Q. Married up there, were you? A. Yes, sir.

Q. What was your wife's name? A. Mary Bell.

Q. How many children born up there? A. Two.

[illegible] A.

[illegible]

[illegible] A [illegible]

[illegible] A [illegible]

[illegible] A [illegible]

[illegible] A [illegible]

[illegible] A [illegible]

[illegible] any of them round? A Yes, sir, Wallace and Clarkson

[illegible] A [illegible]

[illegible] A [illegible]

[illegible] of [illegible] to

[illegible] well and the name of Neil Bell found thereon,

[illegible] years.

Q You say you were born in Kemmerer? A Yes, sir.

Q What town? A [illegible]

Q And your sister was [illegible] up there? A The one I had then, she

[illegible]

Q [illegible] the mother of all them? A [illegible]

Q [illegible] came here you say about 20 years ago? A Yes, sir.

Q [illegible] I [illegible]

Q [illegible] Cheyenne? A Yes, sir, [illegible], and just [illegible] and

[illegible] I [illegible].

Q [illegible] down here, [illegible] did you come to? A When

we came [illegible] very particular to locate, we knew [illegible] to be

[illegible] there.

Q [illegible] I think you said about twenty years ago from

[illegible]? A [illegible]

Q [illegible] bring three children with you, Will and the [illegible]?

A [illegible] I [illegible] some of them were [illegible]

Q About old [illegible] after the war was over?

A Saw him in '[illegible].

Q [illegible]? A Went to [illegible] Cheyenne, I think it was in [illegible].

Q What were you doing [illegible]? A I went home and worked in my

hay field in the fall of [illegible].

Q Who were you working for? A An old man had a government contract

by the name of Karlen, and Myrtle Swan.

Q What difference from [illegible] was he putting up the hay? A He

[illegible] also, I suppose it would be north.

Q You was home up there? A No, sir, in town, I think I saw them

[illegible].

Q Along in fall? A It was along in the summer, I have forgot

[illegible].

Q When did you see Jim Alberty first after the war? A Saw him

at Fort Bridger.

Q What time did you see him? A It was in '[illegible].

Q What time of the year? A [illegible] in the summer or fall, I don't

know which, [illegible] remember [illegible] the time or [illegible].

Q You know [illegible] was? A No, sir.

Q Knew any of his family? A No, sir.

Q Know what part of [illegible] you lived in? A No, sir.

Q You never went to his [illegible]? A No, sir, never went to his

[illegible]. He had me in the [illegible], I stayed in that [illegible] I was [illegible].

Q [illegible] In which army? A In Grant's army, I enlisted

[illegible].

Q [illegible] Southern army? A Southern army.

Q [illegible] Now did you see Jim in the Cheyenne [illegible]?

A [illegible] I [illegible], but I [illegible]

Q [illegible] I think it was [illegible].

Q You never saw any of them [illegible] before the war?

Elias Waite - 2.

Q. I saw him when I was a boy.
Q. Where? A. He is Maysville.
Commissioner: Where is that, Arkansas? A. Yes, sir. I have seen many of them Kilmens since I left there at the commencement of the war.

Moses Hardrick, being duly sworn and by Commissioner Mantle, testified as follows:

Mr. Smith: What is your name? A. Moses Hardrick.
Q. How old are you? A. 71.
Q. Where do you live? A. Live over here on Fryer Creek in Goodwater-Scooba district.
Q. How long have you lived in the Cherokee Nation? A. Pretty nearall my life.
Q. Do you know this applicant, Elijah Pinner or Waite? A. Yes, sir, I known him a right smart while.
Q. When did you first get acquainted with him? A. When he was going to Pea Ridge battle under Col. Waite.
Q. Where did you see him there? A. On the Barren Fork mountain.
Q. Where is that? A. Away over here in the Cherokee Nation.
Q. Did you see him once, or more than once, at that time? A. Only once.
Q. When did you next see him after that? A. It was quite a number of years, I can't tell just exactly how many.
Q. After the war? A. Yes, sir.
Q. About how long after the war? A. It was a number of years.
Q. Where did you see him then? A. Down here on Panther Creek.
Q. In the Cherokee Nation? A. Yes, sir.
Q. You know where he lives now? A. Yes, sir, he lives over on the same Creek where I seen him at.
Q. Where was he living at the time you saw him on Panther Creek? A. I say that is the same place, on Panther Creek.
Q. Was he living there then? A. Yes, sir, I saw him after he moved there.
Q. You didn't see him any more till you saw him living on Panther Creek? A. No, sir.
Q. You remember how many years ago that has been? A. No, sir, I don't.
Q. You didn't know him before the war? A. No, sir.
Q. Commissioner: What year did you see him on Panther Creek? A. I can't tell you just what year, I don't know any dates.
Q. About how long after the war? A. It was quite a number of years.
Q. Five or six years, ten years? A. I guess it was five or six anyway.
Q. At least that? A. Yes, sir, I think it was that according to my knowledge.
Mr. Hastings: Living there with his wife when you saw him? A. Yes sir.
Q. That is the first time you saw him after the war? A. Yes, sir.
Q. And that is the first time you saw him since you saw him on Barren Fork Mills during the war? A. Yes, sir.
Mr. L. T. Ball, Cherokee attorney: Where was Barren Fork Mills? A. Down across the Illinois River in Illinois district, when Waite and General Drew was going to Pea Ridge fight, I was hauling logs over there to a saw mill and the teams couldn't pull the logs up the Mill and old Mose sent me to help the teams pull over the hills.
Q. You say Waite's regiment was riding with the troops?
A. I saw Waite.
Q. This Waite here? A. I saw Waite and talked with him.
Q. What year was that? A. I don't know what year it was, you X

[illegible]

Q Where? A Why down south driving teams, that is where they had he it.

Q Driving a team, who was he with, with anybody? A He was driving a team for White.

Q What white was that? A Old Steve White.

Q When did you see him then next after that? A Seen him here at Fort Gibson.

Q When? A It was early, it was about '96 or '97.

Q What was he doing there at Fort Gibson? A Just knocking around, anything they would let him do, he was just working.

Q You know how long he stayed in Fort Gibson? A No, sir, I don't

Mr. Rogers, out: You first saw him during the war or since the war?

A Yes, sir, just in war time.

Q How long after that was it till you saw him again? A I don't know, give me time and I will tell you as near as I can; it must have been five years.

Q The next time you saw him with his wife? A Yes, sir, the next time I saw him with his wife.

Q Where was he living then? A Here at Chelsea then.

Q On the hill north of Chelsea, isn't it? A Yes, sir, I think it is two or three miles north of Chelsea.

Q Two or three miles north of Chelsea? A Well north or west, I don't know which.

Q About how long ago was that you saw him there? A Well I don't hardly know how long that has been, it has been several years though.

Q Well, your best judgment as to how many years? A Well, that is the best of my judgment.

Q I want to get it down there about how many years ago you saw him?

A That is as near as I can give it.

Q You think as much as 15 years ago since you saw him there north of Chelsea? A No, sir, it hasn't been 15 years.

Q Well, has it been 10 years ago? A Well I can't say, because I don't know, but there is where I saw him, I gave you the best I know.

Q Well now your best judgment as to how long ago it was? A It might have been eight years ago, I don't know.

Q That is your best judgment? A Yes, sir.

Q That is the next time you saw him after you saw him at Fort Gibson? A Oh now you are getting it wrong: that is the first time I ever saw him up here to his home.

Q But now when did you see him next after you saw him at Fort Gibson? A I saw him off and on all along, just in passing.

Q Where did you see him off; you saw him off, I am going to ask you where you saw him off and then where you saw him on? A I can't talk that.

Q Where did you see him next after you saw him at Fort Gibson? A I saw him making rails all about.

Q That off? A I don't know.

Q Where was he making rails? A In the bottom below Gibson, on this side of the river, down there in the bottom.

Q About how long after that before you saw him around Gibson? A I didn't see him around Gibson any more, I saw him at work though in the woods down there.

Q That was in '96 or '97 you said, along about that time? A Along about that.

Q You are not positive as to the date of that? A No, sir, I am not positive.

Q You knew him before the war, did you? A Yes, sir.

Q You saw him at Tinnene? A Yes, sir.

Q Was that about the time the war came up or before? A It was before.

Q About how long before? A I don't know, ten or fifteen years

[illegible]

Q [illegible] A [illegible]

Q At what [illegible] you [illegible]? A [illegible]

Q Was he a [illegible] or a white man? A [illegible]

Q [illegible] did he [illegible]? A [illegible] on their [illegible].

Q Where did you see him, [illegible]? A I [illegible] him to live [illegible].

Q [illegible]? A Yes, sir, [illegible] in Arkansas, right on the [illegible].

Q [illegible] the last time you saw [illegible] before the war? A I can't tell you just when it was [illegible].

Q How [illegible] was he when you saw him the first time [illegible]? A [illegible] I don't know [illegible].

Q [illegible] when you first saw him? A [illegible], sir, he was [illegible].

Q [illegible] married before the war? A Well I can't tell.

Q You don't know about that? A No, sir, don't know whether he was ever married or not.

Q [illegible]. You say the first time you saw [illegible] was at [illegible] of Arkansas? A Yes, sir.

Q He was living with the [illegible]? A Yes, sir.

Q [illegible] white man? A [illegible].

Q [illegible], or farm? A He was about town, I don't know whether [illegible] a farm or not.

Q [illegible] in the town? A I saw him there, I don't know whether he lived there or not, I never saw [illegible].

Q You say you saw him with [illegible]? A Yes, sir, his old [illegible] that [illegible], he used to [illegible].

Q [illegible] old [illegible] in [illegible], Arkansas? A Yes, sir, there is where I first knew him.

Mose Riley, being duly sworn by Commissioner [illegible], testified as follows:

Q [illegible] state your name? A Mose Riley.

Q Where do you live? A [illegible].

Q How long have you lived in that neighborhood? A Between [illegible] and [illegible] years.

Q Do you know this man, Elijah [illegible], or Elijah [illegible]? A Yes, sir.

Q This claimant? A Yes, sir, I know him.

Q Know where he lives? A Yes, sir, he lives down there close by me.

Q How long has he been living in that neighborhood? A I don't know sir exactly how long, he has been living there quite a bit.

Q Give us your best judgment? A I [illegible] between 15 and [illegible] years there.

Q And did you know him before that? A I saw him before that, yes sir.

Q How long before that? A [illegible] it was quite a while before [illegible].

Q Where did you see him? A [illegible].

Q Give us [illegible] before or after [illegible] I was [illegible] there, my [illegible] and he [illegible] Mr. [illegible]'s house.

Q [illegible]? A It must have been in [illegible] or [illegible] [illegible].

Q You can't give the exact time? A No, sir, I don't [illegible] the first [illegible] there [illegible].

Lige Waite - 9.

did McNair place with us.
Q Where was that? A In Saline district.
Q Cherokee Nation? A Yes, sir.
Q You didn't know him before the war? A No, sir, I didn't know him.
Q You don't know anything about who he belonged to? A No, sir.
Mr. Hastings: Was his wife with him? A No, sir.
Q I didn't know? A I don't know whether he was single.
Q Which way was he going? A Going up the country when I saw him.
Q North or south? A Going up the river he said.
Q How old are you now? A I am about 58.
Q You had never seen this man before? A Not to know him.
Q You know what time of the year it was? A I disremember whether it was before Christmas or after Christmas now.
Q Your father had made a crop on the McNair place that year? A Oh yes.
Q Mrs. Martin Thompson was living there at that time? A Yes, she was living there I believe.

L. S. Ball, being duly sworn by Commissioner Mebane, testified as follows:
Mr. Hastings: What is your name? A L. S. Ball, 62 years old, postoffice, Vinita.
Q Where did you live before the war? A I lived up on Beattie's Prairie, Cherokee Nation.
Q How far is that from Maysville? A About three miles or two and a half.
Q Is Maysville in the State of Arkansas or the Cherokee Nation? A Well it was in Arkansas, there was a few houses on the Cherokee side, Mose Fields had a little place there.
Q Did you know SamTinnons who lived over there about Maysville?
A Yes, sir, Hugh Tinnon, William Tinnon, and Jim Tinnon, three brothers.
Q You knew their father? A Their father died about '47.
Q Did you know their mother? A Yes, she had married a man named Alexander.
Q Did these people live in Arkansas or the Cherokee Nation?
A They lived out a mile or two from town in Arkansas.
Q Were they citizens of the Cherokee Nation? A No, sir.
Q Were they Cherokees? A No, sir.
Q Never were recognized as citizens of the Cherokee Nation? A No they never pretended to be.
Q Never lived in the Cherokee Nation? A Never pretended to.
Commissioner: Did you know the applicant at that time? A No, sir, I know they had some slaves, but I didn't know him.
Q They were slave holders? A Yes, sir, they had some slaves.
Mr. Hastings: Did Waite hold some office in the Army? A Stand Waite was first colonel of a Cherokee Regiment in the Confederate Army, and afterwards a Major-General; his regiment was organized first in October, '61, that is my recollection about it; I belonged to it.
Commissioner: He was a Cherokee? A He was a full Cherokee, a full blood Indian; he was my uncle.
Q He a slave holder? A He was a slave holder.
Q He was your uncle? A Yes, sir.
Q You acquainted with his slaves? A Pretty much.
Q You ever know the applicant to be a slave of his? A No, sir, he never had one named Elijah that I know anything of.
Q You were a nephew of Stand Waite? A Yes, sir.
Q You were well acquainted then with his family? A Yes, sir, I stayed at his house a year and went to school.

Q You knew some of his slaves I suppose? A Yes, he had one negro woman a few years before the war, [illegible] a girl, and he had a woman named Lucy, and he had one other, I forget her name, and they [illegible] children.

Mr. Waite: When did you go to Texas, Mr. Bell, what year? A Well I [illegible] moved down there in [illegible] or rather went there; we had a whole lot and a farm there about [illegible].

Q Where were you living when the war commenced? A I was living right on Bentie's Prairie.

Q In the Cherokee Nation? A In the Cherokee Nation, yes, sir.

Q Did you ever live in Texas before the war? A Yes, I went to Texas in 1853 and stayed there at school two years, and then I was there in '54 and '55 and '56.

Q And where was Stand Waite living? A Stand Waite was living first on Honey Creek.

Q He lived in the Cherokee Nation did he? A Stand Waite lived in the Cherokee Nation all his life I reckon.

Q He didn't live in Texas at all? A Yes, he was alive in Texas when he went to there.

Q Well, Stand Waite lived there in the Cherokee Nation up to the time of the war? A He lived continuously in the Cherokee Nation you might say.

Q You can't you were pretty much acquainted with his slaves; can you state you knew all the slaves he had? A No, I gave you my best effort a while ago when I enumerated those that I knew.

Q What I mean, you can't state positively that was all he had, the ones you enumerated? A No, that is about all he had in sight though.

Q All you know of? A Yes.

Q But for the three years previous to the war you had been in Texas and he had been home? A Well, the time I lived in Texas was just [illegible] a matter of business, going down to look after our business and back, my home was at Bentie's Prairie, I worked there, I lived there.

Q You went to school back in Texas? A In 1853 I went there for my health and went to school, and after that I came back and married and lived right at Bentie's Prairie until the war sent me back to Texas.

Commissioner: How far from Stand Waite's? A About ten or 12 miles, about 15 miles, near the mouth of Honey Creek; I sold goods right there in my establishment right up to the war.

Commissioner: Elijah Waite applies for the enrollment of himself. He avers that he was the slave of one Stand Waite, and during the war he was employed in both the Federal and Confederate armies. He returned to Fort Gibson in the Cherokee Nation in the year 1866; that he married in the State of Kansas and returned from the State of Kansas to the Cherokee Nation about twenty years ago. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or upon the Kern-Clifton roll. He is identified upon the Wallace roll as Elijah Ginnon. He will not be listed for enrollment as a Cherokee freedman upon a doubtful card to await further consideration of the Commission. He will be notified by mail of the notice of the Commission in the premises.

****

Willis Watts et al

the spring of '66.

Q Do you remember seeing shipman Willis Watts soon after you went

the rest? I have seen him in my mind as Watts.

Q You mean as shipman did you? A Yes sir.

Q How long had you been in Ottawa before you met this man? A I

am not positive, but I think not latter than '72, I mean '69, it

might have been earlier than '66, I don't know.

Q And you state that when he left that part of the country

along some time after 1867 A Yes sir, I would think about that time.

Q Have you any distinct recollection of seeing him continuously

in the country from may along in '69 until along about 1867 A

Nothing more than he traded with me and was in my place of business

took lumber very frequently, and we used to look each other a good

deal.

Q Do you remember miss him from the community for a consider-

able length of time? A No sir, not until after he came back and I

had missed him for some time.

Q When was that? Not a great while ago, probably 10 or 12 years

ago I met him on the street and asked him where he had been he op-

ing himself and he said down in the Territory.

Q How long did he stay up there at that time? A I don't know, I

met him probably twice on the streets and then I have never seen

him since.

Q How long was that after you spoke of his being gone the first

time in '66 along there some where? A I don't know sir, he might have

been gone two or three years, I was surprised to see him there and

asked him where he had been keeping himself and he said down in the

Territory.

COMPARTMENT RECEIPTING: This will be filed as supplemental testimony in Cherokee-Freedmen doubtful case 911, and also Cherokee Freedmen doubtful case, 949.

M.D.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony in the above entitled case and that the foregoing is a

[illegible]

[illegible]

[illegible]

[illegible], October [illegible], 1901.

In the matter of the application of Elijah Tinnon for enrollment as a Cherokee [illegible].

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

MILES PIGRAM, being sworn, and examined by Commissioner Breckinridge, testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, atty's for applicant;
Mr. Hastings, of attorneys for the Cherokee Nation.

Q What is your name? A Miles Pigram.
Q What is your post-office? A Ottawa, Kansas.
Q How old are you? A 55 years old.
BY MR. HASTINGS:
Q When did you first move to Ottawa, Kansas? A I moved there in '66. I was first there in '65, but I didn't move there until the spring of '66.
Q Have you lived there since that time? A Yes sir, continuously.
Q Did you know a colored man who went by the name of Elijah Tinnon? A Yes sir.
Q Where did you know him? A Ottawa, Kansas.
Q Did he have a wife? A Yes sir.
Q What was her name? A Her name was Mary Tinnon.
Q Did he have some children? A Whyhe had some boys I think he had 4 boys.
Q You remember their names? A One was named Will and the other was Lula and I think George and I don't know the other one; I can't remember the other's name.
Q How long did you know Elijah Tinnon? A Well I can't be positive as to that, I think I knew him probably 12 or 15 years.
Q Where? A Ottawa, Kansas.
Q Was he living there? A Yes sir.
Q With his wife and family? A Yes sir.
Q About when did he leave there? A Well sir, I don't know positively when he left there, but I think he left there about '80 or '81 or '2, or somewhere along there. From the way I connect that positively, there was a woman come there living there, Mrs. Brown, came there 21 years ago, and she said when she came there Lige Tinnon was there, and moved away some time after she came there.
Q Then he would have moved away some time after 21 years ago? A Yes sir.
Q Which would make it some time after '80? A Yes sir, probably '81 or '2; it might have been later than that; I don't know.
Q You had known him I believe you said 12 or 15 years before that? A Yes sir, I think that I had known him that long; I couldn't swear positively how long I knew him.
Q What was he doing there? A He was welding there mostly I think.
Q Did you see him frequently? A Oh yes sir, used to come in my place of business and get lunch very frequently.
Q What business were you engaged in? A In the Grocery and bakery business, and baked those big Lincoln Pies and everybody seem to after that, need to get a great deal of that.
Q Do you remember when you first learned to know him? A Well sir, I don't say as to the exact time; I might have known him in '65 and it might not have been until '66; I couldn't say, I couldn't swear as to that.
Q You didn't know him until after you came to Ottawa? A No sir, I never saw him until I came to Ottawa.
Q Did you miss him from there any considerable time after you first [illegible] him? A [illegible]

Elijah Vatie et al B

A He left there and then after he had been gone a year while he came back one visit; I know I met him on the street and asked him where he had been and he said down in the Territory.

Q Down in the Territory? A Yes sir, I think so.

Q That was after he left in '80 some time? A Yes sir.

Q But I mean in the time you first saw knew him until after '80 when he left there, did you know him all that time? A Yes sir, I knew him up until about '80 or '81 or '2, somewhere along there.

Q Lived there with his family? A Yes sir.

Q You knew him by what name there? A Lige Tinnon.

Q Did you ever hear him called any other name? A No sir, never did.

BYMR. SMITH:

Q Well, Mr. Pierson, you don't know the beginning of your acquaintance with Tinnon, whether it was '69 or what year it was? No sir, it might have been '66 and it might have been '69, I wont say as to that, positively.

Q From that time on up until the time he left there you say in '80 was he there all the time or not? A Yes sir, he was there all the time.

Q How is that? A I would think he was there all the time.

Q I know, but what do you know about it? A By we will he would be in my place of business every once in a while and I would see him there off and on every once in a while, and I didn't know of his going away.

Q You had no special reason to observe his goings or comings did you? A No sir.

Q Have you ever testified against him at any time before? A No sir.

Q Did you ever have any occasion to think about whether he was there all the time from the time you first knew him until '80 or not, until recently? A No sir, not until a few days ago.

Q Now thathas been some thing ober 20 years ago! can you state of your own knowledge that he was not away from there during that period of time? A No sir, I couldn't state that he was not away from there; he might have been away from there, I couldn't swear as to that.

Q The only way you have of fixing the date as being up until '81 is by what some woman told you? A Yes sir, this woman came there about 21 years ago; she worked for me about 10 years.

Q You don't know that she came there 21 years ago, but you were talking with her and she told you she had been there 21 years? A Yes sir, she told me that and that Lige Tinnon was there when she came.

And you are basing your statement just upon what she said? A Yes sir. Because I don't know positively what time she was there, but I feel positively thathe was there 12 or 15 years. There was a little circumstance happened one time; his partner and this Smith Bowing, and Lige was partners in well digging, and I had some chickens roosting on my place and Smith Bwing got after them one night and was stealing them and I caught him at it, and I used to twit Lige by asking him if Smith divided the chickens with him and Lige would always laugh about it and said he never divided with him.

Q But you can't state what date that was? A Well from circumstances; my father-in-law and I were in partnership together; it must have been about '72; but I was acquainted with him a long time before that.

Q And for some time after that? A Yes.

Q But you can't state of your own knowledge when he left there? A No I can't state that, I don't know positively when he went.

BY COM'R BOWKINRIDGE:

Q When did you first go to Ottawa? A I went there to live in '66 I was there in '65, October, but I didn't go there to live until

William Wells on ad [illegible]

[illegible] of [illegible]

Q Do you remember [illegible] this man William Wells seen after you went [illegible]? I haven't [illegible] him in [illegible] Wells.

Q [illegible] him as [illegible] sir.

Q [illegible] you been in [illegible] I am not positive, but I think not [illegible] 1899. I [illegible] might have been [illegible] in '98, I don't know.

Q And you state that [illegible] that part of the country alone [illegible]

Q Have you any [illegible] of seeing [illegible] in the country from [illegible] until along [illegible] Nothing more than he [illegible] and met in my place of business took lunch very frequently, and we used to josh each other a good deal.

Q Do you remember missing him from the community for a considerable length of time? A No sir, not until after he came back and I had missed him for some time.

Q When was that? A Not a [illegible] while ago, probably 10 or 15 years ago; I met him on the street and asked him where he had been keeping himself and he said down in the Territory.

Q How long did he stay up there at that time? A I don't know, I met him probably twice on the streets and then I have never seen nor him since.

Q How long was that after you spoke of his being gone the first time in '98 along there some where? A I don't know sir, he might have been gone two or three years, I was surprised to see him there and asked him where he had been keeping himself and he said down in the Territory.

COMMISSIONER BRECKINRIDGE: This will be filed as supplemental testimony in Cherokee Freedmen doubtful case 921, and also Cherokee Freedman doubtful case, 946.

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 October 9th, 1901.

[illegible]

Commissioner.

Q710921

in the case of [illegible] Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation, if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this motion or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to [illegible] before the Commission and that notice was given that [illegible] in [illegible] that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict conformity with the decree of the Court of Claims rendered the 3rd day of January, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. O. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter
Notary Public.

(SEAL)

I, M. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

M. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

[illegible]

[illegible] Tribes,

[illegible] 3, 1909.

[illegible] of the application of PERRY [illegible] for enrollment as [illegible]:

[illegible] by Mellette & Smith, Cherokee Nation, by [illegible]

By Mr. Smith:

The applicant moves the admission to make the certified copy of the decree of the Court of Claims in the case of [illegible] Quinire, [illegible] vs. [illegible] Nation, No. [illegible] filed in the [illegible] case P D [illegible], a part of the record in this case and the [illegible] hereinafter mentioned by reference to the said case of [illegible] Hayden, and it is deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

[illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the [illegible] will take judicial knowledge of all laws, treaties [illegible] necessary for the determination of the right of any [illegible] application for citizenship. Fourth: The [illegible] objects to the filing of a certified copy of [illegible] case of an applicant unless the same is called [illegible] individual case.

Objection:

The [illegible] of the attorney for the applicant will be overruled and the [illegible] part of Court files in the case of Berry [illegible] part of the record in [illegible] in all the cases above [illegible] in the previous [illegible] by Judge Gill of the [illegible] of the Sequoyah District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases [illegible] case that counsel for the [illegible] be allowed [illegible] to file any of the proof in any [illegible] of the record [illegible] the decree already referred to [illegible]

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

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

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen D 448.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Elijah Watie as a Cherokee Freedman.

DECISION.

The evidence in this case shows that on June 28, 1901, Elijah Watie appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of himself as a Cherokee Freedman. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on October 2, October 7 and October 23, 1901.

It does not appear from the evidence that the applicant was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The name of the applicant is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Elijah Watie as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED: Tams Bixby
Chairman.

SIGNED: T. B. Needles
Commissioner.

SIGNED: C. R. Breckinridge
Commissioner.

SIGNED: W. A. Shartel
Commissioner.

Muskogee, Indian Territory,
this MAR 5 1906

No. D 921

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. 1901

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

_____
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the 16 day of Sept, 1901.

_____
Attorney for applicant.

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

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

_____

on the _____ day of _____ A.D.1901

_____

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

_____
Notary Public.

M. A. Scott 9 a.m.

Filed
SEP 18 1901

NOTICE!

IN THE MATTER OF the application of Elijah Vatie for enrollment as a Cherokee citizen.

Case No. D 921

To Elijah Vatie or Mollette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory*, Indian Territory, on Oct. 7th at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9-10-1901.

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

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

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING
Cherokee F.D-931

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, rejecting the application of Elijah Watis for the enrollment of himself as a Cherokee Freedman.

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,

C. R. Breckinridge

Commissioner in Charge.

Enc. C-41

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BROCKUNIER,
WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-921.

Muskogee, Indian Territory, November 9, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's [illegible] dated March 5, 1904, rejecting the application for the enrollment of Elijah [illegible] as a Cherokee freedman, was approved by the Secretary of the Interior on October 29, 1904.

Respectfully,

a

3Da22

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

Department of the Interior,
Commission to the Five Civilized Tribes,
June 26th 1902, Muskogee, I. T.

In the matter of the application of John Vann for enrollment as a Cherokee freedman, he being sworn by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. John Vann.
Q How old are you? A. I don't know exactly.
Q Will check her card? Q. Based on fourty five.
Q What is your post office address? A. Checotah.
Q In what district do you live? A. Coweta District.
Q Do you want to be enrolled as a Cherokee freedman? Yes sir
Q You did at one time claim to have enrolled besides yourself? A. My body, just myself.
Q Is your name on any of the rolls of the Cherokee Nation? A. Not on any of the rolls.

The rolls of the Cherokee Nation in the possession of the Commission examined and the name of the applicant not found.

Q What is your fathers name? A. John Vann.
Q Is he living? A. No sir.
Q What is your mothers name? A. Emily.
Q Is she living? A. No sir.
Q Where were you born? A. On Spring Creek.
Q In the Cherokee Nation? A. Yes sir.
Q Where have you lived all your life? A In the Cherokee Nation.
Q Were you a born slave? A. Yes sir.
Q Who did you belong to? A. Pete Johnson Landrum.
Q Was she a Cherokee citizen? A. Yes sir.
Q And Indian? A. Yes sir.
Q Did you go out of the Cherokee Nation during the war? A. Yes sir.
Q Are you married? A. No sir.
Q Never have been? A. No sir.
Q Where were you taken to during the war? A. To Kansas.
Q When did you return? A. In 1865.
Q Have you been here ever since? A. Yes sir.
Q Why is your name not on the roll of 1880? A. My mother, she and her brother, Irving Vann, they made claim to have their names put out to want to Tahlequah in 1880. He was in hand to her weakness for her and her children, she wasn't able to hand to it for weakness, and hoagreed to hand to it for her and he never sent it.
Q Did you apply to the Dawes Commission? A. Yes sir.
Q You didn't put any money down then? A. No sir
Q Where have you lived since 1865? A Living in the Cherokee Nation.
Q Never lived out of it? A. No sir only during the war and then I was with the Indians.
Q Where did you return from in Kansas? A. My mother was there in Fort Smith.
Q Where did you stay? A. Fort Gibson.
Q Who with? A. My uncle, did with all the crowd of people.
Q Give me the names of some of them? A. Irving Vann.
Q Is he living? A. No sir.
Q Any one else? A. Right of the, I wasn't old enough to remember them.
Q How old were you? A. Just could remember.
Q You remember that you were in Fort Gibson in 1865? A. Yes sir I was in Gibson when the 1880 roll was made.

By W. W. Hastings, Cherokee representative.

Q Where did your mother make claim, the Fort Gibson Freedmen the

Q Except what name? A. None of Emily Vann I believe.

[illegible]

Q Her name was Emily Vann before she married your father was it? A. Yes sir.
Q What was the maiden of her mother? A. Vann.
Q How long has she been dead? A. Two years this last April.
Q How long had your father been dead? A. 2 years this July.
Q Where did your mother die? A. Near Robeson on Mud creek.
Q What house did she go to when she died? A. Vann.
Q What name? A. Here in my [illegible] house, she went by that too.
Q Where were you born? A. On Spring creek.
Q Who owned you before the war? A. Mr. [illegible] Landrum.
Q Was [illegible] husband by name? A. [illegible] Landrum.
Q Did they have any children before the war? A. I think they did.
Q Do you remember them? A. Yes sir.
Q What were their names? A. I [illegible] don't think [illegible].
Q What kind of a house did they live in? A. [illegible] I has forgot the house, that is a good while for me to remember, it was there on Spring creek.
Q You don't know what kind of a house it was? A. I don't know if it was a log house, I think it was.
Q You are not certain? A. No sir.
Q Who did you go with of the country with? A. With the soldier.
Q Where did you go to? A. Fort Smith, I believe.
Q Did your mother carry us there? A. No sir.
Q Your father wasn't up there with you? A. No sir he went the other way.
Q You stole through your mother? A. Yes sir.
Q Did your mother ever have another husband up in Kansas? A. She had one man, he died.
Q What was his name? A. Ned Brown.
Q Was he a white man? A. No sir.
Q Where did he die? A. Got killed between here and Fayetteville.
Q Has she had a man since then? A. No sir she was always a widow after that.
Q Have you any children or grandchildren alive that year? A. All dead.
Q What was the next younger than you? A. [illegible] since the war.
Q Did you come back with your mother? A. Yes sir.
Q Where to? A. Fort Gibson.
Q Direct from Fort Smith? A. Yes sir.
Q Do you remember what year that was? A. No I was told, that is what they all said.
Q Do you know? A. Yes know I don't know exactly.
Q For with whom did you first live in Fort Gibson? A. Irving Vann.
Q Is he dead? A. Yes sir.
Q Is his wife dead? A. Yes sir.
Q What is her name? A. I forget—name Harriett Vann.
Q You lived with them? A. Yes sir.
Q Did he have her for a wife when you lived with him? A. No sir
Q Did he have any children then? A. Yes sir, I believe Pamela Vann was there.
Q Is she living? A. Yes sir.
Q What is her name now? A. I don't think she is married, is was Vann the last time I saw her.
Q How long did you live with Irving Vann? A lived there [illegible] or 14 years [illegible]

[illegible] you name? A. Yes sir.

[illegible] the town did you live in? A. [illegible] I [illegible] [illegible] I [illegible] [illegible]

[illegible] long time with him? A. Yes sir.

[illegible] you live with him? A. [illegible] the same length of time.

[illegible] do? A. No sir.

[illegible] never you left home? A. Kansas, where I had some [illegible].

[illegible] live in town? A. No sir in the country back of the town.

[illegible] are your parents? A. [illegible] and [illegible].

[illegible] long did you live with them? A. All and on all the time.

I don't want my [illegible] and [illegible], I want to know how long you lived with them? A. As much as ten years.

Where did you go then? A. I have lived backwards and forwards herding cattle for Blackburn and others.

Have you ever been back to Kansas? A. I suppose I have with cattle.

Did you ever work [illegible]? A. No sir, only unloading the cattle.

Don't there and [illegible]? A. Yes sir.

Where have you lived for the last 14,15 or 20 years? A. From Kansas [illegible] Creek.

Who with? A. With myself.

You have never married? A. No sir.

Have it a record by [illegible] that that? A. I and my mother.

She died in the [illegible] which showed. Yes sir.

You didn't draw any [illegible] money? A. No sir.

Any Ya lace money? A. No sir.

Did you make a statement before the Hon Gilpin Commission? A. My mother spoke.

What witnesses did she have? A. I didn't remember what witnesses she had.

You think she could go only by her name, Tom or Dan? A. Yes sir [illegible] that is all.

You never heard her called by any other name? A. No sir.

L. D. Daniels, called and sworn as a witness for the applicant.

What is your name? A. L. D. Daniels, age 24, Westerfice Claremore.

Do you know the applicant here? A. Yes sir.

[illegible] Name? A. Yes sir.

How long have you known him? A. I have known him ever since the [illegible], never the were.

Do you know if he was a slave? A. No sir, I only seen him first when [illegible] brought him to Skiatook to his uncle Irving Tom's.

[illegible] was Tom? A. Spring of 1894.

Did you see he him since that time? A. I have seen his several times [illegible].

Do you know his mother? A. She is named Emily Tom.

Was she a slave? A. He said he has, I don't know it of my personal [illegible].

[illegible] her in Fort Gibson in the spring of 1894? A. Yes sir [illegible].

What was the color [illegible] name? A. Free.

[illegible] you seen the [illegible]? A. The last time I seen him was [illegible] the [illegible] the [illegible] the [illegible] the [illegible] I seen him in the [illegible] the [illegible].

Did you a witness for his mother before the Hon Gilpin court? A.

[illegible] there.

[illegible] Do you think that I took money if he had at [illegible] for that? A. No sir I never I wasn't.

[illegible]

[illegible] A. Yes sir, [illegible] a particular trade by [illegible]

[illegible] A. Yes.

[illegible] A. A small boy.

[illegible] I couldn't say no.

[illegible] A. No.

[illegible] around there? A. I don't know, I don't think

[illegible] never that? A. I heard he was [illegible] with his father

[illegible] named A. [illegible]

[illegible] anyone? A. I don't know more than in. I

[illegible] where you went from there? A. We went back to Kansas

[illegible] and where there before also went to Kansas? A. I or A.

[illegible] did you next see Bert? A. I saw him up here, [illegible] saw him

[illegible] after I moved up in this district that I saw

Kate Vann, called and sworn as a witness for the applicant-

[illegible] is your name? A. Katie Vann.

[illegible] is your age? A. 36.

[illegible] your post office address? A. Lenora.

[illegible] a permanent citizen of the Cherokee Nation? A. Yes sir.

[illegible] A. Yes sir.

[illegible] the applicant, John Round A. Yes sir.

[illegible] you known him? A. I have known him ever since he was

[illegible] A. Yes sir.

[illegible] A. Yes sir.

[illegible] Vann's, her Kindred [illegible] a Cherokee

[illegible] A. Yes sir.

[illegible] A. Yes sir.

[illegible] A. Yes sir.

[illegible] A. Yes sir.

[illegible] of the Cherokee Nation during the [illegible] A

[illegible] A. Yes sir.

[illegible] to you? A. No sir at all.

[illegible] you now think and his testimony in the case

[illegible]

* * * * * * * * * *

[illegible]

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

[illegible]

Commissioner.

[illegible]

[illegible]

In the matter of the [illegible] enrollment as [illegible]

John Rowe [illegible]
Jessie Lindsay [illegible]

D E C I S I O N.

The record in this case shows that applicants for enrollment as [illegible] were and are [illegible] John Rowe [illegible]

Jessie Lindsay [illegible]

[illegible]

John Rowe and [illegible]

-2-

In consideration which the [illegible] of [illegible] hereinbefore [illegible] to the act of Congress approved June 28, 1898 (30 Stat., 495), and to do so order.

CONSENTED TO THE FOREGOING ORDER.

[illegible] Tams Bixby

[illegible] T.B. Needles

[illegible] C.H. Brewer

[illegible] W.F. Stanley

Dated at Muskogee, Indian Territory,
this MAR 5 1902

D E P A R T M E N T O F T H E I N T E R I O R,

Commission to the Five Civilized Tribes,

Muskogee I. T. April 1st 1904.

In the matter of the application of John Rowe et al for enrollment as Cherokee Freedmen, consolidating the applications of:

John Rowe, Cherokee Freedman D 922
Joseph Landrum, Cherokee Freedman D 1006.

Comes now the Cherokee Nation and protests against the Decision of the Commission rendered in the above entitled cases on March 8th 1904 and requests that same be forwarded to the Honorable Secretary of the Interior for review.

The records show that neither of these applicants are upon any roll made of the citizens of the Cherokee Nation and the Cherokee Nation contends that they come under the act of May 31, 1900 which provides that the Commission:

"Shall not receive, consider or make any record of any application of ANY PERSON for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such."

Under this provision the Cherokee Nation contends that the Commission has no jurisdiction whatever over this case that whenever the fact appears that applicants were old enough to have been upon a prior roll and been born prior to the war and that their names do not appear upon any roll whatever then the Commission should refuse to proceed further and decline to hear any more evidence and refuse to admit any witness to testify in behalf of such applicants. Congress evidently thought that if any person had a just claim to citizenship in the Cherokee Nation that he would succeed in getting his name upon some roll between 1880 and 1896, particularly when a number of those rolls were pay rolls and it was to the interest of the applicants have had their names listed upon said rolls and in this case it can not be said that the Cherokee Nation was prejudiced against these applicants because Mr. Wallace made the roll of 1869 and the United States Commission made the Kern & Clifton roll in 1896 and their names appear upon neither of these nor do they appear upon any of the numerous Cherokee rolls made prior to 1896 and on May 31 1900 Congress evidently intended to limit the work of the Commission to the enrollment of those persons who had theretofore been recognized as citizens of the Cherokee Nation to the extent of having been enrolled upon some roll thereof.

Respectfully,

W. W. Hastings

Attorney for the Cherokee Nation.

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

ALLISON L. AYLESWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
Inst., [illegible]

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of John Rowe, et al., granting the applications for the enrollment of John Rowe and Joseph Landrum as Cherokee freedmen.

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

Respectfully,

C. R. Breckinridge.

Commissioner in Charge.

Encl. V-24

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

WM. O. BEALL,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
D-9[illegible]-1904.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 25, 1904.

W. W. Hastings,

Attorney for the Cherokee [illegible],

Tahlequah, Indian Territory,

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, granting the applications of John [illegible] and Joseph Landrum, for enrollment as Cherokee Freedmen, was affirmed by the Secretary of the Interior on June 1[illegible], 1904.

Respectfully,

[illegible]

To be filed with the case of Sunney Smith, S. F. R. 985.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 6th 1901.

In the matter of the application of Nelson Murrell for the enrollment of himself and wife as Cherokee Freedmen; said Murrell being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs Smith & Mellette, for applicants.
Mr. W. W. Hastings, Cherokee Representative:

Q What is your name? A. Nelson Murrell.
Q How old are you? A. 44.
Q What is your post office address? A. Coffeyville.
Q What district do you live in? A. Coweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Do you desire to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Do you desire to enroll anybody besides yourself? A. Myself and wife
Q What is the name of your wife? A. Flora.
Q How old is Flora? A. About 37.
Q Is your name on the roll of 1880, Mr. Murrell? A. No sir.
Q Is your wife's name not on the roll of 1880? A No sir.
(By Mr. Smith)
Q What is your post office, Mr. Murrell? A. Coffeyville, Kansas.
Q How far do you live from Coffeyville? A About eight miles south.
Q In the Indian Territory? A. Indian Territory.
Q What Nation? A. Cherokee.
Q Were you yourself born a slave? A. Yes sir.
Q Who was your master? A. I was born a slave of one Nave.
Q Do you know what Nave-his was? A. Henry Nave.
Q Was he a Cherokee Indian? A. His wife was.
Q What was her name? A. Susie Nave
Q Do you know what her name was before she married Henry Nave? A. Susan Ross.
Q Was she a Cherokee Indian? A. Yes sir.
Q Were Henry Nave and his wife citizens of the Cherokee Nation? A. Well; his wife was a Cherokee and he was adopted citizen, by marriage
Q Where did they live before the war? A. Well, before the war the first I know of them they lived in Georgia.
Q Did they ever live here in the Indian Territory? A. Yes sir.
Q In what part of the Nation? A Tahlequah district
Q Where were you when the war commenced? A. I was right near Tahlequah
Q With what family of people? A. With the Murrells, George Murrell.
Q Did you go out of the Cherokee Nation before the war? A. Yes sir.
Q Where did you go? A. Up in Kansas.
Q When did you return the first time to the Cherokee Nation after the war? A. I returned the first time in '65, February, '65.
Q Where did you come to? A. I came to the Cherokee Nation.
Q What point? A Up in Coweescoowee.
Q Well near what place? A. Snow Creek vicinity.
Q How far from what is now the town of Chelsea? A. I dont know exactly how far from Chelsea town, about 35 or 40 miles; this is the first time I ever was at Chelsea.
Q Did you make more than one trip to the Cherokee Nation? A. Yes sir
Q Well after you came in 1865 when did you come out again after you went out? A. Went back again about a month after I came in '65.
Q Did you return to the Cherokee Nation at any time after that? A. Yes sir.
Q About when? A. Came back in July.
Q Of what year? A. Same year.
Q Did you remain here at that time? A No sir.
Q What did you do then? A Went back.
Q When did you return then to the Cherokee Nation? A. In '65, in the fall, in '66 and '67 I mean in the fall.
Q Well where did you locate? A I located on the Virdigris xxxxxx on the east side of the Virdigris, west side of Snow Creek.

Q When? A. I located on the east side of the Virdigris,west side of Snow Creek
Q When was it you made that location? A. I made that location in '75 where I live.
Q Where had you been up to 1875? A I had been back to Kansas.
Q What was it now you said you first came down here? A I came down in February, '75.
Q You don't mean '75? A. No sir, '65.
Q Now when did you first make that first location? A I made it the same time.
Q You said Mr. Murrell, '75, a while ago? A. I took that back, I made a mistake.
Q Well when was it? A I came in '65.
Q That is what you said when I asked you when you made your first location? A My first location I made it in February, '65.
Q Where have you lived since that time? A. I stopped in Kansas a little while, I never did live in Kansas.
Q Who is your wife now? A. Elena Murrell.
Q How long have you known her? A. I have known her 40 odd years.
Q When did you first get acquainted with her? A. I got acquainted with her 40 years ago perhaps, maybe more I won't be positive.
Q Where? A. Close to Tahlequah, Park Hill.
Q Before the war? A. Yes sir.
Q Where did you next see her after the war? A. Next seen her after the war, I saw her up on the Virdigris where I live now, that was after the war.
Q Well, when did you see her next? A I saw her along about '75,1875, I saw her.
Q Where was she living? A. Well, sir, she came into the country there where I lived.
Q Well, where were you living? A I was living out there near Snow Creek
Q Was she ever married before she married you? A. Well sir, she came there a married woman.
Q What was her husband's name? A. Robert Vann, Louis Vann is Cherokee
Q When did you marry? A. I married about 36 years ago.
Q Have you and she been living together ever since? A. Yes sir.
Q Where? A. Up where I live now, Snow Creek.
Q How long had you been back here after you made your location here in 1865 before you first saw her? A. It was about two years.
Q You dont know where she was in 1866? A No sir.
(By Mr. Hastings)
Q You came down in 1865? A Yes sir.
Q Who came with you at that time? A. Joseph Rose and Frank Nave.
Q Anybody else? A. That is all.
Q Where did you come to? A Come on Verdigris.
Q Near Snow Creek? A. Yes sir.
Q How long did you remain up there? A. About one month,somewhere a long about that.
Q Where did you go from there? A. I went back to Kansas.
Q How long did you stay in Kansas? A. I came back the next time in June
Q The following June? A. Yes sir.
Q What did you do then in June? A. Cut hay.
Q You put up hay then did you? A. Yes sir.
Q Then you went back did you? A. Yes sir.
Q Well when did you come back then? A. I came back in the fall.
Q Same fall was it? A. Fall of '66.
Q Was it the same fall you put up the hay in June? A Fall of '66.
Q Answer my question did you come back the same fall that you put up the hay? A. Yes sir.
Q You put up hay after you were here in June? A. Yes sir, I came back in the fall of '66, I know that.
Q The first time you ever came here was in February? A. Yes sir.
Q According to your testimony you staid here about a month? A. About a month.
Q You and Joe Rose and Frank Nave? A. Yes sir.
Q Frank Nave is dead, isn't he? A. Yes sir.
Q How you stated you staid here about a month at that time? A Yes sir
Q Then you went back to Kansas? A. Yes sir.

Q Now, you stated that you came back here the following June and out to Kan., in that fall? A. That is true.
Q Then, then you went back to Kansas again? A. Yes sir.
Q Now, the year that you moved in that correct? A. Yes sir.
Q Isn't that you the following fall? A. Yes sir.
Q Now, the first time you came here was in February, '65? A Yes sir.
Q Now, who came with you when you came the first? A. Joseph Ross, Perry Gibson, Ben Ross and Gaggar Ross.
Q That was all was it? A. Yes sir.
Q Did you see any colored people, anybody when you first came ? A Yes sir.
Q Who? A. Amos Adair.
Q You testified in Amos Adair's case the other day didn't you? A I did.
Q Did you see any colored people here the following June when you came? A Mr. Adair.
Q He was here in June was he? A. I think he was, if I mistake not.
Q That was the June after you were here in February? A. Yes sir.
Q Now, what other colored people did you see down here, in June any besides Amos Adair? A Only Amos Adair.
Q You never saw any colored people while you were on that trip? A. A No sir, not on that trip.
Q Now about what time did you return to locate? A. I returned to locate the third time in the same following fall.
Q In the same following fall? A. Yes sir.
Q About when? A. Along about the first of the fall , I dont know exactly.
Q You dont remember the month? A. No, I dont remember the month.
Q Do you think it was as early as September? A. It hadn't got cold yet.
Q The leaves were on the trees? A Yes, the leaves were on the trees.
Q You never lived about Fort Scott Kansas did you? A. No sir, I never did live there.
Q You didnit make a crop on the Stuart farm did you? A. No sir, I dont know nothing about Stuart.
Q Did you make a crop up there? A Yes sir.
Q On whose place? A I made a little crop on John McKibben's place one year .
Q What did you raise? A I raised a little corn.
Q What year was that? A That was while the war was going on, I think it was in '63.
Q Wasn't you in the army? A. No sir, wasn't in no army.
Q Did you make anything a crop in 1863? A No sir.
Q Did you make again 1863? A No sir.
Q Did you make a crop up there in '67? A No sir, I wasn't up there.
Q Did you know a man by the name of Rester? A. Yes sir.
Q What county was he in? A. Bourbon County (Kansas)
Q Did you know Mrs. Brunty? A. I got acquainted with her down here.
Q You never knew her up there? A. No sir.
Q You never saw her before? A. Never saw her before I saw her here.
Q Where did you get acquainted with her here? A. She was at my house
Q On Snow creek? A. Yes sir.
Q You came, then, and located on Snow Creek, did you? A. Yes sir, on Snow creek.
Q You had built that house in there in February befor e? A. February before.
Q Where did you spend the winter before that? A. The winter before that?
Q The winter before you came down here? A. Near Mound City.
Q Murrell, do you belong to the Freedmen Protective Association? Yes sir
Objected to by Attorney for applicant because it is incompetent irrelevant and immaterial.
Objection overruled by the Commission.
Q Who are your witnesses? A. Joseph Ross.
Q Does he belong to that Association? A. I dont know whether he does or not.
Q Don't you know the members of it? A Yes, he belongs to it.
Q Who is any other witness? A. Steven Heney.
Q Does he belong to it? A. I dont know, he lives in another neighborhood
Q About how far from you? A. About three miles.

Q You don't know [illegible] every three miles? A. [illegible]
[illegible]
[illegible] ? A. I don't know.
[illegible] A. No sir.
[illegible] and keeping out all [illegible] to the Cherokee Nation.
Q Have you ever given any information to keep out any from the Cherokee Nation? A. No sir.
Q [illegible] for several? A. Yes sir.
Q [illegible] shown? A. Yes sir.
Q You went down there as a member of the Committee? A. I went down there with a party.
Q [illegible] a member of the Committee? A Yes sir.
Q [illegible] witnessed this [illegible]? A. Sam Webber.
Q Does he belong to your association too? A. I don't know nothing about Sam Webber.
Q Don't you know the members of your association? A I know the members where I live; and Webber lives at Nowata.
Q Well now, does this Joe Bass belong to it? A. Yes sir.
(By Mr. Smith)
Q What did you say that the purpose of the association was? A. The purpose of that association is Cherokee Freedmen Protective Association, Cherokee Freedmen.
Q What is the purpose of it? A. It is to protect one another in helping one another through this Court I suppose and [illegible] to be Cherokee Freedmen; on the outside no one belongs to it but Cherokee Freedmen, or there has no right to be there, that is the order.
(By W. W. HARRAH) It is supposed a secret order is it? A. No sir; no man comes in there belonging to the United States, he has no right in that order.
(By Mr. Smith)
Q Mr. Murrell, do you know how many of these associations there are? A No sir; I dont know exactly there may be three or four, four or five, as far as I know.
Q You were asked if you had testified for a good many of the applicants? A Yes sir I was asked that.
Q You stated that you had I believe? A. I had for a good many.
Q Have you testified for any applicant except those that you know to have been here in 1896? A No sir, I haven't; I deny the charge.
Q You have been in attendance constantly when this Commission sings it has been meeting at Muskogee? A No sir.
Q Have you heard any Cherokee Indians testify in favor of these applicants? A. All over here in 1896, I haven't heard many one.
Q How many people on the part of the Cherokee Nation have you observed in this from rest right here (Indicating) A Oh I have observed several.
Q Do you know what they are doing? A. I see some slipping in little slips here to Mr. Hastings, and others say they preparing them around there and slipping them here.
Q Do you know in what capacity they are retained here? A. No sir, I can't tell.
(By Mr. Hastings)
Q Mr. Smith has been the attorney for a good many hasn't he? A Yes know how many he is for.
Q He has the calling hasn't he? A. Yes sir.
Q He has not called any Cherokee citizens has he? A. No sir.
Q Mr. Murrell, there is about two thousand recognized Freedmen on the roll of 1896? A I dont know anything about how many.
Q The Cherokee Nation made that roll? A. Till you get there with them I dont know.
Q The Cherokee Nation made that roll? A. Yes sir, I suppose so.
Q And they recognized in 1896 about two thousand old slaves? A Yes sir
(By Mr. Smith)
Q Do you know of any old slaves they didn't recognize in 1896? A Yes sir, I do.
Q Were you here when that Johnny was taken? A. Yes sir.
Q Do you know how that camera was taken? . Yes sir.

Q How? A They went to work and taken that census and went through the country, and I was living at that time up near Gafferville, where old Paper was at that time; these census takers would come up there and sometimes they would get drunk and courtesy their time and then they would go to the nearest house and ask who liver over there and they would tell them.

(By Mr. Hastings) You dont know that? A. Yes sir; I know it; I know it to be a fact.

Q The National Council revised and authenticated this roll of 1880 didn't they? A. I dont know; they done so many things, I dont know what they done.

(By Com'r Needles)

Q Did these census takers come to your house and enroll you in 1880? A No sir, not at that time.

STEVE LOONEY, called as a witness and being duly sworn by Commissioner T. B. Needles, testified as follows:

Examination by Mr. Smith:

Q What is your name? A. Steve Looney.

Q Where dod you live, Mr. Looney? A. I live up on the Virdigris.

Q How long have you lived there? A. I have been living there ever since the fall of '66.

Q Have you got any brothers and sisters? A I have a sister I have no brothers.

Q What is your sister's name? A. Frances.

Q Frances what? A. Frances Patterson, if she goes by her husband's nam and have one named Mandy.

Q Do you know Nelson Murrell? A. Yes sir

Q How long have you known Nelson? A. I have been knowing him pretty near all my life, ever since I was a little boy.

Q How old do you say you are? A. About 58.

Q Where did you know Nelson first? A. Knowed him at Park Hill.

Q Where was Park Hill? A. Down in the Cherokee there.

Q Near what town now? A. Tahlequah

Q Do you know who he belonged to? A He belonged to George Murrell; that is his Massy's name; he belonged to his Mistress, Mandy Murrell, she is a Cherokee.

Q Did he ever beleng to anybody else except them? A. Not as I know of

Q Not that you know of? A. Not as I know of.

Q Which is older, you or he? A. He is older than I am.

Q Do you know whether he went out of the Nation during the war? A. Yes sir.

Q Did he? A. Yes sir, I guess he did.

Q When didyou first see him back here in the Cherokee Nation after the war? A. Well we came together come to the Cherokee Nation.

Q Where did you come from? A. Come from Fort Scott, Kansas.

Q Where did you come to? A. We come on the Virdigris river here, Cherokee Nation.

Q Well, when did you come? A. We come in the fall of 1866.

Q Where did you come to, what point; you said on the Virdigris river, now whereabouts? A Right close to Goosneck bend.

Q Where have you been living ever since that time? A. I have been living right where I live now.

Q How far does Nelson Murrell live from you? A. It must be three miles or more, about three miles and a half I guess.

Q Something near three miles and a half? A. Yes sir.

Q Well, where has Nelson Murrell been living all this time? A Been living right where he is now.

Q Since when? A. Since we moved there in '66, the fall.

Q Do you know his wife, Flora Murrell? A. Yes sir.

Q When did you get acquainted with Flora? A Well, I used to know her before the war.

Q How long had she and Nelson been married, do you know? A I dont know

Q Well is it a long time or a short time? A. Been a good while ago.

Q Are they living together up there now? A. Yes sir.

(By W. W. Hastings)

Q What was his wife's name when you first knew her? A If I aint mistaken

it for a Mulatto.
Q [illegible]? A. Yes sir, if I [illegible]
Q [illegible] A. If I don't mistake [illegible]
[illegible] it was the Nelson family.
Q [illegible] they did live there a while
at [illegible] Hill.
Q [illegible] I lived on Lillington River.
Q [illegible] A Yes sir.
A [illegible] the war? A. No sir, I think
[illegible]
Q [illegible] living in [illegible] A I [illegible]
Q [illegible] did you find [illegible] A. Well that is
[illegible] they was married.
Q [illegible] A. I was up on Snow Creek
Q Did he bring her back with him when you came with him? A. I dont
[illegible]
Q [illegible] he bring her? A. I would not tell you that.
Q You don't say whether he brought her with him or not? A. No sir.
Q What did he bring with him? A. He brought a woman by the name of Kilen
Q Is she living? A. No sir, she is dead.
Q When did she die? A. She has been dead a good while ago. I could not
tell you just how long it has been.
Q How long was it after the war was on until you saw this woman? A Well
I could not say that either, it has been a good while ago.
Q Do you know whether she was ever married before? A. No sir, I could
not tell that.
Q When is the first time you were ever down here after the war? I come
in the fall of 66.
Q That the first trip you ever made? A. That is the first trip to my
recollection.
Q That is when you moved down? A. Yes, when I moved down.
Q About what time in the fall was it? A. Kinda cold, late in the fall.
Q Pretty near Christmas? A It might have been.
Q About how long was it after the treaty, after you heard of it until
you come? A. I told you once I didn't know about what time, it might
have been close to about a year, couldn't tell you exactly, never keep
any dates, I came back in that fall.
Q You never kept up with dates very well? A. No, dont know anything
about it.
Q You didn't come down with Uncle Nelson in June or July before? A.
No sir.
Q Did he have any house built down here? A If he did I disremember.
Q You didn't see it? A. No sir.
Q No corn? A. No sir.
Q Have any hay? A. Well he might have had hay; I didn't stay around
him very long, I moved right across the river.
Q How far did you locate from him? A. It must be three miles or three
miles and a half.
Q Did he come in a wagon? A. Yes sir.
Q How many wagons did Uncle Nelson have? A. One as I know of.
Q Only one team? A. Yes sir
Q Well where did you get in with him, Murphy at Fort Scott.
Q Did he live there in Fort Scott? A. Not right in Fort Scott he didnt
Q On whose place was he living? A. I disremember the man's name now.
Q Do you think you would remember it if I was to call it? A. I dont
know whether I would or not.
Q Do you remember a man's name by the name of Stuart? A I dont believe
I do.
Q Do you know whether he made a crop down here that year that you
moved down here in the Winter? A I dont know whether he did or not.
Q He was living on a farm near Fort Scott? A. Yes sir.
Q Do you belong to Uncle Nelson's Freedman Protective Association? A
I told you not.
Q You live within three miles from him? A. Yes sir, I could live in the
house and then not belong to what he did.
Q He testified for you? A. Yes sir.
Q And you are testifying for him? A. Yes sir.

Q Yet you don't belong to his [illegible]? I don't nobody up there to have as witness, [illegible] there I probably would have had [illegible].

[illegible] W. E. Rose, testified as follows: (By Mr. [illegible])

Q State your name? A. Joe Rose.
Q How old are you? A. I am [illegible] years old.
Q Where do you live? A. Up in [illegible].
Q What is your occupation? A. [illegible].
Q How long have you lived in the Cherokee Nation? A. I have been living in the Cherokee Nation all my life.
Q Did you go out of the Nation during the war? A. Yes sir.
Q Do you know Nelson Murrell? A. [illegible]
Q Was he out during the war? Do you know about that personally? A. Out during the war?
Q Yes, was he out during the war, or did you know? A Yes he was out during the war.
Q When did you next see Nelson Murrell in the Cherokee Nation after the war? A. When I first seen him he and him came down to the Cherokee Nation from Kansas.
Q When did you come? A. In '68 first.
Q Where did you come to? A. Been here on the Virdigris.
Q In what district? A. Goowesscoowee district.
Q That was Cherokee Nation? A. Yes sir.
Q Well, where have you been living since since that time? A Ever I have been living right here.
Q Where has your [illegible] been living [illegible]? A. We live right close together.
Q How close together? A. We stayed pretty near in one house pretty near together.
Q Do you mean now? A. Not now, he stays on one side of Snow Creek and I stays on the east side.
Q How far do you live from him now? A. About two or three miles.
Q Do you know where Nelson Murrell has been living since you and he came back here in 1868? A Yes sir.
Q Where? A. Right where he is living now.
Q And where is he living now? A. Verdigris.
Q In what Nation? A. Goowesscoowee.
Q Goowesscoowee district you mean? A. Yes sir.
Q Well, what Nation is it in? A. Cherokee Nation.
(By Mr. Hastings)
Q Do you know what Nation this is, are you positive? A I know it is Cherokee Nation all right.
Q Do you know what district it is? A. Yes sir.
Q What? A. Goowesscoowee district.
Q Uncle Joe, what year is this? A. I don't know sir.
Q Do you know any year? A. Mighty little.
Q Don't know anything about dates? A No sir.
Q Do you know what year you were born? A. No sir, I don't know that.
Q Do you know what year you were married? A No sir.
Q You dont know about any other than, anything but the one you mentioned? A Yes sir.
Q That is the only year you know? A. No sir.
Q What other year do you know? A. '68.
Q Dont you know any other year? A. No sir.
Q You never heard of any other year? A. Yes sir.
Q What other year did you hear of? A. '68.
Q Did you ever hear of any other? A. No sir.
Q You never heard of any other except these two? A. No sir.
Q Where did you live before the war? A. Lived with John Rose.
Q Did you know Nelson Murrell's wife? A. Yes sir.
Q Flora? A No sir; one he lived with up there, I knowed his wife was Eliza Murrell.
Q Well his present wife is that his present wife? A Yes sir.
Q Well, I didn't know that that is the wife he is living with now? A Yes sir.
Q How long have you known her? A (No response)
Q You came to Snow Creek did you? A Yes sir.

Q About what time of the year did you come to Snow Creek? A. Came there in '25 the first time I came.
Q About what time of the year was it? A. Well sir, I dont know what time it was, it was cold.
Q Was it [illegible]? A. [illegible] was not Christmas.
Q Well, was it before Christmas or after Christmas? A. No it wasn't it was sometime, it was cold weather, I dont know what time it was.
Q Snow was on the ground? A. Snow catched us on the ground before we went back.
Q Who came with you? A. My uncle Nelson Murrell and Frank Vann.
Q How long did you stay here? A. About a week and some more or ten days
Q The snow caught you on the ground while you were down here? A Yes sir.
Q What did you come down for? A. We helped a load of timber down.
Q Is that the old time you were down here before you moved? A That was before I moved I came down here.
Q Then the next time you came down you moved ? A [illegible] No sir I came two trips, third trip I moved.
Q Who came with you the second trip? A. Me and Murrell.
Q Who else? A. Posy Bigson.
Q And who else? A. That is all I remember.
Q What did you do that time? A. We cut some hay and put up.
Q What time of the year was that? A. I dont know sir, what time of the year that was we cut some hay and put up.
Q How long did you say? A. We stayed a week or so.
Q What did you cut hay with? A. Mowing blade, grass blade.
Q And put it up in stacks? A. Put it up in stacks.
Q You didn't build any houses then? A We built our houses before that
Q Was that in 1926 you came that time? A. In '26 we went up and moved our folks down to our houses.
Q You have lived up there on Snow Creek ever since? A. Yes sir.
Q Uncle Nelson testified for you in his case? A. Yes sir.
Q And you are testifying for him in this? A Yes sir.
Q Do you belong to Uncle Nelson's Freedman Protective Association? A I didn't know they had a Freedman.
Q Do you belong to it? A. I dont know whether I is or not.
Q Do you belong to an Association of colored people? A. Yes.
Q Good many people
MR.SMITH: Mr. Court, I want to make a formal objection because it is irrelevant,incompetent and immaterial.
Objection is overruled by the Commission.
Q I want to ask you if a great many people don't belong to that association up there? A No response.
Q Say, Joe, don't a good many people belong to that Association? A Not a good many of them
Q About how many? A. I dont know how many there is a few of us.
Q It is a secret Association isn't it? A. I guess it is.
Q You only let certain person's in? A. We let all come in we dont want to come in
Q Steven Looney belonged to it? A. I dont know whether he is or not.
Q You dont know the members of it? A. I know em,but they.
Q You don't tell them? A. No sir.
Q You are not allowed to tell them? A. No I don't
Q You are not allowed to tell the purpose of it are you? A. No sir.
Q It is a secret Association than isn't it? A. It must be.
Q Where did you see, first know Nelson Murrell's present wife,the wife he is living with where did you first know her? A. I knowed her where she is now,in the Cherokee Nation.
Q Well, when did you first know her? A.I have been knowing her all my life.
Q Who did she belong to before she married? A. She belonged to old man Nelson.
Q When did she and Nelson marry? A I dont know, sir, when they married
Q Before or after the war? A. Well, before the war,too,before the war.
Q Did Nelson bring her down here with him when he came back with you? A. No sir.
Q Well, did he bring her down here when he moved his family? A. No sir he didn't

Q Well, [illegible] he brought? A He brought his wife with him what he had by [illegible]
Q [illegible] he is living [illegible] now? A. No sir.
Q [illegible] wife? A. [illegible]
Q [illegible] will now? A. [illegible]
Q [illegible]
Q He [illegible] until after the war? A. No [illegible]
Q Well, how long after the war until you saw Lewis [illegible]? A I saw him, don't know how long it was.
Q Did he come along with you people? A. No sir, she didn't.
Q Do you know who brought her [illegible]? A No sir.
Q Do you know where she came? A No sir.
Q You don't know how long after the war? A. No sir.
Q [illegible] each other get up [illegible] A [illegible] to get up.
Q Were there any [illegible] of that kind? A. No sir.
Q You mentioned Lewis Nelson as a member to go down to Fort Gibson? A I didn't mention him.
Q I [illegible] Assassinated anywhere they sent him down there? A. No sir, [illegible] didn't.

(By Mr. Smith)

Q I believe you stated that you didn't go and you didn't remember know where Flora Murrell was when you and Nelson came back down here in [illegible]? A No sir; I don't know where she was.
Q Do you know how long it was after that before Flora and Nelson were married? A No sir.
Q Can't say? A. No sir, I can't say.
Q Who was Lewis Nelson's wife before he married Flora? A. Eliza Williams
Q Eliza was her name was it? A. Yes sir.
Q Well, Nelson was not married to Flora before the war was he? A. No sir.

FLORA MURRELL, being called and sworn by Commissioner T.B. Mockus, testified as follows- (By Mr. Smith)

Q State your name? A. Flora Murrell.
Q How old are you? A. Well if I remember right I think the last day of this last June I was 70.
Q Where do you live? A. I live on Snow Creek, between Snow Creek and the Verdigris river.
Q In what Nation? A. In the Cherokee Nation.
Q How long have you lived there, in the Cherokee Nation? A. All my life.
Q Were you born a slave? A. Yes sir.
Q To whom did you belong at the time the war commenced? A. Lewis Nelson and Susie Nelson.
Q Were they Indians? A. Yes sir.
Q Cherokee Indians? A. Yes sir.
Q Citizens of the Cherokee Nation? A. Yes sir.
Q Where were you during the war? A. I was up in Big Bend.
Q Where is Big Bend? A. Up on the Arkansas river.
Q In what Nation ? A Well it is in the Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A No sir.
Q Where were you in the year 1866, immediately after the war closed? A I was at Big Bend, I don't know some of that time.
Q You don't know about it? A No sir.
Q Well, have you ever lived out of the Cherokee Nation at all? A Never since then.
Q Who were the members of the family of Lew Nelson and his wife, about whom you have spoken? A. Susie Nelson, Henry Nelson and Mary Nelson, and had a daughter named Susie, George and Nathaniel and Edward Nelson, Moses Nelson.
Q In what part of the Nation were you living when the war commenced? A We was living on the place there.
Q Don't care about the place but what part of the Cherokee Nation were you living? A. Bird Creek.
Q What town would that be as the towns are built now? A. There didn't use towns now up then we never knew Tahlequah.
Q Well, how far did you live from Tahlequah? A. They called it a hundred miles.
Q You don't know how far it was? A. No sir.

Q Now this place you are talking about living what town if any has been built up [illegible] A. I don't know sir as there is any. I [illegible]
Q [illegible] of the Cherokee Nation during the [illegible] A. [illegible]
Q Have you ever been married before you married Murrell? A Yes sir.
Q Who was your husband? A. Lewin Vann, they called him in Cherokee, his name was Robert Vann in English.
Q Was he a citizen? A. Yes sir.
Q Was he belong to? A. [illegible]
Q Was Joe Vann an Indian? A. Yes sir.
Q Cherokee Indian? A. Yes sir.
Q Where is the Cherokee Nation? A. Yes sir
Q How long were you and Lewin Vann married? A. Well I don't know hardly just how long we was married.
Q Did you have any children while you were his wife? A. Yes sir.
Q What are the names? A. We had eight children, I haven't got but three living.
Q Give me the name of these children? A. Sonney Smith.
Q Is that a man or woman? A. He is a man.
Q And what is the next one's name? A. Charley Vann.
Q What is the next child's name of the three living? A. Lilah Manning, she is married.
Q Is the name for Delilah or just Lilah? A Name for both but we just called her Lilah.
Q Is she married? A. Yes sir.
Q When did she marry? A. She married Oliver Manning.
Q Where does she live? A. She lives on Caney.
Q In what Nation? A. Cherokee Nation
Q How long has she lived there? A. I don't know just how long she has been there, pretty near ever since they have been married.
Q How long have they been married? A. I don't know, been married long enough to have seven or eight children.
Q How old is the oldest child? A. I don't know, I think she is in her sixteenth year.
Q Where was Lilah before she married? A She was living with me.
Q Where did she live up to the time she was married? A. With me.
Q Where does your son, Charley Vann, now live? A. He lives in about half a mile of me.
Q Where? A On Snow Creek.
Q In what Nation? A. Cherokee Nation.
Q Is Charley married? A. No sir.
Q What is his wife's name? A. Her name is Kizzie.
Q How many children has he got? A. One.
Q What is its name? A. William Vann, she is a girl.
Q These three children, Charley Vann, and Lilah Vann and Sonney Smith are your children? A Yes sir.
Q Where had Charley lived up to the time he was married? A Lived out here with me.
Q Where did Sonney live? A He lived out here with me, when he was not running out
Q Where does Sonney live now? A. I don't know where.
[By Com'r Rennie]
Q Flora, you say you never lived out of the Cherokee Nation? A. No sir
Q You were born a slave? A. Yes sir.
Q Is your name on Thornell of 1880? A. Not as I know of.
Q [illegible] Why is it not on? A I know when they was taking the census of 1880, Parks Ross taken them, he came up there, he didn't go up to my house, and neither went out and she came back and got me and when I got up there it was too late in the evening and Parks told me to come back the next morning and meet him at Chanteau and he would put my name down and when I went there he was gone.
Q Your name never did get down? A. No sir.
Q Are you married to Murrell? A. Yes sir.
Q You are on the Kern Clifton roll? A Yes sir.

The 1880 authenticated roll of freedmen of the Cherokee Nation examined and names of applicants not found thereon.

The 1880 Census roll of freedmen of the Cherokee Nation examined

and names of applicants not found thereon.
The Lem Clifton roll of freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
page [illegible] Nancy Murrell, Goweseeoowee District.
page 145 [illegible] roll, no district given
The Wallace roll of freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
page 187 [illegible] Nelson Murrell, Goweseeoowee District.
page 188 [illegible] Flora Murrell, Goweseeoowee district.

(By Mr Hastings)
Q You made a statement here about Rufus Rose having the census roll in 1880? A I dont know what year it was, I dont know as I said then he was taking the census
Q You dont know whether it was in 1880 or not? A. No sir, I don't.
Q Were you living with Nelson Murrell then? A. I was married to Mr. Murril then living at home with him.
Q Do you remember what year you were married to Mr. Murrell? A No sir
Q Do you remember how long after the war? A. No sir, I dont
Q How old is Charley Vann? A. I dont know that just exactly, but I think he is along about 53 or 54, I dont know exactly.
Q Where was Charley born? A. Born at Big Bend.
Q Big Bend where? A. It was up on the Arkansas.
Q (Cont'r Nesbitt) Cherokee Nation? A. It was Cherokee Nation then.
(W.W.Hastings) It was then? A. Yes sir.
Q Where was Delilah born? A. On the Arkansas River.
Q Which is the older she or Charley? A. Charley.
Q How much older is Charley? A. Oh, I dont know just exactly between two or three years.
Q Where was Sonney Smith born? A. He was born up on Bird creek.
Q Is he older or younger than the other two? A Yes, is the oldest child
Q Where were you living when the war came up? A. I was living at the Big Bend.
Q Were you then a slave? A Yes sir.
Q When did you belong to? A. I belonged to Lewis Melton.
Q Did Lewis Melton ever live in the Big Bend of the Arkansas? A. No sir
Q Well who were you ever living with out there? A. I was living with my husband.
Q Had you run off? A Yes sir.
Q How long had you been away from your owner? A About four years.
Q Had you been living out there in the Big Bend all that time? A. Yes sir.
Q You didn't go to Muskogee? A. No sir.
Q Never went outside of the Cherokee Nation? A. Well if you call the strip and one side of the Arkansas River that is where I was.
Q What were you doing up there that four years? A. I was hiding.
Q How did you make your living? A. My husband was a hunter and I had friends up there that fed me.
Q What friends did you know up there? A. Dude Webber and Skiatook.
Q Skiatook who? A. That is all I knew I knew about him.
Q Was he colored? A. He was a Cherokee.
Q Full blood? A. I guess he was, he talked Cherokee.
Q Didn't talk any English? A. No sir.
Q He fed you did he? A. Yes sir.
Q Who else? A. Wiley Butler.
Q Was he a Cherokee? A Yes sir.
Q Did either Wiley Butler or Skiatook have any family? A Wiley Butler had but his wife was dead.
Q Is any of his family alive now? A. I dont know sir.
Q Is any of Skiatook's family living? A. I dont know.
Q Did you work for any people out there? A. No sir, you know I was not working for anybody out there in hiding.
Q What was Dude Webber doing out there? A He was herding cattle, out there for his Mistress and I can tell you others that was out there.
Q What was his Mistress's name? A. I dont know what his Mistress's name
QHow far were you from her own ranch? A. It was right in the Big Bend.
Q Did you have a house out there? A. No sir.
Q Just lived out in the woods four years? A. Yes sir, I lived in a cave
Q On what side of the rivert A. I lived on the west side.

Q Any tribe near? A. Not as I know.
Q You never heard of any town? A. No sir, and I never wanted to see any at that time.
Q [illegible] your husband's name? A. Lewis Vann in Cherokee.
Q [illegible] with you? A. Yes sir.
Q [illegible] the war closed did you come back? A I came right down the [illegible]
Q In a wagon? A. I came back in a wagon.
Q From what point? A. From the Big bend.
Q Who brought you? A My husband brought me.
Q Just you and your husband? A. And my children.
Q Where did you go to? A. When I first came back I came down on Pryor creek.
Q Is that below here? A. I dont know whether it is below here, I think it is below here.
Q You know where Pryor creek is, it runs over about 30 miles and I want to know what part of Pryor creek? A I came down on Pryor creek to Mr I cant call his name just now.
Q Well how far from Choutean? A. I dont know sir, how far it was from Choutean.
Q What town was your nearest town? A. When I came back?
Q Yes? A Wasn't any town there at all when I came back.
Q Dont remember who you lived with there? A. I didn't live with anybody but my husband.
Q Did you make a place down there? A No sir, I just went down there to my mother.
Q What was your mother's name? A. Sarah Ross.
Q How long did you stay there? A. I staid there two or three weeks and went to the Virdigris.
Q And how long was that after the war you made this first trip to Pryor creek? A I cant tell you just exactly how long that was.
Q Was that the first trip you made here? A My mother was living at Tahlequah the first trip I made down here I went to Ben Grimsetts
Q Where was Ben Grimsett living then? A. He was living on Pryor Creek
Q Did all of your family go with you? A. Yes sir, didn't have any family but my children.
Q And your husband? A. Yes sir.
Q He went with you? A. Yes sir.
Q In a wagon? A. Yes sir.
Q Where did you get this wagon? A. I dont know he went out and got it
Q You hadn't it there during the war? A. No sir, you have seen negroes have wagons and horses about when they run off.
Q I am asking you where he got it? A. My husband got it and he went out and got it.
Q This first trip is when you come down to Ben Grimsett's? A Yes sir
Q How long did you stay? A. I staid all night.
Q How long did you stay? A. I went back to my cave.
Q How long did you stay there? A. I dont know exactly how long I staid there when I went back.
Q Well did you stay there a year? A. I might staid a little longer than a year.
Q That was after the war? A. Yes sir.
Q Did you see anybody on your trip down to Ben Grimsett's? A Oh I seen some Indians but I didn't stop to have any chat with them.
Q Did you see any colored people? A. Yes sir.
Q Well who? A. I didn't stop
Q Where did you see any houses? A Along he road between there and Caney, along.
Q Caney, that is so by Bird creek? A Yes sir.
Q Houses along there? A. Yes sir.
Q People living in them? A Yes sir, I seen some children
Q Well now, where did you go to from your cave after you returned there? A The last time?
Q Yes? A I went down to Pryor creek, mother had moved there and I went down there
Q And then how long did you stay down there? A I staid there about two or three weeks, years.
Q That was two or three years after the war? A. I said weeks, weeks is weeks and years is years.

Q About how long before [illegible] was that when you went down [illegible] your mother? A. Well, I [illegible]

[illegible]

Q [illegible] A.

Q [illegible]

Q Did he have [illegible] Yes sir.

Q [illegible]

Q [illegible]

Q [illegible] sir.

Q In [illegible] you belonged to [illegible] belong the most? A. [illegible] I [illegible] had my [illegible] before [illegible] Texas.

Q Is [illegible] your young [illegible]? A. Yes sir.

Q [illegible] the daughter of [illegible]? A. [illegible]

Q Did he have any other children? A. Oh yes, he has a house full.

Q What was their names? A. Betsy, Sam, [illegible], and Catherine, and George Ed, Mace and Bede.

Q Where were they living when you ran away? A. Verdigris.

(By Com'r Newlin)

Q Flora, what was your father's name? A. Sonny Brown.

Q What was your mother's name? A. Sarah Ann.

Q Were you a slave? A. Yes sir.

Q Where is this Big Bend you have been talking about? A. He on to Arkansas river.

Q Is it in the Cherokee Nation or Kansas? A. In the Cherokee Nation.

Q Is it on what is known as the [illegible] Creek? A No sir, that is what is known as a Cherokee girls as I understand it.

Q That was in the [illegible] Creek? A. Yes sir.

Q This save was in the Cherokee [illegible]? A. Yes sir.

Q You never went over to Kansas [illegible]? A. No sir.

Q You say you went [illegible] for your parent? A. Yes sir. I ran away four years before the war.

Q Did your owner ever hunt you up? A I guess they did, they had a reward out for us.

Q They never found you? A. No sir.

(Remainder of application taken by Stenographer M. B. Green.)

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

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

(Signed) J. G. Reason

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

(Signed) T. B. Needles

Commissioner.

Continuation of this case from notes taken by Stenographer J.G. Reason this day.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 6,1901.

In the matter of the application of Robert Worrell for the enrollment of himself and wife, [illegible] Freedmen. Rob Worrell, being sworn and examined by Commissioner Needles, testified as follows:

APPEARANCES: Smith, of Counsel and Smith, for applicants.
W. W. Ea[illegible], for the Cherokee Nation.

Q What is your name? A. [illegible]
Q Where do you live? [illegible]
Q [illegible] A [illegible] District, Cherokee Nation.
Q [illegible]
Q [illegible] Nation? A. All my life.
Q Do you know Flora [illegible]? A Yes sir.
Q How long have you known her? A. I have known her ever since I was a boy.
Q [illegible] before the war? A Yes sir.
Q Do you know whether she was a slave or not? A. Yes sir.
Q Do you know who she belonged to? A. Lewis Melton.
Q Was he a Cherokee [illegible]? A. Yes sir.
Q A citizen of [illegible]? A. Yes sir.
(Examined by [illegible] Representative W.W.Hastings)
Q How long before the war did you know her? A. Long time, ever since I was a boy.
Q You knew her when the war came up? A. Yes sir.
Q Where was she then? A. She was out on the Big Bend of the Arkansas
Q Were you out there then? A. I was out there, just before the war.
Q How long before the war? A. It must have been four years before the war.
Q That's the last time you saw her? A. Yes sir.
(Examined by Attorney Smith)
Q When did you first see her after the war? A. I met her down here on Pryor's creek after the war.
Q How long after? A. It must have been about four years after the war
(Examined by Com'r Needles)
Q Did you know her owner? A Lewis Melton, yes sir, he had a mill down below Tahlequah there, and I used to go to the mill.
Q He was Flor's owner? A. Yes sir.
Q Did you see her there then? A. Yes sir.
Q Did you see her on Big Bend before the war? A. Yes sir.
Q How far was that from her owner's place to Big bend? A About twenty miles.
Q Was she living there on the Big Bend? A Yes sir she was scouting.
(Examined by Cherokee representative, W. W. Hastings)
Q Living in a house? A No sir, she wasn't in no house.
SAM WEBBER being sworn by Commissioner Needles, testified as follows: (Examined by Attorney Smith)
Q State your name? A. Sam Webber.
Q What is your post office? A. Nowata.
Q How old are you? A. About 66 as well as I can guess at it.
Q Where do you live? A. I live two miles west of Nowata.
Q How long have you lived in the Cherokee Nation? A. I was born and raised partly here, and then came back in '66 and have been here ever since.
Q You know Flora Murrell, the wife of Nelson Murrell? A Yes sir.
Q How long have you known her? A. Ever since I could remember myself
Q Was she a slave before the war? A. Yes sir.
Q To whom did she belong? A. Lewis Melton.
Q Was he a Cherokee Indian? A. Yes sir.
Q When did you last see her before the war, how long before the war?
A Well just about the time the war was coming up, we went up to where they lived. They had a ranch up there, my old missus had a ranch and they always sent us up there to gather up cattle.
Q Your mistress had a ranch? A. Yes sir.
Q How far did you live from there? A. We lived near Tahlequah at the Double Springs, but we would go up there every year to gather up cattle.
Q How far did you live from the ranch? A. I couldn't tell you, it would take us about two days travel to go there where the ranch was, but the miles I couldn't tell you
Q Where was this you saw Flora when you saw her? A. The last time?
Q Yes? A. She was in the Big Bend of the Arkansas.
Q How far was that from where Lewis Melton, her owner, lived? A I dont know exactly, some ten or twelve miles, I guess, maybe little further, I couldn't tell exactly.

Q That was the last time [illegible] A. Yes sir.
Q When did you first see [illegible] A. I dont know just [illegible] exactly, but that [illegible] three or four years I judge after the war when I [illegible]
[illegible]
Q [illegible] I judge.
Q [illegible]
(Examined by Commr [illegible] T.V.Lawrence)
[illegible] as I could remember, I
Q [illegible] big enough to ride around [illegible] A I was
Q Who went up there to take [illegible] Bob Webber and [illegible] Webber.
Q Bob was along at the time you saw this party, this Nah [illegible] was a witness here awhile ago? A. Yes sir, he was older than I was.
Q He would know dates better than you would about that time? A. I dont know about that.
Q You didn't tell anybody about seeing this party up there, this woman? A I was afraid to.
Q You didn't tell your owners? A. No sir.
Q You didn.t tell your people? A. Told my parents.
Q But you didn.t tell anybody else about seeing her up there? A No sir
Q You didn.t testify for her five years ago, you didn.t tell it then did you? A. No sir.
(Examined by Com'r Needles)
Q You knew she was a runaway? A. Yes sir, I knowed that all right enough.
Q But you didn't go and tell her owners where she was? A. No sir.

Com'r Needles- Nelson Murrell applies for the enrollment od his [illegible] and wife, Flora; they are both duly identified on the Kern Clifton roll and the Wallace rolls; but they cannot be identified upon the authentic tad roll of 1880 or the census roll of 1896; they make satisfactory proof as to residence, by reason of the fact that their names are not upon the [illegible] roll of 1880, and because of the protest of the Cherokee Nation, said Nelson Murrell and his wife, Flora, will be duly listed for enrollment as Cherokee Freedmen on a doubtful card; they will be duly notified by mail of the decision of the Commission when arrived at.

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

(Signed) M. D. Green

Subscribed and sworn to before me this June 8, 1901.

(Signed) T. B. Needles

Commissioner.

$$$$$$$$$$$$$$$$$$$$$$$$$$$$

I, Chas. von Weise, upon my oath state that the foregoing is a true copy of the original.

Chas von Weise

Subscribed and sworn to before me this 9th of September, 1901.

M D Green

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 18 1901

Acting Secretary

[illegible]

[illegible]

[illegible]

[illegible]

W. S. Lawrence, Clarence Kinney.

Exhibit A Saith the applicants.

By Sept Sedlag.

Q What is your name? A. Sonny Sedlag.
Q What is your name? A. [illegible]
Q Are your post office address? A. Gallipolis.
Q [illegible] do you live? A. [illegible]
Q You want to be enrolled as a Cherokee freedman? A. Yes.
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes
Q [illegible] roll. A. [illegible]
Q [illegible] roll? A. No sir.
Q Do you desire to have enrolled besides yourself? A. Wife and
[illegible]
Q Family? A. Wife and seven children.
Q [illegible] A. [illegible]
Q [illegible] A. [illegible]
Q [illegible] A. [illegible]
Q Was your father born in the Cherokee Nation? A. Yes.
Q Is his father living? A. Yes sir.
Q What is his mother's name? A. Lucy Williams.
Q Is she living? A. Yes sir.
Q Do you know any person who claim to be a Cherokee freedman? A. No sir.
Q [illegible] A. Yes sir.
Q [illegible] A. Yes sir.
Q [illegible] A. Yes sir.
Q [illegible] A. Yes sir.
Q [illegible] A. Yes sir.
Q What is your mother's name? A. Viola Sorrell.
Q Is she living? A. Yes sir.
Q What are the names of your children? A. Viola
Q [illegible] A. 18 years.
Q [illegible] A. David.
Q [illegible] A. 14.
Q [illegible] A. Jeremy
Q [illegible] A. 6.
Q [illegible] A. Rosalie.
Q [illegible] A. 4.
Q [illegible]
Q [illegible] A. 3.
Q [illegible]
Q [illegible] A. Two years.
Q [illegible]
Q [illegible]
Q [illegible]
Q [illegible] Yes sir.
Q [illegible] A. Sarah Smith my first wife.
Q [illegible] A. [illegible]
Q [illegible] A. Yes.

Q Are there children living now? A. Yes sir.
Q What was your husband's first wife's name? A. Sarah Chambers
Q Was she a citizen? A. Yes sir.
Q What was her fathers name? A. Charles Chambers.
Q What was her mothers name? A. Sophia
Q Are her father and mother living? A Her father is.

Applicant not found on the 1896 or 1898 rolls.

Kern Clifton roll examined and applicants found as follows:
Page 125 No. 3183, Bennie Smith.
Page 125 No. 3184, Fleurie Smith
Page 125 No. 3185, Dave Smith
Page 125 No. 3186, Tom Smith.

Wallace roll examined and the name of the applicant not found as follows- Page 130,No.3732, Sammy Holton, Coweescoowee dist.

Q Do you claim the Sammy Holton on the Wallace roll was intended for you? A. Yes sir, my young Mistress came in and witnessed for me and she said it was proper for me to take my mothers name Holton.

By Smith:-

Q Where do you live now? A. In Coweescoowee district, Cherokee Nation.
Q How long have you lived there? A. All my life.
Q Where is your post office now? A. Collinsville.
Q How long has that been your post office? A. Ever since Collinsville started up.
Q How long has it been? A. 2 or 3 years, maybe 4.
Q Who do you say your mother is? A. Fleard Murrell.
Q She is married again now? A Yes sir to Nelson Murrell.

By Hastings:-

Q Who married you to your first wife? A. Sam Webber.
Q In what year? A. I disremember what year.
Q About how long ago? A. 15 or 16.
Q Who married you to your second wife?A. Sam Webber.
Q How many years ago? A. 6 or 7 years ago.
Q Where were you born? A. In the Cherokee Nation, Coweescoowee district, we said.
Q What part of Coweescoowee district ? A. On Bird creek near Skinboon
Q Do you remember before the war? A. No sir.
Q Where were you during the war? A. When I come to my recollection I was on Big creek.
Q Who was you living with? A. My mother and step father.
Q What was your step father's name? A. Lewen Vann.
Q In a house? A. In a cave.
Q Was there a creek near there? A. Yes sir.
Q What was the name of it? A. Red fork
Q On which side of the creek was this cave? A. Between the creek and the river.
Q On which side of the creek? A. On the north side I suppose.
Q How long did you live there in that cave? A. I dont know.
Q Was you any people around there?A. No sir, only my people.
Q What people? A. Mother and step father.
Q Was they all your aunt? A. Yes sir.

Q How long after the war before you got out of there? A. I don't know
Q You could have some time after the war did you? A. Yes sir.
Q Who was the first human being you ever saw besides your family? A.
A Man named Butler, a Cherokee.
Q Where did you see him? A. On the Arkansas river.
Q Was that before you got to the Arkansas river that you saw him? A.
A. Way before we crossed the river.
Q How far from the river was that boy? A. I don't know.
Q What is your best judgment? A 7 or 8 miles I suppose.
Q Were you living there when he was come up? A. I guess so.
Q The first you remember you were in the cave? A. Yes sir.
Q Where did you get anything to eat? A. The old man got it.
Q You never went with him to get anything to eat? A. No sir.
Q You don't know how many years after the war before you came out of that cave? A. No sir I don't.
Q Was it a year or several years? A. It might have been 6 or 7 or it might have been one or two or three or four.
Q Were you grown then? A. I don't know.
Q Were you half grown? A. I don't know.
Q You never made any crop there did you? A. I never made any.
Q Have you any brothers? A Yes sir Stephen, he is younger than I am.
Q Was he born there in that cave? A. No sir.
Q When came he born? A. After we left there, on the river.
Q How old is he? A. I don't know.
Q You can't form any estimate of your age? A. No sir I can't.
Q You have given us a statement as to your own age? A. The girl had
A. reason for that.
Q Well where did you go from that cave? A We started to my grand mother
Q Where did you go, not where did you start? A. Well we got to a creek called Bryar creek and stopped.
Q Who did you stay with? A. A fellow named Grimmett.
Q How long did you stay there? A. Not long, he said that it wasn't safe for the negroes to go to Tahlequah as the Indians was hostile and was killing the negroes off and we got scared and went back to the cave.
Q Well how long did you stay in the cave the next time? A. Quite a while.
Q How many years? A. I don't know, exactly how long.
Q Aside from these men, Grimmett and Butler was that the only people you saw around there ? A We saw some others as we came along, I don't know who.
Q About how many years did you stay in that cave when you went back? A I don't know if we stayed a year or more than a year, I know that we made two crops into fall of the year.
Q What year did you come out? A. I don't know.
Q Where did you go the second time you came out? A. On Bryar creek.
Q Who did you stay with there? A. My cousins Henry Nelson and Bear Bryan.
Q How long did you stay around there? A A year or two.
Q But where did you go then? A. My mother and grandfather and step-father lived on Snow creek then.
Q What year was that? A. I don't know.
Q How long after the war was this? A. I don't know.
Q Do you live there yet? A. My mother lives there yet. I live in Illinois district, and part of the time in Sequoyah district.

By [illegible]

[illegible]

Q. Did you have it because you got the money? A. Yes very large.

By Mr. Smith:

Q. Was you a bachelor of your marriage? A. Yes sir.

By Mr. [illegible]:

Q. [illegible] when married before you married her? A. No sir.
Q. [illegible] A. I did have such a [illegible]
Q. How many children was had when you married her? A. Two.
Q. Was you married with a copy married before she married you? A. I dont
Q. Was there any children? A. Only those I got by her.
Q. [illegible] A. No sir.
Q. [illegible] A. Yes sir.
Q. How did you get the divorce? A. She sued for it and got it.

By the Adversary:

Q. Was you ever married before you married Dorothy? A. No sir.
Q. How long did you live with your first wife? A. [illegible]
Q. And by her you had three two oldest children? A. Yes sir, [illegible] and [illegible].
Q. You secured a divorce and then you married your present wife? A. [illegible].

The applicant presents a certificate of marriage showing that he was married to Dorothy Williams on the 7th day of October, 1883.

Q. Was there any cause of divorce to consent between yourself and your [illegible]? A. [illegible]
Q. [illegible] A. [illegible]
Q. Have you been continuously since you married her [illegible]? A. Yes sir.
Q. [illegible] and joined in the service Rebbet? A. Yes sir.

By [illegible]:

Q. [illegible] and seven children [illegible]

the Keen Children and Wallace Rolls his three oldest children are identified on the Keen Children roll; it will be necessary for him to make proof of birth as to his four younger children; he avers that he is the son of Nathan Lewis Keen and that he returned to the Cherokee Nation within the time set court in the treaty on 1866 for the return of Cherokee freedmen; he avers that he was married to one Sarah Chambers and that he lived with her for 16 or 18 years and that she procured a divorce from him, and that by her he had his two oldest children; it will be necessary for him to present proof of said divorce; he avers that he afterwards married one Mattie Williams and makes satisfactory proof of his marriage to her, and avers that she is the mother of his five youngest children. Now the said Sonney Smith and his seven children as hereinnamed will be listed for enrollment as Cherokee freedmen on a doubtful card. Reference is made to the testimony in the case of Flora and Nelson Murrell on C. F. B. card #548, Flora Murrell being the mother of the applicant, and the said testimony will be made a part of the record in this case as a part thereof filed herewith. His present wife Mattie Smith will be listed for enrollment as a Cherokee freedman by intermarriage on a doubtful card and when the final decision of the Commission is arrived at they will be notified by mail.

+ + + + + + +

Chas. Van 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. Van Weise

Subscribed and sworn to before me this the 13th of July, 1901.

Commissioner.

File with Cherokee Freedmen D-[illegible], Sweny Smith et al.

[illegible]

[illegible] et al. for enrollment as Cherokee [illegible]

Testimony initiated in behalf of Cherokee Nation.

[illegible]:

Mellette & [illegible], of counsel for applicants;
J. S. Davenport, of counsel for Cherokee Nation.

R. M. ALLEN, being duly sworn by Commissioner Meadley, testified as follows:

Mr. Davenport: What is your name? A R. M. Allen.

Q Where do you live, doctor? A I live north about a mile of Coody's Bluff, when I am at home.

Q What is your postoffice? A Coodys Bluff.

Q How long have you lived in the Cherokee Nation? A Ever since 1869.

Q Where did you live prior to coming to the Cherokee Nation? A I was in Baxter Springs.

Q When you came to the Cherokee Nation in '69 to what point did you come? A [illegible] on what [illegible] the Journeycake Prairie.

Q Are you a citizen of the Cherokee Nation? A Yes, sir. So recognized.

Q By blood? A By [illegible] or marriage.

Q To a Cherokee? A [illegible].

Q How did you come to be in the Cherokee Nation before or after the Delawares came down here? A Afterwards.

Q Do you know the claimant in this case, Nelson Murrell? A Well I met the old gentleman to-day, that is the first acquaintance that I have with him.

Q Where were you in '69 after you came down to the Cherokee Nation, what section of the country? A I was on the Journeycake Prairie, boarding with old man Journeycake.

Q How far was Journeycake living south of the Kansas line at that time? A Said to be about 24 miles.

Q Well was you out over that country or back and forth to the Kansas line any in the neighborhood or vicinity of Snow Creek?

A Yes, sir.

Q Who was living along near Snow Creek at that time? A The last house going to Snow Creek [illegible] Journeycake's was old man Little Buffalo.

Q What was he? A He was a Delaware.

Q Where was the first one, or how many houses [illegible] there? A After you left old man Journeycake's, the first house would be the widow Goodtraveler, and the next would be Jim Wilson, the next house a man by the name of John George lived there, and the last house right on the road was a man by the name of Kikkie Little Buffalo.

Q Were you out over the country around Snow Creek during that year?

A What year, '69?

Q Yes, that is the year you said you came down? A No, I don't think I was any that year.

Q Well, was you the next year? A Yes, in the fall of '69 I made a trip to the Kansas line.

Q To what point in Kansas did you go? A Well they were going to built this town called Parkersburg, and I went up there, thought maybe I would buy some lots, me and old man Journeycake and one Daniel H. Hicks, and we went right up the Verdigris Valley.

Q On what side? A East side, and I crossed Snow Creek right

[illegible] was liv-
[illegible] n. I didn't
[illegible] k on the
[illegible] ow, four or
five [illegible] were
[illegible] or Kansas? A I [illegible] I never followed it.
Q [illegible] with him?
A [illegible] I met him and
some [illegible]
Q [illegible] Snow Creek? A I
didn't [illegible]
[illegible] your name was? A Allen.
Q [illegible]
Q [illegible]
Q [illegible] I followed it a while, I
graduated [illegible] in Chicago in '86.
Q [illegible] out there now? A Well just a
little, not [illegible]
Q [illegible] A I lived at old man Journeycake's house
on the [illegible]
Q Is land [illegible]? A No, sir.
Q How far [illegible] A Fifteen to twenty miles.
Q Then [illegible] until you were on Snow Creek?
A I went [illegible] of '[illegible].
Q How long [illegible] I don't know.
Q Well, did you [illegible] Snow Creek from one end to
the other? A [illegible] Creek [illegible] down it.
Q [illegible] where [illegible] you [illegible]? A I was [illegible] to the Kansas line
where they were going to build that town called Parkersburg.
Q Did they build it? A They did, afterwards.
Q How long afterwards? A The next time I was there they had
quite a town [illegible].
Q How long was that? A Might have been a year or eighteen months,
might be not so long; I think I went up there, if I remember right,
the 28th day of May, the next spring.
Q Well, did they have any town there when you went there the first
time? A No, sir.
Q Did they have any town laid out? A I saw some lumber along
town there.
Q Did they have any [illegible] plat, town plat? A I never
heard of it.
Q Didn't you inquire? A Yes, I inquired about it, but I couldn't
find any man that would give me sufficient news about it to purchase
any lots.
Q Did you buy any lots? A No, sir, I didn't.
Q Did you ever buy any in Parkersburg? A No, sir, never did.
Q What did you go [illegible] for the second time? A Well sir, the next
time, next May, I thought I would go back and buy my household utensils.
Q Did you buy [illegible]? A I [illegible]
Q How far was it from Journeycake's where you started to Parkers-
burg? A Oh it is 15 or '6 [illegible]
Q And in what direction [illegible] from Journeycake? A Well
sir, it is no [illegible] a straight west.
Q How far [illegible] the Kansas line? A Well, they
didn't know [illegible] that day.
Q They didn't [illegible] A Well they didn't.
Q How far is [illegible] the Kansas line is now? A Well I sup-
pose three or [illegible] I have [illegible] now.
Q Now you started in the [illegible] Journeycake's, did you?
A [illegible]
Q Where did you? A I [illegible] from home.

Q Where did [illegible] at [illegible]?

Q How far [illegible] miles.

Q [illegible]

Q [illegible] is the fell[illegible]

Q [illegible]

Q A [illegible] road.

Q [illegible]

Q [illegible] I [illegible]

Q [illegible] and it [illegible] up

Q [illegible]

Q Where did you [illegible] it going up tolerably close to the river at a [illegible] Bigbeton lived afterwards.

Q Well, how far [illegible] lived? A I don't know, four or five miles I guess. I think Dry Creek is about that distance from the Kansas line.

Q Well, it is [illegible] the same [illegible] from the Kansas line all the way along, is it? A I don't [illegible] never followed up the Creek.

Q You don't know anything [illegible] below where you crossed or above where you [illegible] A No, sir.

Q All you know is just [illegible] you crossed? A Yes, sir, where I crossed at.

Q Well traveling in the direction that you were going you came right into right [illegible] with the Creek? A I kept right up the river valley on the east side of the river till I struck the creek.

Q And crossed [illegible] sir.

Q You didn't have to follow the Creek? A No, I didn't follow the Creek.

Q You just simply crossed Snow Creek in 1869? A Yes, sir.

Q Well now then you are not prepared to say that this applicant, Nelson Murrell, wasn't living on Snow Creek in '68? A I am prepared to say I didn't see any houses nor farms in the travel.

Q But you say you only touched Snow Creek at one point? A That is all.

Q And there wasn't any houses right there? A Wasn't any houses in sight, I didn't see any houses.

Q Up or down the [illegible] A No, sir.

Q If there had been a house a quarter of a mile up the Creek or a quarter of a mile down the Creek you couldn't have seen it?

A Yes, sir, if a house had been out on the Prairie a quarter of a mile from me then days I would have seen it.

Q Under favorable conditions you could have seen it? A Yes, sir.

Q That is all you know about this matter, is it? A Yes, sir.

SIMON LOVE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Dougherty: What is your name? A Simon Love.

Q Where do you live? A [illegible]

Q How long have you lived in the Cherokee Nation? A Ever since '68.

Q Are you a Cherokee or a Delaware Indian? A Delaware.

Q Did you come to the [illegible] before or after the treaty made with the Delawares [illegible] A After.

Q What was your father's name? A My stepfather's name was Buffalo.

Q Well, did he have any English name? A Little Buffalo they called him.

Q Did your father move to the Cherokee Nation when you did, or was you a child at that time and came with him? A I came with my stepfather and mother.

Q What was your [illegible] name? A Little [illegible].

Q Well, when you came to the [illegible] the Cherokee Nation did you [illegible] A We came in Cedar [illegible]

fifteen miles from [illegible], Kansas.

Q On what side of the [illegible] River did you locate? A The east side.

Q How [illegible] A Six or seven miles I [illegible].

Q Do you [illegible], where Snow Creek empties into the [illegible]? A Yes, I don't know exactly where it empties [illegible].

Q Have you [illegible]? A [illegible], I have been on Snow Creek, but I [illegible].

Q [illegible] or any [illegible] Snow Creek [illegible] we did our trading in [illegible].

Q Who was living on [illegible]? A I don't remember that there was anyone [illegible].

Q Was there any [illegible]? A There was one house there that I can remember, a [illegible] built our house lived there, a man named Baker, in the [illegible]. He built our house.

Q Do you know the [illegible] in this case, Nelson Murrell? A Yes, sir.

Q Well, how long have you known him? A I just can't tell how long.

Q Do you [illegible]? A Yes, sir.

Q Well where [illegible] in regard to where Nelson Baker lived at the [illegible]? A He was right [illegible], right at the [illegible] Creek and Verdigris [illegible] where Baker lived when I [illegible] to come and build [illegible]. I think that was in the fall of [illegible].

Q Where does the applicant live with reference to that? A Right north of it.

Q About how far? A I don't tell you how far.

Q Do you know how [illegible] that is what I am trying to get at. Have you ever been to his house? A No, sir, never was at his place.

Q You don't remember how long it has been since you knew this applicant, Nelson Murrell? A No, sir, don't remember.

Q Well, was there any colored people living around that section of the country that you [illegible] when you went up to Baker's? A No, sir.

Q Did you ever get acquainted with a family of Littles, Steve Little's family? A Yes, sir.

Q Where were they living? A Living on Snow Creek.

Q What part of Snow Creek with reference to where it empties into the Verdigris River? A I [illegible] three quarters of a mile or a mile I should [illegible] of the mouth. Of course I have never been to the mouth of Snow Creek.

Q When did they come in there and locate, if you know? A I don't know when they came in.

Q Well, how long have you known that family? A Well I have known them quite a while.

Q Well, did you get acquainted with them immediately after you came in there? A Yes, sir.

Q Well, where were they living with reference to the locality where Baker was living [illegible] you get acquainted with the Little family? A They lived [illegible] of where Baker lived.

Q Well, did they live nearer the river than Baker did, or further away from the river than Baker? A I think they lived a little farther away, a little [illegible].

Q How long did you live in that locality? A I haven't been in there quite [illegible] I have really.

Q I believe [illegible] over the Delawares made the treaty with the [illegible] before, which was it? A Adversaries.

Q Did you [illegible] the [illegible] came, or did your father come the same time they [illegible]? A Same [illegible]. I think was the first train that came down.

Q [illegible] your family were among the first

mile, not quite.

Q [illegible] you [illegible] A Yes, sir.

Q And about a [illegible] creek [illegible] the Verdigris? A West of [illegible] Verdigris, it makes a bend there.

Q When you had [illegible] to [illegible] direction did you [illegible]? A North.

Q In what direction did [illegible] Creek [illegible]? A Well I think it ran northeast, that is, [illegible] and ran southwest I think.

Q Well, it was [illegible] and west course, wasn't it now? A Yes, sir, [illegible].

Q Well did you [illegible] during the time you lived there to [illegible] before in Kansas?

A Well I went alon[illegible] the house.

Q I mean outside of [illegible] and [illegible]? A No, sir.

Q So when you went to [illegible] you crossed Snow Creek? A Yes, sir.

Q Do you know how far you [illegible] it from the mouth? A I judge about a mile and a half, it is what they call now the Reed crossing, Lumen Reed crossing.

Q Now do you know how far that is from the mouth of Snow Creek?

A I should judge about a mile and a half or two miles.

Q Or two, and might be [illegible]? A I might be, I don't know where the mouth is, I never was at the mouth of Snow Creek.

Q Now then when you were traveling from where you lived to Clymore, you just simply came to Snow Creek and crossed and when you came back you would come to it again and cross it? A Yes, sir.

Q Now then you can't swear Lemuel Murrell didn't live on Snow Creek at the time you crossed it? A I didn't see any houses.

Q You can't swear he didn't live there? A No, I can't.

Q You can't swear there wasn't a house there? A I don't think there was a house there.

Q Except at the place you crossed? A There wasn't any houses there.

Q How about a mile up the creek or a mile down the creek? A That I can't tell.

Q You don't know, do you? A No, I don't think there was any houses.

Q Don't think, I want to know what you know; can you state upon your oath that there wasn't a house a mile up the creek or a mile down the Creek? A No.

JOHN SECONDINE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Davenport: What is your name? A John Secondine.

Q Where do you live? A Up at White Oak.

Q That your postoffice? A Yes, sir.

Q How long have you lived in the Cherokee Nation? A I believe I have lived here about 54 years; since '68.

Q What is your nationality, are you a Cherokee or Delaware? A I am a Delaware.

Q Did you come to the Cherokee Nation before or after the treaty was made with the Cherokee Nation and Delawares? A Well I came here a year before they moved down here.

Q Well, what year was that in? A When I first came here, that was in '67, in August.

Q Well, when you came to the Cherokee Nation in '67 in August, to what point did you come? A Well I came up there about Snow Creek.

Q Well, what part of Snow Creek? A I guess it must have been about three miles above the mouth of Snow Creek.

Q Who was living there at that time, if anyone? A Well I didn't see anybody living there at all.

Q How long did you stay there? A Well, we stayed there be much

as a [illegible]

Q [illegible] No, sir.

Q [illegible] or did you just pump [illegible] around the country there, we [illegible] or, we went up and down [illegible] around the country there look-[illegible]

Q [illegible] you from? If so, where were they and who [illegible] see any houses.

Q [illegible] empties into the Verdigris?

A Yes [illegible]

Q [illegible] where you camped, did you not, towards [illegible] A [illegible] pretty near the head of the Creek, it is [illegible] up [illegible]

Q Do [illegible] at [illegible] Nelson Purrell, that old gentleman ([illegible] A I [illegible] seen him.

Q [illegible] when you were down there in '67? A I didn't see [illegible] I didn't see anybody, there was no settlement there.

Q You say? [illegible] and down the Creek you say? A Yes, sir, there was no settlement [illegible]

Q [illegible] live [illegible] here close to Vinita now? A Yes, sir, I [illegible]

Q [illegible] you been living there? A I have been living there [illegible]

Q You [illegible] in [illegible] way to [illegible] Yeake? A Yes, sir.

Q [illegible] on? A [illegible] I believe.

Q [illegible] you [illegible] when the Delawares first came down in the Cherokee [illegible] from [illegible] Yeake's? A I lived six miles above, north.

Q Sir [illegible] Yeake's? A Yes, sir.

Q How far [illegible] line? A That is about twenty miles, somewhere [illegible] I guess.

Q How far is it to the town they started up there in Kansas called Parkersburg? A Let's see, I guess it is close onto twenty or twenty-two miles I guess.

Q How far did you live from the Verdigris River? A Lived about three quarters of a mile.

Q What [illegible] direction, west, or north? A East.

Q How far was that from the mouth of Snow Creek? A It must be about twenty miles.

Q Twenty miles from the mouth of Snow Creek? A Yes, sir.

Q Do you know a family in there by the name of Love? A Yes, sir.

Q Where did they live? A They lived up there below Goosneck Bend, what they call now.

Q Up close to Verdigris River? A Well they were right there in the edge of the bottom, they lived right in the bottom when they first came down here.

Q How far from the Kansas line? A I guess it must be about ten or twelve miles.

Q How far from your [illegible] A Oh about 10 miles.

Q In what month of the year did you arrive in the Cherokee Nation? A Well I think [illegible] 9th day of February.

Q Who did you come with; that is, I mean your own immediate family, your mother? A No, my mother.

Q Well, where did you live when you first came here; did you have a house? A [illegible] I didn't build any house that spring, after we got here we [illegible] till grass came up in the spring of '68.

Q And then [illegible]? A No, I didn't build any house then, we moved over to [illegible] that spring and made a crop over there.

Q How far [illegible] place on Verdigris? A This was on Grand River, it is about [illegible]

Q Now if I understand you, you came to the Verdigris River about [illegible]? A I want you to understand this; we didn't move down in '67,

I came down [illegible]

Q [illegible]

Q [illegible]

Q [illegible] A No, we stayed about [illegible]

Q [illegible]

Q [illegible] the Verdigris [illegible] of Snow Creek? A No, we stopped [illegible] Snow [illegible]

Q [illegible] Snow Creek? A In '67.

Q [illegible] A

Q In [illegible]? A [illegible], I don't remember the date, but it was [illegible]

Q [illegible] did you stop? A Well about three [illegible]

Q And [illegible] miles below the mouth of Snow Creek on [illegible] A [illegible] camped on down, we would stop [illegible] down a piece.

Q [illegible] about two months? A Two months.

Q Then you went back to [illegible]? A Yes, sir.

Q How long did you stay in [illegible]? A We stayed till - I left there in February, about the first of February.

Q That year, '67? A [illegible]

Q Where did you go? A [illegible] down here.

Q To Grand River? A [illegible], we came on down the same route we came when we came the [illegible]

Q How long did you stay in that part of the country where you first came to? A Well about two months.

Q About what time was it when you moved out of that neighborhood?

A It was about along in the [illegible] of April, somewhere along there.

Q Then did you move to Grand River? A Yes, sir.

Q That was 35 or 40 miles [illegible]? A Yes, sir.

Q Were you back in there at any time soon? A I came back again before Christmas.

Q Back in there again? A Yes, sir.

Q Where were you then? A I was over there about Goodys Bluff.

Q Up about Snow Creek? A No, [illegible] there.

Q Well, how far is it, do you know, from the mouth of Snow Creek to where Snow Creek enters the [illegible], the Cherokee Nation? A Well I can't exactly tell, it is not [illegible]

Q Well not guessing at it, but [illegible] it from your absolute knowledge, do you know? A How far from the [illegible] line; well there used to be two miles, there was a two mile [illegible] there a while back, and the last line they made was, I guess it must be about three miles I guess from the line.

Q You mean the mouth of Snow Creek? A Yes.

Q Then you camped right [illegible] the Kansas line? A No, sir.

Q I thought you said you camped [illegible] miles from the mouth of Snow Creek? A Up Snow Creek.

Q Well there wasn't any more Snow Creek after it ran into the Verdigris, was there? A [illegible], I guess not.

Q It has to be up Snow Creek if it was anywhere? A Yes.

Q Well you said you camped three miles from the mouth of Snow Creek?

A Yes.

Q Then you were right [illegible] on the Kansas line, weren't you? A No, I was right east; Snow Creek [illegible] east, [illegible] of a northeast.

Q Well, wasn't there [illegible] at all? A No, sir, I didn't see anybody to my [illegible] wasn't anybody living there.

Q Well, there was a [illegible] built this fellow Love's house? A The [illegible]

Q You said you were back [illegible] I am asking you about

you were back there [illegible], were you on Snow Creek then? A I think [illegible] I didn't stop [illegible] like I [illegible]

Q [illegible] this other witness [illegible] on Snow Creek, do [illegible]

Q [illegible] you? A No, sir, can't [illegible]

Q [illegible] A Well sir I don't believe it [illegible]

Q [illegible] don't know? A Because I didn't [illegible]

Q [illegible] there? A It would have to be [illegible]

Q [illegible] story houses up t[illegible]

Q [illegible] or prairie? A There is [illegible]

Q [illegible] and there most anywhere, so [illegible] one, that you didn't see [illegible] I'll didn't have a [illegible] there when you [illegible] A I didn't see anybody [illegible]

Q [illegible] there? A No, I can't say he wasn't there. but I didn't see [illegible], and didn't see anybody, no colored people.

HENRY MELTON, being duly sworn by Commissioner Needles, testified as follows:

Mr. [illegible] Court: What is your name? A Henry Melton.

Q [illegible] A I live on Snow Creek.

Q How long have you lived up on Snow Creek? A Well I don't know how, I had a farm up [illegible] long I [illegible] Snow Creek, I have been on [illegible] years, [illegible]

Q Do you know [illegible] applicant here, [illegible] A Knowed him all the [illegible]

Q Was he [illegible] there? A Yes, sir.

Q Near [illegible] where Snow Creek empties into the [illegible] A [illegible] through the flat, it is about two [illegible] Creek.

Q Where were you living when the war broke out? A Living on Bird Creek.

Q You know where Melton was? A Yes, sir.

Q Was he there with you? A No, sir, he was down here to Park Hill.

Q Do you know of your own knowledge, or how do you know where he was when the war broke [illegible] A Yes, sir, I know, because I used to go from [illegible]

Q How long before the breaking out of the war had you been down there? A I don't know, I [illegible]

Q Well, was it been a year or two years or six months; what do you think about it; I want to get the [illegible] about how long it had been before the [illegible] A [illegible] you.

Q Was [illegible] you, before the war? A My mistress' [illegible] young master, John Mave.

Q Who did Uncle [illegible] belong to when he went by the name of Murrell? A George Murrell.

Q Is that the same [illegible] that [illegible] part of the time and here part of the [illegible] A I don't know is the one;

I [illegible]

Q [illegible] Park

[illegible]

Q [illegible] it is leading.

Now? A [illegible] or Falcon Marcela

Q [illegible] Melton, he raised

both [illegible]

Q [illegible] A. I don't know where

she [illegible]

Q [illegible] wasn't here when the

war [illegible]

Q [illegible] or do you know

About [illegible]

Mr. [illegible] the same man that

owns [illegible]

Q [illegible]

Q [illegible] ? A Yes, sir.

Q [illegible] at the time the war

comes [illegible]

Q [illegible] you don't know

where [illegible]

Mr. [illegible] run off with? A Yes, sir, my

woman [illegible] that.

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

[illegible]ce G. Jones, being duly [illegible] that as stenographer to the [illegible] to the [illegible] fully recorded the proceedings and [illegible] and that the foregoing is a true and complete transcript of said [illegible] thereof.

Sworn to and subscribed before me this [illegible] of November, 1921.

Commissioner.

October 19th, 1901.

Taking [illegible] the enrollment of [illegible] Mitchell, [illegible] Former portion taken by stenography [illegible].

APPEARANCES:

Mrs. [illegible], of counsel for Applicants;
Mr. Dawson [illegible], of counsel for Cherokee Nation.

MITTIE MITCHELL, [illegible] by Commissioner Needles, testified as follows [illegible]:

Mr. [illegible]: [illegible]? A [illegible] Melton.
Q Where do you live, Mrs. [illegible]? A On the Verdigris.
Q How long have you lived in the Cherokee Nation? A Here in the Nation all my life.
Q You know the applicant, [illegible]? A Yes, sir, I know him.
Q Do you know his wife? A Yes, [illegible].
Q How long have you known her? A I knowed her a little while, I knowed her in slave time, but not very.
Q Well, do you know where she was when the war broke out?
A No, sir, I don't.
Q Did she belong to the same party that you belonged to?
A No, sir.
Q How far did she live from you before the war; you were slaves when you first knew her? A Yes, sir.
Q Was she a slave of the same party as you were? A No, sir.
Q How far did she live from you? A 12 miles I think.
Q Well, you say you don't know where she was when the war broke out? A No, sir.
Q Had she left that country or not? A I don't know where she went; I guess she went off I reckon, I don't know anything about where she went.
Q What was your father's name? A His name was Robert Vann was his name.
Q Where was he when the war broke out, do you know? A No, sir, I don't.
Q Well, did you ever see him after the war broke out? A I seen him after he come back from Kansas.
Q About when did you see him? A When did I see him?
Q Yes? A I can't tell exactly when it was.
Q Well, have you seen Nelson's wife after you came back after the war? A This lady he has got now?
Q Yes? A No, sir, they li ved up here.
Q I mean since you have moved up in this country? A Yes, sir.
Q Is she the same woman you knew before the war? A Same woman.
Q And you say you didn't know where she was? A No, sir.
Q Was she with her owners that owned her when the war broke out?
(No response.)
Q Was she at their home? A Well, I don't believe she was right at home.
Q Do you know where she was or what became of her? A I don't know where she was.
Q Do you know how she come here, what the circumstances of it was?
A I guess she went off.

Mr. Smith: I object to what she says.

Witness: She lives with Lewis Melton and I live on Caney.
Q Isn't it a fact that your father died she ran off and left this this country before the war broke out?

Mr. Smith: I object to the question, if the Court please, because it is leading, and the applicant says she does not know.

Com'r Needles: Let the objection be entered.
A She was at home and I was at home; I don't know where she went

to and I never visited there.
Q Wasn't it understood [illegible] that she and your father ran off together [illegible]
[illegible]: I [illegible].
COW'R [illegible]: You knew whether your father and she went off together [illegible] I guess so. They lived at Melton's and I lived at home.
MR. DAVENPORT: You don't know whether they were living at Melton's when the war broke out or not, do you? A No, sir. When the war broke out it wasn't in time to know where anyone lived.
MR. [illegible]: How far was it from where Lewis Melton lived to where you lived? A 12 miles.
Q You don't know what took place when the war broke out? A No, sir.
Q You don't know where she was when the war broke out? A No, sir.

[illegible] WATSON, recalled, further testified:
MR. [illegible]: Henry, what was your wife's father's name, do you know? A Robert Vann.
Q Did he belong to the same men you did? A No, sir.
Q Did you ever know him before the war? A Yes, sir, he was living with Joe Vann.
Q Did Nelson Murrell's wife belong to the same party that you belonged to before the war? A Yes, sir.
Q Well, where was she when the war broke out? A I told you she was gone.
Q Do you know where Robert Vann was? A He must have been with that woman.
Q Was he there with Vann when the war broke out, or was he in the country? A He had a ranch and he went and stole Flory from my Masters.
Q Where did they go? A I don't know where they went.
MR. SMITH: How do you know he stole her? A Wasn't I there when he brought her there to where I was.
Q Did you see him? A Yes, sir, and talked with him.
Q Did you? A Yes, sir, and hoped him get off that night.
Q What night? A The night he left, and then I met my old boss, Walk Vann himself, waiting for me to see if he could hear from that woman, and I told him that Louin took Flory to Joe Vann's and got Mr. Joe Vann to buy her.
Q Where did Joe Vann live? A On Grand river, in the Cherokee Nation.
Q And you think he had Flora over about Joe Vann's? A I don't know.
Q What did you say about Joe Vann? A I said I was there when he brought her there.
Q Didn't you say a while ago that that is where she was when the war broke out? A No, sir.
Q Have you told now all you know about this case? A Yes, sir.
Q Have you left anything for your wife to say? A No, sir.
MR. DAVENPORT: Just told the facts? A Yes, sir.
MR. [illegible]: This is the second time you have been on the stand isn't it? A Yes, sir.
Q Were you asked the question the first time you were on the stand who did Flora run off with, were you asked that question?
A Yes, sir.
Q The first time you were on the stand? A Yes, sir.
Q Did you say 'I don't know my old woman can tell you?' A I said
Q Did you say 'I don't know'? A No, sir.
Q You didn't say that at all? A No, sir.

[illegible] R. CAESAR, being duly sworn by Commissioner Peadles, testified as follows on part of Cherokee Nation:
MR. [illegible]: Will you please state your name?
A [illegible] R. Caesar.

Q [illegible]

Q [illegible]

[illegible] the [illegible] of the

Q [illegible] A I was [illegible] out at Fort

Q [illegible] you [illegible] and you get? A After I

Q [illegible] first? A Great I came

to [illegible]

Q [illegible]

Ver [illegible] about the

Q [illegible] there? A I moved there

only one [illegible]

Q That year [illegible] of Snow creek, Mr. Ceasore?

A It was [illegible]

Q Well [illegible] there, who were living on

Snow creek? A [illegible]

Q Was [illegible] around there?

A No, sir [illegible] and they

were lit[illegible]

put in a [illegible] and

Q Now [illegible] that you made from where Snow creek

empties i[illegible] A Well, now, I [illegible] you;

it was a very [illegible] right in a [illegible] near the

mouth of Snow creek [illegible]

Q Short distance [illegible]? A [illegible]

Q Are you acquainted with the [illegible] here, Nelson Burell, the

gentleman who sits there, the old gentleman on the front seat?

A No, sir, I am not personally acquainted with him.

Q You are [illegible] acquainted [illegible] aren't you? A Yes, sir.

Q Well, during the time you lived there did anybody come in there

and settle on the creek, or near there; do you remember [illegible]

of anybody? A I don't remember the names of anybody. When I

left there they was a family started an improvement on the [illegible]

creek above I and also one [illegible] Verdigris; up the Snow creek from

the mouth and up [illegible] the mouth of Snow Creek.

Q That was before [illegible]? A [illegible], sir.

Q Was there any [illegible] that part of the country before you left?

A Yes, sir.

Q Do you remember any of their names? A Oh, yes, I remember there

was an Indian there that I did some work for, man by the name of

Love.

Q You did some work for [illegible] you left there? A Yes, sir.

Q Do you remember [illegible] A The young man employed me

at the time [illegible] was Sam, and Sam.

Q Where did they live with reference to where you settled, or and

they built their improvements at that time? A They had started

their improvements, they was down among the Snow creek from where I

was.

Q Were you on the south side [illegible] I would call the south side of

Snow creek, the south side [illegible] there, were you [illegible] the

river and Snow creek? A [illegible]

Q [illegible] Now far was [illegible]

Snow c[illegible] creek, I [illegible] the mouth of

it was [illegible] it was a short distance

Q Mile or [illegible] a mile, might be a

mile or [illegible]

Q From [illegible] A [illegible]

Q How far [illegible] creek? A I don't know

a great [illegible]

Q How far [illegible] A The exact distance

I could not [illegible]

Q About how many [illegible] were there [illegible] at it? A Well, if I [illegible] but [illegible] miles, that I [illegible] according to my judgment.
Q Well, when you [illegible] for Choctaw? A When I left there?
Q Yes? A Yes, when I left that section of country I went to Snow creek, when I left Snow creek I went to Tom Love, and from Love's I went to Choctaw.
Q How far did you live from Snow creek? A I raised one little crop on Snow creek.
Q When did you get there? A Along in the spring, about February or March.
Q Did you have a family? A No, sir.
Q Where did you live? A I lived right in a house with a man by the name of Steve Little.
Q Lived in Little's house? A Yes, sir.
Q About a mile or mile and a half from Snow creek? A Yes, sir.
Q Did you live right on the bank of Snow creek? A No, sir.
Q How far did you live? A Somewhere about a mile from the river.
Q Well, I know from Verdigris, how far from Snow creek? A About the same distance.
Q Now, how long is Snow creek? A I don't know.
Q How far is it from where you lived down there on Snow creek to the Kansas line, or where Snow creek enters the State of Kansas? A I don't know.
Q Did you ever go up the creek? A I sometimes went up it, but I can't tell.
Q You have been in the State of Kansas? A I have been, but I can't tell how long the creek is.
Q Now you don't know then anything about how far it was from where you lived to the place where Snow creek enters Kansas? A No, sir; I could not tell you.
Q Well, as a matter of fact you don't know anything about it then; you didn't see anybody living there except those you have mentioned? A No, sir.
Q Timber along there didn't it? A Yes, sir, timber on up and down the creek.
Q You don't pretend to swear that man Nelson Murrell wasn't living there? A No, sir; I said I didn't know that he was living there as Nelson; but there was just before I left there there was a family right in the mouth of Snow Creek where I lived; there was a family started a settlement up Snow Creek from the mouth and also a family started an improvement up the Verdigris from where we lived.
Q You don't know how long those families had been there in that part of country? A No, sir.
Q Where they came from? A No, sir.
Q Don't know anything about it? A No, sir.
Q How long were you in the army? A In the army about two years and two months.
Q Where did you join? A I joined about the 9th of August.
Q What year? A '63.
Q And how long were you in the army you say? A I was in the army two years and two months somewhere about that.
Q What time did that let you come? A I got out in September, well, in about, I was discharged in September, '65.
Q Where were you when you were discharged? A Fort Leavenworth.
Q How long did you stay in Fort Leavenworth? A I stayed in Fort Leavenworth until the [illegible] of '67.
Q Well, how many years? A Well, from '65 until '67.
Q And then where did you go? A To the Cherokee Nation and from Cherokee Nation to the Creek Nation.

Q [illegible] you know [illegible] first went to the Creek Nation?
A [illegible]
Q [illegible] you [illegible] of the Creek Nation? A By Act,
Q [illegible] A I [illegible] the 12 months.
Q I mean months from [illegible] A [illegible] I [illegible] or [illegible] I suppose.
Q April 16th, what year? A [illegible] of the [illegible]
Q When was that? A [illegible]
Q Then you worked for [illegible] A [illegible] nation.
Q Have a house to [illegible] A [illegible] we had a little, just little place [illegible]
Q Just started. [illegible] A [illegible] I suppose.
Q Don't you know, [illegible] have a house when you see it?
A Yes, sir.
Q Was it a house or hole? A Yes, Sir.
Q Now, what year was [illegible] A That was the year of '68, it seems to me it was the [illegible] I left Snow Creek.
Q How early in '68 [illegible] leave? A [illegible], the days of the year and so on, I [illegible]
Q Do you know who [illegible] houses? A No, the [illegible] houses were there when I went [illegible].
Q Do you [illegible] know [illegible] about a carpenter [illegible] that time that lived up on [illegible] creek and built Love's house?
A I don't know.
Q Wasn't you [illegible] A I don't know.
Q You [illegible] A [illegible] I wasn't acquainted with the people.
Q People lived [illegible] where [illegible] you [illegible] where?
A I don't know, it [illegible] have been [illegible] people I am talking about.

Contents [illegible] will be made part of the record [illegible]
made [illegible]
[illegible] successful season
[illegible]

J. G. [illegible] means that [illegible]
[illegible]

Subscribed and sworn to before me this October 25th, 1901.

[illegible]

Commissioner.

the statements of the witnesses examined in this particular case today as to the time when Nelson Murrell left Kansas as they claim would not affect the cases of other persons because this record does not show that Nelson Murrell made only one trip to the Cherokee Nation, or and further, the testimony taken in this particular cause upon notice to this particular applicant would not be competent testimony in the other cases in which it is sought to be made a part of the record.

MR. HASTINGS: The record shows that proof of notice to take testimony was had and filed upon the attorneys of the applicants in these five leading cases, being Nelson Murrell, D-642, Joe Rose, D-643, Jacob Rose, D-644, Steve Looney, D-645, and Sam Fox, D-808, and the testimony introduced taken in these cases and introduced by the applicants herein is to the effect that they all returned and moved to the Cherokee Nation together after the war; that they came back in the same crowd with Nelson Murrell and Joe Rose, about [illegible] witnesses introduced today testified, and for that reason the testimony of these witnesses is relevant in all of these cases.

THE INTERIOR
FIVE CIVILIZED TRIBES
FEB 1902
D

Arthur G. Gromatzky, being first duly sworn, states that he stenographer in the department of the Five Civilized Tribes, reporting in full the testimony and proceedings in the foregoing case, and that the foregoing is a true and complete transcript of the stenographic notes thereof.

Subscribed and sworn to before me this 16th day of April, 1902.

Notary Public.

File with C. F. 2-[illegible].

S. V. N. 548.

[illegible]

In the [illegible] et al. for enrollment as [illegible]

[illegible] Cherokee [illegible] W. W. Ba[illegible]

W. H. NICK[illegible] lows: [illegible] as fol-

A.

Q [illegible] What is your name? A. W. H. Nickens.
Q [illegible] Mr. N[illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q Where were you [illegible] when the [illegible] it closed?
Q Yes, sir, my [illegible] A I [illegible]
Q You been [illegible] A Y[illegible]
Q Were you married [illegible] A [illegible] County.
Q [illegible] on a farm? A [illegible]
Q Did you know a colored [illegible] name of Nelson Russell? A Yes, sir.
Q [illegible] A It was [illegible] the latter part.
I don't know just [illegible]
Q Was he living in the [illegible] A He was living in the country.
Q On whose place, do you remember? A Oh I [illegible] Allen's place.
Q How far did you live from [illegible] A Oh, [illegible] a mile, I would say half a mile.
Q Did you know Joe Lowe? A [illegible]
Q [illegible] did he live? A [illegible] he lived with his father-in-law, I believe [illegible]
Mr. [illegible]: I object to any [illegible] unless you know Nelson was his father-in-law.
Mr. [illegible]: Well, you know his [illegible] A I know him.
[illegible] counsel for the [illegible] as to the witness's statement as to [illegible] lived because he does not state from his own personal [illegible]
Mr. [illegible]: You do [illegible] own personal knowledge that you know [illegible] A I know [illegible]
Q And he lived around there [illegible] A He lived, he [illegible]
Mr. [illegible]: I object to [illegible] it is a [illegible]
[illegible] He stated [illegible]
Mr. [illegible]: How long did you [illegible] how long did he live on that place, A [illegible] A I [illegible] moved in [illegible] about the time [illegible] it was a little later or a [illegible] might have been that
Q Forget of what [illegible] A [illegible]
Q Or '05? A It [illegible] the latter part of '05 that he moved. I know that he lived [illegible] on the same place till he moved.
Q And where did he move to? A He moved about four miles and a half west of me on a farm that was known as [illegible]
Q Did you live between Lin[illegible] town at that time after he had moved?
A Yes, sir.
Q Did you ever have occasion to see him after that time? A Yes, I saw Nelson [illegible]

Q. Well, for how long did you co[illegible] A. It was in '67 some time; I don't remember [illegible] often passing [illegible] and the road [illegible] Scott, they pass[illegible] in front of my house, and part [illegible] just west of my house a half a mile. I saw him passing backwards and forwards.

Q. Did you ever see Joe Rose after he moved away from the Allen farm? A. Yes, sir.

Q. Well, how long did you continue to see him around? A. I think it was in '67, the last that I ever remember seeing of him; I might have seen him later than that.

Q. You might have seen Nelson Murrell later than that? A. Why I might have.

Q. That's as late as you remember? A. Yes, sir.

Q. Do you know [illegible] heard of Murrell, where he went to from that country when he left? A. No, sir.

Q. Do you know [illegible] claim[illegible] A. He claimed he was from the [illegible]

Q. How far was [illegible]

Q. Mamaton up [illegible] I don't [illegible] the distance is from here to [illegible]

Q. Well, up from [illegible] at Chetopa, [illegible] A. I don't know just how far it is.

Q. Well, it isn't the same tier of counties down [illegible] on the Nation line east it? A. No, sir.

Q. [illegible] I understand that you are not certain about the time [illegible] last saw Nelson Murrell, [illegible] that you talk about in Nan[illegible] could tell us the date [illegible] A. No, sir, I saw him in '67.

Q. How about Joe [illegible] A. I saw him in '67.

Q. Which was the older of the two men? A. [illegible]

Q. Was he a married man or a single man, [illegible] A. Married man was what was my understanding.

Q. Well, did you know [illegible] A. No, sir.

Q. Don't know what her name was? A. [illegible]

Q. There have you been living [illegible] since the war closed? A. Living on a farm that I bought in '65, five miles west of Fort Scott, and still remain[illegible]

Q. Were there a good many or just a few colored people in that country at the time the war closed? A. Yes, sir, quite a good many.

Q. Do you remember when all of them left or when they left? A. I don't remember just when they left there, there is quite a good many of them that I know.

Q. Well, you don't know if it's true that you saw Nelson Murrell in '67 you don't know there he was all of the time during '65 and '66 do you? A. Well, I think I did.

Q. Well, do you know it? A. In '65 [illegible] on the Allen place in a half a mile [illegible] I don't [illegible] but he remained there up to '66. I [illegible] where he did.

Q. He may have left [illegible] during the year of [illegible] A. Yes, sir, he might have done, but I [illegible] the latter part of '65 or perhaps it was the [illegible]

Q. Well, all your own [illegible] you are sure there in Kansas as late as '65, you don't know where he was before that all of the time? A. No, I don't know where he was, but I know where he lived or where they said he lived. I don't [illegible] where he was.

Q. You don't know [illegible] he lived [illegible] he was. A. Oh yes, sir, I knew where he lived, [illegible] farm, and he lived on the Allen farm [illegible] '67.

Q. Were you ever on his farm, [illegible] A. Yes, sir.

Q [illegible] A Yes,

Q [illegible] A [illegible]

Q [illegible] est [illegible]

[illegible]

Q [illegible]

A [illegible]

was [illegible]

Q [illegible] was

[illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible] I don't know [illegible]

Q [illegible] is not [illegible] lived there.

Q [illegible] A No, sir, I [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible] the move [illegible] colored [illegible] A [illegible] that [illegible]

Q Well, [illegible] colored work [illegible] A No, [illegible]

Q [illegible] for you would [illegible] A I [illegible] yard, also the [illegible] house [illegible] on the road [illegible]

Q Well, Mr. [illegible] had moved [illegible] you [illegible] remember it, until you [illegible] first asked about [illegible] A [illegible] I don't recollect, [illegible] folks.

Q Well, nothing was [illegible] time he left until a short time [illegible] A [illegible] time, or about the last time I [illegible] pretend to [illegible] left at that time, but [illegible] I do say that I [illegible] was in 186[illegible].

Q Well, how long [illegible] had a conversation with anybody relating to his [illegible] A I wouldn't tell you just exactly how many.

Q Well, was it [illegible] A Oh twenty-eight or thirty years, some place [illegible]

Q Well, then, [illegible] or thirty years, with whom did you have the [illegible] A I don't know as I recollect [illegible] folks, because there were [illegible] or two.

Q Well, there was [illegible] you [illegible] Am, he didn't work for you did he? A No, sir.

Q Who did you talk to [illegible] thirty years afterwards? [illegible] was last [illegible] I believe in regard to Lincoln.

Q Well, who did you have that talk with? A Well, sir, I can't recall the man's name; but he is [illegible] of it.

Q [illegible] Scott, Kansas? A Yes, sir.

Q Well, you didn't remember been just [illegible] had left there did you? A I knew that he left there [illegible]

Q That seems did you have to refresh [illegible] as to the time when he had [illegible] A [illegible] saw him in [illegible], my recollection is pretty [illegible] to [illegible] was

a man at that time who I don't forget it.
Q You didn't have any business transaction with him at all, did you, with Nelson Murrell? A No.
Q Now about thirty years afterwards you just remember, they say, whether he had left there in '65 or '67? A I recollect that is the last that I saw him. I don't know when he left there, but the last time that I saw this man was in [illegible] and I saw him in '65.
Q You had nothing to fix that on your memory [illegible] your general— A I was very well acquainted with Joe Rose, and he kept me posted on his father-in-law.
Q Well, now, tell us how Ro[illegible] you do tell about Nelson Murrell? A Well, Ro[illegible] worked for me one, swapped horses with him at one time.
Q Joe Ro[illegible] A Yes, sir, Joe Rose.
Q Well, is that all—is that the only time you ever swapped horses up there? A Oh no, no.
Q The time did you ever swap horses with? A I don't know, I used to trade horses considerable.
Q Can't tell all the people you traded with? A Can't tell part of them.
Q Can you tell me anybody else you traded horses with in '67 and '68? A Oh, traded a great many times, you recollect about '65 it was trading part of that country.
Q Well, I don't recollect [illegible] it. [illegible] all to fix that particular time on your [illegible] further than you have stated here [illegible] (No response)
Q Was there anything new to fix the time when [illegible] new Murrell further than what you have stated in the testimony which you have given? A I don't know of anything anything more than just what I have given.
Q Do you remember when the commission sat at Vinita, Indian territory, up here in the Cherokee Nation, taking testimony in these cases? A I do not.
Q Where were you last October? A Where was it? I was at home, sir.
Q Was that [illegible] time that they were talking to you about this case? A I don't recollect.
Q Well, do you know whether it was earlier or later? A I think it was along in the fall.
Q You don't know whether it was earlier or later than October?
A No, I don't just recollect.

JAMES FORTNEY, being first duly sworn, testified as follows:

MR. [illegible]: What is your name? A James Fortney.
Q What is your age, Mr. Fortney? A I am nearly 65, 64 past.
Q Mr. Fortney, do you reside in Kansas? A Yes, sir, Fort Scott, Kansas.
Q That your postoffice? A Yes, sir.
Q Do you live right in town? A Yes, sir.
Q I will ask you to tell the commission when you came to Kansas, when you located there? A We landed in Bourbon County, Kansas, on the 6th day of April, 1868.
Q How far from Fort Scott? A Eight miles.
Q What direction? A East.
Q How far was that from either the town or the river at Marmaton? A Two miles from the town out there, one mile from the river; the river runs in a northwest direction.
Q Did you know a man by the name of [illegible]? A John Rose, yes, sir.
Q Did he own a farm out there? A Yes, sir, several of them.
Q Did you know a colored man by the name of Nelson Murrell? A Yes, sir.
Q When did you learn to know him? A The year of 1868.
Q How soon after you landed there? A Oh I should say, speaking approximately.
Q [illegible]? A He lived a quarter of a mile west from where we

moved to.
Q On whose farm? A On John Todd's farm.
Q Do you know Joe Rose? A Yes, sir.
Q Where did he live? A He lived in the same house with Nelson Merrell.
Q How long did you continue to know Nelson after you located there? A Until the fall of the year '65.
Q Fall of the year '65? A I think that was the time, sir; that is the best of my remembrance.
Q Make a crop there on Todd's place? A Yes, sir.
Q Both years of '64 and '5? A I think so.
Q Did you know his wife? A Yes, sir.
Q Do you remember her name? A Merrell's wife?
Q Yes, sir. A Eliza or Liza we always called her, Aunt Liza.
Q Did you know Joe Rose's wife? A Yes, sir.
Q What was her name? A [illegible]
Q They lived there together? A They lived in the same house.
Q Do you know what became of Merrell, this Nelson Merrell that you speak of? A He left [illegible] to the Nation, this country was then known within us as the Nation, down to the Nation.
Q Well, did you ever hear of him being down here a [illegible]? A I have heard of him; I never saw him. Moved onto the [illegible] River in south, nearly south, of Gore[illegible].
MR. SMITH: I object to that because it does not appear that the witness is testifying from his own personal [illegible]
MR. [illegible]: You only heard of [illegible] about it.
Q Through [illegible] did you hear it? A [illegible]
Q Did your brother know him up there? A Yes, sir.
MR. SMITH: I move to strike that out, being hearsay.
MR. HASTINGS: It is a circumstance by identification.
Q He lived in about a quarter of a mile did you say of you? A Yes, sir.
Q Were you married at the time you moved there? A Yes, sir.
Q To your present wife? A Yes, sir.
Q She is here with you? A Yes, sir.
Q Did Merrell or his wife either work for you some? A Yes, sir, occasionally helped us a little. Merrell would help on our farm and help when we needed help, and his wife helped our woman with the housework.
Q Where did you come from to Kansas? A West Virginia.
Q And you weren't in Kansas then prior to April, 1865? A No, sir.
Q And you got acquainted with Nelson Murrell after that time? A Yes, sir.
Q What is your occupation, Mr. Fortney? A By profession I am a civil engineer, not doing much of anything now.
Q Little past that age? A I am not able to.
MR. SMITH: Well, this man Merrell that you speak of, you don't know where he was born in '65? A No, sir.
Q Nor '66? A No, sir.
Q You don't know when he made the first trip that he made to the Cherokee Nation? A No, sir.
Q Well, at the time you knew him did you know where his family lived, have you ever been to the house? A Oh many a time.
Q Didn't own any farm there did he? A No, sir.
Q Well, what kind of work was he doing? A Farm work.
Q What kind of work did he do for you? A Helped us with the farm work, making fence, helped to thresh, and so on.
Q What kind of employment did you give him, by the day, week, month or year? A By the day usually.
Q By the day? A Yes, sir, I think so. Because he worked no considerable length of time at any one time continuous service.
Q Well, what kind of work did his wife do for your family? A Worked by the day, [illegible], sir.

Q Washed, did she, or cooked, or what? A Did washing and helping clean house and so on, women's work.
Q By the day? A By the day, I think so, sir, the women usually employed their help and did the paying also, but she, like her husband, worked no considerable time continuously for us.
Q Now what was her name you say? A Liza, sir, we called her Aunt Liza in speaking to her.
Q How old was she at that time? A How old was she?
Q About, yes, sir; was she a young woman, or middle-aged or old? A Middle-aged I would say, 40 or 45 years old.
Q Well, then, all you know about it is that after you went to Kansas you saw this man in Kansas, and that he worked for you, and his wife worked some for you by the days? A Yes, sir, and that they were there continuously for nearly two years, residing there.
Q Well, how far did they live from you? A About a quarter of a mile.
Q During two years? A We came there on the 6th day of April, 1883, and they were there I think late in the fall of '85.
Q At the same place? A At the same place in the same house, sir. Ross, Merrell, and their families all living in the same house.
Q On whose farm? A John Todd's.
Q Well, what were you doing at that time? A I was farming.
Q How long did you continue to farm? A After that?
Q Well, just from the time you went there? A Well, most of the time for fifteen years; no, I will correct that, 12 years.
Q For the first two or three years after you went there were you farming continuously? A Continuously, yes, sir.
Q On what farm? A On the farm belonging to my father and brother, adjoining the one on which Merrell and Ross lived.
Q Was Murrell there all of the time during that time? A He resided there all the while, sir, he might have been away temporarily, I can't say.
Q Do you remember whether he was away at all or not? A No, sir, I don't remember after that.
Q Well, why do you say he resided there all of the time? A His family was there, that was his home.
Q It was because this woman whom you called Aunt Liza was there that you say he resided there? Is that correct? A Oh, he had his crop there, he had his farm tools there, and etc., he had some little stock, cows, I think, and horses, they was there.
Q Was he an old man or a young man? A I would think he was near 50 years old.
Q When? A At that time, 45 to 50, somewhere along there.
Q Have you ever seen him since he left there? A No, sir.
Q You don't know whether it was the same man who applies in this case or not? A Nothing only the name, sir, that is all.
Q Did he always go by the name, the man you knew, by the name of Nelson Murrell? A As far as I knew he did, yes, sir.
Q You never knew him by any other name? A No, sir.
Q So far as you know you don't know where he went to when he left there of your own personal knowledge? A Only what he told me.
Q What who told you? A Nelson Murrell.
Q I thought your brother- A You asked me if I had seen him, I said I hadn't since that time, and I don't know where he resides further than what my brother said, but I did know where he said he was going.
Q Who did he say it to? A Said it to me.
Q When? A Just before he came down into the Territory.
Q Well, who came with him if any one? A Joe Ross, his son-in-law, and family.
Q What about the woman Aunt Liza, did she come? A Yes, sir.
Q Now then did you say that was? A Fall of '84 I think, sir.
Q The fall of '84? A Late in the fall of '84 that they came down -

to this country or to the [illegible] this country.
Q Well, that makes you [illegible] long or how you first came to the c[illegible] Nelson M[illegible] had green [illegible] '89, and my brother and I [illegible] to break it, [illegible].
Q In [illegible] brother out [illegible] in the field as a [illegible] hand.
Q When did you first think about the time he left [illegible] how many years had it been? A I don't know [illegible], sir. I don't know when I first thought [illegible].
Q Well, you have had [illegible] A Not until [illegible] and I [illegible] of Aunt Liza [illegible] or hear [illegible] there or something of [illegible] there was anything else [illegible].
Q Well, with [illegible] did you first talk [illegible] to the [illegible] did you first get to talking about the [illegible] with anyone for the purpose of [illegible] I don't know when I [illegible] did, sir, but have [illegible] in the last thirty years.
Q Well, do you remember when he [illegible] freedmen down here in the Cherokee [illegible] and Clifton Commission? A Oh, I may have heard of it [illegible] of it.
Q Were you a witness then at that time? A [illegible] sir.
Q Well, now when you first [illegible] about Nelson Murrell how long had it been [illegible], how many years had elapsed, that's [illegible] what I am asking you? A I was interrogated [illegible] last four or five or six days, I will say a week, a gentleman came to see me to know if I knew anything of Merrell, and if I knew when he left, if I knew who his wife was, if I knew Joseph Ross, and if I know his wife. Those questions have been asked me, yes, sir; and I answered affirmatively.
Q Well, was the inquiry with regard to Merrell, as you state, or Murrell; you said Merrell as I understood you? A Well, sir, Nelson Murrell.
Q How would you spell it? A I don't know, sir, I don't know that I ever spelled it or was asked to.
Q Well, would you say that it was Murrell or Merrell? A Well, after studying it over I would say if I was going to spell it that it was M-u-r-r-e-l-l.
Q Then you were mistaken when you said Merrell? A Well, it was probably a mistake in pronunciation, yes, sir, you and I might pronounce it differently.
Q Well, if it was spelled M-u-r-r-e-l-l you wouldn't call it Merrell, would you? A It might be thus pronounced.
Q Well, how would you get Merrell out of M-e-r-r-e-l-l? (No response)
Q Well, now, it had been when you were interrogated, as you speak of, something more than thirty years, hadn't it? A '89 and 90 would be '99; yes, sir, thirty years, over thirty years since he left there.
Q Did you have anything by which to refresh your recollection in books or papers? A No, sir.
Q Well, now could you remember exactly the year that you and your brother had harvested a particular crop for thirty years back without anything whatever to assist you in arriving at that date? A Well, sir, I can answer that by saying that if I never did a job for a man except one time, and that was in 1899 that he left the country when that work was done, that I could answer at a definite time.
Q Well, did you ever do any other work for any other one man who left the country at any particular time? A I don't remember.
Q Well, in what way now were you able to arrive at this particular

date thirty years after it happened? A Simply by my own remembrance, that is all.
Q By your own remembrance? A Yes, sir, I have nothing by which to refresh my memory or anything of that kind.
Q You don't think you could be mistaken about it? A No, sir, I think not.
Q How was that? A I think not.
Q Well, are you sure? A I am as sure of that as I could be of anything else transpiring that long ago, that's my remembrance.
Q That's the best of your recollection at this time? A Yes, sir.
Q You couldn't say as positively that that was true as you could about something that happened yesterday or last year, could you? A Well, pretty nearly in this case; I don't think that there is anything that vitiates my remembrance at all of the time of his leaving there, and the time we went there.
Q How many colored people do you suppose left that country since you went there? A I don't know.
Q Many or few? A I suppose there have been a good many that have left there by death and otherwise.
Q Can you give the dates when they left, all of them? A I didn't have any business with them, therefore I wasn't intimately acquainted, not very intimately acquainted with them. I have known them, seen them.
Q Then you couldn't tell about the time when the majority of them went away? A No, sir.
Q That time in the year did you arrive there yourself? A 6th day of April, 1868.
Q Who did you bring with you? A Brought my family, and my father and his family.
Q Your wife and your own family and your father and his family? A Yes, sir.
Q Never moved away from that immediate country afterwards? A No, sir, I have lived in that county ever since.
Q Well, did you ever do any civil engineering after you went there? A Yes, sir.
Q About when? A Several times in my time; worked for this railway, some for the Gulf Railway, we called it the Memphis, the Frisco it is now, and the Missouri Pacific Railway Company.
Q Commencing about how long after you went to that county? A I was county engineer elected in 1888, and was the county engineer for four years, and deputy engineer for four years more, did the work.
Q Well up to that time had you done anything except farm work? A No, sir, very little civil engineering prior to that time.
Q Did Rose and Murrelli have there together? A Yes, sir.
Q See them start? A Well, I knew when they did start, but whether I saw the wagons start when he left the house or not I can't say now. I knew they were getting ready to start and that they did leave.
Q What did they take with them? A Took their families with them.
Q What else? A What little stock they had I think.
Q Well, how much did that consist of? A I can't answer you now, I don't remember as to that.
Q Didn't seem to be much of a job for them to move did it? A They came in wagons, and two wagons I think.
Q Had two families? A Had two families.
Q Took one wagon to move that one family had? A Yes, sir, I guess that's about the amount of transportation they had.

VASHEY FORTNEY, being first duly sworn, testified as follows:

MR. [illegible]: What is your name? A Vashey Fortney.

Q What is your age, Mrs. Fortney? A [illegible]
Q Is Mr. Fortney, who just left the [illegible], your husband? A Yes, sir.
Q Your postoffice is Fort Scott, Kansas? A Yes, sir.
Q Do you live in town? A Yes, [illegible]
Q Where were you born? A West [illegible].
Q Were you living in West Virginia during the late Civil War? A Yes, sir.
Q Were you married before or after the war? A Married just before the war broke out.
Q When did you come to the State of Kansas? A The spring of '68.
Q Your husband came with you? A Yes, [illegible].
Q Where did you first location? A Near [illegible].
Q In the country? A Yes, sir.
Q On a farm? A Yes, sir.
Q Did you ever know a colored man there by the name of Nelson Murrell? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q Did you know a colored man by the name of Joe Ross? A Yes, sir.
Q Did you know his wife? A Yes, sir.
Q About how far did they live from you after you located there? A Well, I would say about a quarter of a mile [illegible] ng at it.
Q How long after you came there did you become [illegible] with them, learn to know them? A Well, almost [illegible], because they were our nearest neighbors, and they [illegible].
Q Were they living there when you moved there? A Yes, sir.
Q How long did they continue to live there? A Well, the year of '68, and I think the fall probably of '69, at least I won't go any further than that, I am quite positive that they were there until the fall of the next year.
Q Or '69? A Yes, sir.
Q Live there on this same place where you found them? A Yes, sir.
Q And you lived there on an adjoining place a quarter of a mile distant? A Yes, sir.
Q That was out in the country was it? A Yes, sir.
Q Do you know where they went when they left there or where they said they were going? A Well, I know what they said, they said they were going to the Nation, and further than that—

MR. SMITH: I object to that, I want to know who said that.

MR. HASTINGS: Well, any of Murrell's folks? A Well, yes, sir, they all talked of it, and of course we were anxious to know about their moving away.
Q Was that while they was making the preparations for their removal? A Yes, sir.

MR. SMITH: Well, I object to that because the statement of no one who is not a party to this action can be taken.

MR. HASTINGS: These are the same parties.

MR. SMITH: Well, I don't think so. [illegible] to the statement made by any other person except the party to this suit.

MR. HASTINGS: (To witness) They said they were coming to the Nation? A [illegible], sir.

MR. SMITH: That question is objected to.

MR. HASTINGS: You never saw them after that time? A No, sir.
Q Did the women folks work for you? A Yes, [illegible].
Q Did you know Murrell's wife's name at that time? A Yes, sir, Sarah I think was what they called her.
Q Did you know Joe Ross's wife's name? A That was Sarah, yes, sir.
Q Well, did you know Nelson [illegible]'s name? A Yes, sir, that was Eliza, was Aunt Eliza we called her.
Q You know whether Mrs. Murrell was any relation to Joe's wife or not? A No, sir, I don't know.
Q You don't know that the [illegible] was? A No, sir.

Q Did you see them frequently? A Yes, sir.
Q Could you see their house from yours? A Yes, sir.
Q Plain right? A Yes, sir.
Q Across the field was it? A Well, we would have said down the road.
Q You came to Kansas from West Virginia in the spring of '68? A Yes, sir.

MR. SMITH: Well, how long now after Nelson Murrell had left Kansas before any discussion of the time when he left came up; how long? A I heard nothing at all about it until recently.
Q Well, about how recently? A Well, I don't think it's been more than a week or two weeks.
Q Well, then at that time did you have any recollection as to the time he had left there or did you have to look it up or talk with your husband or someone else about it? A No one at all. What I know, of course I am just telling you what I know.
Q Well, that I am talking about now after this time had elapsed, after that many years had gone by, did you remember it or did you have any way by which to refresh your recollection? A Remember it, sir, quite well, just as I am telling it.
Q That was about how long: something over thirty years after they had gone away, wasn't it? A Thirty years.
Q Something over that I say? A Well, now, we had been here, let me see, we come here the spring of '68, April, '68, and this is 1902, let's see how long.
Q Well, now, during all that time did you keep it in your mind that they left here in a certain year during a certain year; what I want to know is why and how that was fixed upon your mind, that particular date when they left? A Well, I was just thinking about how long we had lived there, how long they had worked for us, and I am not positive as to the second year, sir, at all; but I think the fall. I can just remember of seeing the covered wagons just as well when they were all getting ready, and I knew it was rather cold weather, I think it was very late in the fall when they moved away; I don't know just exactly, I am not positive as to the time they left just exactly.
Q Well, are you positive as to the year? A Yes, sir, I am positive as to that.
Q What time in the year did you get there? A The 6th day of this present--in April.
Q You never have seen that man Murrell since that time? A No, sir.
Q Nor Rose? A No, sir.
Q You don't know whether they are there no persons who are applying at this time for admission or not? A I don't know, did you say? A I don't know; well I presume so.
Q I know; but what do you know about it; I don't want to know what you presume, but what you know? A Well, yes, sir, I would say they were the same parties.

MR. HASTINGS: Comes now the representative of the Cherokee Nation and moves that this testimony be filed with and made a part of the record in the following cases, for the reason that these parties claim to have returned to the Cherokee Nation after the war along with and at the same time that Nelson Murrell came, as follows: Joe Ross, F. D-548; Jacob Ross, F. D-559; Isaac Fox, F. D-508; and Steve Looney, F. D-519; together with the cases in which the testimony of these last forementioned cases is thrown, which are as follows: D-550, D-552, D-759, D-823, D-473, D-476, D-544, D-548, D-551, D-799, D-541, D-540, D-543, D-545, D-839, D-547, D-557, and D-821, in addition to the case at bar.

MR. SMITH: The counsel for the applicants objects to this testimony being made a part of the record in any case except in those cases in which the cases have already been connected, because

the statements of the witnesses [illegible] in this particular case today as to the time [illegible] would not affect the [illegible] because this record does not show that Nelson Merrell [illegible] only one trip to the Cherokee Nation; and further, the testimony taken in this particular cause upon notice to this particular applicant would not be competent testimony in the other [illegible] upon it is sought to be made a part of the [illegible]

MR. [illegible] stated that proof of notice to take testimony [illegible] these five [illegible] for the applicants in B-542, Jacob [illegible], Joe Ross, B-508, and the [illegible] and [illegible] Fox, B-[illegible] duced by the applicants [illegible] to the effect that they all returned and moved [illegible] the war; that they came [illegible] crowd [illegible] Merrell and Joe Ross, about [illegible] introduced [illegible] and for that reason the [illegible] of these witnesses is relevant in all of these cases [illegible]

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

Arthur G. Grondinger

Subscribed and sworn to before me this 18th day of April, 1902.

Phy Reuter

Notary Public.

C. W. D-548.

To be filed with the following Cherokee Freedmen cases:
D-550, D-552, D-782, D-923, D-[illegible], D-[illegible], D-[illegible], D-[illegible] and
D-621.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., APRIL 29, 1902.

In the matter of the application of Nelson Murrell, et al, for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-548.

Applicant represented by McBlatte & Smith.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Simon Scales.
Q Where do you live, Simon? A At Fort Scott, Kansas.
A Do you know how old you are, Simon? A I do, sir, about, near about it.
Q Well about how old do you think you are? A Going on 61, on the 25th of last March.
Q How long have you been living at Fort Scott, Kansas, Simon?
A Well, sir, near about thirty-one or two or three years.
Q About how long? A Thirty-two or three years, along there.
Q Well did you go there before or after the close of the war?
A After the war, sir.
Q Do you remember that distinctly; you don't know what year, but after the war closed? A Yes, sir.
Q Well after you went to Fort Scott, Kansas, did you get acquainted with a colored fellow by the name of Murrell? A I got slightly acquainted with him.
Q Did you ever know what his first name was? A I disremember.
Q You don't know what his name was? A I forget what his first name was; I got acquainted with him slightly, just passing by him coming in.
Q Did you know where he lived? A No, sir; I never did know where he lived; I know he lived up the river above us a mile or two.

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

MR. DAVENPORT: What is your name? A John Kilburn.
Q What is your age? A I will be 56 the 20th of October coming.
Q What is your post-office? A Moweaqua, Illinois.
Q How long have you lived near Moweaqua, Illinois? A Since '65, since August, '65.
Q You went there after the close of the war, did you? A Yes, sir.
Q Since you went to Illinois did you get acquainted with a colored family by the name of Murrell? A Yes, sir.
Q Do you know what the first name of the man was? A I think his first name slipped my mind. Nelson Murrell, Nelson Murrell I think was his name.
Q Where was he living when you first got acquainted with him?
A On John Todd's place.

Q. Where is that from Fort Scott or Mar[illegible], Kansas, now, how far?
A. Well it's a mile and a half west of [illegible]ton, and about eight miles of Fort Scott.
Q. You say he was living on [illegible] place? A. Yes, sir.
Q. Did he have a [illegible] or as you know? A. When I was there, just [illegible]
Q. Well, [illegible] he keeping house? A. Yes, sir
Q. And I [illegible] on [illegible]? A. Yes, sir.
Q. What [illegible] of your getting acquainted with him that [illegible] well? A. Why I went there to break prairie [illegible]
Q. They had a [illegible] there, he was living there? A. Yes, sir.
Q. Well? A. [illegible] the most convenient place that I knowed of so I stopped the [illegible] I kept in [illegible] and boarded with him.
Q. Boarded with [illegible] for you? A. Yes, sir.
Q. Now then [illegible]n? A. Well I guess that was in '68, it might h[illegible]
Q. Well did he [illegible] country after [illegible] do you know? A. He [illegible] away, but I don't know [illegible] know where he went.
MR. [illegible] You simply stopped there with him while you was breaking prairie there? A. Yes.
Q. Didn't know [illegible] very long [illegible], did you? A. No, sir.
Q. Don't know [illegible] that, do you? A. No, sir.
Q. Don't know [illegible] he went after [illegible]? A. I don't.
Q. Are you certain it was in the year '68? A. Well, that or '69.
Q. How long did you break prairie there? A. I expect it was a couple of weeks, I didn't remember.
Q. Well now when was your attention first called, when were you first asked about what you knew about this man with a view of your being a witness in this case? A. By Mr. Rucker.
Q. How long ago? A. I guess it's six weeks ago, might have been over that.
Q. Then you remembered back thirty-five or forty years and remembered exactly what you seen two weeks when you was breaking prairie?
A. Yes, sir.
Q. You have got a pretty good memory, haven't you? A. Why I don't know that I have.
Q. Who talked to you about this case first, that gentleman, do you know? A. Yes, sir.
Q. What's he got to do with this business? A. Couldn't tell you.
Q. What's his name? A. [illegible] C. T. Rucker.
Q. Where does he live? A. [illegible] Scott.
Q. Is he getting up evidence [illegible] the Cherokee Nation up there?
A. I ain't positive about [illegible]
Q. He was around inquiring of you what you knew, was he? A. Yes, sir.
Q. What did he say to you? [illegible] wanted to know if I ever knew a man--now as near as I c[illegible] I [illegible] by the name of Murrell, a [illegible]
Q. Did he say [illegible] people knew about these [illegible] about that.
Q. Is he t[illegible] Lewis T. Brown case [illegible] A. I [illegible]
Q. And he came to you inquiring [illegible] about the Elison Murrell case? A. Yes, sir.
Q. That he was getting up testi[illegible] isn't he? A. Well I just inferred that he was; I n[illegible] say that he was.

Q Can you remember every man that you broke prairie for two weeks thirty-five years ago? A No, s[illegible]
Q Why can you re[illegible] this man [illegible]? A Well I'll tell you how I know about t[illegible] I [illegible] up there about three miles from this. [illegible] I br[illegible] prairie for the man that built [illegible], and then there was a man by the name of [illegible] on the homestead, and then I broke a [illegible] and then I went to [illegible] for [illegible] the team, it was about the first team that I ever owned, and I went threshing with [illegible] hired to him on the [illegible]; that's how I remember.
Q That's the reason that you re[illegible] that you met Nelson for two weeks [illegible] years ago? A I [illegible] that's why I remember Nelson [illegible].
Q You don't [illegible] remember his first name when you was first asked the question? A I [illegible].
Q Have you ever [illegible] since you saw him there? A I don't remember that I have.
Q Don't they [illegible] he is the man that has [illegible] here or not for enrollment, [illegible]? A I could just say [illegible] he was; I don't know anything about it.
Q Never have seen him? A No, [illegible].
Q All you have heard is that they was asking you about Nelson Murrell? A Yes, sir.
Q Well did you come away down here just to swear that? A I suppose that's what they got me here for. Looks that way to me.
Q You don't know where Nelson Murrell was in '66, do you?
A I do not.
Q '67? A I don't; let me see; no, I don't know where he was in '67.
Q And you don't know where he was except the time you speak of?
A That's all.
MR. DAVENPORT: When you was spoken to about what you knew about Nelson Murrell by Mr. Rucker there was no inducement offered or no premium to get you to swear [illegible] other than the truth, other than what you knew? A [illegible]
Q Did anybody ask you to swear [illegible] other than what you knew in regard to the matter? [illegible] they asked me to swear at all; just [illegible] about it.
Q You was then [illegible]? A Yes, sir.
Q Was there any[illegible] there being an association for the [illegible] the claimants down here [illegible] you that there was an organization [illegible] the claimants?
A [illegible]
Q [illegible] called to as to [illegible] subpoena after [illegible] you [illegible] Nelson Murrell [illegible]? A [illegible]

C[illegible] case: at [illegible] case D-621.

Subscribed and sworn to before me this 23 day of [illegible] 1902.

[illegible]

NOTARY PUBLIC

D-923

F.D-548.

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

In the matter of the application of Flora Murrell for the enrollment of herself as a Cherokee freedman.

SUPPLEMENT TO D-548.

Applicants appear by Thomas Owen, representing Mellette & Smith, Vinita, Indian Territory.
Cherokee Nation represented by W. Hastings.

STEPHEN LITTLE, being first sworn, testified as follows:

MR. HASTINGS: What is your name? A Stephen Little.
Q Where do you live? A Live in Coowescoowee District of the Cherokee Nation.
Q. Well give me your post office? A Nanpah.
Q. What is your age? A Going on 77.
Q. Do you know Flora Murrell? A I do.
Q. Is she the wife of Nelson? A Wife of Nelson Murrell, she wasn't when I first knew her.
Q Well when you first knew her who was she the wife of? A A man by the name of Vann, I think they called him.
Q. Well what was his first name? A. Well I forget his first name
Q Well do you know it was Lowen? A Lowen Vann.
Q Where were you living when you first knew Lowen Vann and Flora his wife? A I was living on Snow Creek.
Q. On Snow Creek? A Yes sir.
Q. After the war? A After the war, yes sir.
Q. How long had you been living there After the war when they move into that neighborhood? A Oh I had been there a very little while. I had been there I think four or five or six years, I know I had been there five years.
Q. You know you had been there five years? A I know I had been there five years.
Q. Did they have any children? I think they had five or six.
Q. Do you know any of their names? A Yes, sir, there was Sonny, and Charley and Florence, I know them, and another called Lili.
Q. Did you know Lowen Vann well? A Know him well?
Q. Yes. A Oh, yes, sir, knew him well as I knew anybody.
Q. Did you ever talk to him about where he had been? A Never had any particular talk as I know of about where he had been, but I heard him say he had been to Mexico and he and I talked Mexican some together.
Q. You and he talked the Mexican language together? A Yes sir, Mexican language.
Q Said he had been to Mexico? A Yes, sir.
Q Did he say what part of Mexico he had been in? A I don't know, if he did I don't remember it.
Q. Well he talked the Mexican language did he? A Yes sir, good.
Q He was the husband of Flora Murrell? A At that time, yes sir.
Q The father of Charley Vann? A Yes sir, I suppose so.
Q. You didn't know him before the war? A No sir.
Q He talked the Mexican language did he? A Yes, sir.
Q You talked it? A He talked it and I talked it.
MR. OWEN: When was that that you knew him? A When he lived up on Snow Creek.
Q. How was that? A When I lived up on Snow Creek there.
Q. I say when was that? A Well it was sometime in sixty I think

[illegible] must have been sometime in 1870 [illegible]
Q Well why do you think it was in '70? A Because the time I moved there.
Q Well is there anything special that makes you think it was in '70?
A Yes sir [illegible]
Q [illegible] A [illegible] some apple trees, and I put them out [illegible] I know it must have been three or four or five years and [illegible] blog.
Q And [illegible] apples? A Just begun to bear [illegible]
Q [illegible] you was [illegible] him? A Yes sir.
Q [illegible] you first went there, did you? A The first year [illegible]
Q You [illegible]
Q You [illegible] in [illegible] A '66 I went there.
Q You went in '66 [illegible] A, I what there in '66, that's the reason I [illegible]
Q You have [illegible] the impression that you was there in '66 have [illegible] prove, they all knew it.
Q Your neighbors [illegible]
Q What month [illegible] in? A [illegible]
AQ Yes you? A In [illegible]
Q April 1866? A [illegible]
Q [illegible] did you [illegible] A I came from [illegible]h, Kansas.
Q When did you [illegible]? A [illegible] been there.
Q How did you learn [illegible] can learn [illegible]? A My boys always kept Mexicans at our [illegible] would train them, and I heard them talking [illegible] I learned it.
Q [illegible] going to Mexico? A Yes sir.
Q [illegible] you testify about trained with you Mexican
A Yes [illegible]
Q Didn't you say a [illegible] ago in your cross examination that you went there in '66? A [illegible] there.
Q Where your little? A '66.
Q How old was those apple trees when you put them out? A Oh I don't know how old they was, I expect they were two years old or something like.
Q Two years old when you put them out? A I expect so.
Q And they was just beginning to bear? A Bearing when they come there.
Q When you first got acquainted with him? A Yes sir.
Q How long had he lived there in that community before you met him?
A Before I met him, why he didn't live there long because he come there among the other Texans where I was, and I heard that some of his kin folks [illegible], and they was backwards and forth across the river there [illegible] or two, and he [illegible] him.
Q He hadn't [illegible] when you met him? A No sir.
Q [illegible] could talk Mexican?
A [illegible] I was a Catholic, [illegible] knew that he could [illegible]
Q [illegible] going to [illegible]? A [illegible]
Q [illegible] you? A Yes sir.
Q [illegible]
Q [illegible] of them [illegible] A Hundreds.
[illegible] Mexican.
Q [illegible] a sign that he [illegible]
[illegible] to Mexico and you [illegible] A [illegible] correspondence, [illegible]

[redacted]

Subscribed [redacted], 1962.

(SEAL) [redacted]

[redacted] being first duly sworn, states that as [redacted] to the Five Civilian [redacted] he made the above [redacted] is a true and correct [redacted] original transcript in the above case.

W.S. Kaufman

Subscribed and sworn to before me this 7th day of July 1962.

NOTARY PUBLIC

F D. 923

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the

.....day of.....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

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

.....day of.....,190

.....

Attorney for applicant.

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

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

.....

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

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

Filed

SEP 21 1901

NOTICE!

IN THE MATTER OF the application of Sonny Smith for enrollment as Cherokee citizens:

Case No. D 923

To Sonny Smith or Mollette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 19th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9 30 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

1 3P924

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

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

In the matter of the application of Frank Harris for enrollment as a Choctaw freedman, the testimony taken by Commissioner T. B. Needles,

A. B. Smith, Attorney for the applicant.

W. T. Hastings, Attorney for the Choctaw Nation.

By Mr. Hastings.

Q What is your name? A. Frank Harris.
Q How old are you? A. I think as I was going at it I am about 37.
Q What is your post office address? A. Checotah.
Q What tribe do you belong? A. Freedman.
Q Are you going to be enrolled as a Choctaw freedman? A. Yes sir.
Q Did you want to have enrolled himself yourself? A. Just myself.

By Mr. Smith.

Q Where was you born? A. In Tahlequah district.
Q Where have you lived since the time you were born in Tahlequah District? A. I think with a man named John Harry.
Q Where did he live? A. About 3 miles down Tahlequah.
Q Did you ever live any place else except in the Territory? A. Yes sir.
Q Where? A. On Robson creek.
Q What is in the Territory? A. Yes sir.
Q How out of the Territory? A. I have worked in the states two or three months at a time.
Q Are you on any of the rolls of the Territory? A. No he lived on Allison roller.
Q What were you enrolled to Mr. Kennedy? A. In 1896.
Q Where were you living the time you enrolled? A. In the Territory A. I was running in the Nations and I was in Texas and returned at Gravette Arkansas.
Q Who did you enroll by? A. By John Harris who claimed his mother to be our only kin.
Q Where was your mother? A. In Tishomingo, when I was about 16 years old and I crossed the Verdigris river.
Q Where were you living in 1896? A. On Robson creek.
Q Were you in Tahlequah district any part of that year? A. Yes sir I was living there.
Q How long did you live in that district? A. 2 or 3 months.
Q Did you ever enroll yourself as a citizen of the Choctaw Nation? A. No sir I did not.
Q Were you willing to let Mr. Kennedy enroll you as a citizen of the Choctaw Nation at all, except in the Tahlequah district? A. Yes sir.

By Mr Smith.

Q I want to show that this party was a party to that suit and that the Judge Breckinridge decided that she was a citizen of the Choctaw Nation ?

Mr Hastings: ? You can present the record of it ?

By Mr. Neil of applicant-

Q You have a place there? A. It lies between Welch and Kiamo, between Young Williams' and Potato Mound.
Q Is that the place you have been in litigation about for several years? A. Yes sir.
Q Is that the place the court finally determined belonged to you? A. Yes sir.
Q Was you arrested some time ago at the foundation of Mr. Parrott charged with perjury? A I was arrested for something.
Q What did the court do with you? A. [illegible] me.
Q What court? A. The [illegible] court.
Q At Vinita? A. Yes sir.
Q Was it Bundrick, Judge Bundrick? A I dont know his name.
Q Where are you living now? A. On Cow creek.
Q Have you ever made any other place your home except the Cherokee Nation? A. No sir.
Q You worked where? A. Chanute.
Q What kind of work did you do there? A. Mish washing and cooking.
Q And you have never lived outside of the Territory since you were born? A. No sir not to make it my home.

By the Commission-

Q What is your father's name? A. John Collins.
Q What is your mother's name? A. Mary Riley.
Q You claim that your name is on the roll of 1896? A. Yes sir, my name has been called twice at payments.

By Mr. Hastings of the applicant-

Q What was your name in 1896? A. Harring

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

The Dawes roll of citizens of the Cherokee Nation (the 1896 roll) examined and the name of the applicant not found thereon.

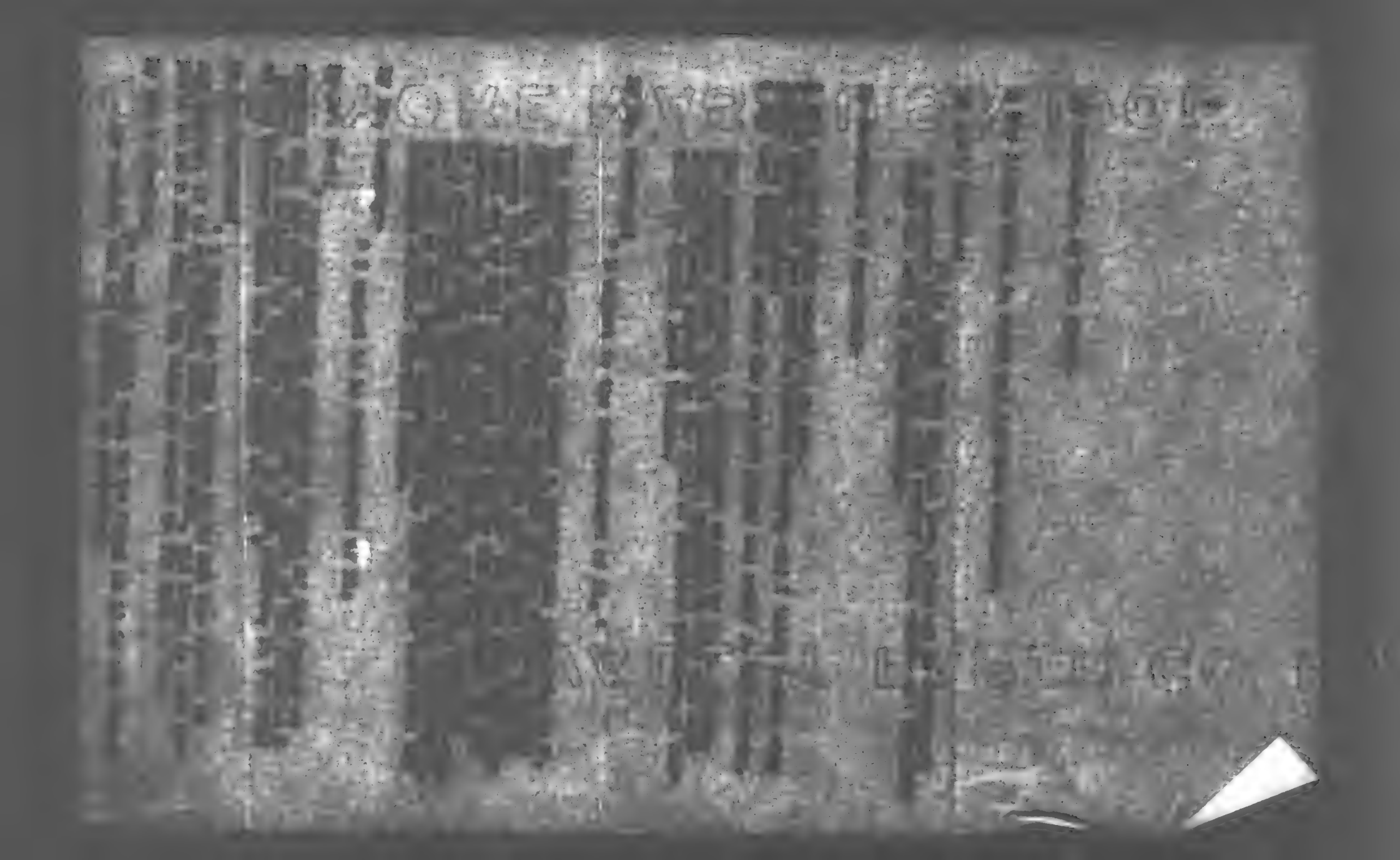
The Kern Clifton roll of citizens of the Cherokee Nation examined and the name of the applicant not found thereon.

The Wallace roll of citizens of the Cherokee Nation examined and the name of the applicant found thereon as follows: Page 114, No. 2447, Anna Harris, Delaware district.

By the Commission to Nell Clark:

Q: Give me the 1880 enrollment of the Anna Riley found in Tahlequah district.

The 1880 roll of citizens of the Cherokee Nation examined and on page 242 No. 1080 thereof appears the name of Anna Riley in Tahlequah district.



My marriage of the applicant.

Q Tell me your name as it is at present A. Ted Ray as near as I can
[illegible]
Q What was your mother's name when you first remember her? A Mary
[illegible]
Q Is she living now? A. Living in her home.
Q When did she die? A. I don't know.
Where were you when she died? A. Did died when I was a baby.
Are you not able to tell me in which age was when she died? A. No
children darkness.
What whom were you living? A.With a man named Harry Rose Harry.
What part of the country did A. Southern Ohio.
Was Rose Harry a married man or a bachelor? A. A Chemin.
Did he have any other [illegible] A. I don't know.
What was his wife's name? A. I don't know.
What was Rose Harry's [illegible] name? A. [illegible] called Rose Harry.
What kind of a house did Rose Harry live in? A. [illegible]
How old were you when you left Harry? A. Beside Rose house.
Where did you go? A. To live on my by A. 3 or 4 years old.
How long did you live there? A. 3 or 4 years old.
And then Harry Rose gave children away? A. Yes.
Where was that place at Sonora River? A. The mile south of the
[illegible] Ranch.
Where Harry? A. The one where Miami is now? A. Mile on the
[illegible] ranch.
What was Harry's death? A. Yes sir.
How about his wife? A. She is dead.
How many children did they have? A. Dunie.
What is her name now? A. I don't know.
Is she living? A. I don't know. I heard the was.
Where did you hear she was living? A. South of Arbor.
How old was Dunie when you were there? A. Must have been 2 or 3
years old.
About the same age as yourself? A. Yes sir.
Where did you go from there? A. I went from there to a man named
[illegible] Hudkins lived right across from there on the Sierra Nation.
How long did you stay there? A. For 4 months.
Where did you go then? A. Went to Rose Harry.
Then where did you go? A. To Rose Harry.
What was Rose Harry's wife's name? A. [illegible]
Is she living? A. Yes sir.
Did they have any children? A. A boy named Will and a girl named
[illegible] in Bakersfield [illegible]
What was his wife's maiden name? A. Yes sir.
How old was Will's wife? A. Nineteen.
[illegible] A. [illegible] there A man to say,
Did he live? A. [illegible]
[illegible] of [illegible] to the south of Sierra River, between
[illegible] River.
[illegible] the Dunnigans Indian [illegible].
How old you live there? A. About 4 or 5 years.
What is Y Years.
Where did you go then? A. To take care of the [illegible] with Rose Harry.

Q. Who were some of his family? A. One named Maggie.
Did he have any boys? A. Yes sir.
What were their names? A. Charles and Arthur. I forgot the other one
Q. Where did you go from there? A. I went and stayed with a family named Ed Johnson, on Indian Hill.
Was that a Cherokee or a colored family? A. They was Cherokee and Shawnee both.
How long did you stay there? A. Quite a while, and worked out off and on all the time.
Was it 2 or 3 years? A. About a year.
Where did you go then? A. Went to Vinita and worked.
When were you married? A. In 1896.
The first time? A. I don't know what year I married in first.
Who did you marry first? A. Joseph Venton.
Was he a colored man? A. Yes sir.
You don't know what year you married him? A. No sir.
About how many years ago? A. 13 or 15 years ago.
How old were you when you married him? A. About 14 or 15 years old.
What is your best judgment? A. Yes sir.
Who married you to him? A. Pettis.
Where were you married to him? A. In the Ottawa Nation.
How long did you live with Joseph Venton? A. Little over a year.
What name did you go by when you married him? A. Collins.
Did you been married to a man named Collins? A. No sir they said that was my father's name.
Q. And you went by that name up to the time you married Venton? A. Yes sir.
Were you divorced from Venton? A. No sir.
Who did you marry next? A. Alex Harris.
When was that? A. 98.
You say Jeff Mahoney married you? A. Yes sir.
He was clerk of Delaware district then? A. Yes sir.
You have never lived in Tahlequah district since you were a child have you? A. I was 8 or 10 years old when I was there.
Q. And after that you lived in Delaware district and the Quapaw Agency
A. I don't know any Quapaw cowboy?
Well the Otter Nation. I didn't mean to confuse you? A. I worked there
When did you go to Big Creek? A. I don't know.
How many years ago about? A. 16 or 17
Were you married then? A. I was a widow then--a grass widow.
Was Mr. Davenport present before the Commissioner's court the time you say you were discharged? A. I don't know, there was some one there.
Was there any witnesses examined? A. Yes sir lots of them.
Did Mr. Davenport represent the other side? A. I don't know what he represented.
Was he present? A. Yes sir he was there.
Davenport was present that time was he? A. He was there once I never know one time they had me there that he wasn't there.
How many times they had you up before the Commissioner? A. I don't know so
Did you ever know a man named Samuel Sales? A. Yes sir.
Did you ever call him father? A. My sir called her mother.
Why did you call Mrs. Sales mother? A. Well she was just like a mother to me.
Among what did you find them? A. In the Ottawa Nation.
And then, since you called her mother? A. Yes sir and call her that yet.
Did you the same thing with married Pelot? A. Quite the same.

Q You said that your husband? A. Yes sir, correct what I meant and.
Q Do they live in the Colonial Hotel? A. They live in the Chesapeake
Hotel now.
Q You married first by the name of Hallinan? A. Yes sir, by my
husband's name.
Q How and the amount of money you drew that time? A. Fifty
Q What was you then? A. I did know, I was living with Tom Johnson
and Charley Hall then.
Q Was it as much as ten years ago? A. It may have longer than that.
Q As much as 10 years? A. Sometimes along there, it has been a long
time, just directly after he and my husband separated.
Q You said he first money you drew? A Yes sir.
Q Did you ever draw any other money? A. Yes sir on the Railroad Mil.
Q By what name? A. By the name of Riley.
Q Did you apply to the Lone Star Gas Company five years ago? A. Yes
Sir.
Q By what name? A. Riley.
Q Where did you apply before the Lone Star Gas Company? A. At Harlem
Under the name of Annie Riley? A. I didn't get in there, I went
out to Shadeck and they said I would have to have my application at
Harlem and when I got there I was [illegible] and I was quite
Q You say you were before Harlem Gas Light Company and made an
application? A. Yes Lone Star's there.
Q Who was there? A. Mrs Gilmore and Miss Turner and Bobbie Brown.
Q Was I there? A. And Mr. Hastings was there.
Q Did you have your witnesses there and give in testimony? A Yes sir
Q What? A. Some letter.

By Mr. Wade:

Q Is it a fact that your parents were slaves? A. Yes sir.
Q And that you were a slave yourself? A. Yes sir that is what I have
been taught.
Q That application in this back Hastings suppose to--what court? A. The
Civil Court.
Q Did you draw that money? A. Yes sir, my husband was taken sick and
I had to go to him and he died and I had spent all my money and couldn't
go back.

By Hastings:

Q That you didn't go back to make application? A No sir.
Q Do you mean that you didn't put in your testimony? A They said I
would have to go to Albany or Hastings and I had spent all my money and
couldn't go.
Q Did you apply to the Lone Star Gas Company? A. No sir I didn't,
my husband did, but I didn't have anything to do with it.
Q What was his name? A. Alexander Hunter

By the Commission:

Q Was you and children? A. Yes sir.
Q Did you ever have any? A. Yes sir.
Q Are they not living? A. No sir.

By Hastings:

Q What was the oldest child named A. Frank.
Q How old would she be if she were living? A. About 22 or 24.
Q What was A. Mary.
Q How old would she be if she were living? A. 7 years old.
Q [illegible]
Q How long did that child live, do you know? A. Lived to be 18 or 19 months old.

By the Commission:

Q You separated from your first husband? A. Yes sir.
Q And subsequently married Alexander Harris? A. Yes sir.
Q And your living with him would be divorced? A. Yes sir.
Q Have you ever lived out of the Cherokee Nation other than the time you were married in the Choctaw Nation? A. Only to work out.
Q Never had a home out there? A. No sir.
Q Were your children all born in the Cherokee Nation? A. Yes sir.
Q And none of them are living? A. No sir.

By Mr. Moulton:-

Anna Harris applied for enrollment, she shows that her original name was Goldie, and that she first married [illegible] and was separated from him and married her last husband [illegible] new husband. She shows that she is enrolled on the Dawes Commission roll of 1896 and shows the [illegible] which enrolled roll of 1896 there is listed the name of [illegible] Goldie Harris and the name is indicated by [illegible] the name of the husband under that and Anna [illegible] applied to the Commission to be enrolled as [illegible] and was identified as the Anna Harris named in [illegible] enrolled roll of 1896. It will appear from the [illegible] on the enrollment roll of 1896, she no longer appears as to her age or nationality. Because of the fact that Anna Harris applied to be listed for enrollment under the name of Anna Riley, were inclined to be some doubt as to whether the applicant now present is the identical person who has [illegible] been enrolled on the rolls of 1896 as Mrs. [illegible] is identified on the Dawes roll as Anna Harris. Now the applicant will be listed for enrollment as a Cherokee [illegible] on a doubtful card pending the further consideration of the Commission by reason of the existence of the name of Anna Harris and Riley. The Commission is of the opinion [illegible] Riley as the enrollment roll which hereto is [illegible] should be listed for enrollment as a [illegible] [illegible] card, but because of the conflict above [illegible] [illegible] will be suspended and she will be [illegible] [illegible] card, and will be notified of the final disposition of the case.

* EXAMINATION CONTINUED *

By Testimony of the applicant:-

Q Your husband, you said he was Tony Riley? A. Yes sir.
Q What was his father and mother named? A. I don't know.

[illegible] you be [illegible] A. Yes sir.

[illegible] A. Yes sir.

[illegible] A. Yes sir.

[illegible] A. No sir.

I don't know any more.

* * * * * * * * *

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

Chas. von Weise

Subscribed and sworn to before me this the 16th of July, 1901.

[illegible]

Commissioner.

FILED
JUL 18 1901

[illegible] T E S T I M O N Y.

[illegible]

[illegible] BANKS,

[illegible]

[illegible] T[illegible] a matter of the enrollment of [illegible] & C[illegible] Freedmen, interested on the part of the [illegible] Indian.

APPEARANCES:

Applicant present in person and also by Attorney, Mr. [illegible].

Mr. W. W. Hastings, Cherokee Representative.

DAN SANDERS, being duly sworn by Commissioner [illegible] E. Meadows, testified as follows: [illegible]

Q What is your name? A Dan Sanders.
Q What is your age? A About 55 years.
Q Are you a recognized Cherokee Freedman? A Yes, sir.
Q Where do you live? A On Big Creek.
Q What is your post office address? A Centralia.
Q Do you know this applicant present here, Mrs. Anna Harris?
A Yes, sir; I know her.
Q How long have you known her? A I could not just exactly state, the time, about 15 or 20 years.
Q During that time where has she lived? A She has lived up there about Chelsea ever some where on t on Hudson, I never was at the house.
Q Do you know her mother? A Yes, sir.
Q What is her mother's name? A We called her Mrs. Sails, Mrs. Hudson she is now.
Q Is she alive or dead? A She was yesterday.
BY [illegible]
Q Was which [illegible] was livin g yesterday.
BY [illegible]
Q Where was she living, where was she? A She lives right below me about two miles and a half.
Q Do you know where she came from when she came there, this woman, Mrs. Hudson? A [illegible] Spring over in the Cherokee Nation when I first got acquainted with her.
Q What is her husband's name now, Mrs. Hudson's?
A Peter Hudson.
Q And Peter Hudson's wife is this woman's mother? A Yes, what we call him.

Cross-examined by Attorney for Applicant.

Q Who told you that? A That old lady.
Q Mrs. Hudson? A Yes, sir.
BY [illegible]
Q What is your name? A Dan Sanders.
Q Where do you live, Dan? A On Big Creek.
Q Where is that? A That is east of here about 17 or 18 miles.
Q Where is that from where you see Mrs. Hudson lives?
A About two miles.
Q How old is Mrs. Hudson? A I don't know.
Q How old does she look to be? A I guess she is somewhere about 50 years old.
Q How old do you think this girl? A About 18 or 20 years old.
Q Where did you see her? A Over on Big Creek.
Q Was her mother at that time? A Yes, sir.
Q Were they living together? A Yes, sir.
Q Where is Big Creek from Chelsea? A Southwest.
Q What were you doing over there? A Over in Chelsea.
Q Where do they live? A I don't know where they live; they lived where I live.
Q [illegible] A [illegible]

[illegible]

Q [illegible] A Yes, sir.

Q [illegible] A No, sir.

Q [illegible]

Q [illegible] A [illegible] it, if

Q [illegible] A Oh, I have [illegible]

Q [illegible]

A [illegible] Hart?

Q [illegible] A [illegible] miles.

Q You have been [illegible] to her house.

A [illegible] to her house.

Q How do you know [illegible] that? A They do and say so.

Q [illegible] A [illegible]

Q [illegible] A Yes, sir.

Q [illegible] Sanders? A This morning.

Q [illegible] A Yes, sir.

Q How do you know [illegible] she lived? A I knew her husband.

Q What [illegible]? A [illegible], a man by the name of Harris.

Q [illegible] A Yes, sir.

Q [illegible] A I never was at the [illegible]

Q You don't know [illegible] live? A No, sir.

Q [illegible] what when you went to [illegible]

A [illegible]

Q [illegible] A I [illegible] to her [illegible]

Q You don't know where she is now do you? A I never was to her place.

Q You don't know she lived the last 15 years? A She lived right west of me here a [illegible] two years ago.

Q Where is that? A On my brother's farm.

Q You were up there were you? A It was only about a half mile from me.

Q Do you know where she was living in 1886, do you know?

A No, sir.

Q Where was she living in 1890 do you know? A I don't know.

Q You don't know anything about it do you? A No, sir.

Q You say that her mother told you that she was her daughter?

A She calls her daughter.

Q When did she call her aunt? A Ever since she has been in my mem'ry.

Q When did she tell you she was her daughter? A I haven't asked her anything about it [illegible].

Q How long ago did she call this girl her daughter? A I could not, I never kept the dates.

Q Twenty years ago? A Less than that time, less than seven.

Q Where was it? A Right over there in this neighborhood.

Q What did she say about it? A I [illegible] asked her where was Ann gone and she say moved back on the farm.

Q That is all she ever said? A Yes, sir.

Q That is all she ever said about it? A Yes, sir.

Q When do you mean to tell this Court where you told this Court where Ann was? (No response.)

[illegible]

Q [illegible] remember and there in that seven sity ad her [illegible]? A Yes, sir.

Q [illegible] Q [illegible] My brother, Rueben Sanders.

Q [illegible] you to even know? A I told my own [illegible].

Q [illegible] of hers married into your family?

A Yes, married her [illegible].

Q [illegible] was this name? A Ary.

Q Ary [illegible]? A [illegible], sir.

[illegible]

I [illegible]

Q [illegible] A. R.
Q [illegible] A [illegible]
Q Are you a recognized C[illegible] A Yes.
Q How old are you? A [illegible]
Q Do [illegible]
Q How [illegible] A [illegible] I don't know.
Q Where was she born? A I [illegible] she lived; she lived [illegible]
Q Who has she been [illegible] A [illegible] of the time
when I knew her she was [illegible]
Q Well, her husband was [illegible] Harrison?
A Yes, yes, but when she lived in [illegible] Harrison
Alexander, Lord W.
Q Well, who did she live with before it was Harrison? A I don't
know.
Q You don't know? A No, sir.
Q Has she got a brother by the name of Ary Gallant? A Yes, sir,
that is my understanding.
Q Who did Ary marry, [illegible] family? A Yes, sir, married my
girl.
Q Do you know this girl's maiden? A I suppose that I knew her
as her.
Q [illegible] who is it? A [illegible] I her [illegible].
Q Is that her present name? A [illegible] is Mrs. [illegible]
I just positively don't know that that is her mother, that is my
understanding.
Q Is she recognized up there in the community as her mother?
A Yes, sir.
Q Did you ever hear it [illegible]? A [illegible] yes, sir, [illegible]
since I have been on the [illegible]
Q How far from her have [illegible] lived? A [illegible]
at what time she has been living on my place up there.
Q Who. A This lady.
Q This woman? A Yes, sir.
Q She has been living in that neighborhood how many years around
about up there? A She has been liv ing in our neighborhood to
the best of my recollection. I have been [illegible] but as my neighbors
head for the best of my recollection on, 15 or 20 years.

BY MR. [illegible]

Q You say your understanding is from some source. I don't care
where it comes from that this woman is this [illegible]'s mother?
A Yes, sir.
Q That is Mrs. [illegible]? A Yes, sir.
Q She is a recognized character of what is she? A I don't think
she is.
Q Do you know anything about it? A Of course I don't know
much about it, but I [illegible] she is a recognized character.
Q Have you been admitted as a citizen of this territory?
A Yes, sir.
Q Where was Mrs. [illegible] live from where you live now? A She lives
about two miles south.
Q Do you see her frequently? A Perhaps every Sunday or every
other Sunday.
Q How often have you seen this woman here, applicant?
A I don't see her every [illegible] here.
Q [illegible] A [illegible]
Q [illegible]
A [illegible]
Q [illegible]
Q [illegible] A I [illegible]

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Q How far, [illegible] A [illegible] present I believe she is living [illegible]
Q [illegible] Rudolph [illegible]?
A [illegible]
Q [illegible] A [illegible] live.
Q How long [illegible] there.
Q Why is y ou [illegible]
Q [illegible]
Q [illegible] A I don't know.
Q [illegible] there? A [illegible] there I have met her there.
Q When? A It has been some time.
Q When? A May be three or four months ago.
Q You say this [illegible] house? A Yes.
Q You were there? A [illegible], sir.
Q Who else were there? A [illegible] old lady.
Q And this woman was there, who else? A I knew the old lady was there.
Q You did remember nobody else that was there except the old and the old lady? A I remember the old lady and her.
Q That is all you remember? A Yes, sir.
Q What were you doing down there? A I had business down there.
Q What did you have business down there? I had business down there.
Q Who have you been talking to about the case?
A I haven't been talking to anybody.
Q Did you talk to Geo. [illegible]? A No, sir, I stood there and listened at his talk; he didn't hear me make this statement.
Q He didn't [illegible]? A No, sir.
Q He told you to make a statement? A No, sir, he didn't tell me to make any statement.

ANNA HARRIS, the Applicant, presents herself in her own behalf, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. [illegible]:

Q Mrs. Harris, do you know this woman they have been talking about?
A Yes, sir.
Q Is that the woman you told this Court you called Mother?
A Yes, sir.
Q That is not your mother? A She is not my birth mother.
Q You have been to her house? A Yes, sir; I come from there Monday, this week; I visit her very often, as Mr. Reuben Gunders says, I lived on his place four years last.
Q You didn't know that that was the same woman you called mother? A No, sir.
BY MR. [illegible]:
Q This man, [illegible] Miles, that married into Reuben Gunders family is he your half brother? A No, sir, that is her son.
Q Kin to you at all? A No, sir.
Q You deny that? A Not as I know of; I called her Ma because I partly raised her children.
BY COURT:
Q Did Mrs. Hudson partly raise you? A Yes, sir.
Q And you were as grown? A Yes, sir.
Q How long have you been knowing her? A Ever since I was about ten or twelve years old.
Q Where did you first see her? A Over in the Brandette Nation.
Q You have been making your home with her ever since?
A Yes, sir.
[illegible]
Q [illegible] Mrs. Harris, you were enrolled on this list, [illegible] while you were in the Cherokee Nation, in following [illegible] before you came [illegible] from there? A Yes, sir.
Q And since [illegible] have been up with these people? A Yes, sir.

[illegible]

[illegible]

Q. [illegible] A. [illegible] to seven years old, [illegible]
Q. [illegible]
Q. You saw [illegible]
A. [illegible] years [illegible]
Q. Look from [illegible] I recognized her as the same woman, [illegible] was the same woman.
Q. [illegible] by the name of Allen lived a mile from where [illegible] lives.
Q. [illegible] Yes, sir.
[illegible] A. [illegible] Ross Carey and [illegible]
Q. [illegible]
Q. [illegible] recognized as the [illegible] living with [illegible] Ross Carey [illegible]
Q. [illegible]
Q. [illegible] A. Yes, I [illegible]
[illegible] was it, Riley? A. I [illegible]
Q. [illegible]
[illegible] A. [illegible]
Q. [illegible] A. Yes, sir.
Q. [illegible] lived near Pool's Ferry in [illegible]
Q. [illegible] don't know.

[illegible] J. A. [illegible], being [illegible] sworn, testified as follows on part [illegible]

[illegible] Your name is [illegible]? A. J. A. Howe.
Q. [illegible] Howe, Mr. [illegible]
Q. How long have [illegible] nation? A. I have lived in the Cherokee [illegible] years.
Q. Do you know Anna Harris, the applicant in this case?
A. Yes, sir.
Q. How long have you known her? A. Well, I knowed her about that long.
Q. Where was she living when you first got acquainted with her?
A. Living in the Neosho River [illegible]
Q. With whom was she living, [illegible]? A. Joe Ventle.
Q. Had you ever known [illegible] of the family that she lived [illegible] before she lived [illegible]? A. No, I never knowed who she lived with; [illegible], she claimed as [illegible] Mrs. Salem her mammy.

Mr. Neal: I object to that and move to be stricken out because it is not an answer to the question.

Commissioner: The objection will be noted.

Q. Did you know a family of colored people by the name of Salem in [illegible]? A. Yes, sir.
Q. [illegible] you ever [illegible] with the applicant in this [illegible] Anna Harris [illegible] not they were any relation [illegible]? A. [illegible]
Q. [illegible] Neosho river, if you know, Mr. [illegible] A. Not long, I can't re[illegible]
Q. [illegible] where went to from there? A. I do not.
Q. [illegible]? A. Yes, sir.
Q. [illegible]? A. I saw her [illegible]

[illegible]

[illegible] A [illegible]

[illegible] Yes

[illegible] A [illegible] here.

[illegible] A [illegible] people.

[illegible] A [illegible] I realize.

Did you know of her living with Ventie or Venton?

[illegible]

Q [illegible] married to him? A No, sir, I do not.

[illegible] A Yes, sir.

[illegible] A [illegible]

Are a white man and citizen of [illegible]? A Yes, sir.

[illegible] J. C. [illegible], being duly sworn, testified as follows on [illegible]

[illegible] is your name? A J. C. Williams.

[illegible] A [illegible]

[illegible] old are you? A [illegible] years.

Q How long have you lived in the Cherokee Nation? A A little over 37 years.

Q What portion of the Cherokee Nation have you been living?

A [illegible]

Q What part [illegible] A Northwestern part

Q In what [illegible] of Cherokee or Sequoyah County?

[illegible] is that in place enough?

[illegible] A In '79 I lived on Scal[illegible], a mile and a half,

Q [illegible] A [illegible] was once, who is [illegible]

Q [illegible] A As near as I can be positive [illegible]

Q [illegible] when you first became [illegible]

Q [illegible] A [illegible] the head of the Neosho River.

Q [illegible] was known? A It was known as the Dove [illegible]

[illegible] A Cherokee [illegible]

Q Where was the Silverhael place from where she lived? A Something like a mile south, right on the bank of Mud creek, near the mouth of Mud creek.
Q Did you ever know any other colored family in that country by the name of Sales? A Yes, sir.
Q Where were they living at that time? A That was a question I thought I had answered. Sales lived a mile south of Grand river; they were living on the Silverhael place.
Q How long did Venton and Sales live on this place that was afterwards known as the Campbell place? A I don't remember they lived there, they were there in the winter, however, but I could not say how long they did live there.
Q Do you know where they went to when they moved from there?
A I don't remember whether they were living together, that is, to be positive, on the North side of the river, I saw her on the north side of the river, but I don't remember seeing him, whether they lived together or not; it has been long ago and I don't positively call to memory.
Q Was there any relationship between the applicant and Sales family?
Mr. Neal: I object to the question.
Q Did you ever have any conversation with the applicant as to whether or not she was relatedto the Sales family in any way? A No, sir.
Q Have you ever seen that woman after that time you speak of seeing her on the river? A Yes, sir.
Q When was that? A That was in 1888.
Q Where was she living then? A She was living with the family by the name of Tackett.
Q How far from where she was living when she was living with Venton?
A Oh, perhaps four or five miles.
Q Well, after 1880, when did you next see her, if at all?
Q After she had married this man Harris they lived down on Cow creek and I seen here then; I could not say what year that was.
Q What was Harris' first name? A Alock.
Q Been living up in that section of country ever si nce she and Harris moved down there? A She lived there several years, I don't remember how long.
Q I don't mean that she stayed there all the time, every day or month; has she been living out there as her home? (No response.)
Q Do you know where she and Harris were married?
A I don't know, she came in from Chetwa.
Q After she was living with Tackett what became of her? A She left the neighborhood?
Q And she was there with Tackett in 1880? A Yes, sir.
Q And afterwards when she and Tackett was married she came down to that Cow creek and lived there? A Yes, sir.
MR. NEAL: How many times have you testified in this case, Mr. Williamson? A Once or twice.
Q Well, now, do you know how many times? A I believe I have testified twice.
Q This is the third time? A I think so.
Q You have talked with the attorneys for the Cherokee Nation since you have been here to-day? A Yes, sir.
Q About how long were you in consultation with them to-day?
A Myself, individually?
Q Oh, no, all of you; the whole cabeadle of the witnesses?
A I don't know.
Q Two or three hours? A No, sir, not that long.
Q Were you in consultation this morning? A No, sir.
Q This afternoon? A Yes, sir.
Q You were in consultation before you came i n here?
A Yes, sir.
Q About what time did you go in there? A About one o'clock.

Q And a short time before you came up here, with them during the time you went in there after dinner until you came up here?
A No, sir
Q Well, about how long of that time had you been in consultation with them? A I suppose 25 or 30 minutes. I don't know, I didn't pay any attention.
Q You were in consultation with whom? A Mr. Bell and Mr. Davenport.
Q You testified as a witness against this same woman in Commissioner's Court where Mr. Davenport's client had her charged with perjury in a civil case to recover some property, where my client had her arrested? A I don't know whether I was or not.
Q How does it happen, Mr. Williamson, that you can't remember something that occurred two or three months ago and and can remember this woman living down here about Jackett's? A Because I have something to fix my memory to that.
Q I wish you would tell the stenographer what that is?
A I held a herd of cattle there for some parties and they ranged right up that hill, that is that was my range and I rode that range that summer of 1890, and I am positive it was the summer of '90 because the census was taken that year, I know that the census takers of 1890 was there that year and I am known and that is why it strikes my memory, and the house I lived in alone.
Q Did they take you also that year, did the census takers take your name? A Yes, sir.
Q As a citizen? A Yes, sir.
Q What is your nationality, Mr. Williamson? A I am a United States citizen.
Q You are not a citizen of the Cherokee Nation? A I don't know what I am not, I was at that time.
Q You are a citizen of the United states? A I saw I was raised in the Unitedstates.
Q What was your citizenship in 1890? A Adopted Cherokee, I believe what they term it.
Q Do you remember who the census takers were? A Yes, sir.
Q Who were they? A Joe Thompson was one and one of the Muskrat boy was one, it was Joe or Jim.
Q What time of the year did they take the census up here in Delaware district? A As well as I remember it was in May, it was rather early in the season I know, I won't be positive about the month.
Q Can you be as positive of the month as you can of the year because you had your cattle up there? A No, sir.
Q Is that the only year you had cattle there? A The only year I had that bunch.
Q You did have other bunches up there at other years? A Yes, sir. I lived up there at that place.
Mr. Neal: You have answered my question.
Q What time in 1890 did this woman live there? A I can't tell you.
Q You were there weren't youvery much? A No, sir
Q How frequently were you there? A I can't tell you.
Q What month of the year did you last see her there? A It was when the grass was green, I don,t think I seen her later than June; my cattle was all, water run down and rained a little over there south.
Q May it not be true that you didn't see her after April in 1890? A No, I didn't take my cattle in there in April.
Q When did you take your cattle somewhere there? A I took them there in latter part of May or first part of April.
Q You may have had your cattle there in April? A I don't know I may have.
Q Did you have your cattle up there in March? A No, sir.
Q Why? A Didn't have any grass in there.

[illegible]

[illegible] moved over

[illegible] ever

[illegible] house

[illegible] house to she

[illegible] A. No, not that I have

[illegible] after she was par-

[illegible] I

[illegible] Com-

[illegible] in 1907, or

[illegible] and

[illegible] that

[illegible] in this case?

[illegible] her?

[illegible] in here?

[illegible] seen her at the [illegible] answering questions? [illegible] there and went [illegible]

A Yes, [illegible] was [illegible] of her was when you [illegible] Yes, sir.

[illegible] as follows on page [illegible]

Q [illegible] A Go by the name of Venter.
Q Where do you live, [illegible] in Delaware district.
Q What is your [illegible] A [illegible].
Q How old are you Joe? A I don't know, I could not tell just exactly.
Q Well, where was you living in '8 or '9, do you know?
A You see me [illegible] I could not commit to memory.
Q Did you ever know a colored family in this country by the name of Sales? A Yes, sir.
Q Where were they living when you got acquainted with them?
A They were living there in the Cherokee Nation.
Q How far is that from the Neosho river? A It is right close to the Neosho river.
Q Did you ever know where a man by the name of Ross Carey lived on the Cherokee Nation side of the river? A No, not exactly.
Q Did you know where Pooler's ferry was? A Yes, sir.
Q Where were they living with reference to Pooler's ferry?
A They were living west of there.
Q What was Sales' first name? A Pleas.
Q Do you know what his first wife's name? A No, not exactly, I have forgot her name.
Q Did he have a family living? A Had a wife living.
Q Do you know whether Sales is living now or not? A I don't think he is.
Q Do you know whether his wife is living? A I think she is.
Q Do you know with whom she is living, or whose wife she is?
A Not exactly.
Q When did you hear she was the wife of? A Peter Hudson.
[illegible] Mr. Neal: Objected to as hearsay.
Q Did Sales' wife have any children? A They had children, they called them, I [illegible] they were theirs.
Q What was their [illegible]?
A [illegible] Mr. Neal: Objected to as hearsay.
A I believe [illegible] and one Jay and one Annie and one Maggie and the others I [illegible] to remember.
Q Well, [illegible] the Peoria Nation you say when you first got [illegible] A Yes, sir.
Q Did you ever have any conversation with the Sales family as to where they came from before they went to the Neosho river?
A [illegible]
Q Did you ever hear them talk about it? A I did hear them speaking as to [illegible]

[illegible] Mr. Neal: Objected to as incompetent, irrelevant and immaterial.

Q What [illegible] will be noted.
Q Well, [illegible] they came from Texas.
[illegible] they had named Annie is [illegible]
Q [illegible] the girl that Sales' did have they called [illegible] I don't mean for you to [illegible]
A The last time I seen her [illegible]

Q About how long ago was it? A About 15 years ago.
Q [illegible] how old would Annie be now if she were living, [illegible]
A I think she would be somewhere around [illegible]
Q It is she would be somewhere in between 30 and 40 years old?
A Yes, sir, best of my remembrance.
Q Well, were you well acquainted with Annie? A Yes, I was personally acquainted with her a little.
Q Did you ever live with her? A I did.
Q About how long? A Oh, somewhere about [illegible] I guess.
Q Where did you live with her? A [illegible] in the [illegible] of Ver.
Q At what place? A I lived on the creek and [illegible] place, I took the old White place; Dave White place.
Q What name was it afterwards known by? A I forget the name.
Q Did anybody take it away from you? A Yes, [illegible] take it, I went off and when I came back somebody else got it.
Q Where did you go? A I went to Oswego to work in the [illegible].
Q Did Ann go with you? A Yes, sir, worked there a little while and came back and somebody had the place.
Q Where did you go after you came back? A I went down here and she went to Big Creek.
Q With whom did she go to Big Creek? A She went to Big Creek with her mother.

MR. NEAL: Do you know these things of your own personal knowledge or did somebody tell you? A About the carried [illegible]?
Q And where she went to? A Yes, sir, I know it of my personal knowledge.

MR. DAVENPORT: You say her mother took her off? A Yes, sir.
Q What was her mother's first name, if you know her mother's first name? A No, I don't remember her mother's first name at all.
Q Well, any way she is the woman you understand to be Peter Sudsenis wife now? A Yes, sir, as far as I know.
Q You got your information from whom? A I got it from the old folks.
Q Have you ever heard Ann say anything about it? A Yes, sir, I have heard Ann say that is mother.
Q Ann say that is mother? A Yes, sir; lots of times you get with people and knows a great deal of them and claim them as mother and father and don't know anything about them.

MR. NEAL: You know, don't you Joe, that Mrs. Sales raised this Ann, don't you? A No, sir, I couldnot swear positively she raised her.
Q When did you first meet her? A I could not tell you that either
Q And when did you live with her? A I could not tell you the date of the year that was.
Q Where is Mrs. Sales now? A I suppose she is on Big Creek.
Q She had a number of other children, Mrs. Sales did?
A Yes, sir.
Q Who were younger than Anna? A Yes, sir.
Q Anna took care of these children very largely after you knew her?
A Yes, sir, principally.
Q As a matter of fact Anna did call her mother? A Yes, sir.
Q Do you know how long Anna lived with Mrs. Sales? A No, sir; I could not tell you that.
Q Were you married to Anna? A Yes, sir.
Q You are a citizen of [illegible] Cherokee Nation are you? I presume?
A I always been recognized as every [illegible] I am.
Q You were enrolled in this nation, were you, Joe? A Yes, sir.

[illegible] HAVE, being duly [illegible], testified as follows on part of the Cherokee Nation:

[illegible]: Your name is your name? A Benjamin [illegible].

[illegible] D. [illegible]

[illegible]

Q. [illegible] know about [illegible]? A. Yes, sir.

[illegible] Took me to see old [illegible] and [illegible].

[illegible] one old lady [illegible].

Q. [illegible] was that? A. [illegible] the enrollment at Nowata.

Q. [illegible] pay you for your time? A. [illegible]

Q. How much did he pay you? A. I don't [illegible] exactly just how much.

Q. [illegible] any [illegible]? A. No, sir.

Q. [illegible] was that? A. [illegible] it was in August.

Q. [illegible] you just about to [illegible] and you don't [illegible] he paid you, [illegible] paid you?

A. [illegible] he paid me a [illegible] of work.

Q. I want to know how much he paid you for this work? A. I don't [illegible]

Q. How far is it from here to where Mrs. [illegible] lives? A. About [illegible] I reckon, about 20 or 25.

Q. [illegible] was it with reference to [illegible] that you went out to see Mrs. Judson that you [illegible] about her [illegible]?

A. [illegible] was two years [illegible].

Q. [illegible] A. Right here in Vinita, just up here by the [illegible]

Q. You didn't know anything about her [illegible] at that time, [illegible]?

A. No, sir.

Q. What was the purpose of the inquiry? A. She lived right there [illegible] in there by me and of course I wanted to find out who she was.

Q. And you were living then here at Vinita? A. Yes, sir.

Q. You called on her? A. Yes, sir, was right in the house.

Q. Introduced yourself? A. No, sir, I was introduced to her by a girl that lived there with her by the name of [illegible], I don't know whether that is it or not, [illegible]

Q. [illegible] Mr. [illegible], what did she say to you?

A. Told him she claimed [illegible] a mother [illegible]

Q. And you went there to see Mrs. [illegible]? A. Yes, sir.

Q. [illegible] sir.

Q. Is her [illegible]? A. No, sir, she [illegible]

Q. [illegible]

Q. [illegible] A. I [illegible] that was sent to her [illegible]

Q. [illegible] to you? A. [illegible] the office.

Q. [illegible] are telling [illegible] this [illegible]

[illegible]

[illegible]

Mr. Davenport: [illegible]

Mr. Krull: I have made [illegible] to be [illegible] tomorrow and am [illegible] to be [illegible] Kansas City [illegible] in [illegible] on November [illegible].

Commission: The cause is continued until nine o'clock tomorrow morning.

---oooOOOooo---

J. C. Rossen, being first duly sworn, states that he stenographically reported the testimony and proceedings in said cause and that the foregoing is a true and correct transcript of his stenographic notes.

Subscribed and sworn to before me this [illegible] October [illegible]

COPY.

Cherokee Freedman D 924

[illegible] OF THE [illegible],

CHEROKEE BANK TO THE [illegible] CITIZENSHIP [illegible].

In the matter of the application for the enrollment of Anna Harris as a Cherokee Freedman.

D E C I S I O N.

THIS [illegible] OF THIS [illegible] Anna Harris [illegible] Tyner, [illegible] Indian Territory, [illegible] enrollment as a [illegible] Freedman. [illegible] Indian Territory, [illegible] Harris [illegible] April [illegible], [illegible] at request of [illegible] this [illegible], 1906. On said last [illegible] failed to appear, either in person or by [illegible] Nation having appeared by its attorneys, [illegible] case is [illegible] ordered closed.

THE EVIDENCE IN THIS CASE SHOWS that the applicant, Anna Harris, was born since the commencement of the [illegible], and claims the right to enrollment as a Cherokee Freedman for the following reasons, to-wit:

(1) That she is a descendant of Sam Fulling and Mary Riley, deceased, who, the illegal [illegible] parents had complied with the provisions of Article IX of the treaty of 1866; and

(2) That she is identified on the Cherokee authenticated tribal roll of 1880.

The Cherokee Nation contend that said applicant is a daughter of Martha Bennett, formerly Riley, (who for many years has been a resident of the Cherokee Nation, but for whom no application for enrollment as a Cherokee freedman has been made), and Pleasant Bales, deceased.

The applicant herein introduced no witnesses to show that her alleged parents, John Colline and Mary Riley, deceased, were either the slaves of Cherokee citizens, or free colored persons residing in the Cherokee country, at the commencement of the rebellion; and the 1880 enrollment which she claims as here, is conclusively shown to be the enrollment of one Anna Robertson, nee Riley, who was duly listed for enrollment on Cherokee card No. 6860, and is now included in a partial roll of Cherokees by blood, approved by the Secretary of the Interior on November 4, 1903, opposite No. 28321.

In behalf of the Cherokee Nation seven witnesses were introduced, among others, a former husband of the applicant, whose combined acquaintance with said applicant covered a period of thirty years next before September 1, 1902, and all of whom testify that it was ever their understanding that she was a daughter of the said Martha Hudson, formerly Sales, and Pleasant Sales, deceased. In this connection attention is called to Cherokee Freedman Rejected case No. 91, wherein one Ira G. S. Sales, son of Martha Hudson and Pleasant Sales, deceased, both of whom are shown on enrollment card No. R 91, to be non-citizens of the Cherokee Nation, was denied the right to enrollment as a Cherokee freedman, by the Commission to the Five Civilized Tribes, said decision being duly forwarded to the Department.

Excepting the identification of the applicant on the Wallace roll, neither she nor any ancestor through whom by any possibility she might obtain Cherokee freedman citizenship rights, can be identified on any roll of the Cherokee Nation in the possession of this office.

FINDINGS OF FACT AND CONCLUSION: It is considered that after ample opportunity afforded, the applicant in this case has failed to show by satisfactory evidence that her alleged parents, John Collins and Mary Riley, deceased, complied with the provisions of Article IX of the treaty of 1866, consequently, this allegation on the part of the applicant, comes within the rulings of the Department in the cases of Eliza Bryant et al. (I.T.D. 544-1904), William Rector (I.T.D. 1468-1904), Minnie Duncan et al. (I.T.D. 1470-1904), Samantha Chambers (I.T.D. 2296-1904), Ed Williams (I.T.D. 4830-1904), and Moses Ross (I.T.D. 6088-1904); and that the evidence shows that said applicant is not enrolled upon the Cherokee authenticated tribal roll of 1880. And it is further considered that, granting the contention of the Cherokee Nation, the evidence herein shows that the applicant is not entitled to enrollment as a Cherokee freedman as a descendant of the said Martha Hudson, formerly Sales, and Pleasant Sales, deceased.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, under the provisions of section twenty-one of the Act of Congress approved

Rollin Davis

Knows that Mrs Hudson sent that Anna Harris, the applicant was her child – Dan Sunders was present – she broke down & cried saying it was awful that children would deny their own parents –

Service accept
Sept 12 - 1901 by
A. D. Noble atty

Copy

NOTICE!

IN THE MATTER OF The application of Anna Harris for enrollment as a Cherokee Freedman:

Case No. F. D. 924

To Anna Harris or A. D. Neal

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on the following dates, to-wit: Oct 12, at 10 o'clock A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 10th day of Sept 1901.

B Bell

W W Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

[illegible]

day of [illegible]

Given under my hand [illegible]

day [illegible] A. [illegible]

I, the [illegible]

day of [illegible]

A [illegible]

[illegible] AMERICA,
[illegible] } s. s.

I do solemnly swear that I delivered a true copy of the within [illegible]

on the [illegible] day of [illegible] A. [illegible]

Subscribed and sworn [illegible]

this [illegible] day of [illegible]

NOTICE!

IN THE MATTER OF The application of Anna Harris for enrollment as a Cherokee Freedman:

Case No. F. D. 924

To Anna Harris & A. D. Neal

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on the following dates, to-wit: Oct 12 at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 10 day of Sept, 1901.

Russell

Attorneys for the Cherokee Nation.

F. D. 924

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of .....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

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

....day of....., 190....

.....

Attorney for applicant.

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

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

.....

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

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

Proof of Service made and original filed with the DAWES COMMISSION.

OCT 16 190[illegible]

Proof of Service made and original filed with the DAWES COMMISSION.

Proof of Service made and original filed with the DAWES COMMISSION.

Proof of Service made and original filed with the DAWES COMMISSION.

Proof of Service made and original filed with the DAWES COMMISSION.

Proof of Service made and original filed with the DAWES COMMISSION.

NOTICE!

IN THE MATTER OF the application of Anna Harris,
for enrollment as Cherokee Freedmen:
Case No. F. D 92
To Anna Harris, or to A. D. Neale, 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 Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, on Oct. 22, 1901, at 8 o'clock A. M., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this October 14th, 1901.

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

F. M. Carver

Knew them in 1871, and they went to the Altona in 1872, or there, Step father's name was Dails. In 1843. Was with the Dolicitor and son there living on, near Linn Tunnel Hill —

J.C. Williamson

~~1879~~ Knew ~~them~~ her Step father in Dails, 1872, Was Pooles Ferry on Neosho, river & son Lee in 1877 or 78. Neosho River, for Venlon Rosebump in Miami

1880. on Cow Creek with Tocker near Chetopa.

J.A. Nowe — ~~Was~~ 1879, was living on Neosho river, ~~Where~~ ~~she lived~~ with for Venlon

Samuel Landers –

Mrs Anna Harris,
Ara V Jones, Sailor, "Year 18"
after Mose Whitmore, Pleone

Roland Nove –
Mrs, Sailor

Joe Venton,

Peoria nation, 13 years - - -

1 years - , Mt Month Osage,

mounted on hill, I came back

and looked new South Nora

674.

Ben Files Esq.
Fort Scott, Kansas

Judge: Morgan

Robinson - negro -
fine Quirk of Fort
Scott.
Armstead Jones -
Winner Pt.
Sind by M.N. Robinson
Gen Organ Kansas
before he Come to
the Cherokee Nation,

Ellis Gossnett
Her sister here
married a Robinson -
I know nothing
lived

[illegible], Indian Territory, March 22, 1905.

Hall, [illegible] & Davenport,

Attorneys for [illegible] Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Anna Collins, formerly Harris, as a Cherokee Freedman, you are advised that further testimony is required as to her descent from a Cherokee freedman, or a free colored person residing in the Cherokee Nation at the commencement of the war of the rebellion, and who returned to and were residing in the Cherokee Nation within the time limited by Article 9 of the Cherokee Treaty of 1866.

The applicant has this day been directed to appear before the Commission, at its offices in Muskogee, Indian Territory, at nine o'clock, A. M., Thursday, April 6, 1905, and produce testimony touching the points above named.

Respectfully,

Chairman.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, March 31, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

In the matter of the application for the enrollment of Anna Gasking as a Cherokee freedman, you are advised that the time for taking testimony in this case has this day been continued until nine o'clock A. M. on Thursday, April 20, 1905, at which time the applicant and the Cherokee Nation will be permitted to appear before the Commission at its offices in Muskogee, Indian Territory, and introduce testimony in this case as heretofore requested.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, September 9, 1905.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the application for the enrollment of Anna Harris (now Haskins) as a Cherokee freedman.

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

Respectfully,

W. O. Beall

Acting Commissioner.

Incl. GL-229.
GMM.

(C O P Y)

Land
73496-1905

DEPARTMENT OF THE INTERIOR

Copy

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

January 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 September 9, 1905 transmitting the record of the application for enrollment as a Cherokee Freedman by Anna Harris.

September 8, 1905, the Commissioner decided adversely to the applicant.

The record shows that the applicant was born since the beginning of the war of the rebellion and claims that she is a descendant of John Collins and Mary Riley, deceased, and that she is identified on the Cherokee 1880 authenticated tribal roll.

The evidence shows that she is not a descendant of John Collins and Mary Riley, but is a descendant and daughter of Martha Hudson, formerly Sales (long a resident in the Cherokee Nation, but for whom no application for enrollment as a Cherokee citizen has ever been made) and Pleasant Sales, deceased.

It is further shown that she is not identified on the 1880 authenticated Cherokee roll, or any other Cherokee roll except the Wallace roll, nor is any ancestor, through whom she might claim, so identified.

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

Very respectfully,

C. F. Lawrence,

Acting Commissioner

MMM

C

(C O P Y)

JS Jr

DEPARTMENT OF THE INTERIOR

[illegible] 9 [illegible] 8
[illegible] -1906

WASHINGTON

LLB

L R S

March 9, 1906.

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

Sir:

September 9, 1905, the Acting Commissioner transmitted the record in the matter of the application for the enrollment of Anna Harris, now Gaskin, as a Cherokee freedman.

Reporting January 11, 1906, 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 September 8, 1905, is hereby affirmed.

Respectfully,

(Signed) THOS RYAN
First Assistant Secretary

1 inclosure.

[illegible]

[illegible] Commissioner to the Five Civilized Tribes.

Muskogee, Indian Territory, March 16, 1906.

Dell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the application of Anna Harris for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on March 9, 1906.

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

Respectfully,

W. O. Beall

Encl. 5-56

Acting Commissioner.

[illegible]

[illegible]

[illegible]

In the matter of the application of Frank [illegible] for the [illegible] of [illegible] and [illegible] [illegible] by [illegible] [illegible] as follows:

[illegible] is your name? A. Frank [illegible].

[illegible] A. [illegible]

[illegible] A. [illegible] 20

[illegible] A. [illegible], Cherokee Nation, [illegible]

[illegible] to be enrolled as a citizen [illegible] A. [illegible]

[illegible] you want to have enrolled [illegible]

[illegible] A. [illegible]

[illegible]

[illegible]

[illegible]

[illegible] A. [illegible]

[illegible] A. [illegible] to Thomas Frazier.

[illegible] A. [illegible]

[illegible] A. [illegible]

[illegible] your mother? A. Yes sir.

[illegible] were you born? A. [illegible], [illegible] to [illegible]

[illegible] were you when your mother died? A. 4 or 5 years old.

[illegible] died? A. At [illegible] mill.

[illegible] did you go after you died? A. Cherokee Nation.

[illegible] were you there? A. [illegible]

[illegible] was he? A. At Tahlequah.

[illegible] to you? A. Supposed to be my father.

[illegible] Cherokee Nation.

[illegible] A. [illegible]

[illegible] your [illegible]? A. [illegible].

[illegible] been your home a 1 year [illegible]? A. Cherokee Nation.

By [illegible]:

How old are you? A. About 20.

[illegible] old is your [illegible] sister? A. [illegible] years old. The oldest [illegible]

[illegible] A. [illegible]

[illegible] A. [illegible] to [illegible]

[illegible] were you born? A. [illegible]

[illegible] you [illegible] A. [illegible] to be [illegible]

[illegible] A. [illegible] years old [illegible]

[illegible] A. [illegible] and went to the Cherokee Nation

[illegible] A. [illegible]

[illegible] your [illegible] A. [illegible]

[illegible]

[illegible] A. [illegible]

[illegible] A. Yes sir in the Hoover Nation.

[illegible] A. No sir.

[illegible] A part of that there and you all [illegible]

[illegible] did you come back here after you married? A A month or two [illegible] married.

[illegible] live up here? A. I have not been stationary at one place, we moved to a [illegible] and there he died I go too.

[illegible] your last year? A. [illegible].

[illegible] the year before that? A. [illegible].

[illegible] the year before that? A. Redford.

[illegible] A. [illegible]

[illegible] A. [illegible] Hawkins.

Did you appear to the Kent Sixteen Commission? A. Yes sir.

Where? A. Port Gibson.

By [illegible] A. [illegible] Hawkins.

Where did you see Mr. Warren? A. Ever since I was a little [illegible].

Did you ever see him in the Shooter Nation? A. Yes sir.

Did you ever see him at Kannawood? A. No sir.

What was the first time you ever saw him? A. In the Shooter Nation.

[illegible] A. [illegible]

Where was that? A. Where Uncle Campbell lived.

[illegible] A. Part evening.

[illegible] was the first time you ever saw him? A. Yes sir.

[illegible] did you first see Thomas Hamilton? A. I have seen him off and on for a good long while, I don't know the first time.

What is your best judgment about it? A. Well I saw him at Hayden and Port Gibson.

When was the first time you saw him? A. At Port Gibson.

How long ago? A. I don't know, several years.

Ten years ago? A. I don't know sir.

Was it been five years? A. Yes sir I guess it has been five years.

Is that your best judgment? A. Yes sir.

By Stone.

Did you draw sixty money? A. Yes sir.

By the Commission:

What is your Husbands Name? A. William Martin.

[illegible] you said Thomas Martin? A If I did I made a mistake, it is William.

Is he a citizen? A. I is supposed to be, he never had his papers.

[illegible] did you marry him? A. 14 or15 years ago.

[illegible] your first husband? A. Yes sir.

[illegible] A. No sir.

[illegible] apply for all living? A. Yes sir.

[illegible] living? A. Yes sir.

[illegible] does your husband belong to? A. Arlene Hathaway.

[illegible] to the Shooter Commission Commission? A. Yes sir in [illegible].

[illegible] there did everywhere through the Indian Nation? A. [illegible].

[illegible] witness, [illegible] on behalf of Former [illegible]

[illegible] sworn by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

[illegible] T. [illegible] for applicant.

Mr. W. W. [illegible], for Cherokee Nation.

MR. [illegible]

Q [illegible] A [illegible]

Q Your age? A [illegible] years old.

Q Your post office? A [illegible]

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Do you know the applicant here, [illegible]?

A I knew Sarah Martin [illegible] war and before the war.

Q I am speaking of the applicant? A I know her mother.

Q To whom did her mother belong immediately at the beginning of the war? A Polly Hilderbrand.

Q Polly Hilderbrand a citizen of the Cherokee Nation by blood?

A Yes, sir.

MR. [illegible]

Q How do you know that that was her mother? A She said that was her mother.

Q You don't know this to be a daughter of that woman do you?

A No, sir.

Q Where did you live before the war? A I lived on Grand River while and Honey's prairie.

Q How far was that from Hilderbrand's Mill? A That was towards, I think it was in the line of Going [illegible].

Q Were you over there? A Lots of times.

Q Where did you go from to mill there? A I went from Grand River and Honey's prairie.

Q And you saw some women there by the name of Polly?

A They had been Hilderbrand Polly.

Q Did you ever see a has civil before the war?

A No, sir, I saw her mother.

Q You don't know whether it was her mother? A She claimed it was her mother.

GEORGE W. VANN, being duly sworn by Commissioner T. B. Needles, testified as follows:

BY MR. [illegible]:

Q What is your name? A George W. Vann.

Q Age? A [illegible].

Q What is your post office? A Bunger.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Do you know the applicant here, Sarah Martin? A Yes, sir.

Q Did you know her mother? A I did.

Q What was her mother's name? A Sarah Hilderbrand.

Q To whom did Sarah Hilderbrand belong at the beginning of the Civil War? A Polly Hilderbrand.

Q Was Polly Hilderbrand a citizen of the Cherokee Nation by blood?

A Yes, sir.

Q Where did you first see Sarah Hilderbrand, the mother of the applicant here, Sarah Martin, after the close of the war?

A [illegible] at Walters Falls.

Q When was that? A Along about '66.

Q How long did you see her around Walters Falls in 66?

A She was working down there about a year for hands there.

Q When did you next see her? A I never saw her after that until about '74 or '75.

Q When you next saw her after '74 or '75 did she have any children with her? A Yes, sir, had that girl (referring to the applicant).

Q Did she make any statement to you whether or not this was her child? A Yes, sir.

Q How long have you known the applicant here? A Well from

[illegible] up there [illegible] never [illegible] her [illegible] until [illegible] [illegible] I have [illegible]

Q [illegible] husband, [illegible]? A I do.

Q Do [illegible] or [illegible] were you married? A I do; I saw [illegible]

Q [illegible]? A Elder [illegible], my presiding Elder.

Q Where were you married? A At Campbell's in the Choctaw Nation.

Q Near what town? A Well [illegible] near [illegible]ville, between [illegible] and [illegible], in the Choctaw Nation.

Q You saw this girl's mother before the war? A Oh, yes.

Q Where did you see her? A [illegible] her up to Hilderbrand's, Miss Polly Hilderbrand.

Q Now, what was Miss Polly Hilderbrand's husband's name? A I don't know; I don't know; they always called her Miss Polly Hilderbrand.

Q You were up there before the war? A Yes, sir.

Q What other house did she live in there? A I don't know.

Q You don't know what sort of a house? A No, sir.

Q Did they live in the prairie or timber? A It is around [illegible] on a creek.

Q What kind of a creek was it; what is the name of that creek? A It was called Hilderbrand's Creek, they called it.

Q You know that that never was called that in the history of the country? A No, no.

Q Which way did that creek run? A Just for me to tell you, why.

[illegible]:

Q You say you don't know? A Yes, sir.

BY MR. HASTINGS:

Q Do you know anything about Hilderbrand's farms, what sort of a farm he had around there? A Now, Mr. Hastings, I travelled around in there and I can tell you.

Q How old was this woman's alleged mother before the war? A She seemed to be a young woman.

Q Did she have any children then? A No, sir.

Q What was her first name? A Are you talking about Sarah Hilderbrand, her mother.

Q Yes. A Why, Sarah.

Q What was this girl's father's name? A I don't know.

Q You never saw her father? A No, sir.

Q She never was with her father? A If she was I don't know.

Q When were you up there at Hilderbrand's Mill [illegible] before the war? A I was up there part of the time I was up there with [illegible] Bengal; I was up there with old man [illegible] chicken fighting and horseracing.

Q You have been down in the Choctaw nation a good deal since the war? A I married my first wife in the Choctaw Nation.

SARAH MARTIN, the applicant, recalled:

Q Where did you say that your mother died in your testimony a while ago? A I said she died at Hilderbrand's Mill.

Q She lived and died there as far as you know? A As far as I know.

Q She never went with you to [illegible]? A She was dead.

Q I don't mean [illegible] I mean Choctaw Nation; she died before you left Hilderbrand's Mill up there in the Cherokee Nation? A Yes, sir.

BY MR. [illegible]:

Q When were you born? A I was born in '70.

Q [illegible] at the time you were four or five years old did you [illegible] every place you were, your mother took you? A Yes, sir, she carried me [illegible] Choctaw [illegible].

Q You are talking about your [illegible]? A Oh, my mother never carried me anywhere, as far as I know.

Sarah Martin, et al., [illegible]

Q. [illegible] where you were four or five years old and you [illegible] A. Yes, sir.

Q. You [illegible] all didn't what? (No response.)

COM'R MCKENNON: [illegible] Sarah Martin applies for the enrollment of herself and four [illegible] husband, William M. Martin [illegible] child of Sarah and William Martin [illegible] husband was a citizen of the Cherokee Nation. She says that her mother died when she was [illegible] years of age and she was born in the [illegible] Nation. She cannot be identified upon any roll of the Cherokee Nation except the Commission roll and she is duly identified upon the Mexican-Cherokee roll according to the page and number of the roll as indicated in the testimony. The names of her children are not found upon any of the rolls and it will be necessary for satisfactory proof of their birth to be filed with the Commission. Said Sarah Martin and her four children will be listed for enrollment as Cherokee Freedmen upon a doubtful card. She will be notified by mail of the decision of the Commission when arrived at.

---o ooOOooo---

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 15th day of July, 1901.

D. B. Shannon

Commissioner.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

File with S. F. D-125, Sarah Martin, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 9,1901.

In the matter of the application of Sarah Martin et al for enrollment as Cherokee Freedmen.

Appearances:
Lewis T. Brown, Agent for the applicant;
W.W.Hastings, of attorneys for the Cherokee Nation.

AARON BECK, being sworn by Commissioner Needles testifies as follows:

BY MR. HASTINGS:

Q What is your name? A Aaron Beck is my proper name, I go by the name of Head Beck.
Q How old are you? A I am 67 years old [illegible] passed.
Q Where were you living when the war came up? A At the Hilderbrand Mill, Goingsnake District.
Q How long had you beenliving there?A I can't answer just the number of years, but several years.
Q Number of years before the war?A Yes sir. A number of years beforethe war.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q Mr. Beck, didyou know a Cherokee by the name of Polly Hilderbrand? A Yes sir.
Q I mean one that lived near Hilderbrand's Mill, in Goingsnake District? A Polly Hilderbrand?
Q Yes sir. A Yes sir, she lived right at the mill and owned the mill at that time; she was an aunt of mine.
Q Now how long had you known her when the war came up? A Well I don't know, but I could be safe in saying 25 or 30 years.
Q Been a number of years? A For a number of years, yes sir.
Q Did you know her intimately? A Yes sir, lived with her.
Q You lived with her?A Yes sir, that was my home.
Q When the war came up that was your home? A Yes sir.
Q I will ask you if she owned a colored woman by the name of Sarah? A No sir, I never knew any such colored woman as that there; she never owned but one slave, A colored woman, to be her own property; that am I know of, and her name was Melvina.
Q Did she have any other one there when you came [illegible] the war came up other than Melvina, a woman?A no sir.
Q Well, were you in the war? A Yes sir.
Q Immediately after the war where did you go? A I went home to that mill.
Q Where you continued to live in and about right there ever since haven't you? A Yes sir.
Q You live there now? A Yes sir, that's my home until yet.
Q Did you know Polly Hilderbrand after the war, your aunt? A Yes sir.
Q Did you ever see a colored woman around there by the name of Sarah, after the war? A No sir, to my recollection I never did see a woman by that name.
Q Did you know any colored women at all around Hilderbrand's Mill after the war? A No sir, she owned a colored woman named Melvina, and she went off directly after surrender and there was no colored woman besides that one after the war.
Q You know what becojme of Melvina? A She went to Fort Gibson I reckon; that is where they said she went; I didn't see her go, but that is my information.
Q That's all you know about it? A Yes sir.
Q Did you live there in '67 and '8 and '9 and [illegible] '70; I believe you have already stated that you have? A Yes sir, I come home in '66.
Q In '66? A I think I did; the surrender was in the spring of '65

Sarah Martin et al 2

And in the spring of '65 I came home.

Q You did not come home the first time when you came home?

A No sir. I don't remember that I did.

Q When did Polly Hilderbrand die? A Well sir, I can't tell you just the date.

Q Well about how many years after the war? A Well it must have been a anyway.

Q But that around that still there? A Yes sir, She was there afterwards.

Q You say positive that she owned no major woman by the name of Sarah was there when the war came up? A No sir, she didn't own any, because I lived there, and that was my home; I know she didn't own any by that name; she owned one named Melvina.

Q That is the only one she owned? A That's the only one she owned.

BY MR. BOWEN:

Q Mr. Bowen, do you say you served in the war? A Yes sir.

Q When did you inlist? A I inlisted in '62 I reckon.

Q Where? A Up in the state of Arkansas, up there east of where I live.

Q How long had you been in the State of Arkansas before you inlisted? A Day and night. I worked the winter before for General Blount there; run a mill for him.

Q Where were you from '62 to '65? A In the army.

Q Where were you stationed at, anyone place? A We had different camps we re to stayed, wherever the federals would let us stay.

Q Well now, along about February, 1863, where were you? A We were in the Choctaw Nation somewhere.

Q Did Polly Hilderbrand own any slave at that time? A A slave woman stayed with her, the one that she owned before the war.

Q Now didn't she own any one by that name in February in '63? A No sir, not that I know of.

Q How do you know; you say you were in the Choctaw Nation? A Well I say nobody none that I know of.

Q She might have owned a slave and you not knowing it at that time? A If she did she owned her for a very short time, because in '64 I come home to see my people, and that woman I tell you of was there, only Melvina.

Q You say you knew Polly Hilderbrand about 30 years before the war? A Well, no, I don't know, about 25 or 30, as well as I can recollect. I don't just know the number of years; I couldn't say positive just how many years.

Q Now you say this Polly Hilderbrand you are speaking of only owned one slave, and her name was Melvina? A Yes sir, that's my best recollection.

Q You are positive of that? A I think so, yes sir.

Q You swear positively she owned one slave and her name was Melvina? A That's all I know of her having while I lived there.

Q How long did you live there? A All the time that I was in the army.

Q You returned there in '65? A Yes sir.

Q How close did you settle to the old Hilderbrand Mill? A Right there, I run the mill.

Q Do you know a man named Thomas Frazier? A No sir.

Never knew a man by that name? A If I knew him I don't remember him; there was some Fraziers there; was he a white man or Cherokee, do you know?

Q I think he was a Cherokee; I don't know myself? A Well I didn't know him.

Q There were some Fraziers around there you know? A There were some Fraziers there, but he was a white man, claimed to be, I don't know whether he was a white man or not, but claimed to be.

Q So you don't know whether or not during the month of February '63 Polly Hilderbrand owned a slave by the name of Sarah, or not?

Sarah Martin et al ?

do you? A I was in the Cherokee Nation. If she owned her she did not own her in '61. I came home on the scout in '64 and was there doing a right smart [illegible] my husband was there, and the old [illegible] was there. I came home and helped [illegible], and this n[illegible] still was [illegible] there; I was in the funeral house you see one [illegible] to sort of [illegible] and.

MRS. BECK, being sworn by Commissioner Needles, testified as follows:

EXAMINATION BY MR. WARRINER.

Q What is your name? A [illegible] Beck.
Q What is your age, Mrs. [illegible] A I am in my 66th year now.
Q Are you a Cherokee citizen by blood? A Yes sir.
Q Where do you live? A I live in Delaware District, Cherokee Nation.
Q How far is that from the old Hilderbrand Mill? A Some 6 miles I think.
Q Where did you live before the war? A I lived out on Beck's Prairie.
Q How far from Hilderbrand's Mill? A Well now I would call it about same distance, about 6 miles, or 7.
Q Did you know a Cherokee woman there by the name of Polly Hilderbrand? A Yes sir.
Q Where did she live? A She lived at the Hilderbrand Mill, Going Snake District.
Q Was she any relation to you? A She was an aunt of mine.
Q Did you know her well? A Yes sir.
Q You visit her? A Yes sir.
Q Did you know whether she owned a colored woman when the war came up by the name of Sarah? A No sir, she didn't own any one by the name of Sarah.
Q Did she own any colored woman at all? A She owned one, her name was Malvina.
Q Was that the only one she owned? A Yes sir.
Q Mr. Beck, was that the only Polly Hilderbrand who lived in that neighborhood before the war? A It is the only one I know anything about at all.
Q Were you in the army during the war? A Yes sir.
Q When did you return after the war? A I returned back in '67.
Q To that Neighborhood? A Yes sir.
Q Did you know Polly Hilderbrand then? A '67, yes sir, I knew her then.
Q She was afterwards killed was she? A Yes sir, she was killed after '67.
Q 4 or 5 years, do you remember how long? A She was killed in '72.
Q Well did you see any colored woman around there after the war, any at all after you came back? A No sir.
Q You don't know of any at all around in that neighborhood? A No sir.
Q Was this a place to go to mill, Hilderbrand's Mill, before the war? A Yes sir.
Q Long time after the war, wasn't it? A Yes sir.
Q This Polly Hilderbrand was your aunt? A Yes sir, she was a sister to my father.
Q Where did you join the army? A Sowakin Prairie.
Q When? A I joined the army there, it must have been in '60.
Q After the war commenced wasn't it? A Yes sir.
Q That didn't commence until '61? A '61, '61.
Q Were you at home any during the war? A Well I passed back in now and then.
Q Do you know how long this Malvina stayed around your aunt Polly's? A No sir.
Q I mean of your own knowledge? A No sir, I do not.

Sarah Martin et al ⅊

BY MR. BROWN:

Q Well now, [illegible] where you around your [illegible] Polly's between [illegible] A [illegible]

Q Yes sir? A Well now after I joined the army I wasn't around there [illegible] often.

Q I was there two or three different times.

Q Well [illegible] long did you stay at a time? A [illegible] very long.

Q Kind of [illegible]

Q And you didn't have time to [illegible] how many slaves the people had around in that [illegible] and you, along about that time?

Q That's the [illegible] A [illegible] all the one.

Q And there might have been some around there that you didn't notice? A I didn't notice any at all; I didn't see them.

Q You say you would slip and and slip out and you didn't have an opportunity to see how many slaves there were around that place? A No sir.

Q Now when Mr. Hastings asked you did Polly Hilderbrand own a slave at the beginning of the war by the name of Sarah, you started to say something after you had partly answered the question; now I want to know what that was? A I started to say if the Selvins that I knew was named Sarah it was more than I knew anything about.

Q Are you willing to swear that during the month of February, '63, Polly Hilderbrand didn't own a slave by the name of Sarah, while you were in the army, and possibly away? A I couldn't swear that.

BY MR. HASTINGS:

Q You know that she didn't own one before the war when you joined the army? A Yes sir.

Q And you know there was no Sarah after you came back? A Yes sir.

BY MR. BROWN:

Q Do you know Calvin Hilderbrand, an old colored man, dead now? A No sir.

Q You say you returned in '67? A Yes sir, as well as I recollect. It was in the spring of '67 or '66; I won't be certain of it; it is quite a long while to recollect dates.

AARON BECK, re-called and further examined, testified:

BY MR. HASTINGS:

Q Mr. Beck, was this Polly Hilderbrand who was an aunt of yours, the only Polly Hilderbrand you knew of that lived around in that immediate vicinity? A Yes sir, that is the all the Polly Hilderbrand that I knew of.

BY MR. BROWN:

Q Were you acquainted with everybody that lived in that district at that time? A Well I couldn't say about the district, but as to the neighborhood and right around there I was.

I run a mill there you know, and I ground for greater part of the Choctaw Nation; there was no mills scarcely in the Nation at that time.

Q Did you know an old colored man who used to live in that country about the time of the war by the name of Calvin Hilderbrand?

A I don't remember any such name.

Q You know a woman named Peggy Hilderbrand, colored woman? A No sir, I don't remember the name.

M.B.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 October 10, 1901.

Commissioner.

[illegible]

[illegible]

and [illegible] to the [illegible]

[illegible] was in [illegible] of said Sarah Martin [illegible] the matter of the application for the enrollment of said [illegible], as Cherokee freedmen, [illegible] of the [illegible] to the [illegible] [illegible] law, contrary to the evidence and [illegible] the weight of the evidence.

[illegible] further prays [illegible] said case for [illegible]

[illegible] will be [illegible] said [illegible] Martin was the daughter of [illegible] was a [illegible] of [illegible] a citizen by blood of the Cherokee Nation; [illegible] residing in the Cherokee Nation during the year [illegible] and on February 11, [illegible] that said [illegible] was [illegible] February 11, [illegible] Cherokee Nation and [illegible] the [illegible] of [illegible] of the

[illegible]

In the matter of the motion for a reopening of the application for the enrollment of [illegible], et al., as freedmen herein.

Polly of the Cherokee Nation.

The record in this case shows that the principal applicant, [illegible] Martin, made application to be enrolled as the child of [illegible], [illegible], before the Commission to the Five Civilized Tribes at Muskogee, Indian Territory, claiming then that she was [illegible] years of age, and a daughter of [illegible]; that her mother belonged to Polly Hilderbrand, a Cherokee [illegible] who lived in Delaware County, at Hilderbrand Mill, before the war, where applicant's mother continued to live until she died. The record further shows that she was rejected by the Commission to the Five Civilized Tribes on July 23, 1904, and this rejection was affirmed by the Department September 10, 1904.

The motion now filed is for readjudication and for a rehearing.

As to the readjudication feature attention is invited to the fact that applicant introduced only two witnesses: Burrell Daniels, who claimed to have lived some 40 or 50 miles from the place where Polly Hilderbrand lived, and applicant claimed her mother lived on, and the next witness George W. Vann, who did not see the applicant's mother before the war, and only claims to have seen her subsequent to the war at Webbers Falls.

On the other hand, the Cherokee Nation introduced Aaron Beck and Zeke Beck, who were nephews of the said Polly Hilderbrand. Aaron Beck lived there at Hilderbrand's Mill with Polly Hilderbrand and ran the mill for a number of years before the war, and he swears positively that Polly Hilderbrand had no other slave than a negro woman by the name of Melvina, and that she had none by the name of Sarah; he swears he entered the Army after the beginning of the war, but occasionally returned home and finally came back in the year of 1865, and that at no time did his aunt own a slave by the name of Sarah. Of all persons living he was in a position

to know best of the slaves of his aunt Polly Hilderbrand. Zeke Beck lived a few miles distant, but in the same neighborhood and corroborates Aaron Beck to the effect that Polly Hilderbrand owned no slave by the name of Sarah, and only one woman slave by the name of Melvina. They both say that none was there along about 1869, 1870 or 1871, when the applicant claimed that her mother died there. Under the testimony in the [illegible]

[illegible]

Attached to this motion are no affidavits, but attention is invited to the fact that petitioner avers that he will get the affidavit of George W. Vann. Evidently counsel for applicants did not refer to the testimony, because this George W. Vann once testified in the case, and he swore that he never knew the applicant's mother before the war, nor did he know that the applicant was the daughter of one Sarah Hilderbrand he claimed to have known. We insist that a careful reading of the record discloses the fact that there is no merit in this case; that it has been conclusively shown that the mother of the applicant was not a slave of Polly Hilderbrand, and it is conclusively shown that applicant's mother did not reside at Hilderbrand's Mill where she claims to have resided just after the close of the War.

For the reasons hereinabove assigned, it is respectfully submitted that the motion filed herein should be denied.

D-14-06

Respectfully submitted,

W. W. Hastings

Attorney for the Cherokee Nation.

Cherokee Freedmen [illegible]

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

[illegible] matter of the application for the enrollment of Sarah Martin et al., as Cherokee Freedmen.

DECISION.

The record in this case shows that application [illegible] as Cherokee freedmen was made to this Commission [illegible] for the enrollment of Sarah Martin, Thomas [illegible] and John H. Martin [illegible] to the date [illegible] which was [illegible] concluded [illegible] the [illegible] of [illegible].

The evidence herein shows that the principal applicant, Sarah Martin, was born since 1866 and [illegible] her father, [illegible]. The evidence [illegible] that said Sarah Martin [illegible] the [illegible] of a Cherokee [illegible] person residing in the Cherokee Nation at the [illegible] of the rebellion.

[illegible] Thomas, [illegible], Willie M., John H. and [illegible] are the minor children of said Sarah Martin and possess no rights in [illegible] except through their said mother. [illegible] the name of Sarah Martin [illegible] the applicants [illegible] appears upon the [illegible] Cherokee freedmen roll. [illegible] It is, therefore, the opinion of this Commission that the application for the enrollment of Sarah Martin, Thomas Martin, [illegible] Martin, [illegible] Martin, John H. Martin and [illegible] Martin as Cherokee freedmen should be granted, under the provisions of section [illegible] of the act of Congress approved June 28, 1898 (30 Stats., [illegible]), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED. Tams Bixby.
Chairman.

SIGNED. T. B. Needles.
Commissioner.

SIGNED. C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,
[illegible] 22 [illegible]

F. D. 925

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of ..... A. D. 190....

Given under my hand this .....

day of ..... A. D. 190....

.....

Marshal for the Cherokee Nation.

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

.....day of ....., 190....

.....

Attorney for applicant.

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

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

.....

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

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

I, the undersigned agent for the within named applicant, hereby accept service of the within notice on this the 2[illegible] day of [illegible] 190[illegible]

[illegible]

[illegible]nt.

Proof of Service made
and original filed with the
DAWES COMMISSION.

NOTICE!

IN THE MATTER OF the application of Sarah Martin for enrollment as Cherokee Freedmen:

Case No. F. D. 225

To Sarah Martin or L. T. Brown Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 9th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 25th 1901.

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

LAW OFFICE
DONOVAN & GRIESEL

ROOM 6, "FAIR STORE" BLDG. TELEPHONE 917

MUSKOGEE, I. T., June 6, 1906

W.W.Hastings
Atterney for the Cherokee Nation,

Dear Sir:--

We enclose herewith a motion to readjudicate and a motion for rehearing in the matter of the application for the enrollment of Sarah Martin et al as Cherokee Freedmen. The affidavits to accompany the motion will be forwarded to you as soon as they are prepared.

Respectfully,

Donovan & Griesel

COMMISSIONERS:
TAM[illegible]
THOMA[illegible]
C. R. BAS[illegible]
WM. O. [illegible]
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 28, 1904.

Hastings, Ball & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting the application of Sarah Martin for the enrollment of herself and her five minor children, Thomas, Moldonia, Willis M. John H. and Helena Martin, as Cherokee freedmen.

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-112.

Commissioner in Charge.

Commissioners:
TAMS BIXBY,
THOMAS B. WHEELER,
C. R. BREWNINGER,
WM. O. BRADLEY,
Secretary.

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

Contract.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 4, 1904.

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

Gentlemen:

You are hereby advised that the Commissioner's decision dated July 22, 1904, rejecting the application for the enrollment of Sarah Martin and her minor children, Thomas, Nehemiah, Willie M., John M. and Helena Martin, was affirmed by the Secretary of the Interior on September 10, 1904.

Respectfully,

Chairman.

[illegible] in reply to the following:

DEPARTMENT OF THE INTERIOR,
[illegible]
[illegible] 1907
WASHINGTON.

January 21, 1907.

The [illegible],

The Secretary of the Interior.

Sir:

There is forwarded herewith report of Commissioner Tonner, dated January 3, 1907, transmitting a motion for readjudication and rehearing in the Cherokee freedman case of Sarah Martin, et al., filed with the Commissioner on June 25, 1906.

Irwin Donovan, attorney at law, Muskogee, Indian Territory, who filed this motion in behalf of the applicants, said in his letter of June 25, 1906, submitting the motion, that affidavits could not be obtained in time to accompany the motion and requested that the motion be taken under advisement about thirty days thereafter. The Commissioner says that a reasonable time has not elapsed but no affidavits have been filed in support of the motion.

The reply of the attorney for the Cherokee Nation, filed with the Commissioner July 17, 1906, is also enclosed.

The decision of the Commissioner, dated July 27, 1906, rejecting the application of Sarah Martin for the enrollment of

[illegible] minor [illegible]

[illegible] (I.V. [illegible]

[illegible] record in the [illegible]

Very [illegible]

C. F. [illegible]

AJS-EH [illegible]

Acting Commissioner.

Y

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

R.C. 6292-1907.
I.T.D. 1208-1907.
L.R.S.

January 29, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The motion "for readjudication and rehearing," received with your letter of the 3d instant and Indian Office letter of the 21st instant, in the Cherokee freedman case of Sarah Martin et al. is denied for the reason stated in your letter.

A copy of Indian Office letter is inclosed.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

(Signed) Thos. Ryan,

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 6 to Ind. Of.

[illegible], Indian Territory, [illegible] 1907.

W. W. [illegible],

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the motion for a rehearing in the Cherokee freedmen enrollment case of Sarah Martin, et al., filed by their attorney, Irwin Donevan, Muskogee, Indian Territory, was denied by the Secretary of the Interior, January 29, 1907.

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

Respectfully,

Encl.HJ-80.
HJC

Commissioner.

Gen'r Peadicom [illegible] Hayes applies for the enrollment of herself; husband [illegible] identified upon the authenticated roll of 1880 [illegible] roll of 1896; she is identified upon the Vernon [illegible]ition roll according to age and number of the roll as [illegible] by the testimony; she swore that she was a slave, and belonged to one Lewis Rogers, a Cherokee; she has been married once or twice, and is now married to one Hayes, and avers that she has resided in the Cherokee Nation continuously since the year 1866; she yet resides in that Nation; she will now be listed for enrollment as a Cherokee freedman upon a doubtful ca; awaiting further consideration of the Department, she will be notified as hereof notice.

---o---

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 7th, 1901.
(Signed) T. . Needles,
Com to Ind. T.

---oooOOOooo---

J. O. Fonson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he made the foregoing transcript in the above case.

J. O. Fonson

Subscribed and sworn to before me this August 8th, 1901.

To be filed with case of Sam Rogers, C. W. D.[illegible].

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

Mellette & Smith for applicants.
W. W. Hastings for the Cherokee Nation.

In the matter of the application of Phyllis Hayes for enrollment as a Cherokee freedman; she being sworn by Commissioner T.B. Needles, testified as follows:

Q What is your name? A Phyllis Hayes.
Q What is your post office? A Coffeyville.
Q What is your age? A 50.
Q What district do you live in? A Cooweescoowee.
Q Who do you want to have enrolled besides yourself? A No one.
Q Are you married? A No, sir.
Q Were you ever married? A Yes, sir, I lived with a man.
Q What was his name? A Crap Lynch.
Q What is your father's name? A Peter Rogers.
Q What was your mother's name? A Sophie.
Q Are you married to a man named Hayes? A I married a man named John Baldridge and went by the name of Hayes when I married him.

Applicant not found on the 1880 or 1896 rolls.
Kern Clifton roll examined and applicant found as follows:
Page 173, No. 4848, Phillis Hayes, Cooweescoowee district.

By Smith: Were you a slave? A Yes, sir.
Q Who did you belong to? A Lewis Rogers, and after his death to his widow Ellen.
Q Who did you belong to at the time of the war? A Ellen Rogers.
Q Was she a Cherokee Indian? A Half Osage, her husband was a Cherokee.
Q Was he a recognized Cherokee citizen? A Yes, sir.
Q Where did he live? A On Spavinaw in the Cherokee Nation.
Q Were you there when the war commenced? A Yes, sir.
Q Where did you live during the war? A In the mountains.
Q Where was that? A To the hills above the house somewhere.
Q Did you remain in the Cherokee Nation during the war? A They took us to Neutral land on the Neosho.
Q Was the Neosho in a town or a river? A Town.
Q When did you first come back after the war? A When they moved the refugees back.
Q Where did you come to then? A Fort Gibson.
Q Cherokee Nation? A Yes, sir.
Q How long did you stay there? A A good while.
Q Well how long? A May have been 2 years.
Q Where did you go then? A On Brushy.
Q In the Cherokee Nation? A Yes, sir.
Q How long did you stay there? A Quite a while.
Q Where have you been since that time? A In the Cherokee Nation.
Q Where do you live now? A Timber Hill.
Q How long have you lived there? A 2 or 3 years.
Q Is that in the Cherokee nation? A Yes, sir.
Q Have you any grown children? A Yes, sir.
Q What are their names? A Sam Rogers.
Q Who else? A Lewis Brady, Frank Brady, Bettie Lynch.
Q Is Bettie married? A Yes, sir, to Cal Cash.
Q Have you been married more than once? A Yes, sir, three times.
Q Who was your first husband? A Crap Lynch.
Q When were you married to him? A Never married him, just lived with him.

Q Before the war? A Yes, sir, in slavery times.
Q Who was the next one you lived with? A I lived with my boss man.

By the Commissioner: You were not married to him were you?
A No, sir.

By Counsel: Who were you married to next? A Mr. Brady.
Q You married him? A Yes, sir.
Q When? A Time of the war.
Q How long did you live with him? A 5 or 6 years as man and wife.
Q Are you the father of Jack and Lewis? A Yes, sir.
Q Who was the father of the girl you named? A Greg Lynch.
Q Who was the father of the other boy? A My boss.
Q Where are these children living? A With me on Timber Hill.
Q In the Cherokee Nation? A Yes, sir.

By Examiner: Where are these boys now? A With me.
Q Was Lewis born before the war? A After the war.
Q Where was he born? A On Brushy Mountain this side of Fort Gibson.
Q How far from Choutaau? A I don't know.
Q How old is Lewis? A I don't know.
Q Where was Frank born? A On Brushy.
Q Who were you living with then? A Brady.
Q Where did you go from Neosho after the war? A Fort Gibson.
Q Who did you live with there? A Mary Rider.
Q In town? A Yes, sir.
Q Did she have a family there? A No, sir, just her son.
Q What was his name? A Jim.
Q Did she have no husband with her? A No, sir.
Q How long did you stay there A I don't remember.
Q A year? A May be, might have been 2, 3 or 4, I don't know.
Q Where did you first see Charles Chambers? A I saw him several times there at Fort Gibson.
Q Did you see him before the war? A I think it was during the war. It was either at Neosho or else at Fort Gibson, one of these two places.
Q Where did you first see the witness Baldridge? A I think it was during the war, she was a soldier here.
Q How long after the war was it that you saw them? A I can't tell.
Q These are your witnesses? A Yes, sir.
Q And you don't know them or where you met them for certain? A I might have met them at Neosho.
Q Where did you go from Brushy? A Up on Virdigris.
Q Did you go direct from Brushy to Verdigris? A If I am not mistaken; I staid at Fort Gibson a long time.
Q When did you go up to Fort Scott, Kansas? A I didn't go there until long after the war.
Q How long after? A Some time after, I don't know just when.
Q What did you do there? A I worked.
Q What for? A For Mr. Diamond in the hotel.
Q Your daughter Bettie was with you? A Yes, sir, two of them, yes all three of them.
Q Bettie is there still? A No, sir, she lives with me.
Q Hasn't she lived there ever since and isn't she living there now? A No, sir, she is living with me, she stayed with me.
Q How long has she staid with you? A Off and on.
Q I mean continuously the last time? A She has been with me three or 4 years off and on.
Q She came from Fort Scott down there A No, sir, she has been with me off and on since she married.
Q Five years ago when the Kern-Clifton Court was sitting, Bettie was in Fort Scott wasn't she ? A No, sir.
Q Her husband was there? A Yes, sir.
Q Her children were there? A No, sir, they had been with me.

Continued by stenographer M. D. Green.

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

(Signed) Chas. von Weise.

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

(Signed) T. B. Needles,
Commissioner.

CONTINUED, former partiem taken by stenographer Chas. von Weise.

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

In the matter of the application of Phillis Hayes for enrollment of herself as a Cherokee freedman;

JOHN C. BALDRIDGE, being sworn by Commissioner Needles, testified as follows:

Appearances:

Mr. Smith, of Wolfe & Smith, for the applicant;
Mr. W. W. Hastings, for the Cherokee nation.

By Mr. Smith: State your name? A - John C. Baldridge.

Q How old are you? A 71 years old.

Q Where do you live? A I live in Cooweescoowee district, on Verdigris.

By Mr. Hastings: Mr. Baldridge, have you ever been convicted of larceny in the United States Court? A I have been convicted in your own court too.

Q Have you been convicted in the United States Court? A You have got it there, yes.

Mr. Hastings: I examined him to test his competency to testify as a witness. I object to his testifying.

Mr. Smith: The applicant objects upon this examination to any other proof than the record of the conviction. Now, if the Court please, there are two rules upon that; if he is examined, and he can be asked these questions effecting his inability, but when it comes to the question of competency then you have got to have the record of conviction.

Com'r Needles: I don't know that this examination is to be conducted according to the strict rules of evidence; the object of the Commission is to get the facts in these cases, and when the case is examined for final hearing, the testimony can be entirely stricken out of it is not received at that time; let the motion go in that he not be permitted to testify on account of any knowledge of his having been convicted of larceny, and then on the final hearing in this case, if it is decided by the Commission to adhere to strict rules of evidence that will be discussed at that time, and his testimony if decided upon at that time as being illegal will be stricken out.

Mr. Smith: The applicant objects to the introduction of anything except a record of the conviction upon an examination touching the competency of the witness.

By Mr. Hastings, examining witness: Where were you convicted, in what court, and when?

Mr. Smith: I object to that, because the records will show it.

Mr. Hastings: We have got to find out; this is not intended to incriminate him.

Can'r needles! No, it is not intended to incriminate him.
Mr. Smith! I object to that.

By Mr. Hastings, examining witness! Where were you vaccinated?
A Ft. Smith.
Q About when? A I couldn't tell just exactly.
Q As much as 10 years ago? A I guess it about that.
Q Under what name? A John Bobbitts. And on Dog Creek, in the Cherokee Court, they wouldn't allow me no witness.

By Mr. Smith! Do you know this applicant, Phillis Hayes?
A Yes, sir.
Q How long have you known her? A I have been acquainted for years I believe I got acquainted with her in the year 1866.
Q Where did you know her first? A She came to the army where we was camped at Ray's Mill.
Q You didn't know her before the war? A No, sir.
Q You don't know who she belonged to? A Well it was said she belonged to Rogers family, but I didn't know.
Q You don't know of your personal knowledge ? A No, sir.
Q When did you see hermext after you saw her there in '65 when she came to the army A After the refugees got so many there I was camped, we moved the refugees to Neosho, it was called Neutral land at that time, and we moved them out of the Neutral Land for safe keeping/
Q Where was you or where was the army when she came to the army?
A Well she was right there after they moved them, she was right there at neutral land yet.
Q Where did she come to you? A We soldiers went to the refugees at Neosho to bring them down to Ft. Gibson.
Q Well did she go with you, with the soldiers? A First time she came to us from Ray's Mill, that was in '63, we camped there, and we taken them from Ray's Mill down to the Neutral land, and kept there until '65 and in 1866 or '65 we joved the refugees to Ft. Gibson, and she was along.
Q How long did she stay about Ft. Gibson? A I don't remember how long she did stay.
Q That was in what year? A That was in the year of 1866.
Q Was it '65 when you moved the refugees? A '66 we moved the refugees, you see we was to stay in the year '65 a d '66 and then the whole refugees was in Ft. Gibson, the Cherokee , the colored all together.
Q You know where this woman, Phillis Hayes, was in '66? A She was in Ft. Gibson.
Q You know how long she stayed about Ft. Gibson? A No, sir, I don't.
Q When did you next see her after 1866? A Well it was years, I couldn't tell you exactly how long, but then it was a good while.
Q Where was she living when you saw her next? A She came down from Kansas down and I was with her and I took her and married her and I took her home with me then and lived with her.
Q When was that? A I didremember what year that was.
Q Did you and she live together? A Yes, s r, we lived together for years.
Q How long? A 6 or 7 years.
Q Where did you live? A Coosamack Bend.
Q How far from Newata? A About three miles I guess, 4 miles; she left me in the year, I don't know what year, remember it though, the people took the small-pox on Grand river, that's the year she left.
Q You know where she has been living since that? A She went up in Kansas but the boys stayed there at her place there.
Q What boys? A On the place where they do now, on my place.
Q Where is that place? A Up On in Coosamack Bend, they live near at Timbered Hill, a little ways from me now.

By Mr. Hastings: You testified in this case before the Kern-Clifton Court? A Yes, sir.
Q Did you say anything about knowing her during the war then?
A Yes, sir, I knowed her time of the war.
Q Did you tell it before the Kern-Clifton court that you knew her during the war? A Yes, sir.
Q Did you tell anything about seeing her on the Neutral Land then?
A Yes, sir, I said I stood guard over there right there at Neosho.
Q You told that right before the court? A Yes, sir.
Q You first saw her at Rayes Mill did you? A Yes, sir, that's where she come.
Q Where did you join the army? A Leavenworth.
Q In what year? A '61, and come on down then--
Q Who did you go up to Leavenworth with? A A good many of them.
Q Who? A I couldn't tell exactly.
Q Well anybody? A Captain Darby.
Q Where did you meet up with him? A I went to Kansas City to him; now let me show you; when these injuns got stirred up in the year '66 I took my young master and went to the army; we dodged around until we got to Leavenworth; that was in '61.
Q Your young master? A Yes, sir.
Q What was his name? A George Ross.
Q you and George Ross j oined the army together, ran off?
A Yes, sir, I took him with me, and met a young Downing that was there in camp at Lawrence, Kansas, and then we was in Kansas City, Kansas, and we come on down to Ray's Mill ; I belonged to the 6th Regiment, and the Indians was camped there.
Q you saw this woman after the war did you? A Yes, sir, I saw her in the year '66.
Q She went down with the refugees? A She went with the refugees from Neosho to Ft. Gi son.
Q That the town of Neosho? A No, sir, it wasn't no town, it was just a camp.
Q On which side of the river was it? A On Yonder side.
Q That would be the east side of the river? A Yes, sir, next to Ft. Scott. We got our rations from Ft. Scott.
Q How far from Ft. Scott was it? A I couldn't tell you exactly.
Q You remembrher particularly? A I knowed her particular, because she was in Kansas sic and I was ministering to her, I made medicine for her.
Q You were practicing medicine then? A Yes, sir, all through the army.
Q Was her mother along with her at that time? A I don't know her mother.
Q Was her father along with her? A I don't know her mother.
Q About what aged girl was she at that time? A I couldn't tell, she was the mother of two children.
Q About how old were they? A Sam Rogers was a little baby; had a little girl.
Q Were those children along when you first saw her over at Kansas line? A She had gam and Bettie.
Q Were they with her when you saw her at Ray's Mill? A Yes, sir, when she come to us she had one little baby, little girl.
Q What time did she livet Ft. Gibson? A I couldn't tell you.
Q Didn't she stay in nobody's house there? A I couldn't tell you.
Q How long did you live around Ft. Gibson at that time?
A I moved away from Ft. Gibson, I stayed there 80 years ago now.
Q You lived there a number of years after the war? A Yes, sir, I was a soldier and stayed right there.
Q You don't know who she lived with? A No.
Q Don't know whose house she lived in? A No, sir, we never had no houses, just shed and tents made out of cow hides.

Q When did you next see her after that? A I couldn't tell you.
Q About how many years? A I couldn't tell you that to be sure.
Q When you supposed lived with her she had come down from Ft. Scott? A Come from Kansas, but I don't know what part of Kansas.
Q She bring anybody with her from up there? A She brought boys along.
Q How many? A She had three boys when she came down here, and I married her, and then she had three more others, two more boys and one girl.
Q Where was her daughter Bettie at that time? A I don't know a-nybody where she was at that time.
Q Was she living with her? A I don't know.
Q Wasn't you living with her? A She wasn't living with her when I first married her.
Q Did she ever live with her while you lived with her? A Yes, sir, every one of them lived with her.
Q Didn't you swear before the Kern-Clifton Commission with reference to Bettie Cash, didn't you say, she had never lived here, but always lived in Ft. Scott? A You asked me the question, where she is now, and I told you in the Clifton court, she was in Ft. Scott; you never asked me about living with me; you ask me now if she is living with me, but at the time you asked me I told you just how it was.
Q She lived with you how long, this woman? A I couldn't tell you exactly.
Q Can't you give us any idea how long that was? A I told you a while ago she left me the year all the people had moved down on Grand river.
Q What's the year she left? A Yes, sir.
Q Where did she go? A She went up in Kansas I guess.
Q You continued to live up there on Big Creek? A Not Big Creek, I lived in Cocoonock.
Q Well you lived there? A Yes, all the time.
Q How long since you saw this woman after that? A I seen her off and on sometime by going two or three months.
Q How long was it until you saw her then af ter she left?
A I couldn't tell exactly how long.
Q Where did you see her the next time keeping house?
A Next time I saw her keeping house at Timbred Hill.
Q Where is that? A That's about 7 miles of where I live now.
Q I don't know where that is A I told you I live at Cocoonock Bend.
Q What town is the nearest to you? A Coffeyville.
Q How long has she been living there? A I don't know.
Q You don't know how long she located there? A No.
Q Ashe been there a year? A Oh yes.
Q Two years? A Over 2 years I guess, I don't know.
Q Is that your best judgment? ? A Yes, that is my best judgment, I don't know.

CHARLEY CHAMBERS, being sworn by Com'r Needles, testified as follows: By Mr. Smith:

Q State your name. A Charley Chambers.
Q How old are you? A 70 years old
Q Where do you live? A On Big Creek.
Q How long have you lived in the Cherokee nation? A have lived in the Cherokee nation all my life.
Q Do you know this applicant, Phillis Hayes? A Yes, sir.
Q How long have you known her? A I knowed her before the war.
Q Was she a slave? A yes, sir.
Q Who did she belong to? A Lewis Hayes.
Q Was he a Cherokee Indian? A Yes, sir.
Q Citizen of the Cherokee Nation? A Yes, sir.
Q Where was she living and where was she living when the war came on? A On the other side of grand river.

[illegible]

[illegible] her [illegible] I [illegible] Ft. [illegible], I seen [illegible] that [illegible]

Q [illegible] you member at yt. [illegible] A [illegible] was [illegible] a [illegible], I [illegible]

Q [illegible] A [illegible] Yes, sir.

Q [illegible] A I [illegible] Yes.

Q [illegible] A I [illegible] back along in the [illegible]

Q How long after you came back was it still you saw this [illegible]? A I came [illegible] there along up in the [illegible] there was travelling when I came from yt. [illegible]

Q Well what was [illegible] doing when you got up to Ft. Gibson, still travelling? A Yes, sir, still travelling.

Q When did you see her, how long had you been at Ft. Gibson when you saw this [illegible]? A Oh I [illegible] up there I guess a couple of month.

Q How long did you stay at Ft. Gibson at that time [illegible]?

A I didn't stay there [illegible] I [illegible] around there a day or two, first [illegible].

Q When did you next see [illegible] where you saw her [illegible]?

A I saw her on Big Creek, not Big Creek, but on [illegible] of the Verdigris river.

Q About how long after you saw her at Ft. Gibson? A That was about a year afterwards, or two years.

By Mr. Rathbun: Who was her master before the war?

A Lewis [illegible].

Q You was up there before the war? A I passed along through by there, yes, sir.

Q Where were you going? A I don't know where my old master was going, I was along with him.

Q What kind of a house did her master live in in? A I couldn't say now.

Q Where was it at? A On the other side of Grand river I know.

Q Was that in Tahlequah district? A I don't know whether it was Tahlequah district or Flint district, I don't know what they called it then.

Q Where did you live? A I lived at Park Hill.

Q How far was it from the house [illegible] where she lived, where she and her owners lived from Tahlequah? A I don't know, sir, how far it was.

Q Was it as much as ten miles? A Oh it was I guess about 15 or 20 miles, I don't know, I guess so, I don't know [illegible] far it was.

Q You don't know what sort of place it was they were living?

A No, sir, we just passed [illegible] there, the old man stopped there a little while, and I would always go along with him to take care of the horses.

Q You remember her as being there? A Yes, sir.

Q And was her husband there at that time? A Yes, sir, it it was, I don't know it was her sister.

Q And that's all the acquaintance that you had with her before the war? A Yes, sir.

Q How long did you stay there at Quentin Rogers? A Didn't stay there but a little while.

Q How long [illegible] rest? A I reckon that's what he stopped for.

Q What sort of [illegible] was [illegible]? A There were two or three men there, or I don't know what was Rogers, there were two or three men there.

Q Any [illegible], rivers or [illegible] near their house? A I don't just remember.

Q [illegible] her mother there at that time? A No, if I did I don't [illegible].

Q [illegible] Chief [illegible] judgment, at

that time? A. Well I couldn't tell you much about how old she was, [illegible] I did think she was [illegible]

Q. Was she a young woman? A. [illegible] I like she might have been.

Q. You [illegible] with her at [illegible] sir.

Q. [illegible] any talk with her? A. I didn't talk with her at all, I just saw her.

Q. Did you happened to see her in the house? A. Yes, sir, she was in the house and I was left out at the hog lot fence with the hog man.

Q. Then just saw her in the house? A. I saw her walking around in the yard.

Q. That's all your knowledge of her before the war? A. Yes, sir.

Q. Where did you see her next? A. She was at St. Gibes n.

Q. Who was she living with then? A. She was living by herself then, I guess her children was there, I don't know who it was, she was living right there on the river.

Q. On what river? A. Grand river.

Q. How far from the old garrison? A. It was [illegible] a quarter of a mile.

Q. Above or below? A. Below.

Q. Near the old Bishyhead house? A. yes, sir, right in there.

Q. Did she have a husband then? A. or she did I didn't know it.

Q. Was you at her house? A. No, sir, she told me where she lived, and I saw her going up there from the city.

Q. You recognized her as having seen her before the war? A. I thought I did, and I talked with her, and she told me where she lived.

Q. That was after the war? A. Yes sir, that was in the summer of 866.

Q. She was living up there? A. Yes, sir.

Q. Then you saw her after the war, later? A. It was a year or two, yes.

Q. And she was living on the same place then? A. No, sir.

Q. Where was she living? A. She was living up on the Verdigris.

Q. A year or possibly two years later? A. Yes, sir.

Q. You put it then in '66 or '7 you saw her up there? A. Yes, sir, I think as well as I can come at it, it was about '67.

Q. Who was she living with then? A. When I saw her then she was living with this man Hayes.

Q. That was in '67? A. Yes, sir.

Q. That was in Coweweek? A. No, sir, it was up about Geese Lake, up ab but where there used to be an old mill not right in the bend of the river.

Q. You was at their house? A. yes, sir, I went to their house over there, that's where I used to haul lumber from.

Q. You hauled lumber from that mill up there? A. Yes, sir

Q. In '67, about what time in '67 was it? A. It wasn't in '67 I hauled lumber from there, it was about a year or two after that.

Q. Who was running that mill? A. I don't know who the mill did belong to.

Q. But you went their house in '67 up here about Coowheek bend on Verdigris? A. Yes, sir.

Q. She was living with John Baldridge at that time? A. Yes, sir.

Q. How long after that until you saw her again? A. I saw her often and on after that every three or four weeks, sometimes it would be a month or two, I would see her often and on.

Q. Where was she living? They lived right there.

Q. How long did she live there at that place? A. I don't know how long they did stay there.

Q. Does she live there yet? A. No, sir, she doesn't live there now.

Q. Did you ever know herin ft. Scott, Kansas? A. No, sir.

Q. You never? A. No, sir, I never did.

Q. You know she lived on Verdigris all the time? A. She lived there all the time when she wasn't working in Coffeyville.

Q. You know she was working in Coffeyville a while? A. Yes, sir.

Q. Where did you live? A. I lived right on the river, on the other side.

Q. Were you ever tried for perjury in the United States Court at Ft.

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 said stenographic notes thereon.

(Signed) M. D. Green.

Subscribed and sworn to before me this July 10, 1901.

(Signed) T. B. Needles,
Commissioner.

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

J. O. Rennen

Subscribed and sworn to before me this August 31st, 1901.

Commissioner.

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JD926

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

[illegible] OF THE [illegible],
COMMISSIONERS TO THE CI[illegible] TRIBES,
NEWTA, I. T., [illegible] 20TH, 1901.

In the matter of the application of Sam Rogers for the enrollment of himself as a Cherokee Freedman; said Rogers being sworn and examined by Commissioner [illegible] McCombs, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, For Applicant.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A Sam Rogers.
Q How old are you? A About 36.
Q What is your post office? A Coffeyville, Kansas.
Q What district do you live in? A Coweseeowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.

BY MR. SMITH:

Q Mr. Rogers, how old did you say you were? A About 36.
Q Who is your mother? A Phillis Hayes.
Q Do you claim your citizenship through Phillis Hayes? A Yes, sir.
Q Is she the same Phillis Hayes who applied here for enrollment before this Commission? A Yes, sir.
Q Were you present when she applied? A I was.
Q Where do you live? A I live on Timbered Hill.
Q Where is that? A It is west of here, northwest of here.
Q How far from Newata? A About 18 or 20 miles.
Q In the Cherokee Nation? A Yes, sir.
Q How long have you lived there? A About four or five years.
Q Where did you live before that? A Down on the river, on the Verdigris.
Q Is that in the Cherokee Nation? A Yes, sir.
Q How long did you live in the Cherokee Nation? A In here the biggest portion of my life.
Q Well, how long have you been living continuously in the Cherokee Nation? A I have lived the biggest portion of my life but I have been out and in; I stayed in El Reno, Oklahoma, about six months.
Q How long ago is that? A About seven or eight years ago.
Q How long have you been living at the place you are on now?
A Four or five years.
Q Have you a farm? A Yes, sir.
Q Where is it? A On the Timbered Hill.
Q Is that the first farm you ever owned in the Cherokee Nation?
A I have worked on the farm for my father-in-law, that is all the farm I ever took up.
Q Do you know where you were born? A My mother said I was born on Spavinaw.
Q Where is that? A Cherokee Nation.
Q Where were you living as far back as you can remember, when you were a boy? A Where I remember is on the Verdigris.
Q Is that your earliest recollection? A Yes, sir.
Q What part of the Verdigris? A It is about 14 miles this side of Coffeyville.
Q In the Cherokee Nation? A Yes, sir.

BY MR. HASTINGS:

Q How old did you say you were? A About 36.
Q You were born before the war or afterwards? A I don't know exactly, I disremember.
Q You don't know whether you were born before the war or afterwards? A No, sir.
Q Do you know when the war was? A No, sir.
Q But you remember Fort Scott, Kansas, don't you? A Yes, I know Fort Scott, Kansas.
Q You could first remember there is where you lived? A I never

li ved in Fort Scott in my life.
Q You have got a sist er [illegible] A There's not me living up there.
Q You have a mother named [illegible] sir.
Q Does she live at Fort Scott? A I [illegible].
Q Where does she live? A I [illegible] she is living in the Cherokee Nation; she is travelling in the [illegible].
Q What is her husband's name? A [illegible].
Q When did he come from Fort Scott? A Four or five years I guess.
Q You didn't come down to the [illegible] Court from Fort Scott yourself? A Yes, sir.
Q From Fort Scott? A Yes, [illegible] I came right from Fort Scott at that time.
Q That was in 1[illegible] is it? A I think it was.
Q Were you ever married? A Yes, sir.
Q [illegible] your wife's name? A [illegible] Williams.
Q What was her [illegible]? A Emma Williams.
Q [illegible] A Mary [illegible].
Q Who married you? A [illegible], Elder Wood.
Q Where did? A In [illegible], [illegible].
Q What year? A [illegible].
Q Have you any children? A Had two.
Q What became of them? A Dead.
Q Where did they die? A [illegible].
Q Where did the other die? A [illegible].
Q When was the first time you had a home [illegible] in a house of your own? A Great I remember I had a home, that is with my mother.
Q You have got one in the [illegible] every where? A Yes, sir.
Q Where did you have a house? A I never owned a home to myself until four years ago.
Q That is when you first permanently located?
A No, sir; I have been working with my step-father with him, off and on.
Q What was his name? A He used to by by the name of John Wildridge.
Q When did he marry your mother? A I don't know.
Q Don't remember? A No, sir.
Q How long did you live with him? A I stayed with him quite a spell.
Q What towns i n K[illegible] have you been in? A I have been in pretty near every town in Kansas.
Q Worked in all of them? A Yes, sir, pretty near.
Q And in Oklahoma? A Yes, sir.
Q You were married but the one time? A Yes, sir.
Q Where were you married? A Married at Iola, Kansas.
Q When were y ou married? A '[illegible].
Q Is she a state red ed woman? A I don't know.
Q Did she die or you separate? A Separated.
Q Where? A Never did live together.
Q After you married never did live together? A No, sir.
Q Not even a day? A No, sir.
Q You married her and went away? A Yes, sir.
Q Did you ever marry again? A That is all; been wanting to get married.

MR. SCOTT:

Q Are you on any of the rolls? A Yes, sir, on the Zero-Clifton roll.

The 1880 Applicant and Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.
The 1880 Applicant and Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 145, roll 48, See Page [illegible] for [illegible].

Sam Rogers, --3.

Q Where have you lived since you were old enough to work; you spoke of working at dif[illegible] in [illegible]; where did you live before you were old enough to work in some place?
A I was a boot-black, after that so long I took a bootblack box/
Q What relation is Phillis Hayes to you? A Mother.

VOM'R RULING: Samuel Rogers applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896. He is identified upon the Kern-Clifton roll according to the page and number of the rolls as indicated in the testimony. He avers that his mother is Phillis Hayes, through whom he claims citizenship, and said Phillis Hayes was listed for enrollment upon doubtful card 2002, as a Cherokee Freedman. The testimony taken in her case will be made part of the record in the case of her and a copy thereof filed herewith. Said Samuel Rogers will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified of the decision of the Commission when arrived at.

---o-ooo000ooo---

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

J O Rosson

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

Commissioner.

File with Sam Rogers, C. T. N. 898.

[illegible] be the interest
[illegible] to [illegible] filed Tribes
Winlock, I. T. [illegible]

SUPPLEMENTAL TESTIMONY in the case of Phillis Hayes, C. T. N. 2902.

Appearances.
W. W. Hastings for the Cherokee Nation
Mellette & Smith for the applicants.

Witnesses placed under the rule.

J. E. THORP being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the ~~applicant~~ Cherokee Nation.
(By Hastings)
Q What is your name? A J. E. Thorp.
Q What is your post office address? A Iola, Kansas.
Q How long has that been your post office Address? A Ever since it was a post office.
Q When was that? A In '59.
Q How large a place was Iola at the close of the war? A Two, three or four hundred.
Q How large a place is it now? A 9000, about.
Q Do you know a colored woman that went by the name of Phillis Hayes?
A Yes sir.
Q Where did you know her? A At Hubbard's Mill adjacent to Iola.
Q When did you first know her? A October or November of '67.
Q Did she have any children that you know of them? A I think she had.
Q Did you know them after that? A I never knew but Sam and Louis that was after that.
Q Where was Phillis Hayes when you first knew her? A Half a mile from Iola at Hubbard's Mill.
Q You dont know when she first came there? A No sir.
Q How long after that did you know her? A 3 or 4 years.
Q Did she ever do any work for you? A I dont remember if she did or not.
Q Do you know where she went to from Iola? A She went to Humbolt, I heard.
Q How far is Humbolt from Iola? A Eight miles.
(By Smith)
Q The woman you are talking about, you first became acquainted with in '67? A Yes sir.
Q It might have been in '68? A I dont think it was.
Q Are you absolutely positive as to the date? A No sir, in October or November though
Q Are you positive as to the year? A I think I may say so.
Q Do you say so? A Yes sir I will.
Q You knew a colored woman named Phillis Hayes about Iola Kansas in '67 in the fall, now do you know if it is the same woman who is an applicant here for citizenship? A No sir.
Q Do you know how old she was? A She is quite aged.
Q An old woman then? A No sir, now.
Q Have you ever seen her since then? A Yes sir, once or twice.
Q When? A 14 or 15 years ago.
Q When did she leave there? A I won't say as to that.
Q Was it several years ago? A In '75 or '4.
During that time what was she doing? A Washing.
Q Hired out? A Yes sir.
Q You don't know if she was there continuously or only a part of the time? A Continuously at that time I think.
Q You don't state positively that she was there all the time? A No sir.
(By Hastings)
Q Do you know Bettie Cash? A Not until quite recently.
Q Is there any relationship between Bettie Cash and Phillis Hayes? A

I don't know, report says there is; she lived at Fort Scott and came back to Iola—I presume that it is her child.

(By Mr. Smith) I object to the presumption of the witness.
(By Hastings)

Q Have you been informed that Phillis Hayes is the mother of Bettie Cobb? A Yes sir.

(By Smith)

Q Who informed you that? A I heard it stated by several.

Q By whom? A I cant name any in[illegible]

Q By disinterested persons who were not connected with the family? A Yes sir.

(By Smith) I object to the above testimony and move to strix it out wherein it refers to the relationship between Bettie Cobb and Phillis for the reason that it is not within the rule to allow him to testify that he heard any statement from any person not connected with the family, as to that relationship.

REECE CRAVENS, being first duly sworn by Com'r T. B. Needles testified as follows on the part of the Cherokee Nation—

(By Hastings)

Q What is your name? A Reece Cravens.

Q What is your age? A Between 41 and 2

Q What is your post office address? A Vinita.

Q How long has Vinita been your post office? A Between 5 and 6 years.

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

Q Ever live in Humbolt, Kansas? A Not exactly.

Q How far is Humbolt from Iola? A 8 miles.

Q Did you ever know a colored woman named Phillis Hayes? A Yes sir

Q Where? A Iola and Humbolt Kansas.

Q When did you know her in Iola? A '80 and '81, maybe further back than that.

Q Was she living there? A Yes sir.

Q Did she have any children? A Yes sir.

Q Name them? A One Lewis Brady, Sam Rogers, Little Nadie, he is dead.

Q Where did he die? A Humbolt.

Q You knew them first in Iola? A Yes sir.

Q Where did they go, to from Iola? A Humbolt.

Q How long did they live at Humbolt? A I knew her living in Humbolt—I cant tell exactly what year she went there; she married a man named Hayes after that; it was the year she married.

Q When did she leave up there? A She left up there—I dont know exactly the time, she left there right away after she married sometime in '81 or '2 and came here to the Nation.

Q How long did she stay here? A Only about six months.

Q Where did you next see her? A Humbolt.

Q Living there? A Yes sir came back there.

Q How long did she continue to live there that time? A When I left Iola Kansas and goes to Wichataw she was living there in Humbolt.

Q When was that? A When the Missouri Pacific was built from Fort Scott to Wichataw.

Q About how long ago was that? A After '80 and '81 that was when I left there, she was then living in Humbolt at that time.

Q You stated she married and came here six months and then came back have you seen her since that? A No sir, but I have seen her in Kansas but not at either of these places.

Q Do you know where she is living now? A No sir not exactly.

Q Did you see her here during the last year? A Yes sir.

Q Do you know where she came from then? A I dont know exactly where she came from that time.

(Smith)

Q Where did you first know this woman Phillis Hayes in Kansas? A Iola.

Q Did she live in Iola before she lived in Humbolt? A I knew her first in Iola.

Q When did you first know her in Tolla? A In '80.
Q Didn't know her up till '80? A I might have known her before that.
Q It was somewhere around '80 or 81 that you first knew her? A Yes sir
Q What was she doing there? A Washing.
Q Cooking? A Yes sir.

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 18th of October, 1901.

Commissioner.

File with Sam Rogers, C. F. D. 298

[illegible] Department of the Interior,
[illegible] Civilized Tribes,
[illegible] 10,1901.

[illegible] of the application of Bettie Cash et al., C. F. D. [illegible]

Appearances: [illegible]

[illegible] Nation.
[illegible] the applicants.

[illegible] Commissioner T. B. Needles, testified as follows on behalf of the Cherokee Nation:

Q By Commissioner [illegible]
Q What is your [illegible] Tahlay.
Q Where do you [illegible] Kansas.
Q How long [illegible] since 1889, I have resided continuously [illegible] country there for 30 years.
Q Are you [illegible] A Yes sir, I have been in different [illegible]
Q Since you [illegible] in Fort Scott, have you become acquainted [illegible] by the name of Bettie Cash? A Yes sir, [illegible]
Q Where [illegible] acquainted with her? A I don't know [illegible] in, she lived in the bottom there [illegible]
Q When and [illegible] with her? A In '88.
Q Was [illegible] in the bottom near here? A Yes sir.
Q [illegible] of her? A Yes sir, I had a [illegible] three or four years ago.
Q What [illegible] have with her? A They bought a house [illegible] and then they never paid any taxes for it [illegible] and got a tax deed after three years; I first paid the [illegible] and got a deed in '91.
Q Where was [illegible] time? A On that place.
Q After [illegible] have with her? A She rented from me after [illegible]
Q For how [illegible] her anything free two years and she stayed [illegible] possession of the place or lose what [illegible] I made a rent contract with her and [illegible] a month.
Q What was [illegible] name? A Cal Cash.
Q How long [illegible] place to her and her husband? A I think it was in [illegible] and they paid it up to about [illegible] that is I got as much out of them as I [illegible]
Q Do you [illegible] of their leaving, or with reference to [illegible] any time? A Yes sir she was gone a while, she [illegible] and recovered some money, I know I [illegible] after she came back with as money but she [illegible] it, it was not worth much anyway. Q Did you [illegible] after she came here and got that [illegible] A Yes [illegible]
Q For how [illegible]
Q After that [illegible] A She quit her man, she left Cal and she [illegible] doing Missionary business as she called it. I [illegible] with her then and she wrote me a letter from up [illegible]
Q What kind of business [illegible] have with her then? A She was owing me some.
Q What kind of [illegible] she was engaged in when she was traveling around [illegible] Missionary business, collecting money for churches, to build churches, she followed that for several years.

Q Do you know where she is living now? A I do not know.

Q [illegible]

Q [illegible]

Q [illegible] in different kinds of business

I [illegible]

Q [illegible]

Q [illegible] it? A I kept a [illegible] and make loans in large amounts and [illegible]

Q [illegible] A I have had more or less [illegible]

Q [illegible] there—when was it? A She pawned some things [illegible]

Q [illegible] she leave? A I dont exactly remember, three or four years ago.

Q [illegible] A No sir.

Q [illegible] at Port Scott on the bottom? A Yes sir in the [illegible]

Q [illegible] property [illegible] living out? A Yes sir.

Q [illegible] for the property? A Rex and Cal.

Q [illegible] A Rex Rush.

Q [illegible] property? A Well she didn't have a clear title to [illegible]

Q You [illegible] have a clear title to it? A She had a mortgage on [illegible]

Q [illegible] it? A Well she held possession of it and had it [illegible]

Q [illegible] a clear title to that property? A No sir.

Q [illegible] live in that house that wasn't really hers? A She had [illegible] that there was a mortgage on it.

Q [illegible] there? A They moved that house there in '87 that [illegible] place, the one I got a tax title to, they were renting before [illegible]

Q For how long before that? A 3 or 4 years.

Q What were they doing there? A Cal was working at the Mill and she took in washing.

Q Was it in 87 that you made that loan to them and had to take the property? A No sir I never said I made a loan to them on the property, I got the property for taxes.

Q How much did you loan them on that property? A I never loaned them anything on it, they failed to pay the taxes and it was put up by the County Treasurer and I bought it in and afterwards got a tax title to it.

Q How long did they live in that house? A From '87 until 3 years ago.

Q Was she living there ever day? A No sir.

Q Every week? A I dont see her every week.

Q Every month? A They was always there when I went after the rent.

Q Did you go after the rent every month? A Not every month.

Q She was not there continually then? A I know she came here once and got some money.

Q Did you have any conversation with her about her citizenship here? A I think I know that I did.

Q How long did she stay here that time she came after the money? A Two or three weeks.

Q How long since you saw her the last time? A 3 or 4 years.

Q Where was she living when you last saw her? A Port Scott.

Q Was she keeping house or doing in washing when she left there? A [illegible] sir.

Q What was she doing there? A Missionary work.

Q What was she doing, building [illegible]? A I dont know.

Q Did she ever build a [illegible] Scott? A No sir, I dont think they even belonged to a church [illegible]

Q Did she ever tell you what kind of missionary work she was doing?

A No sir I don't [illegible] she told me so.
Q Did [illegible] interests in the Cherokee [illegible]
Q [illegible] your own personal knowledge [illegible] her to this day? A That was her [illegible] one house.
Q Do you [illegible] that she lived there continuously [illegible] Fort Scott until she [illegible] was not gone any length of time.
(By Examiner)
Q Have you [illegible] that was [illegible] up by her and her husband for that [illegible]? A Yes sir. ([illegible] the lease)
(By [illegible])
Q You said a while ago that the property was not worth much? A Not very much.
Q Well you made loans on it, I [illegible] any loans on it.
Q Then you said you [illegible] them by reason of a loan? A No sir I said I got it [illegible].
Q What did she ever [illegible] do with it? A I dont know exactly, yes, when she [illegible] and went to great extravagance and bought [illegible] shirt waist and paid twelve dollars [illegible] it to me for $2.00 and I didn't make [illegible] to sell it for $2.00.
Q Then [illegible] was she if you only got $2.00 for the [illegible] paid $12.00 for it.
Q How do you know she [illegible] for it? A That was what she said
Q What she [illegible] do you know that she paid $12.00 for it? A Only from what [illegible]
Q Don't [illegible] your own personal knowledge? A Never saw her pay the money for it, but she said she paid $12.00 for it and it was a very fine piece of [illegible].
Q And you only [illegible] for it, how much did you make on that transaction? A Never made anything, I lost, I let her have $2.00 on it and sold it for [illegible].
Q You were not much of a trader then were you? A Well I never made anything on [illegible].
(By the [illegible])
Q When did she leave Fort Scott? A 3 or 4 years ago.
Q She lived [illegible] there? A Yes sir.
Q Was she [illegible] business and for years through the country, [illegible] years ago there was a preacher there, a Bish[illegible], [illegible] W. W. Jones and [illegible] getting women to collect money for him to [illegible] churches [illegible] the women half what they collected; [illegible] I [illegible] that she had a right to all of [illegible].
Q What [illegible] the Missionary business? A I think [illegible] for some offence a short time [illegible].
Q What year was [illegible]? A About 8 or 9 years ago I think think that she commenced [illegible].
Q and before that she lived there and took in washing? A Yes sir.
(By Examiner)
Q Did she live there after she commenced this Missionary work? A Yes sir.

" The representatives of the Cherokee Nation offer in evidence the original lease between Thomas Isaac and Nettie and Cal Cash for the rent of property in the city of Fort Scot Kansas."

BY COM'R MILLING: The lease will be filed.

[illegible], being first duly sworn by Com'r T. B. Needles, [illegible] as follows, on the part of the Cherokee Nation:

Q What is your [illegible]? A [illegible].
Q Where do you [illegible] A [illegible] Leased.
Q How long [illegible] A Since '28.
Q [illegible] A you get acquainted with a [illegible] A I did.
Q [illegible] A I knew her husband.
Q [illegible] A [illegible].
Q About how long ago was it that you got acquainted with her, with Bettie Cash [illegible] years ago?
Q How long [illegible] to your knowledge? A They remained there until a few years ago.
Q How many years back? A I think they have been gone from here probably some five [illegible].
Q Did they keep [illegible] there? A They did.
(By Joe Sandoval)
Q What did you say the husband of Bettie Cash was named? A Nelson.
Q You are positive about that? A Yes sir.
Q How long did he live there? A I got acquainted with them about 15 or 18 years ago.
Q Where were they living when you first got acquainted with them? A When I got acquainted with him he was working in the mill there.
Q How many [illegible] did they have there in Fort Scott? A There one flouring mill [illegible] now.
Q How many [illegible] kinds of mills did they have then? A When he worked at [illegible] mill that had a custom mill there.
Q How long [illegible] there at that mill? A I cant say.
Q Were you [illegible] of these people? A I was acquainted with them.
Q How often did you see Mrs. Cash? A Probably once or twice a week.
Q How often did you see them ? every once or twice a week? A Probably for 15 years.
Q Was Mrs. Cash living in Parsons continuously from the time you first knew her until she left? A Parsons?
Q I mean Fort Scott? A Yes sir until perhaps 5 or 6 years ago, he left there and I don't know where he went and she remained there a short while [illegible] then she left there.
Q Where did [illegible] A I dont know where.
Q Did you know [illegible] about the woman whether she ever claimed to be a Cherokee Freedman? A I never know it until she made the draw down here.
Q What is Mrs. Cash's occupation? A Same as any other laboring woman, washing or working round.
Q Did you know anything about her being a Missionary woman? A I think she claimed to be.
Q You think, do you know? A I know it because one time she came to where I was [illegible] asked for a contribution for churched and said she was [illegible] Nations.
Q Did you give [illegible]? A No sir.
Q Did she [illegible] mention where churched in Fort Smith or elsewhere? A Both there and [illegible].
Q You dont know when she was gone? A I could hear of her at different places.
Q What year was the first year that you ever saw Mrs. Cash at Fort Scott? A It was been about 15 or 16 years since I got acquainted with her.
Q That was in about '20? A Probably in about '20.
(By Davenport)
Q Did you learn of her doing any other business besides washing or Missionary work? A No other business.
Q What was her reputation [illegible] in any other business there than taking in washing or [illegible]? A No more than by reputation.
Mr Sequoyah: I object to that because he dont know, and the agent for the Government calls the attention of the Commission that

he refers to the husband of Bettie Cash as Nelson, and this is not the person in question.

(By Davenport.)

Q What kind of looking man was Nelson Cash? A Tall dark looking man.

Q Do you know if he ever went by any other name than Nelson, of your own knowledge? A No sir.

Q You know he was the husband of Bettie Cash? A Yes sir.

Q And that Bettie Cash was the woman who solicited contributions for churches? A Yes sir.

Q What portion of the city did they live in? A Buck Run, some calls it, there by the Goodlander mills in the Bottom.

JOHN FORBS called and sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A J[illegible]

Q Where do you live? A [illegible], Kansas.

Q How long have you lived there? A 55 years.

Q Since you have been living there did you get acquainted with a colored family named Cash? A Yes sir.

Q What name did the husband go by? A We always called him Cal.

Q What was the woman's name, if you know? A Bettie.

Q What kind of looking woman was Bettie, if you know? A She was a brown or yellow looking woman.

Q About how long did you know her at Fort Scott? A I knew her for over 15 years.

Q When did you first get acquainted with her? A I think I first got acquainted with her in the Police Court.

Q About what year? A I think in '84 or '5.

Q They didn't have you and Bettie both up in the Police Court did they? A We were both there.

Q Do you know where they were living at that time, what part of Fort Scott? A Yes sir.

Q Where? A They were living in the portion that is now called Tuderlock, down by the Goodlander mill.

Q About how long did they live there after you got acquainted with them? A They lived there from about '84 or '5 up to within about six years ago, 5 or 6.

Q Do you know what business they were engaged in there? A Bettie used to wash there some and Cal used to work in the mill.

Q Did Bettie engage in any other work after that? A Yes sir she told me several times that she had gone into, what she called the Missionary business, I called it begging.

Q How long since you saw Bettie Cash or her husband? A I think it has been a couple of years since I saw Bettie Cash, she was gone for some time and then came back, I met her there in front of a clothing store and she got to talking to me and the proprietor of the clothing house.

Q You have been living there at Fort Scott how long? A 55 years.

Q What business have you been engaged in there? A Mostly in the newspaper business.

Q Editing a newspaper? A City reporter there for different papers and had a paper of my own for some time also.

(By Mr. Sequichie)

Q How far did you live from Mrs. Cash? A I think five or six blocks.

Q How long did you live that close to them? A I have been living that close for ten or twelve years.

Q Was Mrs. Cash at that house continuously from the time they moved there? A I dont know what you mean by continuously.

Q Every day, week or month? A As far as I know.

Q How often did you see her at that house? A Not very often at the house, I saw her mostly every day on the street.

[illegible] too? A Yes sir.

[illegible] work [illegible].

[illegible] A For 36 years.

[illegible] Gale.

[illegible] the most of the [illegible]

[illegible] Fort Scott for other parts

[illegible] each time? A She wasn't [illegible] came to this country.

[illegible] of months I reckon.

[illegible] back with her money? [illegible] herself she stayed long.

[illegible] Yes sir.

[illegible] A About six months ago.

[illegible] I dont know, I think she [illegible]

[illegible] now? A I dont know.

[illegible], Bettie [illegible]'s family, then [illegible] A Yes sir she had some [illegible]

[illegible] her [illegible] on this Missionary [illegible]

[illegible] gone? A I think [illegible] some where else. [illegible] on the Missionary business?

[illegible] back from this business? [illegible] a good deal and didn't [illegible]

[illegible] A No sir.

[illegible], P-825; P-903; P-926;

[illegible] that as stenographer [illegible] in full [illegible] is a [illegible] notes therein

Chas. W. [illegible]

[illegible] this the 22 of October, 1901.

[illegible]

Commissioner.

FILED
MAR 21 1972

ACTING CHAIRMAN

I, [illegible], do hereby certify that the above and foregoing is a true and correct copy of the original on file in my office.

Dated this 20th day of March, 1972.

[illegible]

Docket-C.N.R.920.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March [illegible], 1906.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of RUSSELL HENDERSON as a Cherokee freedman, introduced on part of the Cherokee Nation:

Appearances:
Mellette & [illegible], W. [illegible], Attys. for applicant;
W. W. Hastings, Cherokee Representative.

ELIZABETH DAVIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A Elizabeth Davis.
Q What is your age, Mrs. Davis? A 67.
Q What is your post office? A Fort Scott, Kansas.
Q How long has that been your post office? A Since '63.
Q Did you know a colored woman up there by the name of Rachel Webber? A Yes, sir.
Q When did you learn to know her? A I knew her in '60, about '68 along until seventies.
Q Did she ever marry? A She married a man by the name of Ed. Henderson.
Q How long did she live with him? A I don't know how long she lived with him; she had two children.
Q You don't remember the names of these children? A No, sir; I just knew of them and that [illegible]
Q What did Ed Henderson do? A He was a barber, he was a barber there when I went there, the only barber there was in the town.
Q Did he move away from there? A No, sir; he lived there until he was put in the penitentiary.
Q Is he in the penitentiary now? A Yes, sir; he died in the penitentiary.
Q Did you see this Rachel Webber there like you did other people? A Yes, sir, I have seen her passing around.
Q You knew of her marrying Ed Henderson? A Yes, sir; havint these babies, two of them, and know of them separating, but I don't know the dates; I never paid enough attention to it to know about that.
Q That was after the war? A That was in the seventies.
Q When did they separated? A Yes, sir.

MR. MELLETTE:

Q What year did you last see Rachel Webber? A I don't know what year I saw her last, but it was in the seventies.
Q How do you know that? A Because I know that she was married to Ed Henderson in the seventies.
Q Now, what time in the seventies, you know the seventies extend over a period of ten years? A It was in '71.
Q Do you swear it was in '71? A (No response.)
Q Are you positive about that? A I am positive it was in '69 or '70.
Q Where were you first spoken to and asked what you knew about this witness Webber? A I was first spoken to about it yesterday.
Q Yesterday; now that it has been 40 years since you first saw her hasn't it? A No, sir, it hasn't been 40 years, I don't think.
Q How long has it been since you saw her? A I saw her in '76 or '6, somewhere along there.

Q Now, which was it '75 or '76? A Well, it was either one or the other.
Q Now, you don't know which one, do you? A No, sir.
Q That has been 25 years ago; is there any particular reason you had to know this woman? A No, sir; only I read in the papers of the separation.
Q She was a colored woman? A Yes, sir.
Q You didn't pretend to keep track of where, her whereabouts all the time, did you? A No, sir.
Q Where was she in the year '67? A I don't know.
Q Do you remember of seeing her in that year? A No.
Q Where was she in the year '66? A I don't know where she was; she was there though.
Q As a matter of fact it is impossible for you to remember back 30 years and know a particular year when you did or did not see this woman? A I know that they were there; and that they lived there in the sixties and seventies.
Q Well, now, the sixties and seventies extend over a period of 20 years; you mean a portion of that time they were there? A Yes, sir; I mean that they were there and lived there and had their residence there.
Q You don't pretend to say that this woman didn't come down to the Cherokee Nation during that time, do you? A No, sir.
Q You don't know what she did do; you said a while ago you saw her passing and repassing? A Yes, sir; and I say I know of her marrying Ed Henderson.
Q Well, did you have a personal intimate acquaintance?
A No, sir, I don't know as I ever spoke to this woman.
Q You don't know that you ever spoke to this woman; 30 years now you go back and say-? A Yes, sir, I know of this woman and know of her marrying Ed Henderson and separating and having two babies; you know these things was in the papers.
Q Do you know Ed Henderson was her husband? A Yes, sir.
Q I will ask you if Rus Henderson was not her husband?
A No, he was not.
Q You are certain of that? A Yes, I am certain of that.
Q What makes you remember that; you had never spoken to this particular woman? A I had never heard tell of Rus Henderson.
Q Now, do you say that this woman Rachel Webber is that one you have been talking about? A Yes, sir.
Q Do you swear that she married Ed Henderson? A I swear that she pretended that they was; what they said, that she married him.
Q When did you hear that? A I heard it in I suppose in about '69.
Q Well, do you remember that it was in '69? A I can't keep the dates.
Q Did you know Ed Henderson? A Yes, sir; I knew of him, I seen him in his barber shop every day
Q Were you acquainted with him? A No, sir. Only that he was Ed Henderson and kept a barber shop there.
Q Why should you remember it was in 1869 they married?
A I don't know why I should remember, I do though.
Q You swear they married in 1869? A It was somewhere in '68, '69 or '70.
Q Think you allow yourself a considerably wide range? A Yes, sir.
Q This is the third time you have testified in since yesterday, isn't it; identifying Freedmen as living in Fort Scott, Kansas?
A Yes, sir; and they lived there too.
Q And you are trying to identify a woman here with this woman you never saw there?

Mr. Hastings: You have got the right to cross-examine the witness; you have got no right to argue the case with her.

Q Did you know anything about Martha Gales, a colored woman, that lived up there? A Yes, sir.
Q I will ask you if Martha Gales didn't marry Ed Henderson?
A Yes, sir, he lived with Martha Gales quite a while.
Q When? A He lived with Martha Gales in the sixties, from '65 I guess until '68 or '9.
Q I will ask you if he was not married to her when he was sent to the pentitentiary? A No, he was not.

MR. HASTINGS:

Q You remember knowing this man when he lived with Martha Gales?
A Yes, sir.
Q And after their separation he lived with this woman?
A I knew him, very well acquainted with him, when he lived with Martha Gales; she was a hair dresser.
Q And then after the separation he married this woman?
A Yes, sir; he married Rachel Webber.
Q Did you ever miss Mrs. Rachel Webber from there until 1869 or '70?
A No, sir; I never knew of her coming away after the separation.

MR. MILLETT:

Q You don't know whether she came away or not do you?
A No, sir; I don't know when she came away; I know they separated, I read that in the papers.
Q Where is Henderson? A He is dead, I heard the other day.
Q When did you hear that? A The other day.
Q How long ago? A A week or two ago.
Q You swore when you were here before he was living? A No, I swore he was at Fort Scott; I didn't then know he was in the penitentiary.
Q Didn't you swear on the 17th day of February, in the case of Marthat Gales, that this man Henderson was living at that time?
A No, I didn't swear he was living, because I didn't know; they asked me where he was and I said in Fort Scott the last I knew of him; since I went there I heard he died in the penitentiary.
Q Now, say if you give this testimony in the case of Martha Gales; wha t became of Henderson? He is there yet? Did you swear that in the Martha Gales case? A I guess I did; because I thought he was there.
Q Are you swearing what you know or what you think? A How do you know it, unless you think.
Q What made you swear he was there if he was not there? A Because I supposed he was there.
Q Are you swearing by what you know or by what you suppose?
A He was there the last of what I know.
Q You said he died in the penitentiary? A Yes.
Q You didn't know when you swore that Ed Rendersen was up there whether he was or not? A No, I could not swear that my boy was up there.
Q You hadn't seen Ed Henderson there had you? A Yes, I seen him not over three months ago.
Q Didn't you swear just now in this case that he died in the penitentiary? A Yes, sir; he was sent up there last fall and I heard since I was here before that he was dead, and I read that in the paper, that is the only thing I know about that.
Q You say: Ed Henderson is living up there yet? Yes, sir ?
A Yes , what I supposed too.
Q I will ask you if a matter of fact he has not been dead three years? A I don't know.
Q You know, Mrs. Davis, whther he has or not; if you seen Ed Henderson in the past three years? A Just let me think whether I have or not; I don't know. Ed Henderson was there on the corner, I never knowed anything about his going away.
Q Just answer my question, have you seen Ed Henderson within the past three years?

A I don't know; I don't know.
Q Did you see or see him about three months ago? A I know he ain't down here [illegible].
Q Did not you [illegible] ago that you saw him before you came down here to [illegible] case? A No, sir, I didn't.
Q And didn't you swear in that marriage [illegible] that Ed Henderson was living up there yet? A Yes, sir, I swore I supposed he lived there yet.
Q You are swearing by what you suppose? A That is the way everybody swears, of course.
Q How many cases have you been a witness in down here?
A I guess three or four.
Q How many did you witness in when you came here the first time, 17th of February? A Two I guess.
Q Then you have been a witness in three this time, haven't you?
A Yes.

MR. PAGEWING:

Q Mrs. Davis, you knew Ed Henderson? A Yes, sir.
Q And when you were down here before you hadn't missed him?
A No, sir, I didn't know he was gone.
Q Your attention was not especially directed to the last two or three years? A No, sir.
Q When you went back you made inquiries and found out he went to the penitentiary? A Yes, sir.

MR. [illegible]:

Q You hadn't missed him? A No, sir.
Q If he has been dead three years you don't know?
A No, sir.

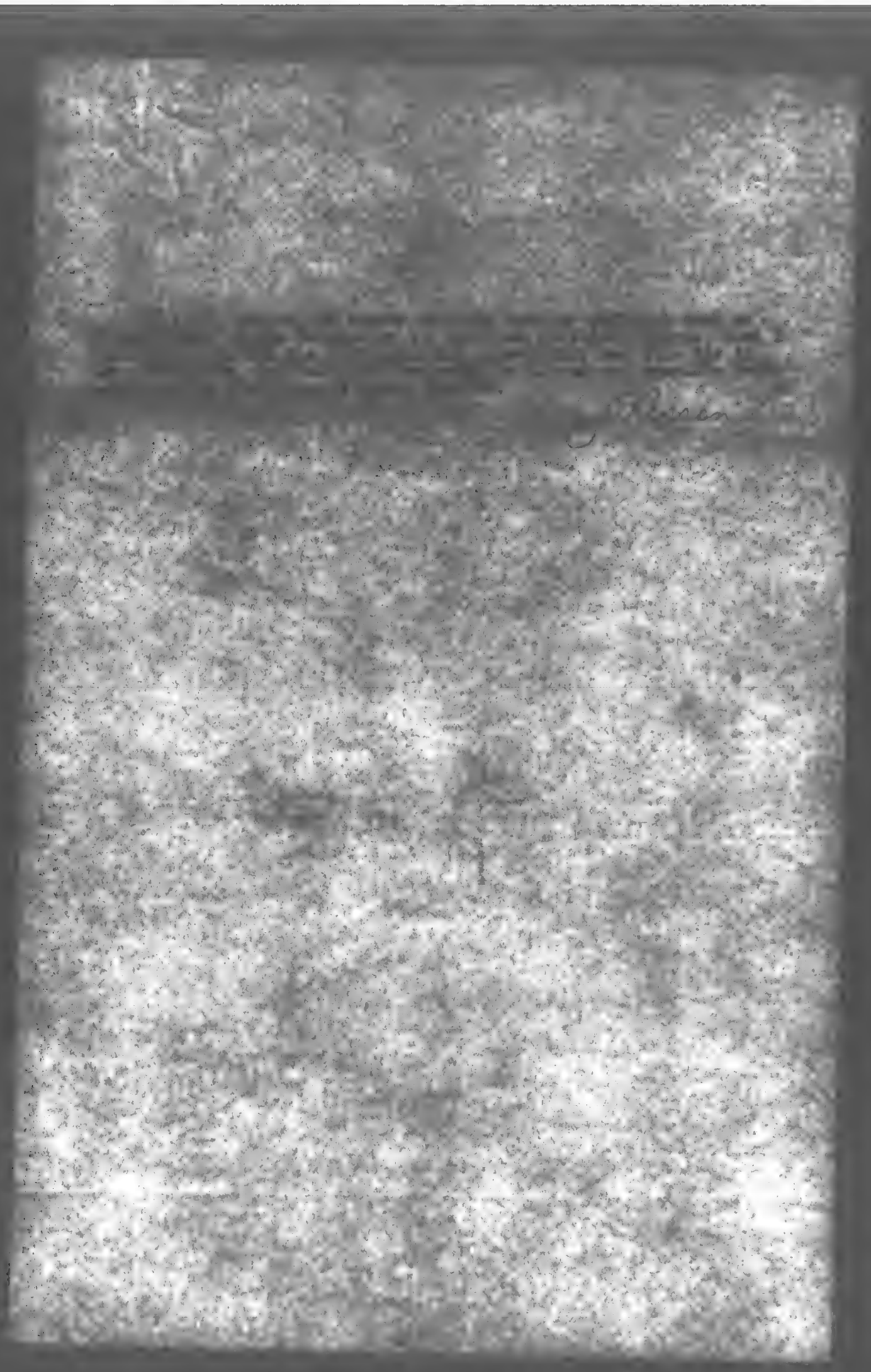
MINERVA RUNYAN, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. HASTINGS:

Q What is your name? A Minerva Runyan.
Q What is your post office? A Fort Scott, Kansas.
Q What is your age? A 46.
Q Did you know a colored woman by the name of Rachel Webber who married Ed Henderson? A Yes, sir.
Q Did you know Ed Henderson? A I did.
Q About when did you learn to know Rachel Webber? A Well, it has been about ~~[illegible]~~ seventy something or another, I just would not say.
Q After the war? A Yes, sir; it was after the war.
Q Where did you know her? A In Fort Scott.
Q When did you know Ed Henderson? A Well I know him, it must have been in the 60s. I knew him before I did her.
Q Did they live together as husband and wife? A Yes, sir.
Q You remember about how long they lived together up there as husband and wife? A No, sir, I could not say.
Q Do you know whether they had any children or not? A I know they had one.
Q Do you know the name? A No, sir.
Q Born up there? A Yes, sir.
Q Do you know whether they continued to live together or whether they separated? A Well at the best of my knowledge they separated.
Q What did Ed Henderson do up there? A He was a barber.
Q How long did you continue to know Ed around there?
A Well, I could not say just what time in the sixties.
Q You know further on my the other way? A Well until his death.

Q You understand [illegible] A Yes, sir; I understand [illegible]

I could not say positive for that; it was just through the paper.
Q I [illegible] to that for I didn't see it.
Q [illegible] Ed Henderson? A Well, now, I could not just tell that.
Q How long ago, Mrs. Runyan? A If I remember rightly, it was in the fall, in the fall or latter part of the summer.
Q What year? A In 1901 I think.
Q Do you swear to that positively? A No, I don't swear to that positively.
Q You saw it in the paper? A Yes, sir.
Q Well, now, Mrs. Runyan, if you can't fix the time when Ed Henderson died, how can you go back [illegible] years and locate a colored woman with whom you weren't well acquainted? A Because they lived right there in the town where we did.
Q I know, if you can't tell within a year when Ed Henderson died, how can you remember the time away back yonder, in the sixties?
A I don't believe he married in the sixties.
Q When did you first see Rachel Webber? A When I first saw Rachel Webber, in the seventies.
Q What year? A I can't tell the year; best of my recollection it must have been about '73; I know it was a few years before I was married.
Q What makes you think it was in '73, that has been about 30 years ago now? A Now one thing that I can go by, my sister and I were passing her house onto about three years before I was married and we was crossing a little stream, crossing that stream the plank broke and I went in her house and wrung the water from my clothes, and there was one child there at that time; there is there I got the one child from.
Q Well, now there is three years before you were married you went passing Rachel Webbers house and fell in the water? A Yes, sir.
Q And that was about three years before you were married?
A Yes, sir.
Q And how long ago have you been married? A 26 years.
Q And that was about 29 years ago? A Yes, sir.
Q Is that the Rachel Webber that is concerned in this case?
A Well, that is a a Rachel Webber.
Q I ask you the question? A Yes.
Q Answer it; I asked you if that was the Rachel Webber that is concerned in this case? A Well, I don't know.
Q How many cases have you been to witness here yesterday and today? A Three.
Q You have identified certain freedmen that were living in the town of Fort Scott thirty years ago? A Yes, sir.
Q How old a were you in 1870? A In 1870?
Q Yes. A I was about 16 I guess.
Q Were you acquainted with Rachel Webber? A Well, not personally acquainted with her, no.
Q Ever speak to her? A Yes, sir.
Q Well, now, when did you first see her; when did you first remember seeing her, what year? A I don't know.
Q Where was she in 1866? A I don't know.
Q Where was she in 1867? A I don't know.
Q Where was she in 1868? A I don't know.
MR. HUTTON:
Q You know that about three years before you were married you stopped in there and she had one child? A Yes, sir.
Q That is the same Rachel Webber that had Ed Henderson for a husband? A Yes, sir.



To be filed with D-924.

D. D-902.

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

In the matter of the application of Phillis Hayes for the enrollment of herself as a Cherokee freedman.

SUPPLEMENTAL TO D-902.

APPEARANCES:
W. W. Hastings for Cherokee Nation.
Mellette & Smith for applicant.

MR. HASTINGS: The Cherokee Nation offers in evidence a quit-claim deed on the 20th day of March, 1878, from Josephine Ames and C. A. Ames, her husband, of Humboldt, in the county of Allen and State of Kansas, to Phillis Brady, quit-claiming lot 36 on block 27, in the city of Humboldt, Kansas, to the said Phillis Brady.

MR. SMITH: The applicant objects to the introduction of the above testimony for the reason that it is entirely immaterial to an issue involved in this case as to whether the applicant did or did not have property conveyed to her in Kansas.

MR. HASTINGS: The Cherokee Nation offers it in evidence for the purpose of showing or tending to show that if she owned property up at that place she must have been a resident up there, as is heretofore sworn to by witnesses introduced by the Cherokee Nation.

COMMISSION: This testimony will also be filed with and made a part of the record in the case of Sam Rogers, D-924, who is represented by Mellette & Smith.

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

Arthur Groninger.

Subscribed and sworn to before me this 29th day of May, 1902.

Notary Public.

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 proceedings in the above case.

Mabel F. Maxwell

Subscribed and sworn to before me this 18th day of July, 1902.

R. P. Rutter
Notary Public.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this petition or to the granting of this request for the reason that most of these applicants have had more than a [illegible] to file all of their testimony that they desired to [illegible] at their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is closed and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorney for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) H. O. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) F. O. Porter,
(SEAL) Notary Public.

I, H. O. Rothenberg, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and correct copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 30, 1902.

Notary Public.

[illegible]

C[illegible]

[illegible] of the appli[illegible] for enrollment

[illegible] Smith; Cherokee Nation, by [illegible]

[illegible] certified [illegible] decree as filed in the [illegible], to [illegible]

Ben [illegible], [illegible]

By W. W. H[illegible]

[illegible] the Cherokee Nation and objects to the introduction of [illegible] because [illegible] does not tend to show that [illegible] was a [illegible] the [illegible] certified in the [illegible] of the [illegible] copy of the decree [illegible] in [illegible].

[illegible] of the [illegible] United States Court, [illegible] Northern District, [illegible]

[illegible] shows that [illegible] the above named [illegible] for the applicant be [illegible] the proof of any or all of [illegible] the decree already referred to.

for the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file or make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

No. D 926

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. 1901

Given under my hand this .....

day of .....A. D. 1901.

.....

Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the 18 day of Sept 1901.

Mellette Smith

Attorney for applicant.

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

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

.....

on the.....day of.....A.D.1901

.....

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

.....

Notary Public.

Filed
SEP 18 1901

NOTICE!

IN THE MATTER OF the application of Samuel Rogers for enrollment as a Cherokee citizen:

Case No. D 528

To Samuel Rogers or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct. 7th 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 on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9-20-1901.

L B Bell

W. W. Adams

Attorneys for the Cherokee Nation.

To be filed with case of Walter French, C.F. B.[illegible]27.

[illegible]

[illegible]

Nowata, I.T., June 2nd, 1902.

In the matter of the application of Louisa Gaskins for the enrollment of herself and six children as Cherokee freedmen; she being sworn by Commissioner T. B. Needham, testified as follows:

Q What is your name? A Louisa Gaskins.
Q How old are you? A 38.
Q What is your post office address? A Lenapah.
Q In what district do you live? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you want to have enrolled besides yourself?
A Me and my children, six of them.
Q Is your name on the roll of 1880? A I don't know.
Q What is your father's name? A Robert Butler.
Q Is he living? A No, sir.
Q What is your mother's name? A Lucinda French.
Q Were you ever married before you married Gaskins? A No, sir.
Q He was your first husband? A Yes, sir.
Q Was your maiden name Butler? A Yes, sir.
Q Is your husband a citizen? A No, sir.
Q Is he living? A No, sir.
Q Give me the names of your children? A Joella.
Q How old? A 18 years.
Q Next? A Adam.
Q How old? A 16 years.
Q Next? A John.
Q How old? A 14 years.
Q Next? A Ida.
Q How old? A 11 years.
Q Next? A Loval.
Q How old? A 6 years.
Q Next? A Lela.
Q How old? A One year.
Q Are they all living? A Yes, sir.
Q All named Gaskins? A Yes, sir.
Q Living with you? A Yes, sir.
Q Have you married since the death of your husband? A No, sir.
Q Did you draw Kern-Clifton money? A Yes, sir.

The Kern-Clifton roll examined and the name of the applicant identified thereon as follows:
Page 157, No. 3871, Louisa Gaskin, Cooweescoowee district.
Page 157, No. 3872, Joella Gaskin, " "
Page 157, No. 3874, Ada Gaskin, Cooweescoowee
Page 157, No. 3875, John Gaskins, "
Page 157, No. 3876, Ida Gaskins, "

The Wallace roll examined and the name of the applicants found as follows:
Page 115, No. 2434, Louisa Gaskell, Cooweescoowee district
Page 115, [illegible], Joella Gaskell, " "

Q Where were you born? A In the Cherokee Nation.
Q Did your mother marry a man named French after your father died?
A Yes, sir.

DAVE FRENCH, called and sworn as a witness for the applicant:
Q What is your name? A Dave French.
Q What is your age? A 72.
Q What is your post office address? A Lenapah.
Q Are you a recognized Cherokee freedman? A Yes, sir.

Q Is your name on the roll of 1880? A Yes, sir.
Q Do you know the applicant? A Yes, sir.
Q Did you know her father? A Yes, sir, Bob Webber.
Q How long has he been dead? A I don't know exactly, died before 1880.
Q Did you know her father? A Yes, sir, Lucinda.
Q Is her name on the 1880 roll? A Yes, sir, as Tyrah, that is my wife.

The 1880 roll examined and the applicant's mother found as follows: Page 206, No. 1182, Lucinda Webber, Cherokee Nation District.

Q Are you Louisa's step father? A Yes, sir.
Q Where was she born? A In Flint, before the war.
Q Is she the child of your present wife? A Yes, sir.
Q Has she any brothers or sisters? A Yes, sir.
Q Do you know their names? A A half brother Bob French, full brother William and Andy. Half brother Tom French.

The 1880 roll examined and the name of the applicant's brothers found as follows:
Page 146, No. 1182, Bob French, Cherokee Nation District.
Page 146, No. 1182, Tom French.

Q How old is Tom? A I don't tell exactly.
Q About how old? A Long in 30's I guess so.
Q How old is Bob? A I think he was born in 1870.
Q How old is Andy? A I think he was born before the war.
Q Living yet? A Yes, sir.
Q How old is William? A He was the oldest one she had.
Q He living? A Yes, sir.
Q Are their names Webber? A Yes, sir.
Q Do you know why Andy is not on the roll of 1880? A No, sir, I don't. William and Andy were not at home then though.
Q What is the reason that this applicant is not on that roll?
A I don't know, she was married before that.
Q Has she always lived in the Cherokee Nation? A Yes, sir.

Q Was she living with her mother when she married? A Yes, sir.
Q Was she living with her when the 1880 roll was made?
A No, sir, she was married then.
Q How far did she live then from her mother? A 4 or 5 miles.
BY DEPUTY: Is this applicant the daughter of Bob Webber who formerly lived in Flint? A Yes, sir.
Q Name one that was owned by the Owsleys? A Yes, sir.
Q He is living yet? A No, sir, he died long ago.
Q Bob is? A Yes, sir.
Q Did you know any other Bob Webber? A Yes, sir, some colored man.
Q Wasn't her father colored man? A No, sir, her father was an Indian, her mother was the slave, her father was the owner.
BY DEPUTY: You know that Louisa Webber is the daughter of Bob Webber? A Yes, sir.
BY DEPUTY: Where were you living at the time this girl was born? A I was living 10 miles from her.
Q Did she go out with her father during the war? A Yes, sir.
Q Where to? A Kansas.
Q Did she come back with her father? A Yes, sir.
Q Where were you and her mother married? A I took up with her in Fort Gibson, just like you Indians used to before the war.

BY COMMISSIONER OF EXAMINATION:
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
Q Have children born in the Cherokee Nation? A Yes, sir.

BY SEAR'H EXHIBIT: The applicant resides for herself and six children as named in the testimony; she is not found on the 1880 roll of the census roll of 1885; she is identified on the Kern-Clifton roll and the Dawes roll; her eldest child, Jowita, is identified on the Dawes roll as well as the Kern-Clifton roll; Jowita, [illegible] and Ida are identified on the Kern-Clifton roll; it will be necessary for her to file proof of the birth of the two youngest children as their names are not on any roll. She avers that she is the daughter of Lucinda French, the mother, her father being Bob Walker, and the name of Lucinda French is found on the authenticated roll of 1880; she avers that she is a half sister of Nii French and of Tom French and their names are found on the authenticated roll of 1880; he has two full brothers, Andy and William who are not found on the roll of 1880; she avers that she was married to one William Gaskins before the roll of 1880 was compiled; she makes satisfactory proof as to residence, and from the testimony there is no doubt in the mind of the Commission that the said Luisa Gaskin and her said children as named in the testimony are entitled to enrollment as Cherokee freedmen on a straight card, after she makes satisfactory proof as to the birth of the two youngest ones, Levi and Lola Gaskins. Consequently the said Louisa Gaskins and her six children as mentioned in the testimony, will be listed for enrollment as Cherokee freedmen on a straight card.

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

(Signed) Chas. van Weise.

Subscribed and sworn to before me this the 2d of July, 1901, at Nowata, I. T.

(Signed) T. D. Needles,
Commissioner.

J. O. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that same is a true and complete copy of the original transcript in said case.

J O Rosson

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

Commissioner.

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To be filed with Testimony.
(Walter French)

Department of the Interior,

Commission to the Five Civilized Tribes,

Nowata, I.T., June 22d, 1901.

In the matter of the application of George Starr for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith appellant's attorneys.
W. W. Hastings, Cherokee representative.

By Com'r Needles:

Q What is your name? A George Starr.
Q What is your age? A 48.
Q What is your postoffice address? A Hayden.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? Yes, sir.
Q Who else do you want to have enrolled? A One boy.
Q What is his name? A Arthur Starr.
Q How old is he? A 19 years old.

By Mellette:

Q Were you a slave in the Cherokee Nation at the beginning of the war? A Yes, sir.
Q Who were your owners? A Zeek Starr.
Q Was he a Cherokee citizen? A Yes, sir.
Q Were you taken out of the Cherokee Nation at thebeginning of the war? A Yes, sir.
Q Where did they take you to? A Kansas.
Q When did you return to the Cherokee Nation after the war? A In '66.
Q Where did you first come to? A Timber Hill.
Q What time in '66 did you come back? A In the Fall.
Q Where did you go then? A We went then on Grand River.
Q When did you go there? A The same fall, we only stopped a few days at Timber Hill.
Q What place on Grand River did you stop at then? A Close to Pryor Creek, close to Billy Leady's place.
Q Where have you continued to live since you came back in '66? A In the Cherokee Nation.
Q All the time? A Yes, sir.
Q Do you own a place on the Public Domain of the Cherokee Nation? A Yes, sir.
Q How many children have you besides the one you desire to have enrolled at this time? A I have two children of my own.
Q One besides this one? A Yes, sir.
Q What is its name? A George.
Q How old is he? A 22 years old.

By Hastings:

Q Who did you come to the Cherokee Nation with after the War? A With Dave French.
Q Where did you first see him? A Went to Kansas with him and came back with him.
Q Where did you first see him? A I first saw him in Arkansas, Cain Hill.
Q Was that before or after the war? A During the war.
Q When did you first see him in Kansas? A I went to Kansas with him.
Q Where were you married, in Kansas? A No, sir.
What is your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning Creek.

Did you come through Pryor? A [illegible] Sir.
Q [illegible] A [illegible] there.

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Q Who married you? A Preacher Nelson.
Q How long ago? A 27 years ago.
Q Was that a colored man or a Cherokee? A A colored man.
Q You claim to have come back with Dave French do you? A Yes, sir.
Q Who else was with him? A His sister Jenny.
Q Jenny what? A Gurnell, I think.
Q Was she married then? A Yes, sir, I think she was.
Q Who else came? A Evoline.
Q What? A I don't know her husband.
Q What kin was she to Dave? A A sister.
Q Was she married then? A I didn't think she was.
Q Well who else came? A The Davys.
Q How many of them, let's have all their names? A Arch, Ruben, Wash and his wife Mariah, and Dave.
Q How many children did Dave French have with him at that time? A I don't know.
Q Was his wife along with him then? A I don't think he had a wife at that time, I don't know his family.
Q He came back with his sisters the time you came? A He made two or three trips, and the last time he came with his sisters.
Q Was that the trip you came on? A Yes, sir.
Q If he had a family then it was down here? A I don't know.
Q He had been here before that hadn't he? A Yes, sir.
Q How many trips had he made before you came? A May be three.
Q What time of the year did you come? A In the fall, in November.
Q Where did you first come to? A Timber Hill, and staid there a few days.
Q Is that up near where Chetopa is? A Yes, sir.
Did you come through Chetopa as you came down? A It was not much of a place when we came, but we came in that direction.
Q Did you stop at any of the stores there? A No, sir.
Q Did you come through Parsons? A No, sir, it wasn't there.
Q Did you come through Porter? A No, sir.
Q Where did you locate in the Cherokee Nation? A On 14 Mile Creek.
Q You went right on there did you? A No sir, we stopped a few days at the Rider place at Leedy's.
Q Was Dave French with you there? A Yes, sir, but he left me there.
Q Did you go to Fort Gibson? A Yes, sir, a month or two after that.
Q Where did Billy Leedy live? A On Pryor Creek.
Q Was he a colored man? A Yes, sir.
Q Did he have a wife? A Yes, sir.
Q Did he have any children? A Yes, sir.
Q Name them? A Frank, Rose and Matilda.
Q You came before the Kern Clifton Commission five years ago didn't you? A Yes, sir, I think so.
Q You made a statement before that Commission? Yes, sir.
Q Did you use Dave French for a witness then? A Yes, sir.
Q Did you bring Frank Rose there? A I didn't have but one witness.
Q Did they take French's statement? A They didn't call him.
Q Then you didn't use him? A They didn't call him.
Q Then he didn't testify? A No, sir.
Q After staying on Pryor Creek for a while you went to 14 Mile Creek, how long did you stay there? Since, how long did you stay on Pryor Creek? A We came there in November and left there in December.
Q And then you went to 14 Mile Creek? A Yes, sir.
Q Whose place on 14 Mile Creek? A Moses Have place.
Q How long did you stay on the Moses Have place? A I went to his house, that was my step-father and I staid there.
Q Who were some of Moses Have's neighbors then? A I don't know exactly.

there was Steven Taylor and his family.
Q Colored man or a white man? A Colored man.
Q How far from Fort Gibson was this? A 7 or 8 miles.
Q East? A Yes, sir.
Q On 14 Mile Creek? A Yes, sir.
Q Did Mose Have live in a house? A Yes, sir.
Q What kind of a house? A Log house.
Q Who owned that place before the war? A He built it himself.
Q Did he have a field there then? A I think he rented a few acres from Arch Veland.
Q How long did you stay there? A A year or two I think, I worked some on Grand River.
Q Who for? A John Walker and for Rickiller.
Q Where did you go from Grand River, when you were working there? A Went back to 14 Mile Creek.
Q Then for the first few years after the war you lived on Grand River and 14 Mile Creek? A Yes, sir.
Q When was the last time you were in Parsons, Kansas? A I can't tell, I was there lots of times.
Q When did you last live there? A I worked there.
Q When was the first time you worked there after the war? A I think it was in '87.
Q You didn't work there in '67, '8 and '9? A No, sir.
Q You didn't see George Musgrove up there? A No, sir.
Q You knew him? A Yes, sir.
Q Where were you married? A On Lightning Creek.
Q The first time? A Yes, sir.
Q What year was that? A '74.
Q Your oldest child, George Starr, Jr., where was he born? A On Lightning Creek.
Q Did you and your wife ever keep house in Parsons? A Yes, sir.
Q When did you first go there? A In '87.
Q Is that the first time that you ever saw the town? A No, sir, I went up there and passed through in '71.
Q Wasn't living there then? A No, sir.
Q Not working there then? A No, sir.
Q Not keeping house there then? A No, sir.
Q Where did you go on that trip? A To Neosho Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train in those days.
Q Where did you first get on the train? A At Choutoun.
Q Did you testify five years ago that you went up to Kansas in '68? A Yes, sir.
Q Did you? A Yes, sir, I did.
Q How long did you stay there at that time? A Week or two days.
Q Did you go to the train that time? A No, sir.
Q Who did you go with? A I disremember the man's name.
Q What house did you and your wife first live in, where was it located? A On Lightning.
Q Who were your neighbors there? A My wife's folks.
Q Did you know Sal Coker? A No, sir, I don't know him.
What were your wife's folks names? A Johnson and Leedeys.
Q How far from Goody's Bluff was that? A Just a few miles.
Q Well don't you know anyone else that lived around there in '74? A Jack Landrum.
Q How far did you live from him? A 4 or 5 miles.
Q How long did you stay there? A Am living there now.
Q Have you been living there ever since '74? A Yes, sir.
Q Is that one house? A No, sir, in several houses.
Q Did you make a place of your own there? A Yes, sir.
Q When did you make that place? A 16 years ago.
Q How far was that from Jack Landrum's? A 4 or 5 miles.

By Mellette:

Was your wife your first married here? A [illegible] Johnson.
Is she the mother of this child whom you desire to have enrolled?
A Yes, sir.
Where was you married to her? A On Lightning Creek.
Who married you? A A man named Nelson.
Have you a certificate? A Not of that marriage. I have of this last marriage.
How long did you live with her? A [illegible] she died.
How many years was that? A Up until 1898.
About how many years? A Must have been 10 or 12 years.

By the Commission:

Was she a citizen? A Yes, sir.
Is her name on the roll of 1880? A I don't know.
What was her maiden name? A Johnson.
Is she the mother of [illegible]? A Yes, sir.

Applicant and his first wife not found on the roll of 1880.

Kern Clifton roll examined and the name of the applicant and his son identified thereon as follows:
Page 148 No.3011, Samuel Starr, Cooweescoowee district.
Page 148 No.3012, Arthur Starr.

Wallace Roll examined and the applicant identified as follows:
Page 148 No.2999, Samuel Starr, Cooweescoowee district.
Page 148, No.3000, Arthur Starr.

DAVE FRENCH called and sworn as a witness for the applicant testified as follows:

By Mellette:

What is your name? A Dave French.
What is your age? A [illegible]
Where do you live? A Down on Verdigris river, in Space Rock Bend, this side.
Is the Cherokee Nation? A Yes, sir.
Are you a recognized citizen of the Nation? A Yes, sir.
Do you know this applicant? A Yes, sir.
How long have you known him? A Ever since he was a boy.
Was he a slave? A [illegible] he and Mack Sapulpa slaves.
Was he a Cherokee freedman? A Yes, sir.
Where was this applicant taken to during the war? A To Kansas.
When did he come back? A In the fall of 1866.
How do you know? A He came with me.
Where did he go when he came back home? A I left him at Tom Rider's on Grand River, where [illegible] lived there [illegible].
Where has he been since? A On Lightning Creek and 14 Mile Creek.

By Hastings:

Where did you first see this man about just before the war? A In Flint District.

Q How far from you? A 6 or 7 miles.
Q Where did you next see him? A During the war in Kansas.
Q Near what town? A Neosho Falls.
Q Did he come with you when you came? A Yes, sir.
Q Did he come with you when you came with your family? A When I brought my sisters and the Naves, they were along.
Q Did you have your family with you then? A No, sir.
Q Did he have any family then? A No, sir.
Q Single? A Yes, sir.
Q Was his mother in Kansas then? A I don't know.
Q You left him with uncle Billy Lockey? A Yes, sir.
Q You didn't testify for him before the Kern Clifton Commission?
A No sir.
Q You had been down here before you brought him had you? A Yes, sir.
Q How many trips had you made before you brought him? A I don't know.
Q Had you made several? A I don't know, can't tell you.
Q How long was it until you saw him again after that? A I saw him several times after that.
Q Were you married when you came down with him? A I told you before how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then? A Yes, sir, I had a woman.
Q Where was that woman when you brought this boy down? A She was in Fort Gibson during the War and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she stayed there until the spring of '67.
Q Did you bring her back then? A No, sir, I didn't bring her back, someone else brought her back to me on Grand River after I got settled.
Q In what settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline District? A Yes, sir.
Q Who was it brought her back? A I think it was Houston Rogers, she said that he brought her back.
Q Is that the wife you are living with now? A Nax No, sir.
Q Where did you marry this woman that you are living with now? A In Wichita, Kansas.
Q Is her name Lucinda? A Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers brought her back, I told her to hire someone to bring her back, as I wouldn't have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie, Nave and Evoline Nave.
Q Did you stay on the Martha Vann place in '67? A Yes, sir.
Q You and Lucinda? A Yes, sir, they brought her in '67 on Spring Creek and we moved then to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long ~~[illegible]~~ was that before she returned? A In the summer of '66.
Q You say she was in Fort Gibson? A Yes, sir, she was out with a hay outfit when they was cutting hay.
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
Q Yes? A Linda.
Q Lind who? A My wife's sister.
Q Did you take her children with her? A Yes, sir.
Q How many? A I don't remember.
Q You don't remember your wife's children that were along with her?
A I don't remember, I guess she had them all.

Q Do you know? A There wasn't any left I don't think.
Q Who were they? A Bill, Andy, Caroline, Ellen, Louisa.
Q Is that all? A Jim.
Q Anyone else? A Eli, wasn't born.
Q Where was the eldest child born? A On Sallisaw, in Flint.
Q Where was the youngest one by that wife born? A In the spring of 70.
Q Where? A In Grand River.
Q The time you brought this man down here, where was your wife?
A She was back up there at Fort Scott.
Q What was you doing going up there, back and forth? A Hauling folks.
Q What did this man pay you for hauling him down? A I don't know.
Q Hauled him free didn't you? A I expect I did, I don't know.
Q And your wife was in Kansas? A Yes, sir.
Q From what town did you start with this fellow? A From Neosho Falls.
Q How far is that from Fort Scott? A 30 or 40 miles may be, I don't know as I didn't measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles, and you was that far from your wife out hunting up Cherokee freedmen and hauling them free to the Cherokee Nation were you? A Yes, sir, I was hauling people back home, that was my business up there.
Q How long did you stay with your wife when you took her back to Fort Scott? A I don't know.
Q You know more about this fellow than you did about your wife? A (No response.)
Q Who did this fellow stay with on 14 Mile Creek? A With Rose Nave.
Q Were you ever there after the war and saw this man there? A Yes, sir.
Q When was that? A In 67 or '8.
Q And he was there then? A Yes, sir.
Q Do you know who married this man the first time? A No, sir.
Q Who married him the next time? A I don't know.
Q How far do you live from him now? A I live on Goose Neck Bend and he lives on Lightning Creek.
Q How long has he been living on Lightning Creek? A I don't know.

By Mellette:

Q When you brought this applicant George Starr, who of the Naves came with you? A My two sisters, and Rose Nave and his wife.
Q Did the Nave boys, George, Dave and Ruben come with you? A No, sir, they came before that in the spring and were on 14 Mile creek then.

Continued by Stenographer M. R. Green this 22d of June, 1901.

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 24th day of July, 1901.

T. B. Needles,

Commissioner.

CONTINUED, - former portion of this case taken by [illegible]

[illegible] of the Cherokee
Commission [illegible] Five Civilized Tribes,
Muskogee, Okla., June 22, 1[illegible].

In the matter of the application of George Starr for the enrollment of himself and [illegible] as Cherokee Freedmen.

FRANK ROSS, being sworn and examined by Com'r Needles, testified:

Appearances:
Mr. Ballette, of Ballette & Smith, for applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

BY MR. BALLETTE:

Q What is your name? A Frank Ross.
Q Where do you live? A On Lightning Creek.
Q What is your age? A 63 past.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant, George Starr? A Yes, sir, I am acquainted with him.
Q How long have you known him? A I have known him about 36 years, I guess, or 37.
Q Where did you first see him after the war? A I saw him on it's called the Tom Rider place on Grand River.
Q What year? A In the fall of '66.
Q Where has he lived since you saw him there in the fall of '66, as far as you know? A Went from there to 14 Mile Creek, and I never saw him no more until along about '74 or '5.
Q Did you know his wife, Malinda? A Yes, sir; I knew her from childhood.
Q You know anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife? A Yes, sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married? A She was living on Lightning Creek, on Pryor's Creek, and then they moved to Lightning.
Q How long ago has that been that they were said to have been married? A It has been about, my judgment about 40 years.

BY MR. HASTINGS:

Q What was her maiden name? A Johnson.
Q You knew her before he married her? A Yes, sir.
Q Where did she live? A She lived with her father and mother.
Q On Pryor Creek? A Yes, sir.
Q They were married on Pryor Creek? A They said they was, I moved, I went from Pryor's Creek in '69.
Q She was married at that time? A No, sir, they wasn't married when I [illegible] moved [illegible].
Q And you moved away in '69? A Yes, sir.
Q How long after you moved away until they married? A It wasn't very long, about a year or so I guess.
Q When did you see them living together as man and wife after that?
Q I saw them often and on until she died.
Q Where? A On Li[illegible] Creek.
Q Did they have a [illegible] house? A Yes, sir.
Q A farm over there? A Yes, sir.
Q They [illegible] place there? A Yes, sir.
Q [illegible] to Pryor Creek, then you

Q Who else was along with Uncle Dave? A There was 2 more women along with him.
Q You didn't testify for this man 5 years ago? A No, sir.
Q Although you knew him in the fall of '66? A Yes, sir.
Q Good deal of money attached to that other payment to draw? A I guess there was.
Q You didn't testify for him at that time? A No, sir.
Q How long did he stay down there? A He stayed down there I guess a week or so, about a week, it may have been longer.
Q You know that that was that year? A Yes, sir, I know it was that fall of '66.
Q You know that 5 years ago too? A Yes, sir, I knew it 5 years ago. If you had asked me I would have told you.
Q How far was that from where you lived at that time? A I was staying there with my father at that time, we were all staying there together.
Q What was your father's name? A Bill, they called him William Leody sometimes, his right name was Ross.
Q What time in the fall was it you saw him? A Along about the first part of fall I guess, middle, I know we went away from there on Pryor's Creek to get logs, it was getting late, we moved and built us some houses up there; we stayed up on Tom Rider's place on Grand River until along in the fall, and went up on Pryor's Creek and built a house.
Q On whose place were you living at the time this fellow came down there? A On Tom Rider's place.
Q That was on Grand River? A Close to Pryor's Creek, we called it Pryor's Creek settlement.
Q You never saw this fellow then for several years after that? A It wasn't quite that long, about 5 years I guess.

Applicant, GEORGE STARR, recalled, and further examined:

BY MR. HASTINGS:

Q Have you been married a second time? A Yes, sir.
Q Where were you married? A In Vinita last time.
Q Where did your first wife die? A Died on Lightning Creek.
Q She is buried there is she? A Yes, sir.

Com'r Needles: George Starr applies for the enrollment of himself and child, Arthur; he cannot be identified on the authenticated roll of 1880 or the census roll of 1896; he is fully identified on the Kern-Clifton and Wallace rolls; his child Arthur, 10 years of age, is identified upon the Wallace roll; he avers that he was married to one Malinda Jones, who was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence, said George Starr and Arthur will now be listed for enrollment as Cherokee Freedmen on a doubtful card; they will be notified by the Dawes Commission of the conclusion in their case at their postoffice address when it is arrived at.

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

M. D. Green.

Subscribed and sworn to before me this July 1st, 1901.

T. B. Needles,

Commissioner.

File with George Starr, et al, C.F.D.512.

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

In the matter of the application of George Starr, et al, C.F.D.512.

SUPPLEMENTAL TESTIMONY

Appearances:
L. B. Bell for the Cherokee Nation.
Mallette & Smith for the applicants.

GEORGE MUSGROVE being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Mr. Bell)
Q What is your name? A George Musgrove.
Q Your age? A About 55.
Q Where do you live, your postoffice? A Lenapah.
Q Are you a Cherokee freedman? A Yes, sir.
Q Are you a recognized citizen? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you acquainted with one George Starr? A step son of Rose Hayes?
A Yes, sir.
Q How long have you known him? A Got acquainted with him---- let me see---- let me study there---I just staid there all night with him, I knowed him before the war, not much acquainted with him, he was small.
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons, Kansas? A Yes, sir.
Q How come you to find him in Parsons, Kansas? A I was out hunting a mule, some feller has stole my mules and I was out hunting for them and staid all night at his house.
Q About when was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away before the Wallace payment.
Q In 1866 where did you live? A I lived on Verdigris, on Geesemack Bend.
Q Right after the war? A No, sir, right after the war I lived on Grand River.
Q The year after the war? A Yes, sir.
Q And the next year? A I lived there, and the next year I moved to where I am living now.
Q What point on Grand River did you live on? A On 14 Mile Creek.
Q How far from Rose Hayes? A About half a mile.
Q During these two years that you lived within half a mile of Rose Hayes, did you see George Starr there? A Never did see him there.

(By Smith)
Q When was it you say you went to hunt your mule? A I can't say exactly, '69 wasn't it?
Q You are the one to know. You don't know exactly when you went to hunt the mule? A I believe it was in '69.
Q It was in '68 you say? A Yes, sir.
Q Where did you go to hunt the mule? A I went to Independence and from Independence to Parsons, Kansas.
Q Where did you come from Parsons? A I went to Savage and from Savage to Chetopa and then came back home on down Dubin Creek.

Q Did you come by Vinita? A No, sir, just along on Cabin Creek.
Q How did you travel from Parsons? A Horse back.
Q Did you come on the railroad? A No, sir, from Parsons to Independence I road along the railroad.
Q Did you go to Parsons on the railroad? A Yes, sir, horseback first on one side of the road and then on the other.
Q When you came from Parsons here where did you travel? A I left the railroad to my left after I left Chetopa.
Q Where did you go then, back to where you were living? A I went back to Goeseneck Bend.
Q How near did you come to Vinita on that trip? A About 30 miles I guess, near as I can recollect.
Q How far? A About 30 miles.
Q Where did you say you saw George in that part of the Country? A Parsons.
Q What was he doing there? A He was living there, I staid all night with him.
Q That was a good while after the war? A Yes, sir.
Q You don't know where he was in '66? A No, sir.
Q You just know that you didn't see him at Moses Nave's? A No, sir, I didn't see him there.
Q Where were you during the year '66? A About Fort Gibson and on Fourteen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there? A No, sir, never met up with him.
Q You don't know if he was there or not do you? A No, sir.

(By Ball)

Q When you went to hunt your mule, the railroad from Parsons to Independence was built? A Yes, sir.
Q This M. K. & T. was built? A Yes, sir.
Q You don't know much about dates? A No, sir.
Q You found this med George Starr in Parsons then? A Yes, sir.
Q Is he any kin to you? A No, sir.
Q You understand that he is a Step son of Moses Nave? A Yes, sir.
Q You was about Fort Gibson in '66 and '7? A Yes, sir.
Q You didn't see anything of him? A No, sir.
Q Did you go much about Moses Naves then? A Yes, sir, every day or so?
Q Well acquainted with the family? A Yes, sir.
Q Who was George's mother? A I don't know, I wasn't acquainted with her, I think she was dead at that time.

(By SMith)

Q How far did Moses Nave live from Fort Gibson? A 7 miles.
Q You lived in Fort Gibson? A No, sir, this side on Ranger Creek.
Q How far from Fort Gibson? A Six miles.
Q How far from Moses Nave? A Half a mile.
Q You didn't stay at home all the time? A No, sir, not all the time, be at home every other day or so.
Q You say you don't know much about dates? That makes you say it was in '69 that you went to hunt your mule if you don't know dates? A I was living up there then when I went to hunt the mule.
Q You said it was in '69 didn't you? A Yes, sir, I said it.
Q What made you say '69 if you didn't know? A A man sometimes forgets dates.
Q When you said that then you didn't know what you were talking about? A Yes, sir, I tried to know.

Q Was it in '69? A If I could read I could tell you every date and every month.
Q Then you don't know when it was, or do you still say it was '69?
A I never said--- I don't have to answer less I want to.
Q What was that? A I never said nothing to you.
Q Well I want you to say something to me. A You just brummell a fellow around here like he don't know nothing.

This will be filed in Cherokee Freedman Doubtful cases, D-813, D-856 and D-867.

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 25th of October, 1901.

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 above and foregoing is a true and correct copy of the testimony taken in the above cause.

Mabel F. Maxwell.

Subscribed and sworn to before me this 26th day of July, 1902.

Bruce E. Jones
Notary Public.

File with F. R. 527, Walter French.

Department of the Interior,

Commission to the Five Civilized Tribes,

Muskogee, I. T., June 25, 1901.

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

Appearances:

Mr. Smith, of Mellette & Smith, for the applicant;

Mr. Dawson, for the Cherokee Nation.

Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Jane Kernal.
Q How old are you? A 67.
Q What is your post-office? A Okmulgee.
Q You want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody but myself.
BY MR. SMITH:
Q How old are you about? A 67.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Mary Nave.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A Yes sir.
Q What time did you return? A In the year of '66.
Q Where did you come to, what part of the Cherokee Nation? A Come down on Grand river.
Q Was Mary Nave a Cherokee Indian? A Yes sir.
Q Citizen of the Cherokee Nation? A Yes sir.
Q Where were you living at the time the war commenced? A In Flint District.
Q Cherokee Nation? A Yes sir.
Q Did you belong at that time to this Mary Nave? A Yes sir.
BY COM'R NEEDLES:
Q Is your name on any of the rolls of the Cherokee Nation?
A Wallace roll.
Q You never drew what is known as the Kern-Clifton money? No sir.
Q Your name is not on the roll of 1880? A No sir.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 104 #2336 Jane Colonel, Saline District;
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;

BY MR. HASTINGS:

Jane Kennel 2.

Q Where did your father live before the war? A In Flint.
Q How was his farm? A Many farms.
Q Did have any children? A Yes sir.
Q What are their names? A There was one named Jane and the other one William and Mahala.
Q Who were their neighbors that lived about there? A Mr. French and Mr. Harlan and Mr. Peck and Ned Adair.
Q What kind Adair do you have reference to? A The one in Delaware.
Q You knew him before the war? A Yes sir, I knew him every since he was a baby.
Q You saw him immediately after the war? A Yes sir, not long after.
Q How long after you came back until you saw that Ned Adair?
A I dont know, not a great while.
Q Where did you first come to down here? A On Pryor's Creek.
Q How long did you remain there? A I don't know sir.
Q Did you stay there as much as two or three weeks? A Yes sir, I think we did.
Q Then where did you go? A On 14 mile Creek awhile.

Q Who did you go with down there? A With my brother and sister, brother Dave and sister Evaline.
Q Evaline what? A Kink.
Q Did you come back from Kansas with Dave French? A Yes sir.
Q Who else was along? A I don't know sir, I cant remember all of them.
Q Can you name anybody else? A George Starr was one.
Q Where did he go to? A I don't know exactly, but we all came down together and was there awhile.
Q Where awhile? A Down on Grand river, I don't know whereabouts he went.
Q Did you have a husband at that time? A Yes sir.
Q What was your husbands name? A Ned Kennel.
Q Did you have any children at that time? A No sir, I never has had any.
Q Was Dave French's wife along with you when you came back?
A No sir, it has been so long I can't remember.

Q Was his children along with him? A I can't remember nothing about that, it has been so long, don't remember anyhow.
Q Where did you and your husband go to when you came back after you went to Pryor Creek? A My husband went on down to the Creek Nation and I stopped in there with my people.
Q Where did you marry your husband? A At Fort Gibson.
Q Before or after the war? A Time the war was going on.
Q He was a citizen of the Creek Nation? Yes sir, I guess so.
Q Did you and him live together after the war in the Cherokee Nation?
A Yes sir, we stayed there awhile and then went to the Creek Nation.
Q Where? A On Grand river.
Q What part of Grand river did you live together? A We stayed there awhile at Martha Vann's place.
Q How long did you stay there? A I don't remember how long we stayed there.
Q Did you stay there a week? A Oh yes sir.
Q Month? A I don't know whether it was a month or not.
Q When you went there to the Creek Nation? A Yes sir.
Q Then you lived there ever since? A No sir, I lived there until he taken sick and died.
Q When did he die? A Been dead about 20 years.

Q When you lived there up until he died about 30 years ago? A Yes sir.
Q You never kept house in the Cherokee Nation after the war up to the time your husband died? A No sir, I stayed with my People.
Q Your maiden name? A My mother's name was Charlotte Bowen.
Q Where was your husband when you were staying with your mother?
A He was in the Creek Nation.
Q You had a home over there? A We had a place over there.
Q You kept house over there with him? A Yes sir, after we came back.
Q Had a farm over there? A Yes sir.
Q When did you first see that Sulina Red Addin after you came back?
A I don't know, it was shortly afterwards.
Q You testified before that you crossed on Prayer Creek two or three weeks and went over to Okmulgee and when you got there you saw Red Addin? A Yes sir, he was here.
Q How far was he living from the Martha Vann place, when you saw him?
A Not a great ways from where he is living now.
Q How far from the Martha Vann place? A I don't know exactly, not more than two or three hundred yards.
Q You had a known him before the war? A Yes sir.
Q After your husband died how long was it until you came back over here? A I didn't stay down there but a few months after he died in the Creek Nation.
Q Where did you live then when you first came back here? A Right where I am living now.

Q Where was that? A In Sulina.
Q You didn't introduce any witnesses before the Dawes-Skiffoni Commission did you? A No sir.
BY DEW'S ATTORNEY Creek.
Q Did you ever claim citizenship in the Cherokee Nation? A Really, I did'nt.
Q Your name on any of the rolls of the Creek Nation? A No sir.
Q Did you ever draw any payment of Creek money? A No sir.
Q Your husband was a Creek? A Yes sir.
Q What was his name? A Red Kennel.
Q What relation was he to Abe? A Just belonged to one set of people you know, that's all the reason they want by that name.
Q You knew old Abe Kennel? A Yes sir.
Q Never had any land in that Nation? A No sir.
Q Have you got any children? A No sir.
BY MR. HARTRIDGE:
Q I would like for you to tell me as near as you can who came along with you when you came back? A My sister came along with me.
Q What was your sister's name? A [illegible] Kink.
Q Who was your husband? A Bayo [illegible]
Q You remember already what? A [illegible]
Q What time of the year was that when you came back? A '04.
Q What time? A In the fall.
Q You don't know what month? A No sir.
Q Who did you stay with over there on Prayer Creek? A We just camped out.
Q Camped out in a tent? A Yes sir, we never stayed with nobody.
Q And you went from there over to the Martha Vann place in Sulina?
A Went to 14 mile Creek awhile and then came to the Martha Vann place.
Q Who did you see on 14 mile Creek? A I went to see them that I stayed with.

Q The was did? A My cousin, she was named Minnie and her husband was named Stevens.
Q Stevens What? A Steven Taylor.
Q They were colored people? A Yes sir.
Q And they were living on Id mile Creek?
Q How long did you live down there? A Yes sir.
Q As much as a month? A I don't recollect.
Q You came from there then back up to the Marked Tree place?
A Yes sir.
Q Who was living there when you got back up there? A I don't recollect.
We went there under there was nobody living there, we went in some houses that was off a place from where they was living.

David French, being sworn and examined, upon by Gen'r Moulton, testified as follows:

BY MR. HAYNES:
Q State your name? A David French.
Q How old are you? 72 years old.
Q Are you the same David French that testified in the application for enrollment of George Starr heirs? A Yes sir.
Q Do you know this applicant, Jane Kennel? A Yes sir, she is my sister.
Q This woman who is sitting here now, this a pleasant? A Yes sir.
Q Is she or is she not the same Jane Kennel that you referred to in your testimony in the George Starr case? A Yes sir, she is the same woman.

BY MR. HASTINGS:
Q The come along with you Mr. Frenchy? A I told you the other day it straight all right, I have got to get it in every way you know you people must understand that? A My sisters and my brother, and his children, his sons.
Q What was your sister's name? A Evaline, and the next she was named Jane, Jane Kerr and Evaline Kerr.
Q They came along with you? A Yes sir.
Q Who else? A George Starr was along.
Q Who else? A This woman that was here this morning, Abbie Bearden.
Q Who else? A Her husband, Ed Bearden.
Q Who else? A I don't recollect.
Q You don't remember anybody else? A I don't remember.
Q Where did you come to? A The old Rankin place on Fryer Creek.
Q How long did you remain there? A I never remained there no time, they stayed up there and I left.
Q Were they there when you returned? A They was not there when I saw them again, they was at the Marked Tree place, on the east side of Grand River.
Q How long was that after you left the Rankin place on Fryer Creek?
A I don't recollect, sometime that winter.
Q Best of your knowledge about how long? A I don't know, I could not tell you, I just know it was sometime that winter.
Q You don't know whether it was before or after Christmas? A I think it was after Christmas, I want be certain.
Q Well was this woman married? A She may have been married then, I don't know; she was married, I think she may have been married, I don't know whether she was married there or in Kansas, in Kansas I guess.
Q What was her husband's name? A Ned Kennel.
Q Was he a Creek citizen? A Yes sir.
Q How the most time you saw her at Marked Tree's where did you see this woman most? A She stayed with us a good while and after she married she went to the Creek Nation and stayed there three or four

Jane Kernel, 6.

Q You don't know what sized place it was? A I don't know, I know it was Keetoowa, small town, I don't know how large.
Q You don't remember how far this side or that town you stopped?
A I don't, I know we stopped in the Nation after we passed the West town; after we passed through that town then we came on into the Nation and stopped.

Com'r Needles: Jane Kernel applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or the Kern-Clifton roll, but she is identified upon the Wallace roll; she avers that she was a slave and taken out of the Cherokee Nation during the war and returned in '66; as to her citizenship reference is made to her testimony; Mr. Owens her attorney, Mollette & Smith, and ask that the testimony taken in the matter of the enrollment of George Starr, who was duly listed for enrollment as a Cherokee Freedman on P card 613, be made a part of the record in the case; at best same will be done, and a copy of the testimony will be filed herewith. Said Jane Kernel will now be listed for enrollment as a Cherokee Freedman on a doubtful card; she will be advised by mail of the action of the Commission in the premises.

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

(signed) M. D. Green.

Subscribed and sworn to before me this July 8, 1901.

(signed) T. M. Needles,
Commissioner.

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To be filed in the case of Jane Kernel, CFD-838.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 22, 1901.

In the matter of the application of George Starr for the enrollment of himself and one child as Cherokee Freedman; he being sworn by Commissioner T. M. Needles, testified as follows:

Mollette & Smith, applicant's attorneys.
W. W. Hastings, Cherokee representative.

BY COM'R NEEDLES:

Q What is your name? A George Starr.
Q What is your age? A 42.
Q What is your post-office address? A Hayden.
Q In what district do you live? A Sequoyah.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who else do you want to have a roll on? A One boy.
Q What is his name? A Arthur Starr.
Q How old is he? A 19 years old.

Testimony Starr #, Filed with Evidence.

BY MR. LEWIS:

Q Were you a slave in the Cherokee Nation at the beginning of the war? A Yes sir.
Q Who were your owners? A Sam Starr.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes sir.
Q Where did they take you to? A Kansas.
Q When did you return to the Cherokee Nation after the war? A In '66.
Q Where did you first come to? A Timber Hill.
Q What time in '66 did you come back? A In the fall.
Q Where did you go to then? A We went then on Grand River.
Q When did you go there? A The same fall, we only stopped a few days at Timber Hill.
Q What place on Grand River did you stop at then? A Close to Pryor Creek, close to Billy Loody's place.
Q Where have you continued to live since you came back in '66?
A In the Cherokee Nation.
Q All the time? A Yes sir.
Q Do you own a place on the Public Domain of the Cherokee Nation ?
A Yes sir.
Q How many children have you besides the one you desire to have enrolled at this time? A I have two children of my own.
Q One besides this one? A Yes sir.
Q What is its name? A George.
Q How old is he? A 26 years old.

BY MR. HASTINGS:

Q Who did you come to the Cherokee Nation with after the war?
A With Dave French.
Q Where did you first see him? A Went to Kansas with him and came back with him.
Q Where did you first see him? A I first saw him in Arkansas, at Cedar Hill.
Q Was that before or after the war? A During the war.
Q When did you first see him in Kansas? A I went to Kansas with him.

Q Where were you married, in Kansas? A No sir.
Q What is your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning Creek.
Q Who married you? A Preacher Nelson.
Q How long ago? A 27 years ago.
Q Was that a colored man or a Cherokee? A A colored man.
Q You claim to have come back with Dave French do you? A Yes sir.
Q Who else was with him? A His sister Jenny.
Q Jenny what? A Cornell, I think.
Q Was she married then? A Yes sir, I think she was.
Q Who else came? A Eveline.
Q What? A I don't know her husband.
Q What kin was she to Dave? A A sister.
Q Was she married then? A I don't think she was.
Q Well who else came? A The Naves.
Q How many of them, lets have all their names? A Arch, Reuben, Wash and his wife, Mariah and Dave.
Q How many children did Dave French have with him at that time?
A I don't know.
Q Was his wife along with him then? A I don't think he had a wife at that time, I don't know his family.
Q He came back with his sisters at the time you came? A He made a

or three trips and the last time he came with his sisters.
Q Was that the trip you came on? A Yes sir.
Q If he had a family then it was down here? A I don't know.
Q He had been here before that had'nt he? A Yes sir.
Q How many trips had he made before you came? A Maybe three.
Q What time of the year did you come? A In the fall, in November.
Q Where did you first come to? A Timber Hill, and staid there a few days.
Q Is that up near where Chetopa is? A Yes sir.
Q Did you come through Chetopa as you came down? A It was not much of a place when we came but we came in that direction.
Q Did you stop at any of the stores there? A No sir.
Q Did you come through Parsons? A No sir, it was'nt there.
Q Did you come through Parker? A No sir.
Q Where did you locate in the Cherokee Nation? A on 14 mile creek.
Q You went right on there did you? A No sir, we stopped a few days on the Rider place at Loody's.
Q Was Dave French with you there? A Yes sir, but he left me there.

Q Did you go to Fort Gibson? A Yes sir, a month or two after that.
Q Where did Billd Loody live? A On Pryor Creek.
Q Was he a colored man? A Yes sir.

Q Did he have a wife? A Yes sir.
Q Did he have any children? A Yes sir.
Q Name them. A Frank, Rose and Matilda.
Q You came before the Kern-Clifton Commission five years ago did'nt you? A Yes sir, I think so.
Q You made a statement before that Commission? A Yes sir.
Q Did you use Dave French for a witness then? A Yes sir.
Q Did you bring Frank Ross there? A I did'nt have but one witness.
Q Did they take French's statement? A They did'nt call him.
Q Then you did'nt use him? A They did'nt call him.
Q Then he did'nt testify? A No sir.
Q After staying on Pryor Creek awhile you went to 14 mile creek, how long did you stay there? First how long did you stay on Pryor Creek?
A We came there in November and left there in December.
Q And then you went to 14 mile creek? A Yes sir.
Q Whose place on 14 mile creek? A Mose Nave place.
Q How long did you stay on the Mose Nave place. A I went to his house, that was my step-father and I staid there.
Q Who were some of Mose Nave's neighbors then? A I don't know exactly, there was Steven Taylor and his family.
Q Colored man or a Cherokee? A A colored man.
Q How far from Fort Gibson was this? A 7 or 8 miles.
Q East? A Yes sir.
Q On 14 mile creek? A Yes sir.
Q Did Mose Nave live in a house? A Yes sir.
Q What kind of a house? A Log house.
Q Who owned that place before the war? A He built it himself.
Q Did he have a field there then? A I think he rented a few acres from Arch Poland.
Q How long did you stay there? A A year or two I think, I worked some on Grand river.
Q Who for? A John Walker and for Sirkiller.
Q Where did you go from Grand river? when you were working there?
A Went back to 14 mile Creek.
Q Then for the first few years after the war you lived on Grand

[illegible] Starr [illegible]

Q [illegible] and [illegible]? A Yes sir.
Q [illegible]
A I don't [illegible], I [illegible].
Q When did you first [illegible]? A I [illegible].
Q When was the first time you worked there after the war? A I think [illegible].
Q [illegible] in '[illegible], '2 and '[illegible]? A No sir.
Q You didn't [illegible]? A No sir.
Q You knew [illegible]? A [illegible].
Q Where were you married? A On Lightning Creek.
Q The first time? A Yes sir.
Q What year was that? A [illegible].
Q Your oldest child, George Starr, Jr., where was he born?
A On Lightning Creek.
Q Did you and your wife ever keep house in Parsons? A Yes sir.
Q When did you first go there? A In '87.
Q Is that the first time that you ever saw the town? A No sir, I went up there and passed through in '[illegible].
Q Wasn't living there then? A No sir.

Q Not working there then? A No sir.
Q Not keeping house there then? A No sir.
Q Where did you go on that trip? A To [illegible] Falls.
Q What was you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train them days.
Q Where did you first get on the train? A At [illegible].
Q Did you testify five years ago that you went up to Kansas in 1887?
A Yes sir.
Q Did you? A Yes sir, I did.
Q How long did you stay there that time? A A week or ten days.
Q Did you go on the train that time? A No sir.
Q Who did you go with? A I disremember the man's name.
Q What house did you and your wife first live in, where was it located? A On Lightning [illegible].
Q Who were your neighbors there? A My wife's folks.
Q Did you know Cal Cooper? A No sir, I don't know him.
Q What were your wife's folks names? A Johnson and [illegible].
Q How far from Cooper's Bluff was that? A Just a few miles.
Q Well don't you know anyone else that lived around there in '74?
A Jack Landrum.
Q How far did you live from him? A 4 or 5 miles.
Q How long did you stay there? A Am living there now.
Q Have you been living there ever since '[illegible]? A Yes sir.
Q
Q In that one house? A No sir, in several houses.
Q Did you make a place of your own there? A Yes sir.
Q When did you make that place? A 14 years ago.
Q How far was that from Jack Landrum's? A 4 or 5 miles.

BY MR LITTON
Q Who was your wife when you married her? A Malinda Johnson.
Q Is she the mother of this child whom you desire to have enrolled?
A Yes sir.
Q Where were you married to her? A On Lightning Creek.
Q Who married you? A A man named [illegible].
Q Have you a certificate? A Not of that marriage, I have of this last marriage.
Q How long did you live with her? A Until she died.
Q How many years was that? A [illegible] until [illegible].
Q About how many years? A Must have been 10 or 11 years.

[illegible]

George Starr 8. Vida with [illegible]

Q Did you bring her back [illegible]? A No sir, I did'nt bring her back, some one else brought her back to me on Grand River after I got settled.
Q In what settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline District? A Yes sir.
Q Who was it brought her back? A I think it was Houston Rogers, she said that he brought her back.
Q Is that the wife you are living with now? A No sir.
Q Where did you marry this woman you are living with now? A In Wichita Kansas.
Q Is her name Lucinda? A Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers [illegible] brought her back, I told her to hire some one to bring her back as I would'nt have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Nave and Pauline Nave.
Did you stay on the Martha Vann place place in '57? A Yes sir.
Q You and Lucinda? A Yes sir, they brought her in '57 on Spring Creek and we moved then to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '66.
Q You say she was in Fort Gibson? A Yes sir, she was out with a hay outfit when they was cutting hay.
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
Q Yes? A Linda.
Q Linda who? A My wife's sister.
Q Did you take her children with her? A Yes sir.
Q How many? A I don't remember.
Q You don't remember your wife's children that were along with her? A I don't remember, I guess she had them all.
Q Do you know? A There was'nt any left I don't think.
Q Who were they? A Bill, Andy, Jerry, Caroline, Ellen, Louisa.
Q Is that all? A Jim.
Q Anyone else? A Eli wasn't born.
Q Where was the oldest child born? A On Sallisaw, in Flint.
Q Where was the youngest by that wife born? A In the spring on '70.
Q Where? A On Grand River.
Q The time you brought this man down here where was your wife?
A She was back up there at Fort Scott.
Q What was you doing going up there back and forth? A Hauling folks.
Q What did this man pay you for hauling him down? A I don't know.
Q Hauled him free did'nt you? A I expect I did, I dont know.
Q And your wife was in Kansas? A Yes sir.
Q From what town did you start with this fellow? A From Neosho Fall
Q How far is that from Fort Scott? A 30 or 40 miles maybe, I don't know as I did'nt measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles, and you was that far from your wife out hunting up Cherokee Freedmen and hauling them free to the Cherokee Nation were you? A Yes sir, I was hauling people back home, that was my business up there.
Q How long did you stay with your wife when you took her back to Fort Scott? A I don't know.
Q You know more about this fellow than you did about your wife?
A (No response.)
Q Who did this fellow stay with on 14 Mile Creek? A With Rose Nave.
Q Were you over there after the war and see this man there?

Page Part 6. File with Orders.

Q Did you bring her back home? A No sir, I did not bring her back, [illegible] else brought her back to me on Grand River after I got [illegible].
Q In what settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline District? A Yes sir.
Q Who was it brought her back? A I think it was Houston Rogers, he said that he brought her back.
Q Is that the wife you are living with now? A No sir.
Q Where did you marry this woman you are living with now? A In Wichita Kansas.
Q Is her name Lucinda? A Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers had got brought her back, I told her to hire some one to bring hr back as I would'nt have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Nave and Eveline Nave.
Did you stay on the Martha Vann place place in '67? A Yes sir.
Q You and Lucinda? A Yes sir, they brought her in '67 on Spring Creek and we moved then to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '68.
Q You say she was in Fort Gibson? A Yes sir, she was out with a hay outfit when they was cutting hay.
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
Q Yes? A Linda.
Q Linda who? A My wife's sister.
Q Did you take her children with her? A Yes sir.
Q How many? A I don't remember.
Q You don't remember your wife's children that were along with her? A I don't remember, I guess she had them all.
Q Do you know? A There was'nt any left I don't think.
Q Who were they? A Bill, Andy, Jenny, Caroline, Ellen, Louisa.
Q Is that all? A Yes.
Q Anyone else? A Bil was'nt born.
Q Where was the oldest child born? A On Sallisaw, in Flint.
Q Where was the youngest by that wife born? A In the spring on '70.
Q Where? A On Grand river.
Q The time you brought this man down here where was your wife? A She was back up there at Fort Scott.
Q What was you doing going up there back and forth? A Hauling folks.
Q What did this man pay you for hauling him down? A I don't know.
Q Hauled him free did'nt you? A I expect I did, I dont know.
Q And your wife was in Kansas? A Yes sir.
Q From what town did you start with this fellow? A From Keeping Fall.
Q How far is that from Fort Scott? A 30 or 40 miles maybe, I don't know as I did'nt measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles, and you was that far from your wife out hunting up Cherokee Freedmen and hauling them free to the Cherokee Nation were you? A Yes sir, I was hauling people back home, that was my business up there.
Q How long did you stay with your wife when you took her back to Fort Scott? A I don't know.
Q You knew more about this fellow than you did about your wife? A (No response.)
Q Was this fellow stay with on 14 Mile Creek? A With Rose Nave.
Q Were you ever there after the war and saw this man there?

George Starr T. File with Cherokee.

A Yes sir.
Q When was that? A In '67 or '8.
Q And he was there then? A Yes sir.
Q Do you know who married this man the first time? A No sir.
Q Who married him the next time? A I don't know.
Q How far do you live from him now? A I live on Cookscreek Bend and he lived on Lightning Creek.
Q How long has he been living on Lightning Creek? A I don't know.

BY MELLETTE:
Q When you brought this applicant, George Starr, who of the Naves came with you? A My two sisters and Rose Nave and his wife.
Q Did the Nave boys, George, Dave and Reuben come with you?
A No sir, they came before that in the spring and were on 14 mile creek then.

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Continued by stenographer, M. D. Green this 22nd of June, 1901.

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Chas. von Weise, being sworn, states that as stenographer 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 ~~xxxx~~ transcript of his stenographic notes therein.

(signed) Chas. von Weise.

Subscribed and sworn to before me this the 8th of July, 1901.

(signed) T. B. Needles,
Commissioner.

CONTINUED,- Former portion of this case taken by steno. C. von Weise:

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 22nd, 1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee Freedmen.

FRANK ROSS, being sworn and examined by Com'r Needles, testified:

Appearances:
Mr. Mellette, of Mellette & Smith, for applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

BY MR. MELLETTE:
Q What is your name? A Frank Ross.
Q Where do you live? A On Lightning Creek.
Q What is your age? A 53 past.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant George Starr? A Yes sir, I am acquainted with him.
Q How long have you known him? A I have known him about 36 years I guess, or 37.
Q Where did you first see him after the war? A I saw him on it's called on the Tom Rider place on Grand river.
Q That year? A In the fall of '66.
Q Where has he lived since you saw him there in the fall of '66? so far as you know?
A North from there to 14 Mile Creek, and I never ~~xxxx~~ saw him no more

until along about '74, or '5.
Q Did you know his wife Malinda? A Yes sir, I knew her from childhood.
Q You know anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife? A Yes sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married? A She was living on Lightning Creek, on Pryor's Creek and then they moved to Lightning.
Q How long ago has that been that they were said to have been married? A It has been about my judgement about 36 years.

BY MR. HASTINGS:
Q What was her maiden name? A Johnson.
Q You knew her before he married her? A Yes sir.
Q Where did she live? A She lived with her father and mother.
Q On Pryor's Creek? A Yes sir.
Q They were married on Pryor Creek? A They said they was, I moved, I went from Pryor's Creek in '69.
Q She was married at that time? A No sir, they wa'nt married when I moved away.
Q And you moved away in '69? A Yes sir.
Q. How long after you moved away until they married? A It was'nt long, about a year or so I guess.
Q When did you see them living together as man and wife after that? A I saw them often and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a house over there? A Yes sir.
Q A farm over there? A Yes sir.
Q They were living at that place were they? A Yes sir.
Q Who came with this fellow down there to Pryor Creek when you saw him? A Uncle Dave French was with him when I saw him.
Q Who else was along with Uncle Dave? A There was two more women along with him.
Q You did'nt testify for this man five years ago? A No sir.

Q Although you, knew him in the fall of '66? A Yes sir.
Q Good deal of money attached to that other payment to draw? A I guess there was.
Q You did'nt testify for him at that time? A No sir.
Q How long did he stay down there? A He stayed down there I guess a week or so, about a week, it may have been longer.
Q You know that that was that year? A Yes sir, I know it was that fall of '66.
Q You knew that five years ago too? A Yes sir, I knew it 5 years ago. If you had asked me I would have told you.
Q How far was that from where you lived at that time? A I was staying there with my father at that time, we were all staying there together.
Q What was your fathers name? A Bill, they called him William Loody sometimes, his right name was Ross.
Q What time in the fall was it you saw him? A Along about the first part of fall I guess, middle, I know we went away from there on Pryors Creek to get logs, it was getting late, we moved and built us some houses up there, we stayed up on Tom Rider's place on Grand river until along in the fall, and went up on Pryor's Creek and built a house.
Q On whose place were you living at the time this fellow came down there? A On Tom Riders place.

George Starr R. File with GFB-876.

Q What was on Grand river? A Close to Pryor's Creek, we called it Pryor's Creek settlement.
Q You never saw this fellow there for several years after that? A I was gone quite a long, about 8 years I guess.

Applicant GEORGE STARR, re-called and further examined.

BY MR. HASTINGS:
Q Have you been married a second time? A Yes sir.
Q Where were you married? A In Vinita last time.
Q Where did your first wife die? A Died on Lightning Creek.
Q She is buried there is she? A Yes sir.

Com'r Needles: George Starr applied for the enrollment of himself and child, Arthur; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is fully identified upon the Kern-Clifton roll and Wallace roll; his child Arthur, 16 years of age, is identified upon the Wallace roll; he avers that he was married to one Malinda Jones, who was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence. Let George Starr and child Arthur will now be listed for enrollment as Cherokee Freedmen on a doubtful card; they will be notified by the Dawes Commission of the conclusion in their case at their post-office address, when it is arrived at.

M. B. 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. B. Green.

Subscribed and sworn to before me this July 1st, 1901.

(signed) T. B. Needles,
Commissioner.

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

(signed) M. B. Green.

Subscribed and sworn to before me this August 26th, 1901.

(signed) T. B. Needles,
Commissioner.

File with June Kennal, GFB-876

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

In the matter of the application of George Starr, et al., C.F.D.812.
[illegible]

Appearances:
L. E. Hall, for the Cherokee Nation;
[illegible], for the applicants.

George Starr 10. File with CTD-856.

GEORGE MUSGROVE being first duly sworn by Com'r Meadlam, testified as follows on the part of the Cherokee Nation:

(BY MR. BELL:

Q Your name? A George Musgrove.
Q Your age? A About 63.
Q Where do you live, your post-office? A Lenonah.
Q Are you a Cherokee Freedman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you a recognized citizen? A Yes sir.
Q Are you acquainted with one George Starr, a step-son of Moses Nave? A Yes sir.
Q How long have you known him? A Got acquainted with him —— let me see —— let me study there, I just staid there all night with him, I knowed him before the war, not much acquainted with him, he was small.
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons, Kansas? A Yes sir.
Q How came you to find him in Parsons, Kansas? A I was out hunting a mule, some fellow has stole my mules and I was out hunting for them and staid all night at his house.
Q About when was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away before the Wallace payment.
Q In 1866 where did you live? A I lived on Verdigris. on Goosenock Bend.
Q Right after the war? A No sir, right after the war I lived on Grand river.
Q The year after the war? A Yes sir.
Q And the next year? A I lived there and the next year I moved to where I am living now.
Q What point on Grand river did you live on? A On 14 mile creek.
Q How far from Moses Nave? A About half mile.
Q During these two years that you lived within half a mile of Moses Nave did you see George Starr there? A Never did see him there.

BY SMITH:

Q When was it you say you went to hunt your mule? A I can't say exactly, '67 was'nt it?
Q You are the one to know. You dont know exactly when you went to hunt the mule? A I believe it was in '68.
Q It was in '69 you say? A Yes sir.
Q Where did you go to hunt the mule? A I went to Independence and from Independence to Parsons, Kansas.
Q Where did you come from Parsons? A I went to Oswego and from Oswego to Chetopa, and then come back home on down Cabin Creek.
Q Did you come by Vinita? A No sir, just along on Cabin Creek.
Q How did you travel from Parsons? A Horse back.
Q Did you come on the railroad? A No sir, from Parsons to Independence I rode along the railroad.
Q Did you go to Parsons on the railroad? A Yes sir, horseback, first on one side of the railroad then on the other.
Q When you came from Parsons where did you travel? A I left the railroad to my left after I left Chetopa.
Q Where did you go then, back to where you wereliving? A I went back to Goosenock bend.
Q How near did you come to Vinita on that trip ? A About 30 miles I guess, near as I can recollect.
Q How far? A About 30 miles.
Q Where did you say you saw George in that part of the country? A Parsons.
Q What was he doing there? A He was living there, I staid all night with him.
Q That was a good while after the war? A Yes sir.
Q You dont know where he was in '66? A No sir.

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File with Jane Kernel, CFD-856.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June Term, 1901.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Wash Nave Jr.
Q How old are you? A I am about 43 or 4.
Q What is your post-office address? A Lenapah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just me.

BY MR. MELLETTE:
Q Where do you live? A I live up near Lenapah.
Q How long have you lived in the Cherokee Nation? A Ever since '66, when I was born here in the Cherokee Nation.
Q Where were you living at the time of your first recollection?
Q Well I can recollect a little bit during the war.
Q Can you remember where you were during the war, have you recollection enough to know about that? A I was in Kansas part of the time, the latter part of it, I recollect that.
Q What was your father's name? A Wash Nave.
Q What was your mother's name? A Mariah Nave.
Q Have you any brothers? A Yes sir.
Q What are their names? A Dave, Reuben and George.
Q How do you remember anything about coming back from Kansas after the war? A Yes sir, I remember.
Q How can you remember about that? A I remember of coming.
Q How large were you at that time? A I was just a tolerable aised boy, small boy, not very large.
Q Can you give an idea of about how old you were at that time?
A I must have been 7 or 8 years old.
Q Well now, what about your brothers George and Dave and Reuben, did they come with you at that time? A Yes sir.
Q What about your father and mother? A They come too.
Q Where have you lived since you came back here to the Cherokee Nation after the war? A I have lived in Saline District.
Q I know, but what Nation? A Cherokee Nation.
Q Ever live any other place? A No sir.
Q Are you on the Kern-Clifton and Wallace rolls? A Yes sir.
Mr. Mellette: I would like to have the rolls examined.

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant not found as Wash Nave, Jr.

Q Did you draw your money under that name? A Yes sir, there was a mistake they made in the court; my father was'nt in the court at all, he died before the Kern-Clifton court, it was me that made the mistake.

Kern-Clifton pay roll of citizens of the Cherokee Nation, page 155 #3848, Wash Nave, Tahlequah District, 71 years old.
Wallace roll of citizens of the Cherokee Nation examined page

Wash Reve Jr., A. File with 97D-836.

1896-1746 Wash Reve, Tahlequah District,
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q When you came back from Kansas after the war do you remember where you first stopped? A We came along the road.
Q Do you remember where you came to and stopped any length of time? A We made the longest stop after we left Kansas at the old Tom Rider place.
Q Where was that? A That was near Grand river.
Q I will ask you where you went from there, do you remember that? A We went across the river and camped at the old Vann place, Bill Looney was living on the Tom Rider place at the time we stopped there.

BY MR. HASTINGS:
Q How old did you say you are now? A 43 or 4., I don't know just exactly which.
Q You were a small boy then when you returned? A Well you might have an idea about what sized boy that age would be.
Q You were a small boy, 6 or 7 or 8 years old? A I was'nt no great big boy.
Q How old were you when you came back? A I was 7 or 8 years old.
Q Who came along with you? A I don't recollect just exactly who did there was one family came with us, that I recollect.
Q What was their name? A Eph Bearden and Abbie Bearden.
Q Were they colored people? A Yes sir.
Q That the only family you can remember? A That's the only family I recollect distinctly that was with us, and Reve French, he was with us.
Q Your father was named Wash and your mother Nancy? A Yes sir.
Q They were along were they? A Yes sir.
Q What other members of your family besides yourself and your father and mother were along? A My brothers.
Q Give me their names, that was along at that time? A Reve, Reuben and George.
Q Who was along with Reve French? A I don't know, he is here he could answer for himself, he was along with us, and that other family I don't remember distinctly whether there was anybody else or not.
Q You remember whether there was anyone with Reve or not?
A He was with us.
Q Did he come in your wagon or do you remember? A I don't remember whether he came in the wagon with us or not.
Q Was his family along? A No sir.
Q Where did you come from? A We came from near Neosho Falls.
Q What time in the year was it? A It's was in the spring, I don't know just exactly what month.
Q Did you come all the way from Neosho Falls with Reve French?
A Yes sir.
Q Your first stopping place after you landed in the Cherokee Nation was for a short time at the old Rider place? A I said that was the first longest stop we made there, we camped all along the road on creeks.
Q Camped over nights? A Yes sir, and might have stayed a day or two at some of the camping places, but the longest stop we made was there.
Q You never stayed longer than a week at any of these places until you got to the Rider place in the Cherokee Nation? A I don't think so sir.
Q That's your best recollection? A Yes sir.

Wash Rave, Jr., S. File with GFD-355.

Q The Rider place is near the old crossing of Pryor Creek. Where is it from where Pryor Creek station is now? A It is a little Southeast.
Q About how far? A It is about 9 miles, 8 or 9 miles from where Pryor Creek town is now.
Q About how long did you stay there? A I don't know just exactly, we stayed there quite a little bit.
Q A month? A I don't know exactly how long.
Q Did you make a crop that spring anywhere? A No sir.
Q Did you stay there you think as long as three months? A I don't know just exactly how long we stayed there Mr Hastings.
Q I am trying to get your best judgement now Wash, did you stay there 3 months or 6? A I don't know just how long we stayed there.
Q Did you summer there? A No sir, we did'nt stay there all summer.
Q Then you left that summer sometime, that's your best judgement? A I don't know whether we left that summer or whether we left before the spring was out.
Q Where did you go from the Rider place? A We crossed Grand river and went over to camp at the old Martha Vann place.
Q Do you know who owns that place now? A Walker Brake owns it now.
Q How long did you stay there? A We stayed there several days, I dont know how long, we did'nt stay there a great while.
Q Where did you go from the Vann place? A We went up above the Vann place to a place known as the Drew place, that must be I guess about 3 miles up above the Vann place on Grand river.
Q Who was living on the Drew place at that time? A No one.
Q Was there any Cherokees living in the neighborhood? A I don't know, I did'nt see any.
Q How long did you stay at the Drew place? A Several weeks, but I dont know just how long.
Q You lived in the house? A No sir, we just camped there; there was some old pieces of of houses there but we did'nt go in there.
Q Where did you go from there? A We went up on Lunch's prairie to a store that was up there on Lunch's prairie.
Q What was the name of that store? A Bill Foreman's store.
Q Was that in the winter time or not? A No sir, that was in the summer.
Q Of What year? A '68.
Q How long did you stay up there then? A We did'nt stay up there I don't think over a night or two, or probably one night.
Q And then where did you go? A We come back over to the Tom Rider place, to Bill Leody's.
Q How long did you stay at Tom Rider place? A We stayed there quite a little bit.
Q That was in the summer? A Yes sir.
Q Well now about how long did you stay there? A I can't tell exactly.
Q Did you winter there? A No sir.
Q Where did you go then from the Rider place? A We went down to Steven Tayler's.
Q On which side of the river is Steven Taylor's? A On the east side of Grand river.
Q How long did you stay there? A We stayed there I don't know just exactly how long but it was getting up not far from Christmas.
Q Of '68? A Yes sir.
Q Who was living there at Steven Taylor's? A Steven Taylor and his family and Moses Mayes.
Q Was Moses Mayes colored? A Yes sir.
Q Whose place was it? A On what is known as the Arch Bolen place.
Q How far is that from where Chouteau is now? A It must be 25 or 30 miles.

[illegible] Q. Why did you come to this country? A. I came to [illegible]
[illegible] Q. In what part of the river was it? A. I was [illegible] it was on the [illegible]
Q. [illegible] A. [illegible]
Q. [illegible] A. [illegible]
Q. [illegible] A. [illegible]
Q. [illegible] A. [illegible]
Q. Did you settle down there? A. Yes sir, I was [illegible]
Q. You lived there in the early part of 1907? A. Yes sir.
Q. Were there any Chickasaw living there at that time [illegible]?
A. I didn't see any.
Q. You made a trip there in '07 and another one in '08? A. Yes sir.
Q. You have continued to remain there ever since? A. Ever since. I have never been out of the country two months in my life since.

WE NOW PLACE THE HOUR OF FOUR THE CONSIDERATION AND DECISION OF THE HOUR OF 1 P.M.

I WILL NOW TAKE THE CASE CONTINUED, applicant on the stand, examined by MR. [illegible]:
Q. You remember about your father going down to Tahlequah to try to prove up his rights before the court sometime after the war?
A. He went to Tahlequah several times, I don't know what he went for.
Q. You didn't know whether he went to prove his rights or not?
A. No sir.
Q. Never heard him say about that? A. No sir.

DAVID MILTON, being sworn by Commissioner Beadle, testified as follows:

BY MR. [illegible]:
Q. What is your name? A. Dave French.
Q. Where do you live? A. Up about to Cocoanack Lodge in the Choctaw Nation on Cedar Creek.
Q. What is your age? A. I'm about old the 6th day of this month past.
Are you the freedman or a citizen of the Choctaw Nation? A. Yes sir.
Q. Do you know the applicant here, Wash Dave? A. Yes sir.
Q. Did you know his father? A. Yes sir, he was my brother.
Q. What was his name? A. Dash Dave.

Q. Did you know his mother? A. Yes sir.
Q. What was her name? A. Dorcia Dave.
Q. Did you know them before the war? A. Yes sir, I lived [illegible] the war? A. A [illegible] Q. Was she a Chickasaw citizen? A. Yes sir.
Q. Did you know Dash's [illegible]? A. Dave Dash, Dave's [illegible] A. Yes sir.
Q. Where did Dash Dave and Wash Dave go during the war? A. They went up close to Boggy Depot, on the Choctaw side.
Q. What country? A. It was up in Texas.
Q. Did they have any children? A. Yes sir.
Q. How many children? A. Three boys.
Q. What their names? A. Jackson, Wash and Dave and a daughter named [illegible]
Q. Did you know this applicant here, Wash Dave, to be one of them? A. Yes sir.

Wash Nave Jr. S. File with Dyn-Sis.

Q Now what other brothers did he have? A Nave and Rambch and George
Q Do you know when Wash Nave and Mariah returned to the Cherokee Nation after the war? A Yes sir.
Q When? A In the spring of '66.
Q Where were the boys? A They were along.
Q All these boys that you have named? A Yes sir, all these boys.
Q Where did they come to in the spring of '66? A They come down to Prayer Creek to the old Tom Rider place.
Q How do you know they came in the spring of '66? A I came with them.
Q You are an old man, Wash Nave was a brother of yours? A Yes sir, own brother.
Q Full brother? A Yes sir.
Q Where did they first stop did you say? A Stopped at the old Rider place, and Uncle Billy Leody was living there.
QQ Where did the old people live after that until they died, what country. A They lived on Grand river until she died, there below there.
Q Where has this applicant lived? A They are down there now.
Q This man? A Living there now, down on the river there.
Applicant : No.
Witness: Oh, he lives up here; he moved from the river, he lives up here close to where I live on this side of the river.
Q What river? A Verdigris.
Q In what district? A In Coowescoowee.
Q Has this applicant, Wash Nave, ever lived outside of the Cherokee Nation so far as you know, since you brought him back here? A No sir, he has never been out to my knowing.
Q Do you know where they went from Bill Leody's after you brought them here? A I went back to Kansas and when I saw them again it was in the winter, they was on the other side of the river at the old Martha Vann place.
Q Did they have any children at that time except the four boys?
A They had one girl.
Q What has become of her? A She is down here on the river, down in there below on the old Bill Sunday place in below Chouteau.
Q What is her name? A Sarah Burgess, she married a man named Bill Burgess.
Q Was she along at the time you brought them from Kansas, or had she been born at that time? A She was born but she was'nt along.

BY MR. HASTINGS:
Q About what time did Wash Nave Sr., this mans father, die?
A I don't know what time it was, I dont know.
Q About how many years after you came back here? A Somewhere; now I did'nt keep no account, he died little after the Wallace court.
Q You remember what year that was in? A I don't know as I do, I did'nt keep no count of it.
Q Did you make a crop in the year '66? A No sir, I did'nt make no crop until the year '67.
Q You were in the army? A No sir, I stayed along with the army, I cooked at some officer's and stayed around Gibson.
Q When was the first time you came to the Cherokee Nation after the war? A I come from Gibson after the war, and after the treaty I went to Kansas.
Q Is that the first time youwent to Kansas? A I don't believe it was, no, I was in Kansas during the time of the war, time of Price's raid.
Q Was that the first time you went to Kansas after the war? A I dont recollect.
Q You can't remember about that? A No sir, I went there so often backwards and forwards, and I was there two or three times with the soldiers and with the train backwards and forwards.

Wash Have Jr. is file with [illegible]

Q How many wagon loads did you make to Kansas during the year '66?
A I don't know.
Q Let's pretty that off. A I can't study them up.
Q You don't know how you went up there with first after the war and after peace? A I won't know.
Q Don't remember about that? A No sir, I went so many times I can't tell who I come back with first.
Q You don't remember who you came back with first? A No sir.
Q You don't know what time of the year you came back first after the war? A I come back several times.
Q Now after the war and after you went to Kansas who did you come back to the Cherokee Nation with first? A I think if I aint mistaken it was Wash, I won't be certain.
Q You think then this was your first trip back here? A Yes sir, I think my first trip back after I went up was with him.
Q Where was your wife at that time, was she along with you?
A She was along with me when I went up, I hauled her back up there.
Q You testified in the case awhile ago that you hauled her up there in August '66 did'nt you? A I don't recollect, I may have hauled her back in August.
Q That was the time you went up and you brought Wash down after that? A Yes sir.
Q Now what time did you bring Wash down here? A I aint certain.
Q Did'nt you know what time of the year it was? A I aint certain, I know it was in the summer sometime though.
Q You think it was after August? A I don't recollect, that has been a good while ago.
Q Who was along with you at the time you came back with Wash? A I don't recollect, Wash's family and then one of my cousins was along.
Q What was your cousin's name? A She was that woman, Abbie Ann Bearden I think it was, she came at the same time.
Q Did she have any children? A She has a child or two.
Q Were they along? A Yes sir.
Q Was there just one wagon in that crowd, or was there more that one?
A I don't recollect, it has been so long I could'nt tell you.
Q You don't remember then whether Wash had a wagon of his own or not? A He had a wagon of his own and I had a wagon.
Q Where did you start from up there at that time? A From up there close to the Falls.
Q That was your first trip from Kansas back here after the war?
A I think it was.
Q Now the Have family and yourself and the Bearden woman and what children she may have had, was all that was along in that crowd?
A I don't recollect, there were a good many, I don't think that was all, it was a pritty good crowd. We couldn't come in little squads we come in pritty good crowds, we was afraid of being killed.
Q You came to the old Rider place? A Yes sir.
Q How far is that from where Chouteau now is? A I don't know exactly, it is a little North-east of Chouteau.
Q Were there any Cherokees living at the Rider place at that time?
A Nobody there but Uncle Billy Lloody's family; there was'nt no Cherokees hardly in there at that time, they came in the spring of '67 and along in there.
Q You did'nt stay there any length of time until you went back?
A I went back.
Q Next time you saw Wash Have and his family was on the east side of the river at the Vann place? A Yes sir.
Q And there they lived two or three years? A I don't know how long.
Q How long after you left the Rider place until you saw them at the Vann place? A That winter.

Wash Nave Jr. 7. File with SRB-856.

Q Was it two or three months? A I don't know exactly.
Q You know it was as early as Christmas? A I guess it was.
Q It was not later than Christmas? A It might have been later than Christmas.
Q Then they lived there for some two or three years at that place?
A No, I think we made two crops there.
Q Did you live with them over there? A Yes sir.
Q Did you help them make a crop there in '67? A Yes sir.
Q And '68? A I think I did.

FRANKnROSS, being sworn by Com'r Needles, testified as follows:

BY MR. HELLEYER:
Q What is your name? A Frank Ross.
Q Where do you live ? A Lightning Creek.
Q What is your age? A 53.
Q Are you a recognized Freedman citizen in the Nation? A Yes sir.
Q You know the applicant here, Wash Nave Jr? A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q Did you know his mother, Mariah? A Yes sir.
Q Did you know them before the war? A No sir, I got acquainted with them after the war.
Q Where did you first see Wash Nave and Mariah Nave after the war?
A On the old Tom Rider place, across Grand river.
Q When was that? A In the spring of '68.
Q Well now do you know what children they had at that time?
A They only had 4 boys at that time.
Q What about this applicant here, Wash, did they have him at that time? A Yes sir.
Q What was the other boys? A Dave and Reuben and George.
Q Where did they go from the Rider place? A They went down on Grand river somewheres, I dont know where they went to.
Q Did you know the old man and woman and the boys from that time on?
A Yes sir, I saw them often and on from that time until the old man died, and I have seen the boys ever since often and on.

BY MR. HASTINGS:
Q You saw 4 boys, Uncle, along with Wash Nave at that time?
A Yes sir.
Q What were their names? A Dave and Reuben and Wash and George.
Q How long had you been there when they came? A I had'nt been there very long; they came there in April and I come there in March.
Q You had been there about a month then? A Yes sir, about a month.
Q Who brought them, Frank? A Old man Dave French, they come with him.
Q Did Dave have his family along at that time? A I don't think he did, I did'nt see them.
Q How long did Dave stay there? A He did'nt stay very long.
Q Where did he go from there? A Went down on the river somewheres.
Q How long did these people stay there? A About a month I guess.
Q And than where did they go? A They went down below across the river somewhere.
Q You never saw them ever across the river? A No sir.
Q How long after that until you saw them? A They come back in the fall and stayed awhile visiting, along about the first of September I guess.
Q How long did they stay then? A They stayed about a week I guess.
Q Where did you next see them? A Down there on Fryor's Creek; used to have meeting up there and they would come up there; my father used to have camp-meeting up there.
Q What other families were along with them when they came back?

Wash Nave Jr. & wife with Gyn-dee.

A I don't recollect seeing any camps [illegible].
Q You don't remember seeing any camps [illegible] at that time?
A No I didn't remember any camps.
Q You think that was in the early spring? A That was in April, I am sure it was because I was working to put in corn after.
Q You was not a witness in this case before the Kern-Clifton Commission? A No sir.
Q You knew these facts then? A Yes sir.
Q Did they have a wagon of their own when they came to your place? A Yes sir, they had a wagon and stayed there in the wagon and went off in the wagon.
Q They had two wagons then, Dave had one and they had one? A Yes sir.
Q You know whether they made a crop that spring? A No sir.
Q You don't know what work if any, they did that spring or that summer? A No sir, I didn't see them any more until I think in the fall after they left.

KATIE VANN, being sworn by Com'r McClez, testified as follows:

BY MR. MELLETTE:
Q What is your name? A Katie Vann.
Q What is your age? A 56 years old.
Q Where do you live? A Lenapah.
Q Are you a freedman citizen of the Cherokee Nation? A Yes sir.
Q On the authenticated roll? A Yes sir.
Q Do you know the applicant here, Wash Nave or Vann Jr.?
A Wash Vann?
Q Wash Nave? Yes sir.
Q Did you know his father Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q What brothers has he? A Dave and George.
Q You know another one? A Well there is another one.
Q You know his name? A I know it but I have forgot his name, he don't be around much.
Q Did you know old man Wash Nave and Mariah before the war? A No sir, I didn't.
Q Where did you first see them after the war? A On Grand river.
Q What place? A On the Vann place.
Q Which side of Grand river? A On the east side.
Q When did you see them there? A Along in '66.
Q What were they doing there, how did they come there? A They came in wagons and was camped there.
Q Besides the old man Wash and Mariah his wife, who were with them? A I did not see no one but them and the children, 4 boys.
Q Was this boy one of them? A Yes sir, this is one of them.
Q Have you known them from that time on? A Yes sir.
Q Where have they lived? A When I left they moved out of that district; they lived on Grand river somewhere, I never was at their place but would see them often at church every summer, about once a month until I moved from there.
Q How long had you been back at that time when you saw them there? A I came that spring.
Q You came the same spring? A Yes sir.

BY MR. HARTINES:
Q How far did you live from where they were camped? A I lived on the same place at the house and they was camped out on the outside on the hill there not very far from the house, about a quarter or maybe not so far.
Q How long did you continue to live there? A Oh I stayed there until the crops was laid by, I went there in the spring, I spoked for Sam Downing's house.

Wash Rave Jr. D. File with GRO-[illegible]

Q Didn't the crops was laid by? A Yes sir.
Q Did you leave that fall? A I left that summer, in August.
Q Now about time of the year do you think they came before you left? A They was planting corn, it must have been along about May or June.
Q They were there when you left there? A No they wasn't, they went away, they didn't stay there but a little while.
Q You remember the man and his wife and four boys? A Yes sir.
Q That was the youngest boy's name? A [illegible]
Q About how old was he at that time? A He couldn't have been over 5, maybe 5 years old, I don't know he was very small.
Q That was very young at that time? A Yes sir.
Q You remember distinctly all four of them were along when you saw them? A Yes sir.
Q There was Webb Vann at that time? A I don't know he wasn't there.
Q Sam Mayes in that country over there? A He's in the south he was not, he was there after that.
Q You don't remember seeing them for some time after that? A Not until next summer I believe it was I saw them to church.
Q You don't know where they moved to? A No sir.
Q Who did you come back there with? A Jesse Vann, my brother-in-law.
Q You never witnessed for them before the Kern-Clifton Commission?
A No sir, I didn't because you had me subpoenaed on the other side.
Q Did I tell you to testify to anything that wasn't true?
A No you didn't, but they didn't come to me to testify anything for them and I didn't testify for them.

WILLIAM FOREMAN, being sworn by Mr. Boulden, testified as follows:

BY MR. MELDRUM:
Q What is your name? A William Foreman.
Q What is your age? A 24.
Q Where do you live? A I live now near Vagoner, Tooweesooweee District.
Q Are you a recognized citizen of the Cherokee Nation by blood?
A Yes Sir.
Q Do you know this applicant, Wash Rave Jr.? A Yes sir.
Q Did you know his father, Wash Rave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q Did you know them before the war? A No sir.
Q I will ask you where you first saw Mariah Rave and Wash Rave after the war? A First place I saw Wash Rave was in Ft. Scott, Kansas in '64, he was in the Militia there; I don't remember seeing his wife until they came to the Nation.
Q When did you first see them in the Nation after the war? A It was sometime in July '66, I don't remember just what time.
Q Where did you see them? A At a little store I had on Lynch's Prairie.
Q Which side of Grand River was that? A East side.
Q How did you happen to see them there? A They came along there in a wagon and stopped there and traded and bought some groceries and one thing and another, and camped that night.
Q Did they have any family with them? A Yes sir.
Q You remember what they had? A There was three or four little boys.
Q How long have you known this applicant here? A I have known him personally only since '66.
Q You have known him since '66? A Yes sir, I taken the census in

[illegible], 19[illegible]

[illegible]

Q [illegible] your store [illegible] A [illegible]

BY MR. [illegible]:

Q Mr. [illegible], [illegible] colored people that you [illegible] positive, I said to the [illegible] my [illegible]

Q [illegible] A [illegible] I [illegible] on [illegible] I put them on [illegible].

Q You were [illegible] before the [illegible] Court 3 years ago? A Yes sir.

Q There was then a trial of this case [illegible] witnesses [illegible] A [illegible] that I know of, I don't remember it.

Q [illegible] were [illegible] at that time? A I don't recollect that [illegible] were [illegible]

Q [illegible] A [illegible]

Q You [illegible] A [illegible] there was no one [illegible] that I know of.

Q [illegible] A I [illegible] out to my [illegible]

Q [illegible] sir, [illegible] from there in September.

Q It was before the [illegible] they were in your [illegible] A Yes sir, [illegible] because I [illegible] out the first of August and they came there and camped while I was keeping the [illegible].

Q They didn't stay [illegible] one night? A Just camped down at the [illegible] all night.

How long after that was it before you saw [illegible]? A I don't remember seeing the family until I [illegible] I saw [illegible] one of his [illegible], he had a [illegible] at the [illegible] I saw Noah there [illegible]

Q You mean [illegible]? A [illegible]

Q Was he [illegible]? A Yes [illegible] the summer I think of the year [illegible] I was [illegible]

Q Mr. [illegible] that is [illegible] A Yes sir.

Q [illegible] 3 [illegible] A Yes sir.

Q I [illegible] dollars in each of [illegible] or 125 [illegible] A Yes sir.

Q I believe [illegible] you charged others also for being a witness [illegible] A [illegible]

Q Running from 50 to [illegible] A Yes sir.

BY MR. [illegible]:

Q Mr. Powers, was money that the Representatives of the Cherokee Nation [illegible] in [illegible] was [illegible] paid to induce you to [illegible] a lie? A [illegible] it was [illegible]

Q Why was [illegible] paid to you? A To bear my expenses of coming to the court.

Q You had to leave home to attend to these places? A Yes sir.

BY MR. [illegible]:

Q [illegible] used as [illegible] they were all [illegible] together [illegible] A Yes sir.

Q [illegible] A I think only [illegible]

Wash Nave Jr. II. File with CFB-856.

Q Where did you live at that time? During 1896? A I lived down on the west side of Grand river.
Q How far from Vinita? A 6 miles east of Wagoner.

Applicant, WASH NAVE, re-called and further examined;

BY COM'R NEEDLES:
Q When did your father, Wash die? A He died in February '91, about the 18th or 19th ibelieve.
Q And your mother, Mariah? A She is dead.
Q When did she die? A She died two years ago this last February.
Q Their names are not on the roll of 1880, were they? A I think not, I don't know.

BY MR HASTINGS:
Q Where did your father and mother die? A Both of them died in Saline District.

Com'r Needles: Wash Nave, Jr., applies for the enrollment of himself; he cannot be identified upon the authenticated rolls of 1880 or the Census roll of 1896; he is duly identified upon the Kern-Clifton roll and the Wallace roll according to page and number of the testimony; he avers that he was a son of Wash Nave and Mariah Nave, who were slaves, and taken out of the Cherokee Nation during the war and returned in the year 1866; he makes satisfactory proof as to residence, and now Wash Nave, Jr. will be duly listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by mail of the action of the Commission in the premises.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(signed) M. D. Green.
Subscribed and sworn to before me this July 1st, 1901.
(signed) T. B. Needles,
Commissioner.

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

F. D. # 815.

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

In the matter of the enrollment of Wash Nave, Jr., as a Cherokee Freedman; the following supplemantal testimony is introduced on the part of the applicant:

Appearances:
L. T. Brown for applicant.
J. S. Davenport, for Cherokee Nation.

Supl. Test. Wash Nave Jr. 12. File with CFD-856.

L. B. DANIELS, being sworn by Com'r Needles, testified as follows: Examination by MR. BROWN:

Q State your name? A L. B. Daniels.
Q Your age? 56.
Q Your post-office? A Claremore.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Does your name appear upon the authenticated roll of 1880?
A Yes sir.
Q Do you know Wash Nave, Jr.? A Yes sir.

Q Did you know his mother and father? A I am very well acquainted with the old man, Wash Nave.
Q That was Wash Nave's Jr.'s father was it? A Yes sir.
Q What was Wash Nave Jr.'s mother's name? A I can't think of her name, I have been to her house forty time I reckon.
Q When did you see Wash Nave, the father of the applicant, the first time after the war? A At Fort Gibson, sir.
Q In what year was that? A That was in December, '66.
Q Do you know a son of Wash Nave by the name of George F.?
A Yes sir.
Q Did you see him at that time? A When I first seen the old man I did'nt see him, and in three days afterward I seen him, because he come to Gibson there and before he could get something to eat he had to bring his family.
Q That was in December, '66? A Yes sir, in December, '66.
Q About how old was George F. Nave at that time?
A He was about two years old; I dont think he was any older; he was the smallest boy.

BY COM'R NEEDLES:
Q How do you recollect it was just three days? A Because he come back and went to get his family, we were issuing rations to them and they was hungry and of course he come back.
Q You say you saw him one day and you said he came back in three days? A The day I saw him, it was a new family and we had to keep a record of them and I could not give them rations until he showed up.
Q It may have been four or five days? A No sir, it was'nt but three days, he did'nt have to go but about nine miles.

BY MR. DAVENPORT.
Q George was about three years old than? A No sir, about two years old.
Q You remember distinctly it was in December, '66? A Yes sir.
Q Was it before or after Christmas? A It was before Christmas.
Q Was he getting his rations for holidays? A No sir, he got them to eat; was'nt anything in the country to eat.
Q Where had they come from? A Fourteen Mile Creek.
Q How did you know that? A I lent that man Stevens a pony to carry his grub up there.
Q That is the reason you know that Nave come from 14 Mile Creek because Stevens never brought you your pony back?
A I was acquainted with Fourteen Mile Creek.
Q Did you ever see Nave during the war? A No sir.
Q You never seen him until he come to Gibson?
A Yes sir, and when he returned to get his folks and come back and old man Stevens come with him and did'nt bring my horse back in time and I went after him.
Q You remember distinctly the incident of Steven's coming with him?

Wash Nave Jr., in, [illegible]

Q. You sir, I didn't have any idea that he lived in my neighborhood I [illegible]

[illegible] Q. [illegible], being first duly sworn, testified that on [illegible] [illegible] is a true and complete stenographic record of said stenographic proceedings.

(signed) J. G. [illegible]

Subscribed and sworn to before me this [illegible] day of July, 1931.

(signed) T. E. [illegible]
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 21st, 1931.

In the matter of the application of Wash Nave, Jr., for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellott & Smith, attorneys for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

D. W. VANN, being duly sworn by Commissioner Meadine, testified as follows:

MR. DAVENPORT:

Q. What is your name? A. D. W. Vann.
Q. Where do you live, Mr. Vann? A. I live near Fryer Creek, in the Cherokee Nation.
Q. How old are you? A. I am 56 years old.
Q. How long have you lived in the Cherokee Nation? A. Well pretty much all my life.
Q. Did you go out during the war? A. Yes, I went out.
Q. When did you come back? A. I returned in '63, the fall of '65.
Q. Did you know a colored man by the name of Wash Nave, before the war? A. No sir, I didn't know him before the war.
Q. Did you know him after the war? A. Yes sir.
Q. When did you first become acquainted with him? A. I got acquainted with him in the spring of '66, that is I think it was in February or March, in '66.
Q. Where was you living at the time? A. I was living at Barney Vann's on Grand River.
Q. That a relative of yours? A. Yes sir, she is a first cousin of mine.
Q. Well, there was Wash Nave living when you got acquainted with him? A. He was living there.
Q. Do you know whether or not he had any children? A. Yes sir, he had several children.
Q. Do you remember the names of any of them? A. Well there was two, my oldest one I remember the names well, they was Dave and [illegible] and Will he had one named [illegible] he was a little fellow though.
Q. Now what was this Wash Nave who had been here doing when you first got acquainted with him? A. Well he just had moved from Kansas and came here to that place where I was living at some [illegible] years.
Q. Well, how do you know he just moved from Kansas? A. Well, he

told me so and he was loaded up, and he told me that he was right from Kansas, and he had some hogs with him and I traded for a couple of hogs, hogs was scarce in that country.
Q Well that was the first time you had seen him since the war, and first time you had ever seen him? A Yes sir.
Q Where had you been living from the time you returned in '65 up to that time? A Well, I have been living around and I went back to the Choctaw Nation, and backwards and forwards on through the Cherokee Nation, I was working.
Q How long had you been living at this Vann place? A I had been living there ever since in the fall of summer, that is the latter part of the summer of '67.
Q Who did the family belong to before the war, if you remember? A From what I could learn he belonged to an Aunt of mine, Aunt Mary Nave.
Q That was afterwards Moss? A Did Aunt Mary Nave, my father's sister.
Q Now as I understand you he had his wagons loaded up when you saw him, and he told you he was just come from Kansas? A Yes sir.

MR. SMITH:
Q How many wagons did he have? A I don't exactly remember now, there was several in the family but I don't remember the number of the wagons.
Q Where did he drive up to? A They drove up there to a little house on the place, lived there all the summer.
Q On whose place? A Aunt Martha Vann's place.
Q Well, can't you remember who was with him now? A No, I remember the old folks and the family, the children.
Q What was his wife's name? A Oh I disremember now her name, I don't recollect her name.
Q You remember how many children he had? A No not exactly, they had four or five, maybe more or less, I can't tell exactly.
Q You don't know then? A No not exactly the number of children.
Q Do you know what the names of any of the children was?
A Well the two oldest I think was named Reuben and Dave, and then he had a little fellow named George, I think and Wash if I am not mistaken; Reuben and Dave they both worked in the same field that I did and made a crop on the same farm that I made a crop that year.
Q Well how big was George at that time? A Well, he was a little fellow, he was'nt large enough hardly to make a hand in the field, not a plow hand.
Q Was'nt over five or six years old? A Yes sir, I suppose he was.
Q About five or six? A Well I can't say exactly how old he was.
Q Well he was.nt big enough to make a hand? A Well I don't remember him plowing.
Q You think you would have remembered it if he had plowed? A Why yes, I guess I would.
Q Well now was that all there was to it, just the man and the woman and those children you have mentioned? A Well them is all I remember, there might have been more but they lived there all that summer and I got acquainted with them and worked there in the same field with them; it has been a long time and a person can't tell who came with them; there may have been more came with them.
Q Can you remember the number of wagons they had? A No sir, I can't state.
Q Well, who was it that told you that they had just come from Kansas? A Well sir, I think it was the old man.
Q Well don't you know? A Why I can't say positive which one it was it was the old man, it was one of the family; that was what they told me.
Q Well it must have been the old man or the old woman one?
A Well I think it was the old man, because he was the one I had the talk with and had the trade with.

Wash Rave Jr. 15. File with 972-656.

Q But you can't state it has been so long ago, you can't state from your independent recollection at this time whether the old man told you that or not? A Yes I will say pritty certain that he did.
Q You are pritty certain of it but you are not positive? A Well I can say positive, I believe.
Q You believe you can? A Yes sir.
Q Well where was it that he told you that? A He told me that on the place.
Q That was now what time in '68? A That was in the spring of '68.
Q That was three years after the war, about three years after the war closed? A Yes.
Q Whether this man now made more than one trip from Kansas after the war, you don't know? A No, I don't know.
Q You don't know when he first came to the Territory after the war? A Not only what he told me there at that place.
Q You don't know all the places he lived in the Cherokee Nation after the war? A Well he settled a place right below there in that neighborhood.
Q You know these boys, Wash and Reuben and George? A Yes sir.
Q They been living here in the Cherokee Nation ever since you first knew them hav'nt they? A Yes sir.
Q Did you ever testify before any other court but this Court in this case? A Yes sir.
Q Where was that? A It was before the Kern Court I think.
Q Do you remember what you stated before that court? A Well it was something about as near this as I can possibly remember.
Q Do you remember whether before that court you stated that it was the old man that told you this or the old woman that told you, or did you say before that court that anybody told you they came here? A Well I think I did, I think that I told before the court about them telling me where they had come from and about making the trade, what kind of a trade I had made with them, buying a couple of pigs, gave them a cow and a calf.
Q The pig trade did'nt have anything to do with where they came from? A No, it was something that impressed me.
Q I say that did'nt have anything to do with where they came from? A No sir.
Q Do you know a man named George Vann? A Yes sir.
Q Was he a fiddler, the one you knew? A Well I don't remember whether he was or not.
Q Have you seen him since you have been up here? A Well not to know him, I might have seen him and forgotten him but I used to know him; they called him sleepy George, is it?
Q The one that lives up here in this district, Cooweescoowee District? A Well I know two George Vann's, they call one George Vann sometimes and then they call him George Brunner.
Q Is that the one you know? A Yes sir, and there is another one they call sleepy George and I used to know him.
Q Where does he live now? A I don't know where he lives; this George Vann is a fiddler, I guess I know him.
Q Is he the one they call Spring Creek George? A Yes sir, he is a fiddler.
Q When did you first get acquainted with him? A I got acquainted with him, I can't tell, but it was along about '66 or 67, or somewheres along in there, just after the war.

Q Was he around Vann's a good deal? people there? A Yes, he was around Rowe and Williams, they were some of his connections.
Q Now when was it you first got acquainted with him? A I can't say

Wash Ross, Jr. 16. File with [illegible]

positive when I first got acquainted with him.
Q I understood you to say it was in '65? A I don't say positive it was in '65, but it was somewhere along after the war a short while.
Q Short while after the war? A Yes sir.
Q Did you know S. W. Ross, a Cherokee? A Yes sir, Joe Ross.
Q I don't know whether it is Joe Ross or not. A Yes, that is the man.
Q Is he living or dead? A No is dead.
Q How long has he been dead? A I can't state, he has been dead several years.
Q Died since '95 did he? A Well I can't say positive when he died, I never kept no count.
Q Where was S. W. Ross in February of '67? A I can't say.
Q Where was he during the year of '67, do you know? A I can't say positive where he was.
Q Do you know where he was in the year '66? A No sir.
Q When did you first see him after the war? A I can't say when positive, when I first saw him.
Q Did he live down there about that country where you were?
A Yes sir, I think it was in '68 that Joe Ross was there, I think maybe that was the first time I saw him.
Q You don't recollect on that point do you? A No, not positive, but I think it was '68 that I saw him.
Q What kin was he to W. P. Ross, Judge Henry Ross? A I think they were cousins.
Q Are you acquainted with the hand-writing of S. W. Ross? A No sir.
Q You know the hand-writing of Henry Ross? A No sir.
Q Where were you when the war closed Mr. Vann? A I was on Red River.
Q When did you first return to the Cherokee Nation?
A I came in the fall of '65.
Q How long did you remain there in the Cherokee Nation?
A Well I remained off and on ---
Q I mean before you went out that fall? A Well I just came there that fall, came through. I went up in Kansas where my brother was and came back through right back.
Q When did you come back? A I came back in the same winter, of '65.
Q Was it in the early part of the winter of '65 or the latter part of the winter of '65? A I think it was in the early part of the winter of '65.
Q How long did you stay here that time? A I stayed here pretty much all the time.
How long did you stay before you went away again? A I stayed a month or two, maybe something longer than that.
Q Then where did you go? A I drove some cattle to Missouri, and then I went back to the Choctaw Nation taking care of some cattle, and came back again.
Q When did you first go to the Cherokee Nation after the winter of '65? A Well I stayed in the Cherokee Nation from '66 till along in the latter part of the spring.
Q Latter part of the spring of '66, then you went to Missouri?
A Yes.
Q Then you went back to the Choctaw Nation? A Yes sir.
Q At what time did you come back to the Cherokee Nation next?
A I came back the latter part of the summer of '67.
Q You left in the spring of '66, and came back in the summer of '67?
A Yes sir.
Q How long did you stay when you came back in the summer of '67?
A I have been there ever since.

Wash Nave Jr. N.C. file with Cherokee.

Q Never been away any more? A Oh I have been to Kansas City, and I have been to St. Louis.
Q I mean lived, gone away to stay for any length of time? A No sir.

Taking of testimony continued by stenographer J. G. Reason.

: : : : : : : : : : : : : :

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.

(signed) Bruce G. Jones.
Sworn to and subscribed before me this the 8th of November, 1901.
(signed) T. B. Needles,
Commissioner.

: : : : : : : :

O C T O B E R, 2 1 S T, 1901.

WASH NAVE, JR., taking of testimony continued. Former portion taken by stenographer Bruce G. Jones.

S. M. MAYES, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

Mr. DAVENPORT:
Q What is your name? A S. M. Mayes.
Q Where do you live, Mr. Mayes? A Fayer Creek.
Q How old are you? A 54 years old.
Q How long have you lived in the Cherokee Nation? A Well I have lived all my life you might say.
Q You are a married man are you? A Yes sir.
Q What was your wife's maiden name before you were married?
A She was a Vann.
Q What was her father's name, do you know? A David Vann.
Q When did you return to the Cherokee Nation after the war?
A Moved back?
Q Yes? A Moved back in 1867.
Q Did you know, prior to the war, a colored man by the name of Wash Nave? A Yes sir.
Q To whom did he belong at the breaking out of the war?
A He belonged to Alack Vann.
Q Do you know whether or not he went out during the war?
A Yes, that is my understanding; yes sir, he left the country during the war.
Q When you moved back to the Cherokee Nation you say in 1867, what part of 1867 did you move back? A I think it was latter part of November we got back here.
Q To what part of the Cherokee Nation did you move and locate?
A About three miles from Cheuteen.
Q Near what place; had there been any place there before the war?
A Old place that belonged to Thompse Nave.
Q Did you ever see Wash Nave after the war? A I saw Wash Nave I think it was in '68.
Q Where was he then? A He was at my mother's -in-law, Mrs. Vann's.
Q Did he have his family with him? A Yes sir, he had a family with him.

Wash Rave Sr. Mr. Vile with [illegible].

Q Did you know any of the family's house? Yes sir, I knew them, the old man and all the family.
Q What were their names? A Nathan and Dave and George, I didn't know him he was a small boy, I knew Nathan and Dave.
Q Well, did you have any conversation with children Wash Rave as to where he had been and what he was back?
A Yes, he told me he worked with him he was from Fort Scott.
Q Fort Scott, Kansas? A Yes sir.
Q Was he in that country there when you came back from Texas?
A No sir.

MR. MOONEY: Applicant moves to strike out the testimony of the witness with reference to what Wash Rave said for the reason that Wash Rave is not a party to this suit, and the testimony is incompetent.

COURT'S RULING: The objection will be noted and testimony heard.

MR. MOONEY:
Q Now, Mr. Mayes, about what time of the year was it you saw Wash Rave? A It was in the latter part of the winter, I think it was in February or March.
Q Of '68? A Yes sir.
Q You don't know how long he had been living there at the place?
A Why he had only recently come in there.
Q He was living there, settled down there when you saw him?
A Moving in the house when I first saw him.
Q Was he moving in or was he already moved? A He was camped there and had just moved in the camp when I first saw him.
Q You didn't get back to the Cherokee Nation after the war until how long? A We moved back in '67.
Q What time of the year? A November.
Q A little more than two years after the war closed? A Yes sir, I was in house through in '66.
Q How long were you here? A I spent the summer here of '66.
Q Well, Mayes, did you know J. M. Rees, Joe Rees? A Yes I know Joe Rees, I know J. M. Rees of Salina.
Q He is dead now? A Yes sir.
Q Are you familiar with his hand-writing? A I can't say that I am, I have seen it but I can't say that I can testify to it.
Q Did you ever see him write? A Yes sir.
Q Can you tell by looking at this signature whether it is his or not (showing witness paper)? A I don't know.
Q Did you know H. G. Rees? A Yes sir.
Q Is that his signature? A I don't know, H. G. Rees is living though.
Q Where was Wash Rave living in '69, Mr. Mayes? A '69? He was living right below there in '69, I think he was living on that same place, I don't know whether he had moved away or not.
Q Do you remember of Wash Rave ever living down on Grand river?
A That was on Grand river where he was living on the same place.
Q Did you testify in this case before the Korn Commission? A Yes sir.
Q Did you state before that Commission that the first time you saw him was in '69? A No sir, if I did- I know I didn't because that was not the first time I ever saw him; I knew Wash Rave before, I lived right by him in Flint District.
Q Did you know George W. Vann, a colored man? A Why I knew two George Vanns.
Q How do you distinguish them? A Well we distinguish George here,

Wash Nave Jr. 18. File with 871-856.

we us e to call him George Springcreek, Spring Creek George.
Q That is the man that is here, when did you first get acquainted with him? A It would be hard to tell, I have known him a long time.
Q When did you first see him after the war? A I don't just remember when I saw him after the war; I have seen him so many times and so many places.
Q Did you see him a short time after the war? A No I don't remember just where, I do remember I knew he was he work there for me.
Q When did he work for you? A I think he worked for me there in about '72 or '3. George Vann, Springcreek George, lived up east of where I lived when I knew him on the Howe's prairie on Spring Creek, called him Spring Creek George. I never was acquainted with George until in about '73.
Q Did you know where Joe Rose was in '67? A No sir, I suppose he was in the Cherokee Nation.

MR. DAVENPORT:
Q He has lived in Saline District has'nt he , ever since the war?
A Yes; I think the first time I saw Joe Rose was in '71.

ED ADAIR, being duly sworn by Commissioner Needles, testified as follows:

MR. DAVENPORT:
Q What is your name? A Ed Adair.
Q Where do you live Ed? A In Saline District.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q How old are you? A About 48.
Q Did you know Wash Nave after the war? A Yes sir.
Q Did you go out of the Nation during the war? A Yes sir.
Q Did you see Wash Nave and his family after the war? A Yes sir.
Q Did you know S. H. Mayes, the Chief Mayes, at the close of the war?
A Yes sir.
Q Did you see him shortly after the war? A Yes sir.
Q Now, when did you see Wash Nave's family with reference to the time he came there, which came first do you know? A Let's see; my recollection, you see it has been a good while off and I was young.
Q Well, where did Wash Nave locate with his family after he came back, Ned? A He located on the old Nave Vann place on Grand River.
Q Did you know any of the names of his children? A Yes sir.
Q What were their names? A Dave, Reuben, Wash and George.

MR. SMITH:
Q Mr. Adair, did you go out of the Nation during the war or did you remain here? A No sir, I remained in the Nation.
Q Where were you living when the war came up? A I was living in Flint District, near Evansville, Arkansas.
Q What time did you move on Grand River? A Well, sometime during the war, during the Civil War.
Q Well, when did you first move in this neighborhood that you speak of? A Moved in there in '66; I lived on 14 Mile Creek in '65, and after I left that place I came up here on Grand River in '66.
Q What time in the year '66? A It was as near as I remember, in the fall.
Q Where did you locate, what point did you move to, live? I located at the old Dave Vann place, first place I came to.
Q What time in '66 did you get on Fourteen Mile Creek?
A Why I only remained there about 2 years.
Q What time did you go there? A It was sometime, it was in about

Wash Nave No. file with CFB-836.

'64, I reckon, 1864.
Q Where were you brought up Mr. Adair, were you brought up near A about Evansville, were you raised there? A Yes sir, partly raised there.
Q And the first time you moved out of that neighborhood you went down here on Grand river? A Yes sir, I lived a little while close to Tahlequah during the war.
Q When was that? A During the war, and then after I left there I went to Fourteen Mile Creek and lived there a year.
Q Did you ever go back to Evansville? A No sir.
Q First came to Tahlequah? A Yes sir.
Q And then to Fourteen Mile Creek? A Yes sir.
Q And then up on Grand river? A Yes sir.
Q Have you known Wash Nave before the war? A Yes sir.
Q Had? A Yes sir.
Q Well now, how long after you moved down here before you saw Wash?
A Well, as near as I could recollection about seeing Wash after the war was about spring of '66, 1867 in the spring.
Q As near as you can remember? A Yes sir.
Q Where did you first see him? A First saw him at that Dave Vann place on Grand river.
Q He was on the Dave Vann place in '67 in the spring?
A Yes sir, that is where I saw him.
Q How many children did he have at that time? A I think he had four.
Q Do you remember their names? A I think he had Dave and a Reuben, and Wash and George.
Q At the time you saw him did you know how long he had been down there in that country? A No sir.
Q What was he doing living there then? A Just come in, him and several others.
Q He was living there when you saw him? A He came there when I was living there.

MR. DAVENPORT:
Q Did you have any conversation with him as to where they came from?
A No sir, I don't recollect whether I did or not.
Q You were living there at the Vann place? A Yes sir.
Q And they come there according to your best recollection after Chief S. H. Mayes and his family moved back from Texas? A Yes sir.

MR. SMITH:
Q Mr. Adair, you are certain about that, which came first Mayes or this man? A Not positive, best of my recollection Mayes did.
Q As a matter of fact Mayes came twice did'nt he? A I don't know.
Q Mayes came in '66, and he came again after that? A I don't know about that.
Q But you cant be certain now as to which of the two got there first?
A It seems to me like Mayes got there first.
Q But you are not positive? A No sir.
Q You are a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Born and raised here? A Yes sir.
Q Did you know whether Webb had got back when you saw these people here, D. W. Vann? A I saw him there.
Q Did they live in the house or camp out, A They moved in the house I think, there was some houses there.

Com'r Needles: This testimony will be made part of the record in the original case, Freedman D, #815, and also part of the record in D, # 821, 822 and 823.

: : : : : : :

[illegible] Jr. [illegible]

[illegible]

(signed) J. G. [illegible]

Subscribed and sworn to before me this November [illegible] 1907.

(signed) [illegible]

Commissioner.

[illegible]

File with Cherokee Freedman D-518 Wash Hays Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. October 22, 1907.

In the matter of the application of Wash Hays, Jr., for enrollment as Cherokee Freedman.

Testimony introduced on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant.
L. E. Bell, of counsel for Cherokee Nation.

HENRY G. ROSS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith:
Q State your name? A Henry G. Ross.
Q Where do you live, [illegible]? A Locust Grove, Cherokee Nation.
Q How long have [illegible] here? A All my life.
Q Are you a Ch[illegible] by blood? A Yes sir.
Q Where were y[illegible] Ross, in June, 1896?
A Living [illegible] now.
Q Did you hold an official position at that time? A I did.
Q What? A [illegible]
Q District Judge of the Cherokee Nation? A Saline District, Cherokee Nation.
Q Mr. Ross, I will ask you to examine the paper which I hand you and tell me what it is (handing witness paper)? A (Examining paper) It is an affidavit of J. M. Ross.
Q J. M. Ross was commonly known as what? A District Clerk of Saline District.
Q That was J. M. Ross known by? A Joseph.
Q Called Joe Ross? A Yes sir.
Q Was he a citizen of the Cherokee Nation? A Yes sir, he was District Clerk of Saline District at that time.
Q In June, 1896? A Yes.
Q Well, is he living or dead now? A He is dead.
Q This paper which I handed you and which you stated was an affidavit made by him and sworn to, was that written by him?
A That is Joe Ross's handwriting.
Q Did he swear to it before you? A Yes sir.

Mr. Smith: This is only an affidavit that he purported to put in back as that money, and I believe the [illegible] by the Commissioner is, that the witness must be brought here, the best

Wash Nave, Jr. 2d.

timony shows that the man who made this affidavit is dead, and that the affidavit which he made was against his interests at the time he made it, and that makes it admissable in evidence at this time beyond question.

Commissioner: The affidavit will be filed for what it is worth.

Commissioner: This will be made part of the record in the case at bar, and the affidavit and testimony offered to day will be made part of the record in cases D-821, D-822, and D-823, and reference is made to the same.

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

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 8th day of November, 1901.

(Signed) T. B. Needles,
Commissioner.

#. D-815.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. May 19, 1902.

In the matter of the application of Wash Nave Jr., for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-815.

Appearances:
Mellette A Smith for applicant;
W. W. Hastings for Cherokee Nation.

MR.HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book from the Executive Department of the Cherokee Nation, the same being entitled " Docket of doubtful cases for Cherokee citizenship tried in 1871," from Saline District, as follows, No. 80:

"Washington Nave.
Decided against claimant June 8, 1871."

The Cherokee Nation also offers in evidence the following application of Wash Nave, made to what is known as the Chambers Court, the same being taken from a book taken from the Executive records of the Cherokee Nation, entitled Book B, citizenship record 1874, page 174, case No.120, as follows:

"Wash Nave (Before the Commission on citizenship July
vs.
The Cherokee Nation. (18,1875.(Colored) claiming citizenship.

Claimant presents his claim under the fifth specification of a law

creating this Commission.
Claimant was a servant of Alex Nave or wife, Cherokee citizens, at the beginning of the war, left during the same but returned in April, 1867, to this Nation and claims to have complied with the requirements of treaty.

Respectfully,
Wash Nave."

The Cherokee Nation offers the above in evidence for the purpose of showing that in 1871, a full, free and fair investigation of the father of the present applicant to be enrolled as a citizen of the Cherokee Nation, when all the witnesses were easily obtainable, it only being five years after the treaty of 1866 was ratified, and that a court of competent jurisdiction, after hearing all the testimony, decided against the applicant, and the second application to what is known as the Chamber Court hereinbefore introduced, is submitted at this time for the purpose of showing that the applicant himself acknowledged in 1878, in his application to the Chambers Court, that he returned in April of 1867, as the witness heretofore introduced by the Cherokee Nation have testified.

MR. SMITH: The counsel for the applicant object to the introduction of the above offered testimony for the reason that there is nothing in the entry offered as shown upon the book which contains the same, to indicate or know who made the entry or when it was made, and because the last clause of the entry itself is in the third person and purports to have been written by someone other than Wash Nave, and is signed "Respectfully, Wash Nave," and certainly can not be considered as an admission upon his part. Further, the offer is objected to by the counsel for the applicant by reason of the fact that there is nothing accompanying said offer to show that said matter offered is in any sense a record, and because the record itself is insufficient to tend to prove any issue in this case.

W. W. HASTINGS, being first duly sworn, testified as follows:

My name is W. W. Hastings. I am one of the representatives of the Cherokee Nation. The last entry hereinabove introduced by the Cherokee Nation is taken from a book that belongs to the Cherokee Nation and is part of the records of the Executive Department of the Cherokee Nation, and this book was given me by the official in charge of those records as one of the representatives of the Cherokee Nation for me to use in representing the Cherokee Nation before the Commission in making the colored roll now in process of being made by the Commission to the Five Civilized Tribes.

MR. Smith: Mr. Hastings, who wrote this entry that you speak of, the last entry offered? A I don't know, but that unquestionably, as shown from the record, was his application to the Chambers Court, which was recorded in there among their records; that was the record of that court that set between 1874 and 1878 inclusive, and that was the application to them, and that was his statement at that time and embodied in his claim to be enrolled as a citizen.
Q Well now, you don't think that the last clause of this offer last made is the form in which Wash Nave made an application to this or any other court do you?
A I think it was unquestionably written by his attorney and sub-

mitted in his behalf by his attorney for him.
Q. Where is that original application? A. I don't know.
Q. Who is the custodian of this book? A. Why it belongs to the Executive Department of the Cherokee Nation, and the executive, the chief, is T. M. Buffington, and his executive secretaries are J. W. Parks, A. E. Cunningham and B. W. Alberty; they I suppose, are the official custodians of these records and they, at the request of the Chief, gave these records to attorneys, representing the Nation.
Q. And you don't know anything at all about the records; you dont know who made this entry; you don't know from what data it was made, of your own personal knowledge? A. Why certainly not, I wasn't present.

MR. SMITH: The counsel for the applicant object to the offer of this because it is not properly proven, because it is not shown upon what the entry is based which can only come from the person who knows something of the making of the entry itself.

MR. HASTINGS: Then if that contention be true whenever a clerk of the court would die his records might as well be pitched into the middle of the sea or be burned up, because no record could be proven just because the man who made it wasn't there to verify it.

MR. SMITH: The custodian of it could prove that.

MR. HASTINGS: The present custodian of this record—

MR. SMITH: The applicant furthermore objects to the offer of above entries because a copy of an entry from the books offered is not the best evidence, the books themselves being the best evidence of the entry, and therefore moves to strike the copies of the said entries.

Commission: The above proceedings will be filed with and made a part of the record in the following cases: Dave Nave, D-891, Reuben Nave, D-892, George F. Nave, D-825, and in the case of Wash Nave, Jr., D-816, the same being the case at bar. It appears from the records of this Commission that all the above applicants are represented by Mellette & Smith.

MR. SMITH: The applicants especially objects to the testimony being placed in the last mentioned cases for the reason that the notices relate to Wash Nave alone.

MR. HASTINGS: The Cherokee Nation contends that this is relevant because Wash Nave was the father of this Wash Nave, Jr., and of all these children, and is the man who made the application for citizenship unquestionably, because this applicant in 815 has the name of Wash Nave, Jr., whereas the original application as introduced, is signed by Wash Nave, and the judgement that was introduced is against Washington Nave, and the testimony in this case shows that Washington Nave was the father of all these applicants.

Arthur G. Croninger, being rightfully 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 28th day of May, 1908.

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

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3D921

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 16 1901
ACTING CHAIRMAN

[illegible] is to child, [illegible]

[illegible]

[illegible] the matter of the [illegible] for the enrollment [illegible] and [illegible] examined by the Commission as follows:

Q What is your name? A Hugh French.
Q How old are you? A 40.
Q What is your post-office address? A Lumpkin.
Q What district are you living in? A Coweescoonee.
Q Do you apply for the enrollment of any one else besides yourself? A Yes sir.
Q For whom? A My 8 children.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Living here at the present time? A Yes sir.
Q What is the name of your oldest child? A Walter.
Q How old is Walter? A He will be 21 his birth-day, he is 20 years old now? A Yes sir.
Q What is the name of the next child? A Willie.
Q Boy or girl? A Boy.
Q William or Willie? A Willie.
Q How old is he? A Will 18.
Q Next child? A Alex.
Q Your Alexander? A Alex.
Q How old is he? A 16.
Q What is the name of the next one? A David.
Q How old is David? A 12.
Q Next child? A Vester.
Q How old is she? A 7.
Q That's all? A That's all.
Q Your children are all alive and living with you at the present time? A Yes sir.
Q Have they all one mother? A No sir.
Q Who was Walter's mother? A Louisa.
Q Is she living? A Yes sir.
Q Who is William's mother? A My present wife.
Q Is she the mother of all of them? A No sir.
Q Who is the mother of Alex? A My wife.
Q Is your wife the mother of all these children? A Yes sir.
Q That's what I am trying to find out; is your wife living? A Yes sir.
Q When were you married to her? A '91.
Q Have you any evidence of your marriage? A I have got a certificate at home, but haven't got it with me; there's lots of people knows it.

[illegible] FOSTER, being sworn by Com'r Needles and examined by the Commission, testified as follows:

Q What is your name? A Perry Foster.
Q How old are you? A I don't know, about 40 or 50.
Q What is your post-office address? A Lumpkin.
Q Are you acquainted with the applicant here Hugh French? A Yes sir.
Q How long have you known him? A Ever since he was a boy.
Q What is the name of his wife? A Her name was Charlotte.
Q Do you know that he was married to her? A Yes sir.
Q Did you see them married? A Yes sir.
Q About how long ago was that? A Over 30 years, I don't know exactly.
Q Do you know they have a family of children? A Yes sir.
Q Do you recognize as many of them as you see? A Yes sir.

[illegible] French [illegible]

[illegible] recalled and further examined:

[illegible]

Q. No [illegible] wife a [illegible] A. Yes sir.
Q. [illegible] her name was Louisa? A. No I didn't.
Q. Is Louisa the mother of all of your children? A. No sir, I told [illegible].
Q. Who was David's mother? A. [illegible].
Q. Who is Hester's mother? A. [illegible].
Q. Louisa is the mother of the first three children? A. The first one.
Q. [illegible] the time you were married to Louisa? A. No sir.
Q. [illegible] married to her? A. I wasn't married to her.
Q. [illegible] married to her at [illegible]? A. No [illegible].
Q. [illegible] on the roll of [illegible]? A. I don't know sir.
Q. [illegible] I never married [illegible]
Q. [illegible] roll [illegible] Freedmen, she is [illegible] of them [illegible] are on the roll [illegible].
Q. [illegible] was you married [illegible]? A. I don't [illegible] married [illegible] as French [illegible], but she is a [illegible] daughter of David [illegible].
Q. [illegible] was a [illegible] Freedman was she? A. Yes sir, [illegible].
Q. [illegible] ever recognized as a Freedman of the Cherokee Nation? A. [illegible] sir.
Q. Who is David [illegible]? A. My father.
Q. [illegible] your mother's name? A. [illegible].
Q. [illegible] ever have a sister named [illegible]? A. No sir.
Q. [illegible] you ever live with this [illegible] as your wife? A. No sir.
Q. [illegible] did it happen she was enrolled with you in 1880? A. She was my step-mother's daughter.
Q. [illegible] lived with your step-mother in 1880? A. My mother, my [illegible] on the roll as Easter Green.
Q. [illegible] Kill.
Q. What are you doing with the child if it is here? A. It just simply lived with me. She said it was mine, and I raised it, and I have got it yet.

BY MR. SHION:

Q. [illegible] child's mother been before the Commission and applied for enrollment? A. Yes sir.
Q. What name does she go by at the present time? A. Daisy.
Q. Who was Louisa's father, do you know? A. No sir, I don't know.
Q. Who was her mother? A. Louisa French.

[illegible] Authenticated roll of citizens of the Cherokee Nation examined and applicant found [illegible]
[illegible] 106 Willie Mae French, [illegible] adopted colored;
[illegible] census roll of citizens of the Cherokee Nation examined [illegible] citizens identified on
[illegible] 4 [illegible] French, Cooweescoowee District;
[illegible] Ester French, Cooweescoowee Dist;
[illegible] Lizzie French, Cooweescoowee District;
[illegible] French, Cooweescoowee Dist;
[illegible] Cooweescoowee District;
[illegible] Cooweescoowee District.

[illegible] French [illegible] the [illegible] of [illegible]
[illegible] and [illegible]

Wash French et al #

be listed for enrollment as a Cherokee Freedman.

His eldest child he avows is his child by one Louisa Gaukins, and the said Louisa Gaukins is not identified upon the authenticated roll of 1880; therefore the child will be listed for enrollment as a Cherokee freedman upon a doubtful card, and the said Wash French will be required to bring before the Commission the child's mother in order to prove that it is the child of Wash French by Louisa Gaukins.

His children, William, Alex, David and Hester are his children by his present wife, Charlotte; his marriage to her is established by satisfactory personal testimony, but in addition to this he will also be required to filed with the Commission his marriage certificate; these four children are identified upon the census roll of 1896; they are living at the present time; their residence has been satisfactorily established, and they will be listed for enrollment as Cherokee Freedmen, together with their father.

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

M D Green

Subscribed and sworn to before me this July 11, 1901.

Commissioner.

Q. [illegible] are movedown here there? A. I don't think I had.
Q. You didn't witness for this fellow before did you? A. I don't know.

BY THE COMMISSION of the applicant:
Q. What is the reason that your name is not on the roll of 1880?
A. I was taken [illegible] with rheumatism and was in not [illegible].
Q. You didn't here at that time then? A. No sir.
Q. You were down at Hot Springs? A. Yes sir, I have been there twice with rheumatism.

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

(Signed) Chas. von Weise.

Subscribed and sworn to before me this 13th of July, 1901.

(Signed) T. B. Needles.

Commissioner.

I, Frances S. Potsiur, being duly [illegible] sworn, as stenographer to the Commission to the Five Civilized [illegible] states that I made the above and foregoing copy and that the same is a true and correct copy of the original offered in evidence.

[illegible]

Subscribed and sworn to before me this 25th day of July, 1902.

[illegible] Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 13 1902

To be filed with [illegible]

Department of the Interior,

Commission to the Five Civilized Tribes,

Muskogee, I. T. June 12th, 1906.

W. F. Rentiesa, Cherokee Allotment
Examiner, and with attorneys for the applicants.

In the matter of the application of Ben French for enrollment as a Cherokee [illegible], he being sworn by Commissioner T. B. Needles, testified as follows:

Ben French called and sworn as a witness for the applicant.

By Mr. Smith:

Q. What is your name?
A. Ben French.
Q. What is your age? A. 72
Q. What is your postoffice address? A. Lenapah.
Q. How long have you lived in the Cherokee Nation? A. Ever since the spring of '[illegible].
Q. Were you living in the Cherokee Nation just before the war?
A. Yes, sir.
Q. Do you know the applicant here, Ben French? A. Yes sir.
Q. Did you know him just before the war? A. Yes sir.
Q. Was he a slave? A. Yes sir.
Q. Who did he belong to? A. The Frenches.
Q. Where did they live? A. French-Postoak Flint District, Cherokee Nation.
Q. What was his master's first name? A. Bob.
Q. What was his wife's name? A. Margarita Fields before he married her.
Q. Was she a Cherokee [illegible] Indian? A. Yes sir.
Q. Did they have some children? A. Yes sir.
Q. What were their names? A. Bob, the oldest son, Henry, Joe and several other boys.
Q. Do you know what became of this applicant during the war?
A. Went to Kansas.
Q. When did he come back? A. In '66, before Christmas.
Q. Where did he come to? A. Fort Gibson.
Q. Cherokee Nation? A. Yes sir.
Q. How long did he stay there? A. I don't know, I left him there when I came.
Q. When did you leave there? A. The week after Christmas.

CROSS EXAMINED:

Q. Where do did you go from there? A. Back to Kansas.
Q. What did you go after? A. I don't recollect.
Q. Did you go after your wife? A. No sir.
Q. Where was your wife at this time? A. I don't recollect that.
Q. You recollect more about this fellow than you do about your wife?
A. Yes sir.
Q. Your memory is faulty about your wife? (No response)

RE DIRECT BY [illegible] to that question:

Q. By Attorney of Contestee: What did French say?
By Examiner of Witness:

Q. Is your memory bad about your wife?

BY THE COMMISSION:

Q. Your recollection is bad about your wife's whereabouts then?
A. Yes sir.

BY MR. [illegible]:

Q. [illegible] was she at the time? A. In Kansas somewhere.
Q. Why didn't she subpoenaed here then? A. I don't think I had.
Q. You didn't witness for this fellow before did you? A. I don't know.

BY THE COMMISSION of the applicant:

Q. What is the reason that your name is not on the roll of 1896?
A. I was taken down with rheumatism and was in Hot Springs.
Q. You wasn't here at that time then? A. No sir.
Q. You were down at Hot Springs? A. Yes sir, I have been there twice with rheumatism.

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

(Signed) Chas. Van Weise.

Subscribed and sworn to before me this the 13th of July, 1901.

(Signed) T. B. Needles.

Commissioner.

I, Frances S. Botefuhr, being first duly sworn, as stenographer to the Commission to the Five Civilized Tribes state that I made the above and foregoing copy and that the same is a true and complete correct copy of the original offered in evidence.

Frances S. Botefuhr

Subscribed and sworn to before me this 25th day of July, 1902.

Frances S. Botefuhr
Notary Public.

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

[illegible]

[illegible] TRIBES,
[illegible]

[illegible] of the enrollment of Walter French as a [illegible] introduced on the part of applicant.

APPEARANCES:

L. T. Brown for applicant.
J. S. Davenport, for Cherokee Nation.

LOUISA GASKINS, being sworn and examined by Commissioner T. M. Bruce, testified as follows:

Q. What is your name? A. Louisa Gaskins.
Q. Is that your name now? A. Yes, sir.
Q. Were you ever married? A. Yes, sir, my husband died in October.
Q. What was your husband's name? A. William Gaskins.
Q. Were you ever married only to Gaskins? A. No, sir.
Q. What was your name when you married Gaskins?
A. Louisa Webber.
Q. Are you on the roll of 1880? A. Yes, sir, I guess I am.
Q. Have you been married to Gaskins 20 years? A. Yes, sir.
Q. Is Walter French your son? A. Yes, sir.
Q. What is his father's name? A. Wash Fr[illegible]
Q. Were you married when Walt or was born? A. No, sir.
Q. How old is your son? A. Yes, sir.
Q. What is the name of your oldest daughter? A. Jaella.
Q. Name of the next one? A. Ada.
Q. The next one? A. Johnnie.
Q. Are you the identical Louisa Gaskins that has been enrolled with your children on straight card #1007? A. Yes, sir.

COM'R BRUCE: It is ordered that the testimony taken in the matter of the enrollment of Louisa Gaskins on straight card #1007 will be made part of the record in the application of Walter French on D.#[illegible]. The testimony shows that the said Walter French is the son of said [illegible] Louisa Gaskins, having been born to said Mrs Louisa Gaskins before her marriage with her husband, the averred father being Wash French.

---oo0Ooo---

J. A. Reason, 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. A. Reason

Subscribed and sworn to before me this 19th day of July, 1901.

Commissioner.

[illegible]

[illegible] and make a

and [illegible]

[illegible] in the [illegible] and that the [illegible] and complete transcript of his stenographic

Arthur J. Cunniger

Subscribed and sworn to before me this 2nd day of [illegible], 1902.

(Seal)

[illegible]

COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 18 1902
ACTING CHAIRMAN

927

Proof D [illegible]

[illegible]

[illegible] the application of [illegible] ADAMS for enrollment [illegible]

[illegible] by [illegible]; Cherokee Nation, by T. W. [illegible]

[illegible] the certified [illegible] Hastings, [illegible] record in [illegible] deemed [illegible] necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Sonny Smith, D 327;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: [illegible] the same is incompetent, irrelevant and immaterial, and [illegible] tend to prove any issue in this case. Third: [illegible] will take judicial knowledge of all laws, treaties [illegible] for the determination of the right of any [illegible] for citizenship. For that the Cherokee [illegible] to the filing of a certified copy of the decree in the [illegible] unless the same is [illegible] in the [illegible] case.

[illegible] the [illegible] will be entered and the decree of [illegible] in the case of [illegible] will be made a part of the record by reference in all the cases above named [illegible] decree which come within the provisions of the [illegible] recently [illegible] by Judge Gill of the United States Court, in the Northern District, Indian Territory.

[illegible]

[illegible] applicants further move that as to the above named cases including the [illegible] case that counsel for the applicants be allowed within thirty days to file any of the proof in any or all of the record other than the decree already received in

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

GD-929

C.N.D-929.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 21, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of RUSSELL HENDERSON as a Cherokee Freedman.

Appearances:
W. W. Hastings, J. S. Davenport and L. B. Bell, attorneys for the Cherokee Nation.

NAN WASHINGTON, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A Nan Washington.
Q How old are you? A About forty-four, I reckon.
Q Were you born since the war? A No, I was born during the war. I really don't know.
Q You say you were born during the war? A I think so.
Q What is your post office? A Vinita.
Q Do you know Russell Henderson? A Yes sir.
Q Is he the same Russell Henderson that applied for enrollment as a Cherokee freedman? A Yes sir.
Q How long have you known him? A Ever since he was a little boy.
Q Have you known him over twenty years? A Yes sir, I think I have, I guess so.
Q Do you know where he was born? A No, I couldn't tell you where he was born.
Q Where was he when you first began to know him? A Around up at Cabin Creek and Geeseneck
Q In what Nation? A Cherokee Nation.
Q That was over twenty years ago? A I think it was about twenty years ago.
Q Where has he been living since that time? A Around Lenapah, at Geeseneck. Never have been at his house, but he lives up there some place.
Q Has he always lived there since you knew him? A Yes sir.
Q Did he ever live out of the Cherokee Nation at all?
A Not as I know of.
Q Do you know whether he ever lived in Kansas?
A No sir, not as I know of.
Q Did he have a farm or place in the Cherokee Nation?
A Yes sir, I think so. He is married and got children. I never was at his house.
Q How long has he been married? A I really couldn't tell you how long he hasbeen married. He hasbeen married, I guess, six or seven years to my knowledge.
Q Did you see him often during the last twenty years? A No, not to say often. Just now and then I would meet him at gatherings and picnics and around.

MR. HASTINGS: You live here in Vinita, do you? A Yes sir.
Q You never was at his place, I believe you said?
A No sir, never was.
Q All that you know about him was that you would occasionally see him at picnics? A Yes sir.
Q You don't know, personally, of your own knowledge, about his residence? A No sir, never was at his house.

WILLIAM WEBBER, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: What is your name? A William Webber.
Q How old are you? A Fifty-four years old last June.
Q What is your post office? A Dewey, Indian Territory.
Q How long have you known the applicant, Russell Henderson?
A I have known him ever since he was about [illegible]
Q [illegible] can't tell you [illegible] exactly [illegible] more than there he was raised.
Q Where has he been living since you first knew him?
A On the Verdigris, Big Creek and around [illegible].
Q Has he lived in the Cherokee Nation ever since you first knew him?
A Yes sir, never did live any place else since I knew him. He never moved out of the country as I know of.
Q Did he ever remove out of the Cherokee Nation with his effects and property? A I don't think he did.

MR. HASTINGS: What relation, if any, is he to you? A He is a first cousin of mine.

MR. KELL: How long, you say, you have known him? A Ever since he was about a yearold.
Q Is he a married man? A He was, when he was tried and sent to prison.

BY COMMISSION: When did he come back from prison? A He is not back, he is there yet.
Q Do you know when he was sent there? A He was sent there two years ago this fall, if I am right.
Q Sent t here about 1901? A About hat time.
Q Up to the time he was sent there, you say he always livedin the Cherokee Nation? A Yes sir, he lived with me out there for three years, and moved from my place two years ago an marrice, and he was sent to the pen from there.

MR. KELL: His father and mother, did they live there? A yes sir.
Q Did he live with them? A Yes sir, lived with them when he was there.

Wm. Hutchinson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported the testimony and proceedings in this case, and that the foregoing is a t rue and complete transcript of his stenographic notes thereof.

Wm Hutchinson

Subscribed and sworn to before me this 13th day of October, 1905.

Charles W. Sawyer
Notary Public.

Cherokee Freedmen D 927.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Walter French as a Cherokee Freedman.

DECISION.

The record in this case shows that on June 28, 1901, Wash French appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment, among others, of his minor child, Walter French. The other parties to this application, being differently classified, are not embraced in this decision. Further proceedings in the matter of said application were had at Nowata, Indian Territory, July 2, 1901 and at Muskogee, Indian Territory, May 22, 1902. Copies of the testimony taken at various times in the cases of Louisa Gaskins, George Starr, et al. Ben French and Jane Kernal are made a part of the record in this case.

The evidence shows that Walter French was born since 1866 and is a son of Wash French and Louisa Gaskins, who were never lawfully married. The said Wash French is identified as an adopted colored on the 1880 authenticated Cherokee roll; and it is presumed from this enrollment that he complied with the terms of the treaty of 1866.

The evidence further shows that the said Louisa Gaskins has resided in the Cherokee Nation all her life; and it is considered that the residence of said minor applicant has been the same as that of his mother.

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby,
Chairman.

(SIGNED) [illegible]
Commissioner.

(SIGNED) C. R. Breckinridge
Commissioner.

(SIGNED) [illegible]
Commissioner.

Muskogee, Indian Territory,
this MAR 5 1907

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

ALLISON L. AITCHISON,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 19, 1904.

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

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application of Walter French for enrollment as a Cherokee freedman.

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

Respectfully,

Enc. B-35.

Commissioner in Charge.

38928

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 28 1901
Acting Secretary

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 28th, 1901.

In the matter of the application of William Webber for enrollment as a Cherokee Freedman; said Webber being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for Applicant.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A William Webber.
Q How old are you? A About 51.
Q What is your post office? A Dewey.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself only.

BY MR. SMITH:

Q Mr. Webber, where do you live? A Dewey.
Q How long have you lived in the Cherokee Nation? A I have lived here since '66.
Q Were you a slave? A Yes, sir.
Q Whom did you belong to? A Robert Webber.
Q Was Robert Webber a Cherokee Indian? A Yes, sir.
Q Was he a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Where did he live? A Lived in Flint District, at Webber's old Sawmill.
Q In the Cherokee Nation? A Yes, sir.
Q Was he living there at the time the war commenced? A Yes, sir.
Q Where were you living at the time the war commenced? A I was there at home with him.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A I went out a little while, about two or three years.
Q Where did you go to? A Went up into Kansas.
Q When did you return to the Cherokee Nation? A I returned in 1866.
Q What time in 1866? A Along about the middle of the summer.
Q Where did you come to, what part of the Cherokee Nation?
A Up there about Chetopa, Kansas, First.
Q What place did you come to after you got into the Cherokee Nation?
A We just stopped along one place and another; the next place I stopped was on Pryor's Creek and we finally worked on down to Spring Creek.
Q Where do you live now? A Up about Dewey.
Q After you came down here in '66 how long did you stay about that place? A I stayed two or three years down about Spring Creek.
Q When did you come up in this part of the country close about Dewey? A I think it was '74.
Q Where have you been living since '74? A Right there where I am now.

BY MR. HASTINGS:

Q Who returned with you after the war? A My mother and all her children and step-father.
Q Dave French? A Yes, sir.
Q He is the man that brought you down? A Yes, sir.
Q Now, what brothers did you have? A Had Andy Webber and James Webber and got two younger brothers, half brother, Eli French.
Q Dave French's child? A Yes, sir.
Q What is your mother's name? A Lucinda French.
Q And you say you stopped a while on Timbered Hill?
A Yes, sir, and finally went on and next stopped here at Pryor's Creek.
Q How long did you stop at Timbered Hill? A I don't remember; about a month.

Q Anybody living up there at that time? A I didn't see anybody.
Q You just camped around there did you? A Yes, sir, and made
next step on Pryor's Creek.
Q About what time of the year was that? A Along latter part of
the summer or Fall.
Q How many wagons did you have? A We only had one of our own.
Q How long had you known Mr. French at that time? A I just got
acquainted with him there at Gibson in '63.
Q Did he go out with you up there? A He might have went with
the family, I didn't go with the family, I was teaming backwards
and forwards and went by myself.
Q How long had he been with your mother and family before you
came anywhere? A He was up there off and on.
Q How long had you been with the family? A About three years I
stayed up there.
Q Was he up there during that time? A He was up there backwards
and forwards.
Q How long had he been there immediately before he came down here?
A He was backwards and forwards down here in the Ok Territory.
Q Now, where did you go to when you came down here after you left
Timbered Hill? A Went to Pyrers Creek.
Q At whose house? A Didn't go to anybody's house.
Q Just stopped on the prairie? A Camped on the Creek.
Q Dave French was along with you? A No, sir, he was not with
us at that time.
Q Where had he left you? A I don't remember him being there at
the time.
Q Did he move down with you? A He started with me.
Q Where did he quit you? A I don't remember where it was.
Q He was your mother's husband at that time wasn't he?
A Yes, sir, but he had another wagon and some other ~~[illegible]~~ folks.
Q Do you remember who they were? A No, sir.
Q Didn't know them? A No, sir.
Q Did he camp with you out at Timbered Hill? A He was there
a while, we wasn't with him all the time.
Q You came through Chetopa as you came down? A Yes, sir.
Q Wasn't any railroad there then? A No, sir, wasn't any town
nothing but a little log hut there was all the house I seeml had
the name and just one house.
Q You remember it then? A I remember the log hut.
Q Do you remember who was li ving there? A Yes, sir.
Q It had the name at that time? A Had the name, Chetopa.
Q Did you buy any goods there? A No, sir.
Q Did they have goods for sale there? A I don't think there was
a family li ving in the house at that time.
Q Where did you settle down and live here? A We stayed on Spring
Creek the first settlement we made.
Q When was that? A It was along late in the fall.
Q When did you see L. D. Daniels first after you came back?
A I saw Daniels.
Q At Gibson, didn't you? A Yes, sir, horseracing.
Q Issuing out rations? A No, sir.
Q You didn't apply to him for rati ons? A No, sir.
Q Did you see him standing on the bank of the river as you
crossed the river? A No, sir.
Q Where did you see him? A In Town.
Q Anybody's house? A No, sir, just in town.
Q What time of the year; how long had you been down to Spring
Creek? A We hadn't been there but a little while.
Q How old are you now? A 81 years old.
Q What were you doing down to Fort Gibson? A I was just
knocking around wherever I could get work.
Q At whose place did you stop there? A With old man Vann, kept
a boarding house there.
Q Ervin Vann? A Yes, sir.
Q Polly Ross wasn't cooking there at that hotel, Polly N ivens?
A I don't didn't see her.

William [illegible]

Q How long did you see L. D. Daniel there? A I saw him [illegible]

Q [illegible] look [illegible] you come back? A I saw him there [illegible]

Q [illegible] you see him after first after you got back? A [illegible]

Q [illegible] did you meet him? A Horse Creek, we was camped there. [illegible] was he going? A [illegible] and going home.

Q [illegible] Mr L. D. Daniel was before, [illegible] A Yes, sir. [illegible] much.

Q [illegible] Yes, sir.

Q Where did you marry? A I married up there where I was now [illegible]

Q [illegible] A [illegible] years ago.

[illegible], being duly sworn by Commissioner Needles, testified as follows: (WM. WEBBER)

Q State your name? A [illegible]

Q How old are you? A About [illegible].

Q Where do you live? A Two miles west of here.

Q How long have you lived in the Cherokee Nation? A I was born and raised here.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Recognized citizen? A Yes, sir.

Q Do you know this Applicant, William Webber? A Yes, sir.

Q How long have you known him? A Ever since we could remember [illegible]

Q Was he a slave? A Yes, sir.

Q Whom did he belong to? A [illegible] Webber.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q Where was he living when the war commenced? A Little creek called [illegible] west of where we lived.

Q Where was this applicant, William Webber, living at that time? A Living there with him.

Q Do you know whether William Webber was out of the Cherokee Nation during the war? A Yes, sir.

Q Do you know when he returned to the Cherokee Nation during the war? A The first I noticed of him, I noticed him the latter part of August, '66, up there on Horse Creek.

Q Did you see him once or more than once there? A Only once there.

Q When did you see him next after that? A I saw him it was either a year or two years after that down on Fryers Creek.

Q Where is he living now? A I was never at his house, he tells me he lives out west of here.

BY MR. [illegible]

Q You don't [illegible] seeing him on Horse Creek five years ago did you, Sam? A I didn't know it was his witness, I would have remembered it if I had been his witness.

Q You are the man that went down to Fort Gibson in 1866? A Yes, sir.

Q And your father and some other people went up to see Chief Downing? A Yes, sir.

Q And you are the man that got some women and come up here and spent the winter of '65 and 6? A Yes, sir.

Q You didn't have occasion to tell what before the Kern-Clifton Commission [illegible]? A No, sir.

Q You had been down here when you saw this man? A Yes, sir.

Q [illegible] your way home? A Yes, sir.

Q [illegible] with you? A Yes, I was going home.

Q [illegible] A [illegible] crowd that went every there on the Creek.

Q [illegible] the year was it? A About in August, some time [illegible] part as well as I can remember.

Q [illegible] A Yes, sir.

Q [illegible] him? A His [illegible] brother.

Q [illegible] brother? A [illegible]

Q Did he have a sister? A Yes, sir.
Q Older or younger? A Older.
Q Who else? A His mother.
Q Who else? A Man by the name of Dave Fremsh.
Q Well, was anybody else along? A His Aunts.
Q What were their names? A Rachel and one, Linda.
Q Rachel what? A Rachel Webber.
Q And Linda Webber? A Yes, sir.
Q That was all that was in that crowd? A His sisters, his sister.
Q Well, just what you mentioned? A Yes, sir.
Q Were they camped there? A They was in the wagons.
Q You passed them in the wagons? A Stopped and talked to him.
Q How long did you stop? A Might have stopped an hour or so.
Q How many wagons did they have? A I never noticed but one.

L. D. DANIELS, being duly sworn by Commissioner Needles, testified as follows: BY MR. SMITH:

Q What is your name? A L. D. Daniels.
Q Where do you live? A Claremore.
Q How old are you? A 56.
Q Do you know this applicant, William Webber? A Yes, sir.
Q How long have you known him? A I have been knowing him a good while.
Q Did you know him before the war? A No, I got acquainted with him to Fort Gibson.
Q When did you first get acquainted with him? A I think it was in September or October, '66.
Q Did you see him once or more than once at Fort Gibson?
A I saw him there more than that one time; the first time I met him, we was on the race track and I met him with Rube Still on the race track.
Q When did you next see him after that time? A I think it was i n X '71.
Q Where did you see him then? A At Timbered Hill, with Rube Still, 12 miles southeast of Claremore.
Q When did you see him next after that? A I have been seeing him frequently after '76 up where I live up here.
Q How far does he li ve from you? A About 18 miles I guess.
Q How long has he been living there? A About 25 years or more.
Q Who was his mother? A Linda Webber.

BY MR. HASTINGS:

Q You never saw him before the war? A Not of my knowledge.
Q How old was he when you saw him about Fort Gibson?
A I don 't know, looked like a young man.
Q About grown? A A young man.
Q By himself? A Yes, sir; he was with Rube Still on the race track.
Q That is the first time you ever saw him? A Yes, sir.
Q Big Crowd of people there? A Yes, sir.
Q And for 35 years you have retained it in your memory that you saw him up there? A Yes, sir.
Q You remember every one you saw then? A When L. D. lays eyes on them he pretty near knows them.
Q You are willing now to swear that you saw him 35 years ago?
A Yes, sir.
Q Were you issuing rations at that time?
A I wasn't at that time, I was betting money on the race track;
Q You had a lay off? A We wasn't at that time.
Q You saw him there at that one time? A I saw him there several t ime s.
Q He stayed with Ru be Still all the time? A No, he was around there with another man, Steve Smith.

WILLIAM WEBBER, the applicant, recalled. BY MR. SMITH:

[illegible] is on that 'ere roll?
A Yes, sir, I [illegible] it.
Q Was she a slave? A Yes, [illegible]
Those slave [illegible] that? A [illegible] Webber.
Some [illegible] you? A Yes, sir.
Now, when did she come back to the Cherokee Nation?
A When I did.
Q Now, I ask you you think [illegible] her name is on the roll of 1880?
A I know it is.
Q Who did [illegible] French's husband? A Dave French.
Q Living [illegible]? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's mother found thereon on page 186, reads, Linda Freeman, Goweseeowee District.

Q Now, where were you living in 1880? A I was living right where I am now.
Q Did you know another Linda or Lucinda French? A No, sir; that is the only one I know of; I have an aunt Lucinda Webber.
Q Was any other David French married to Lucinda Webber?
A Not that I know of.
Q You live now in Goweseeowee District? A Yes, sir, I do.

L. D. DANIELS, recalled. BY MR. [illegible]:
Q Mr. Daniels, what did you say the name of this applicant, William Webber's, mother was? A Lucinda.
Q Lucinda what? A Webber.
Q Did she ever have any other name besides Webber?
A Not that I know of.
Q Di you know who she was married to? A French.
Q Well, did she go by the name of Lucinda French? A Yes, sir.
Q When was she married to French? A I don't know, long time.
Q Do you know whether the Lucinda French, who is the mother of this applicant, was ever enrolled upon the roll of 1880 or not?
A I think so.
Q Well, do you know whether this man ever made any effort or not whether he applied to be placed upon the 1880 roll, William Webber?
A He was at my house and I counted them up to have them registered; the census takers stayed at my house three days and went out to get the neighbors to come to register and in going to get the neighbors I told him and told him to tell his mother.
Q Do you know of your own knowledge whether his name was ever taken or not? A No, they was all in the house, they would go in the house one by one.

[illegible]:
Q Where did this woman live then in 1880? A Living out on Coon Creek.
Q Was he married then? A I don't know whether he was or not.
Q Was he living separate and apart off to himself? A He was working over on Coon Creek and then he would come home to his mother's every once in a while.
Q What was he working for? A For boilmakers he told me.
Q Where did you see him? A At Goosenock Bend, below Goosenock [illegible].
Q What time of the year? A In the Spring.
Q About did you see his mother at that time? A She lived in three miles of me.

WILLIAM WEBBER, the applicant, recalled: BY MR. [illegible]:

William Webber,--6.

Q Mr. Webber, did you ever have any business in the Cherokee Courts? A No, sir, I never had any since I have been back in the Cherokee Nation, never had any occasion.
Q I will ask you if you ever had any trouble with Harry Still?
A Yes, sir, I did.
Q What kind of trouble? A We and him got into a shooting scrape and he shot one and was mad at me.
Q Do you know whether the Cherokee Courts tried Harry for shooting you? A No, sir, they never done anything about it.
Q Do you know whether any action was taken? A No, sir.
MR. HASTINGS: The records ought to show that.
COM'R MARBLES: We have thrown away the records a long time ago.
Q Can you state as to whether any complaint was ever made in the Cherokee Courts against Harry Still for shooting you? A I don't think there was, not as I knew of; I never heard of any.
BY MR. HASTINGS:
Q Your mother married Dave French who was a recognized citizen?
A Yes, sir.
Q She was living with him in 1880? A Yes, sir.
Q And he did the enrolling for his family? A Yes, sir, guess so.
BY COM'R MARBLES:
Q Is your name on any of the rolls of the Cherokee Nation?
A On the Wallace roll and Clifton Roll.
BY MR. SMITH:
Q How old were you when you came back here after the war?
A I don't remember, I was about 16 years old I reckon.
Q When you came back here after the war? A Yes, sir.
Q Came back here with your mother? A Yes, sir.
Q Been living here ever since? A Yes, sir.

The 1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.
The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 184, #4664, William Webber, Ceweesecoowee District.
The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 150, #3131, Wm. Webber Ceweesecoowee District; "Child of Linda French, #-6 / Ceweesecoowee District."

COM'R MARBLES: William Webber applies for the enrollment of himself. He avers that he is the son of Lucinda Webber who married one David French. He was a slave of Robert Webber and taken to Kansas during the war and returned in 1866. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, but he is fully identified upon the Clifton and Wallace rolls. He avers that he returned to the Cherokee Nation with his mother and at that time was 16 years of age. The name of his mother, Lucinda French, is found upon the authenticated roll of 1880 and identified as the mother of the applicant. He avers that he has been living in the Cherokee Nation ever since. It appears to the Commissioner that the testimony is plain and conclusive that the said William Webber is entitled to be listed for enrollment as a Cherokee Freedman but because of the protest of the Cherokee Nation, he will now be listed for enrollment as a Cherokee Freedman upon a doubtful card.

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File with F.B.-738. William Webber

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 22d, 1901.

In the matter of the application of George Starr for the enrollment of himself and one child as Cherokee freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith applicant's attorneys.

W. W. Hastings, Cherokee representative.

By Com'r Needles:

Q What is your name? A George Starr.
Q What is your age? A 48.
Q What is your posterffice address? A Hayden.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who else do you want to have enrolled? A One boy.
Q What is his name? A Arthur Starr.
Q How old is he? A 19 years old.

By Mellette:

Q Were you a slave in the Cherokee Nation at the beginning of the war? A Yes, sir.
Q Who were your owners? A Zeek Starr.
Q Was he a Cherokee citizen? A Yes, sir.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes, sir.
Q Where did they take you to? A Kansas.
Q When did you return to the Cherokee Nation after the war? A In '66.
Q Where did you first come to? A Timber Hill.
Q What time in '66 did you come back? A In the Fall.
Q Where did you go then? A We went then on Grand River.
Q When did you go there? A The same fall, we only stopped a few days at Timber Hill.
Q What place on Grand River did you stop at then? A Close to Pryor creek, close to Billy Leady's place.
Q Where have you continued to live since you came back in '66? A In the Cherokee Nation.
Q All the time? A Yes, sir.
Q Do you own a place on the Public Domain of the Cherokee Nation? A Yes, sir.
Q How many children have you besides the one you desire to have enrolled at this time? A I have two children of my own.
Q One besides this one? A Yes, sir.
Q What is its name? A George.
Q How old is he? A 26 years old.

By Hastings:

Q Who did you come to the Cherokee Nation with after the war? A With Dave French.
Q Where did you first see him? A Went to Kansas with him and came back with him.
Q Where did you first see him? A I first saw him in Arkansas, Gain Hill.
Was that before or after the war? A During the war.

Q When did you first see him in Kansas? A I went to Kansas with him.
Q What is your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning Creek.
Q Who married you? A Preacher Bulcom?
Q How old are? A 57 years ago.
Q Was that a colored man or a Cherokee? A A colored man.
Q You claim to have come back with Dave French do you? A Yes, sir.
Q Who else was with him? A His sister, Jenny.
Q Jenny what? A Farnell, I think.
Q Was she married then, A Yes, sir, I think she was.
Q Who else came? A Walker.
Q What? A I don't know her husband.
Q What kind was she to Dave? A A sister.
Q Was she married then? A I don't think she was.
Q Well, who else came? A The Bevels.
Q How many of them, let's have all their names? A Arch, Ruben, Wash and his wife Harriet, and Dave.
Q How many children did Dave French have with him at that time?
A I don't know.
Q Was his wife along with him then? A I don't think he had a wife at that time, I don't know his family.
Q He came back with his sisters the time you came? A He made 2 or 3 trips and the last time he came with his sisters.
Q You took the trip you came on? A Yes, sir.
Q If he had a family then, it was down here? A I don't know.
Q He had been here before that hadn't he? A Yes, sir.
Q How many trips had he made before you came? A May be three.
Q What time of the year did you come? A In the fall, in November.
Q Where did you first come to? A Timber Hill, and staid there a few days.
Q Is that up near where Chetopa is? A Yes, sir.
Q Did you come through Chetopa as you came down? A It was not much of a place then we came, but we came in that direction.
Q Did you stop at any of the stores there? A No, sir.
Q Did you come through Parsons? A No, sir, it wasn't there.
Q Did you come through Parker? A No, sir.
Q Where did you locate in the Cherokee nation? A On 14 Mile creek.
Q You went right on there did you? A No, sir, we stopped a few days at the Rider place at Leaday's.
Q Was Dave French with you there? A Yes, sir, but he left me there.
Q Did you go to Fort Gibson? A Yes, sir, a month or two after that.
Q Where did Bill Leaday live? A On Pryor Creek.
Q Was he a colored man? A Yes, sir.
Q Did he have a wife? A Yes, sir.
Q Did he have any children? A Yes, sir.
Q Name them? A Frank, Rose and Matilda.
Q You came before the Dawes Citizen Commission five years ago didn't you? A Yes, sir, I think so.
Q You made a statement before that Commission? A Yes, sir.
Q Did you use Dave French for a witness then? A Yes, sir.
Q Did you bring Frank Rose there? A I didn't have but one witness.
Q Did they take French's statement? A They didn't call him.
Q Then you didn't see him? A They didn't call him.
Q Then he didn't testify? A No, sir.
Q After staying on Pryor Creek for a while you went to 14 Mile Creek, how long did you stay there? First how long did you stay on Pryor Creek?
A We came there in November and left there in December.
Q And then you went to [illegible] Creek? A Moss Neve place.
Q How long did you stay on the Moss Neve place? A I went to his house, that was my stepfather and I staid there.

Q Who were some of Moses Neve's neighbors then? A I don't know exactly, there was Steven Taylor and his family.
Q Colored man or a Cherokee? A Colored man.
Q How far from Fort Gibson was this? A 7 or 8 miles.
Q East? A Yes, sir.
Q On 14 Mile Creek? A Yes, sir.
Q Did Moses Neve live in a house? A Yes, sir.
Q What kind of a house? A Log house.
Q Who owned that place before the war? A He built it himself.
Q Did he have a field there then? A I think he rented a few acres from Arch Valand.
Q How long did you stay there? A A year or two I think, I worked some on Grand River.
Q Who for? A John Walker and for Sixkiller.
Q Where did you go from Grand River, when you were working there?
Q Went back to 14 Mile Creek.
Q Then for the first few years after the war you lived on Grand River and 14 Mile Mile Creek? A Yes, sir.
Q When was the last time you were in Parsons, Kansas? A I can't tell, I was there lots of times.
Q When did you last live there? A I worked there.
Q When was the first time you worked there aft er the war? A I think it was in '67.
Q You didn't work there in '67, '8 and '9? A No, sir.
Q You didn't see George Musgrove up there? A No, sir.
Q You knew him? A Yes, sir.
Q Where were you married? A On Lightning Creek.
Q The first time? A Yes, sir.
Q What year was that? A '74.
Q Your eldest child, George Starr Jr., where was he born? A On Lightning Creek.
Q Did you and your wife ever keep house in Parsons? A Yes, sir.
Q When did you first go there? A In '87.
Q Is that the first time you ever saw the town? A No, sir, I went up there and passed through in '71.
Q Wasn't living there then? A No, sir.
Q Not working there then? A No, sir.
Q Not keeping house there then? A No, sir.
Q Where did you go on that trip? A To Neosha Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train in them days.
Q Where did you first get on the train? A At Choutean.
Q Did you testify five years ago that you went up to Kansas in '68?
A Yes, sir.
Q Did you? A Yes, sir, I did.
Q How long did you stay there that time? A A week or ten days.
Q Did you go on the train that time? A No, sir.
Q Who did you go with? A I disremember the man's name.
Q What house did you and your wife first live in, where was it located? A On Lightning.
Q Who were your neighbors there? A My wife's folks.
Q Did you know Gal Coker? A No, sir, I don't know him.
Q What were your wife's folks' names? A Johnson and Loddys.
Q How far from Coody's Bluff was that? A Just a few miles.
Q Well don't you know anyone else that lived around there in '74?
A Jack Landrum.
Q How far did you live from him? A 4 or 5 miles.
Q How long did you stay there? A Am living there now.
Q Have you been living there ever since '74? A Yes, sir.
Q In that one house? A No, sir, in several houses.

Q Did you make a place of your own there? A Yes, sir.
Q When did you make that place? A 14 years ago.
Q How far was that from John Lundren's? A 4 or 5 miles.

By Mellette:

Q Who was your wife when you married her? A Melinda Johnson.
Q Is she the mother of the child whom you desire to have enrolled?
A Yes, sir.
Q Where were you married to her? A On Lightning Creek.
Q Who married you? A A man named Nelson.
Q Have you a certificate? A Not of that marriage, I have of the last marriage.
Q How long did you live with her? A Until she died.
Q How many years was that? A Up until 1898.
Q About how many years? A Must have been 10 or 11 years.

By the Commission:

Q Was she a citizen? A Yes, sir.
Q Is her name on the roll of 1880? A I don't know.
Q What was her maiden name? A Johnson.
Q Is she the mother of Arthur? A Yes, sir.

Applicant and his first wife not found on the roll of 1880.

Kern Clifton roll examined and the name of the applicant and his son identified thereon as follows-
Page 148 No.1441, George Starr, Geeweneeewee district.
Page 148 No.1442, Arthur Starr,

Wallace roll examined and the applicants identified as follows-
Page 148 No.2940, George Starr, Geeweneeewee district.
Page 148 No.2942, Arthur Starr,

Dave French called and sworn as a witness for the applicant, testified as follows.

By Mellette:

Q What is your name? A Dave French.
Q What is your age? A 72.
Q Where do you live? A Down on Verdigris river, in Geeseneek Bend, this side.
Q In the Cherokee Nation? A Yes, sir.
Q Are you a recognized Cherokee freedman? A Yes, sir.
Q Do you know this applicant? A Yes, sir.
Q How long have you known him? A Ever since he was a boy.
Q Was he a slave? A Yes, sir, he was Zack Starr's slave.
Q Was he a Cherokee Indian? A Yes, sir.
Q Did you know this applicant, taken to Kansas during the war? A To Kansas.
Q How do you know? A He came with me.
Q Where did he go when he came that time? A I left him at Tom Rider's on Grand River, Uncle Billy Looney lived there then.
Q Where has he been since? A On Lightning Creek and 14 Mile Creek.

By Hastings:

Where did you first see the applicant just before the war? A In Flint District.

Q How far from you? A 6 or 7 miles.
Q Where did you first see him? A During the war in Kansas.
Q Near what town? A Neosho Falls.
Q Did he come with you when you came? A Yes, sir.
Q Did he come with you when you came with your family? A When I brought my sisters and the Naves, they were along.
Q Did you have your family with you then? A No, sir.
Q Did he have any family then? A No, sir.
Q Single? A Yes, sir.
Q Was his mother in Kansas then? A I don't know.
Q You left him with Uncle Billy Looney? A Yes, sir.
Q You didn't testify for him before the Kern Clifton Commission?
Q No, sir.
Q You had been down here before you brought him had you? A Yes, sir.
Q How many trips had you made before you brought him? A I don't know.
Q Madyna made several? A I don't know, can't tell you.
Q How long was it until you saw him again after that? A I saw him several times after that.
Q Were you married when you came down with him? A I told you before how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then? A Yes, sir, I had a woman.
Q Where was that woman when you brought this boy down? A She was in Fort Gibson during the war and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she stayed there until the spring of '67.
Q Did you bring her back then? A No, sir, I didn't bring her back, someone else brought her back to me on Grand River after I got settled.
Q In what settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline District? A Yes, sir.
Q Who was it brought her back? A I think it was Houston Rogers, she said that he brought her back.
Q Is that the wife you are living with now? A No, sir.
Q Where did you marry this woman that you are living with now? A In Wichita, Kansas.
Q Is her name Lucinda? A Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers brought her back, I told her to hire someone to bring her back, as I wouldn't have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Nave and Eveline Nave.
Q Did you stay on the Martha Vann place in '67? A Yes, sir.
Q You and Lucinda? A Yes, sir, they brought her in '67 on Spring creek and we moved them to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '66.
Q You say she was in Fort Gibson? A Yes, sir, she was out with a hay outfit when they was cutting hay.
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
Q Yes. A Linda.
Q Linda who? A My wife's sister.
Q Did you take her children with her? A Yes, sir.
Q How many? A I don't remember.
Q You don't remember your wife's children that were along with her?
A I don't remember, I guess she had them all.

Q Do you know? A There wasn't any left I don't think.
Q Who were they? A Bill, Andy, Jenny, Caroline, Ellen, Louisa.
Q Is that all? A Jim.
Q Anyone else? A Eli, wasn't born.
Q Where was the eldest child born? A On Sallisaw, in Flint.
Q Where was the youngest one by that wife born? A In the spring of '70.
Q Where? A On Grand River.
Q The time you brought this man down here, where was your wife?
A She was back up there at Fort Scott.
Q What was you doing going up there, back and forth? A Hauling folks.
Q What did this man pay you for hauling him down? A I don't know.
Q Hauled him free, didn't you? A I expect I did, I don't know.
Q And your wife was in Kansas? A Yes, sir.
Q From what town did you start with this fellow? A From Neosho Falls.
Q How far is that from Fort Scott? A 30 or 40 miles way by, I don't know as I didn't measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles and you was that far from your wife out hunting up Cherokee freedmen and hauling them free to the Cherokee Nation were you? A Yes, sir, I was hauling people back home, that was my business up there.
Q How long did you stay with your wife when you took her back from to Fort Scott? A I don't know.
Q You knew more about this fellow than you did about your wife? A (No response)
Q Who did this fellow stay with on 14 Mile Creek? A With Mose Nave.
Q Were you ever there after the war and saw this man there? A Yes, sir.
Q When was that? A In '67 or '8.
Q And he was there then? A Yes, sir.
Q Do you know who married this man the first time? A No, sir.
Q Who married him the next time? A I don't know.
Q How far do you live from him now? A I live on Gooseneck Bend and he lives on Lightning Creek.
Q How long has he been living on Lightning Creek? A I don't know.

By Mellette:

Q When you brought this applicant George Starr, who of the Naves came with you? A My two sisters, and Mose Nave and his wife.
Q Did the Nave boys, George, Dave, and Ruben come with you? A No, sir, they came before that in the spring and were here on 14 Mile creek then.

Continued by Stenographer M. D. Green this 22d of June, 1901.

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

Chas. von Weise.

Subscribed and sworn to before me this the 8th of July, 1901.

T. B. Needles,

Commissioner.

CONTINUED, former portion of this case taken by stenog. C. Van Winkle.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 23d, 1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee freedmen.

FRANK ROSS, being sworn and examined by Com'r Needles, testified:

APPEARANCES:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

EX. MR. MELLETTE:

Q What is your name? A Frank Ross.
Q Where do you live? A On Lightning Creek.
Q What is your age? A 62 past.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant, George Starr? A Yes, sir, I am acquainted with him.
Q How long have you known him? A I have known him about 36 years, I guess, or 37.
Q Where did you first see him after the war? A I saw him on it's called the Tom Rider place on Grand River.
Q What year? A In the fall of '66.
Q Where has he lived since you saw him there in the fall of '66, as far as you know? A Went from there to 24 Mile Creek, I never saw him no more until along about '74 or '5.
Q Did you know his wife Melinda? A Yes, sir, I knew her from childhood.
Q You know anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife? A Yes, sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married?
Q She was liging on Lightning Creek, on Pryor's creek, and then they moved to Lightning.
Q How long ago has that been that they were said to have been married?
Q It has been about, my judgment about 30 years.

EX. MR. HASTINGS:

Q What was her maiden name? A Johnson.
Q YOU knew her before he married her? A Yes, sir.
Q Where did she live? A She lived with her father and mother.
Q On Pryor Creek? A Yes, sir.
Q They were married on Pryor Creek? A They said they was, I moved, I went from Pryor's Creek in '69.
Q She was married at that time? A No, sir, they wasn't married when I went away.
Q And you moved away in '69? A Yes, sir.
Q How long after you moved away until they married? A It wasn't very long, about a year or so I guess.
Q When did you see them living together as man and wife after that?
Q I saw them often and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a home over there? A Yes, sir.
Q A farm over there? A Yes, sir.
Q They were living at that place were they? A Yes, sir.
Q She came with this fellow down there to Pryor Creek when you saw him?
Q Uncle Dave French was with him when I saw him.
Q Who else was along with Uncle Dave? A There was two more women along with him.
Q You didn't testify for this man five years ago? A No, sir.

Q. [illegible] you made him the fall of '65? A. Yes, sir.
Q. [illegible] money entrusted to your other payment he drew? A. I guess [illegible]
Q. Did he don't testify for him at that time? A. No, sir.
Q. How long did he stay down there? A. He stayed down there I guess a [illegible] or [illegible] about a week, he may have been longer.
Q. You know that that was last year? A. Yes, sir, I know it was that fall of '66.
Q. You know that was 5 years ago too? A. Yes, sir, I know it 5 years ago, if you had asked me I would have told you.
Q. Now [illegible] you lived at that time? A. I was staying there with my father at that time, we were all staying there together.
Q. Which was your father's name? A. [illegible], they called him William Loudey [illegible] his right name was [illegible].
Q. What time in the fall was it you saw him? A. Along about the first part of fall I guess, [illegible] I know we went away from there on Pryor's Creek to get logs, it was getting late, we moved and built us some houses up there; we stayed up on Tom Rider's place on Grand River until along in the fall, and went up on Pryor's Creek and built a house.
Q. On where place were you living at the time this fellow came down there? A. On Tom Rider's place.
Q. That was on Grand River? A. Close to Pryor's Creek, we called it Pryor's Creek settlement.
Q. You never saw this fellow then for several years after that? A. It wasn't quite that long, about five years I guess.

Applicant, GEORGE STARR, recalled, and further examined:

BY MR. [illegible]:
Q. Have you been married a second time? A. Yes, sir.
Q. Where were you married? A. In Vinita last time.
Q. Where did your first wife die? A. Died on Lightning Creek.
Q. She is buried there is she? A. Yes, sir.

Com'r Needles: George Starr applies for the enrollment of himself and child, Arthur; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1886; he is fully identified upon the Ware-Clifton and Wallace rolls; he swears that he was married to one Melinda Jones, who was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence. Said George Starr and child Arthur will now be listed for enrollment as Cherokee freedmen on a doubtful card; they will be notified by the Dawes Commission of the decision in their case at their postoffice address when it is arrived at.

M. M. Green, being sworn duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he 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. M. Green.

Subscribed and sworn to before me this July 1st, 1901.

T. B. Needles,

Commissioner.

File with George Starr, et al., C.R.B.613.

[redacted] of the Interior,
[redacted] Tribes,
Vinita, I.T., October [illegible], 1906.

In the matter of the application of George Starr, et al., C.R.B.613.

SUPPLEMENTAL TESTIMONY

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

[redacted] being first sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Mr. Bell)

Q Your name? A George Musgrove?
Q Your age? A About 46.
Q Where do you live, your postoffice? A Lenapah.
Q Are you a [redacted] citizen? A Yes, sir.
Q [redacted] you lived in the Cherokee Nation? A All my days.
Q Are you a [redacted]lized citizen? A Yes, sir.
Q Are you acquainted with one George Starr, a stepson of Moses Harp?
A Yes, sir.
Q How long have you known him? A Got acquainted with him... let me
[illegible] let me study there; I just staid there all night with him. I
knowed him before the war, not much acquainted with him, he was
small.
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons, Kansas? A Yes, sir.
Q How came you to find him in Parsons, Kansas? A I was out
hunting a mule, some fellow had stole my mules and I was out
hunting for them and staid all night at his house.
Q About when was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away minus before
the Wallace payment.
Q In 1880, where did you live? A I lived on Verdigris, on
Depoonock Creek.
Q Right after the war? A No, sir, right after the war I lived on
Grand River.
Q The year after the war? A Yes, sir.
Q And the next year? A I lived there, and the next year I moved
to where I am living now.
Q What point on Grand River did you live on? A On 14 Mile Creek.
Q How far from Moses Harp? A About half a mile.
Q During these two years that you lived within half a mile of Moses
Harp, did you see George Starr there? A Never did see him there.

(By [illegible])

Q When was it you say you went to hunt your mule? A I can't say
exactly, '67 wasn't it?
Q You are the one to know. You don't know exactly when you went
to hunt the mule? A I believe it was in '67.
Q It was in '66 you say? A Yes, sir.
Q Where did you go to hunt the mule? A I went to Independence and
from Independence to Parsons, Kansas.
Q [illegible]

Q You found this man George Starr in Parsons then? A Yes, sir.
Q Is he any kin to you? A No, sir.

Savage to Chetopa and then come back home on down Cabin Creek.
Q Did you come by Vinita? A No, sir, just come along on Cabin Creek.
Q How did you travel from Parsons? A Horseback.
Q Did you come on the railroad? A No, sir, from Parsons to Independence I rode along the railroad.
Q Did you go to Parsons on the railroad? A Yes, sir, horseback first on one side of the road and then on the other.
Q When you come from Parsons here, where did you travel? A I left the railroad to my left after I left Chetopa.
Q Where did you go then, back to where you were living? A I went back to Cocoonuck Bend.
Q How near did you come to Vinita on that trip? A About 30 miles I guess, near as I can recollect.
Q How far? A About 30 miles.
Q Where did you say you saw George in that part of the country? A Parsons.
Q What was he doing there? A He was living there, I staid all night with him.
Q That was a good while after the war? A Yes, sir.
Q You don't know where he was in '66? A No, sir.
Q You just know that you didn't see him at Mose Nave's? A No, sir, I didn't see him there.
Q Where were you during the year '66? A About Fort Gibson and on Fourteen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there? A No, sir, never met up with him.
Q You don't know if he was there or not do you? A No, sir.

(By Bell)

Q When you went to hunt your mule, the railroad from Parsons to Independence was built? A Yes, sir.
Q This M. K. & T. was built? A Yes, sir.
Q You don't know much about dates? A No, sir.
Q You found this man George Starr in Parsons then? A Yes, sir.
Q Is he any kin to you? A No, sir.
Q You understand that he is a stepson of Mose Nave? A Yes, sir.
Q You was about Fort Gibson in '66 and '7? A Yes, sir.
Q And didn't see anything of him? A No, sir.
Q Did you go much about Mose Nave's then? A Yes, sir, every day or so.
Q Well acquainted with the family? A Yes, sir.
Q Who was George's mother? A I don't know, I wasn't acquainted with her, I think she was dead at that time?

(By Smith)

Q How far did Mose Nave live from Fort Gibson? A 7 miles.
Q You lived in Fort Gibson? A No, sir, this side on Ranger creek.
Q How far from Fort Gibson? A Six miles.
Q How far from Mose Nave? A Half a mile.
Q You didn't stay at home all the time? A No, sir, not all the time, be at home every other day or so.
Q You say you don't know much about dates? What makes you say it was in '69 you went to hunt your mule if you don't know dates? A I was living up here then when I went to hunt the mule.
Q You said it was in '69 didn't you? A Yes, sir, I said it.
Q What made you say '69 if you didn't know? A A man sometimes forgets dates.
Q Then you said that then you didn't know what you were talking about? A Yes, sir, I tried to know.
Q Was it '69? A If I could read I could tell you every date and every month.

Q. Then you don't know when it was or do you still say it was 1890.
A. I never guessed. I don't have to answer less I want to.
Q. What was that? A. I never said nothing to you.
Q. Well, I want you to say something to me. A. Let just brownell a fellow around there like he don't know nothing.

This will be filed in Cherokee Freedman Doubtful cases, D-613; D-656 and D-657.

Chas. von Weise, being first duly sworn states that he 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 25th of October, 1906.

G. 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.

Mabel F. Maxwell.

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

Bruce E. Jones
Notary Public.

To be filed with F. D.-[illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 25, 1901.

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

Appearances:
Mr. Smith, of Pulliette & Smith, for the applicant.
Mr. [illegible], for the Cherokee Nation.
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Jane Kernel.
Q How old are you? A 67.
Q What is your post-office? A Cheuteau.
Q You want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody but myself.

BY MR. SMITH:

Q How old are you Jane? A 67.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Mary Nave.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A Yes sir.
Q What time did you return? A In the year of '66.
Q Where did you come to, what part of the Cherokee Nation?
A Come down on Grand river.
Q Was Mary Nave a Cherokee Indian? A Yes sir.
Q A citizen of the Cherokee nation? A Yes sir.
Q Where were you living at the time the war commenced? A In Flint district.
Q Cherokee Nation? A Yes sir.
Q Did you belong at the time to this Mary Nave? A Yes sir.

BY MR. NEEDLES:

Q Is your name on any of the rolls of the Cherokee Nation? A Wallace roll.
Q You never drew what is known as the Kern-Clifton money? A No sir.
Q Your name is not on the roll of 1880? A No sir.

Wallace roll of citizens of the Cherokee nation examined and applicant identified on page 106 #2260 Jane Colenel, Salin District;
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;

BY MR. HASTINGS:

Q Where did your owner live before the war? A In Flint.
Q What was her name? A Mary Nave.
Q She have any children? A Yes sir.
Q What are their names? A There was one named Jane and the other one William and Susie.
Q Who were their neighbors who lived about them? A Mr. French and Mr. Harlin and Mr. Peek and Ned Adair.
Q What Ned Adair do you have reference to? A The one in Saline.
Q You knew him before the war? A Yes sir. I knew him ever since he was a baby.
Q You saw him immediately after the war? A Yes sir, not long after.
Q How long after you came back here until you saw that Ned Adair?
A I don't know, not a great while.
Q Where did you first come to down here? A On Pryer's Creek.
Q How long did you remain there? A I don't know sir.

Q Did you stay there as much as two or three weeks? A Yes sir, I think we did.
Q Then where did you go? A On 14 mile Creek awhile.
Q Who did you go with down there? A With my brother and sister, brother Dave and sister Evaline.
Q Evaline what? A Kirk.
Q Did you come back from Kansas with Dave French? A Yes sir.
Q Who else was along? A I don't know sir, I can't remember all of them.
Q Can you name anybody else? A George Starr was one.
Q Where did he go to? A I don't know exactly, but we all came down together, and was there awhile.
Q Where awhile? A Down on Grand river, I don't know whereabouts he went.
Q Did you have a husband at that time? A Yes sir.
Q What was your husband's name? A Ned Kernel.
Q Did you have any children at that time? A No sir, I never has had any.
Q Was Dave French's wife along with you when you came back?
A No sir, it has been so long I can't remember.
Q Was his children along with him? A I can't remember nothing about that, it has been so long, short remembrance anyhow.
Q Where did you and your husband go to when you came back after you went to Fryer Creek? A My husband went on to the Creek Nation and I stopped in there with my people.
Q Where did you marry your husband? A At Ft. Gibson.
Q Before or after the war? A Time the war was going on.
Q He was a citizen of the Creek Nation? A Yes sir, I guess so.
Q Did you and him live together after the war in the Cherokee Nation
A Yes sir, we stayed there awhile, and then went to the Creek Nation.
Q Where? A On Grand river.
Q What part of Grand river did you live together? A He stayed thereawhile at Martha Vann's place.
Q How long did you stay there? A I don't remember how long we stayed there.
Q Did you stay there a week? A Oh yes sir.
Q Month? A I don't know whether it was a month or not.
Q Then you went there to the Creek Nation? A Yes sir.
Q Then you lived there ever since? A No sir, I lived there until he taken sick and died.
Q When did he die? A Been dead about 20 years.
Q Then you lived there up untilhe died about 20 years ago? A Yes sir.
Q You never kept house in the Cherokee Nation after the war up to the time your husband died? A Oh yes sir, I stayed with my people.
Q Who were your people? A My mother's name was Charlotte Vann.
Q Where was your husband when you were staying with your mother?
Q He was there in the Creek Nation.
Q You had a home over there? A He had a place over there.
Q You kept house over there with him? A Yes sir, after we came back.
Q Had a farm over there? A Yes sir.
Q When did you first see that Saline Ned Adair after you came back?
A I don't know, it was shortly afterwards.
Q You testified before that you stayed on Fryer Creek two or three weeks and went over to Saline and when you got there you saw Ed Adair? A Yes sir, we saw him.
Q How far was he living from the Martha Vann place when you saw him? A Not a great ways from where he is living now.
Q How far from the Martha Vann place? A I don't know exactly, no more than two or three hundred yards.
Q You had known him before the war? A Yes sir.

Q After your husband died how long was it until you came back over here? A I didn't stay down there but a few months, after he died, in the Cherokee Nation.
Q Where did you live then when you first came back here? A Right where I am living now.
Q Where is that? A In Salina.
Q You didn't introduce any witnesses before the Kern-Clifton Commission did you? A No sir.

BY COURT REPORTER:

Q Did you ever claim citizenship in the Creek Nation? A No sir, I didn't.
Q Your name on any of the rolls of the Creek Nation? A No sir.
Q Did you ever draw any payment of Creek money? A No sir.
Q Your husband was a Creek? A Yes sir.
Q What was his name? A Ned Karnal.
Q What relation was he to Abe? A Just belonged to one set of people you know, that's all the reason they went by that name.
Q You know old Abe Karnal? A Yes sir.
Q Never had any land in that Nation? A No sir.
Q Have you got any children? A No sir.

BY MR. HASTINGS:

Q I would like for you to tell me as near as you can who came along with you when you came back? A My sister came along with me.
Q What was your sister's name? A Evaline Kirk.
Q And the was your brother? A Dave Frank.
Q You remember anybody else? A No sir.
Q What time of the year was that when you came back? A '26.
Q What time? A In the fall.
Q You don't know what month? A No sir.
Q Who did you stay with over there on Fryer's creek? A We just camped out.
Q Camped out in a tent? A Yes sir, never stayed with nobody.
Q And you went from there over to the Martha Vann place in Salina? A Went to 14 Mile Creek while and then came to the Martha Vann place.
Q Who did you see on 14 Mile Creek? A I went to see them that I stayed with.
Q Who was it? A My cousin, she was named Winnie and her husband was named Steven.
Q Steven what? A Taylor.
Q They were colored people? A Yes sir.
Q And they were living on 14 Mile Creek? A Yes sir.
Q How long did you stay down there? A I don't recollect.
Q As much as a month? A I don't recollect how long.
Q You came from there then back up to the Martha Vann place? A Yes sir.
Q She was living there when you got back up there? A The house we went in there there was nobody living there; we went in some houses that was off a piece from where they was living.

DAVID FRENCH, being sworn and examined, sworn by Sam'r Roedlen, testified as follows:

BY MR. SMITH:

Q State your name? A David French.
Q How old are you? A 72 years old.
Q Are you the same David French that testified in the application for enrollment of George Starr here? A Yes sir.
Q Do you know this applicant, Jane Karnal? A Yes sir, she is my sister.
Q This woman who is sitting here now, this applicant? A Yes sir.
Q Is she or is she not the same Jane Karnal that you referred to in your testimony in the George Starr case? A Yes sir, she is the same woman.

BY MR. MARTINEZ:

Q Who came along with you Mr. Drenck? A I told you the other day.
Q Well just tell me that and we will put it on the record and get it all right. I have got to get it in every case you know, you people must understand that? A My sisters and my brother, and his children, his sons.
Q What was your sister's name? A Evaline and the next one was named Jane, Jane Dave and Evaline Dave.
Q They came along with you? A Yes sir.
Q Who else? A George Starr was along.
Q Who else? A This woman that was here this morning, Abbie Bearden
Q Who else? A Her husband, Bob Bearden.
Q Who else? A I don't recollect.
Q You don't remember anybody else? A I don't remember.
Q Where did you come to? A The old Merlin place, on Fryer Creek.
Q How long did you remain there? A I never remained there no time, they stayed up there and I left.
Q Were they there when you returned? A They was not there when I saw them again, they was at the Martha Vann place, on the east side of Grand river.
Q How long was that after you left the Merlin place on Fryer Creek? A I don't recollect, some time that winter.
Q Best of your knowledge about how long? A I don't know, I could not tell you, I just know it was sometime that winter.
Q You don't know whether it was before or after Christmas? A I think it was after Christmas, I wont be certain.
Q Well was this woman married? A She may have been married there, I don't know, she was married, I think she may have been married, I don't know whether she was married there or in Kansas, in Kansas I guess.
Q What was her husband's name? A Ned Kernal.
Q Was he a Creek citizen? A Yes sir.
Q Now the next time after you saw her at Martha Vann's where did you see this woman next? A She stayed with us a good while and after she married she went to the Creek Nation and stayed there three or four years and her husband died, and we went and moved her back and she has been there ever since.
Q She stayed with her husband in the Creek Nation until he died? A Yes sir.
Q Was she married when you came down there? A I don't recollect, I guess she was, I couldn't say.
Q Was her husband along? A I don't recollect, that has been a long time.
Q You know what time of the year it was? A I told you it was in the spring or summer, sometime in the first part of the summer I think.
Q Your wife along? A No sir.
Q Where was she then? A I hauled her back to Kansas, she was in Ft. Scott.
Q She was in Ft. Scott at the time? A Yes sir.
Q You knew a nameamed Ned Adair in Saline? A Yes sir. I knowed Ned Adair before he went to Saline, I knowed him when he was a little boy.
Q You know where he was living when this woman was living on the Martha Vann place? A I don't recollect. He may have been living there back in the hills.
Q You knew him before the war? A Yes sir.
Q You can't say then where this woman was married? A I can't, because I didn't stay around very much.
Q You can't remember whether her husband was along with her or not? A I can't.

BY MR. SMITH:

Q Was you or you came at the same time that Jane came? A We and my brother and his children, and this woman that was here this morning, Annie, and her husband, I don't recollect how many was there, it has been so long I can't tell.

Q Did remember whether George Starr was along? A George Starr was along with us.

Q Where did you first come to, what point in the Cherokee Nation? A We first struck the Cherokee Nation down below Chetopa.

Q I mean where did you come to? A Timbered Hill.

Q What time of the year did you say that was? A That was in the first part of the summer, springtime, I don't know what month it was.

Q Of what year? A '66.

BY MR. HASTINGS:

Q How far was Timbered Hill from Chetopa? A I don't recollect, it is below Chetopa.

Q How long did you stop there? A Not very long. We camped out there awhile, as long as we stopped we camped.

Q Well about how long did you stay? A I don't know, it has been so long I can't tell you.

Q How far is Timbered Hill from the line? A I don't know how far it is, it is a piece from the line though.

Q Good piece? A I don't say a good piece, it is a piece though.

Q You know how far it is from town? A I don't recollect, I don't know nohow, after we left Chetopa I don't know how far it is.

Q You have no idea how far it was from Chetopa? A I have no idea I didn't take no notice.

Q Did you come through Chetopa? A I guess we did, I think we did anyway.

Q That is your best judgment? A Yes sir.

Q You know what sized place it was? A I don't know, didn't take no notice.

Q About how many stores there? A I don't know, I didn't look.

Q Didn't stop to get any provisions there? A I don't recollect, we might have stopped there and got provisions and we might have had provisions enough to do us, I don't know.

Q You don't know what sized place it was? A I don't, I knew it was Chetopa, small town, I don't know how large.

Q You don't remember how far this side of that town you stopped? A I don't, I knew we stopped in the Nation, after we passed through that town, after we paste through that town then we came on into the Nation and stopped.

Com'r Needles: Jane Kernel applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or the Kern-Clifton roll, but she is identified upon the Wallace roll; she avers that she was a slave and taken out of the Cherokee Nation during the war, and returned in '66; as to her citizenship reference is made to her testimony; now comes her attorney, Mellette & Smith, and ask that the testimony taken in the matter of the enrollment of George Starr, who was duly listed for enrollment as a Cherokee Freedman on D card 613, be made a part of the record in the case at bar, same will be done, and a copy of the testimony will be filed herewith. Said Jane Kernel will now be listed for enrollment as a Cherokee Freedman on a doubtful card; she will be advised by mail of the action of the Commission in the premises.

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

(Signed) M. D. Green

Subscribed and sworn to before me this July 8, 1901.

(Signed) T. B. Needles,
Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 22d, 1901.

In the matter of the application of George Starr for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith, applicant's attorneys.
W. W. Hastings, Cherokee representative.
By Com'r Needles.
Q What is your name? A George Starr.
Q What is your age? A 48.
Q What is your post-office address? A Hayden.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who else do you want to have enrolled? A One boy.
Q What is his name? A Arthur Starr.
Q How old is he? A 18 years old.

By Mellette-
Q Were you a slave in the Cherokee Nation at the beginning of the war? A Yes sir.
Q Who were your owners? A Zeek Starr.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes sir.
Q Where did they take you to? A Kansas.
Q When did you return to the Cherokee Nation after the war? A In '66.
Q Where did you first come to? A Timber Hill.
Q What time in '66 did you come back? A In the fall.
Q Where did you go to then? A We went then on Grand river.
Q When did you go there? A The same fall, we only stopped a few days at Timber Hill.
Q What place on Grand river did you stop at then? A Close to Fryer creek, close to Billy Leady's place.
Q ~~[illegible]~~ Where have you continued to live since you came back in '66? A In the Cherokee Nation.
Q All the time? A Yes sir.
Q Do you own a place on the Public Domain of the Cherokee Nation? A Yes sir.
Q How many children have you besides the one you desire to have enrolled at this time? A I have two children of my own.
Q One besides this one? A Yes sir.
Q What is its name? A George.
Q How old is he? A 20 years old.

By Hastings-
Q Who did you come to the Cherokee Nation with after the war? A With Dave Frazier.
Q Where did you first see him? A Went to Kansas with him and came back with him.

Q Where did you first see him? A I first saw him in Arkansas, Cain Hill.
Q Was that before or after the war? A During the war.
Q When did you first see him in Kansas? A I went to Kansas with him.
Q Where were you married, in Kansas? A No sir.
Q What is your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning creek.
Q Who married you? A Preacher Nelson.
Q How long ago? A 27 years ago.
Q Was that a colored man or a Cherokee? A A colored man.
Q You claim to have come back with Dave French do you? A Yes sir.
Q Who else was with him? A His sister Jenny.
Q Jenny what? A Burnell, I think.
Q Was she married then? A Yes sir I think she was.
Q Who else came? A Eveline.
Q What? A I dont know her husband.
Q What kin was she to Dave? A A sister.
Q What she married then? A I dont think she was.
Q Well who else came? A The Naves.
Q How many of them, lets have all their names? A Arch, Ruben, Wash and his wife, Mariah, and Dave.
Q How many children did Dave French have with him at that time?
A I dont know.
Q Was his wife along with him then? A I dont think he had a wife at that time, I dont know his family.
Q He came back with his sisters the time you come? A He made 2 or 3 trips, the the last time he came with his sisters.
Q Was that the trip you came on? A Yes sir.
Q If he had a family then it was down here? A I dont know.
Q He had been here before that hadn't he? A Yes sir.
Q How many trips had he made before you come? A May be three.
Q What time of the year did you come? A In the fallin, in November.
Q Where did you first come to? A Timber Hill, and staid there a few days.
Q Is that up near where Chetopa is? A Yes sir.
Q Did you come through Chetopa as you come down? A It was not much of a place when we came, but we come in that direction.
Q Did you stop at any of the stores there? A No sir.
Q Did you come through Parsons? A No sir it wasn't there.
Q Did you come through Parker? A No sir.
Q Where did you locate in the Cherokee Nation? A On 14 Mile creek.
Q You went right on there did you? A No sir we stopped a few days on the Rider place at Loedey's.
Q Was Dave French with you there? A Yes sir but he left us there.
Q Did you go to Fort Gibson? A Yes sir, a month or two after that.
Q Where did Billy Leedy live? A On Pryor creek.
Q Was he a colored man? A Yes sir.
Q Did he have a wife? A Yes sir.
Q Did he have any children? A Yes sir.
Q Name them? A Frank, Ross and Matilda.
Q You came before the Kern Clifton Commission five years ago didn't you? A Yes sir, I think so.
Q You made a statement before that Commission? A Yes sir.
Q Did you use Dave French for a witness there? A Yes sir.
Q Did you bring Frank ross there? A I didn't have but two witness.
Q Did they take French's statement? A They didn't call him.
Q Then you didn't use him? A They didn't call him.
Q Then he didn't testify? A No sir.
Q After staying on Pryor Creek for a while you went to 14 Mile Cr creek, how long did you stay there? A First, how long did you stay on Pryor Creek? A We came there in November and left there in [illegible]
Q And then you went to 14 Mile Creek? A Yes sir.
Q Which place on 14 Mile creek? A Near Dave Nave.

Q How long did you stay on the Mass farm there? A I went to his house, that was my step father and I paid rent.
Q Who were some of Mass Dave's neighbors then? A I dont know so lotly, there was Steven Taylor and his family.
Q Colored man or a Cherokee? A Colored man.
Q How far from Fort Gibson was this? A 7 or 8 miles.
Q Sir? A Yes sir.
Q On 14 Mile creek? A Yes sir.
Q Did more than one live in a house? A Yes sir.
Q What kind of a house? A Log house.
Q Who owned that place before the war? A He built it himself.
Q Did he have a field there then? A I think he rented a few acres from Arch Veland.
Q How long did you stay there? A A year or two I think, I worked some on Grand river.
Q Who for? A John Walker and for Winkiller.
Q Where did you go from Grand river, when you were working there?
A Went back to 14 Mile creek.
Q Then for the first few years after the war you lived on Grand river and 14 Mile creek? A Yes sir.
Q When was the last time you were in Parsons Kansas? A I cant tell, I was there lots of times.
Q When did you last live there? A I worked there.
Q When was the first time you worked there after the war? A I think it was in '87.
Q You didn't work there in 87,88 and '9? A No sir.
Q You didn't see George Musgrove up there? A No sir.
Q You know him? A Yes sir.
Q Where were you married? A On Lightning creek.
Q The first time? A Yes sir.
Q What year was that? A '74.
Q Your eldest child, George Starr, Jr., where was he born?
A On Lightning creek.
Q Did you and your wife ever keep house in Parsons? A Yes sir.
Q When did you first go there? A In '87.
Q Is that the first time that you ever saw the town? A No sir I went up there and passed through in '71.
Q Wasn't living there then? A No sir.
Q Not working there then? A No sir.
Q Not keeping house there then? A No sir.
Q Where did you go on that trip? A To Neosho Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train then days.
Q Where did you get on the train? A At Thayer.
Q Did you testify five years ago that you went up to Kansas in '87?
A Yes sir.
Q Did you? A Yes sir, I did.
Q How long did you stay there that time? A A week or ten days.
Q Did you go on the train that time? A No sir.
Q Who did you go with? A I disremember the man's name.
Q What house did you and your wife live in, where was it located?
A On Lightning.
Q Who were your neighbors there? A My wifes folks.
Q Did you know Gal Coker? A No sir I dont know him.
Q What were your wife's folks names? A Johnson and Loody's.
Q How far from Goody's Bluff was that? A Just a few miles.
Q Well dont you know anyone else that lived around there in '74?
A Jack Landrum.
Q How far did you live from him? A 4 or 5 miles.
Q How long did you stay there? A Am living there now.
Q Have you been living there ever since '74? A Yes sir.
Q In that one house? A No sir in several houses.
Q Did you make a place of your own there? A Yes sir.
Q When did you make that place? A 20 years ago.
Q How far was that from Jack Landrum's? A 4 or 5 miles.

By Mellette-
Q Who was your wife when you married her? A Malinda Johnson.
Q Is she the mother of this child when you desire to have enrolled?
A Yes sir.
Q Where were you married to her? A On Lightning creek.
Q Who married you? A A man named Nelson.
Q Have you a certificate? A Not of that marriage, I have of this last marriage.
Q How long did you live with her? A Until she died.
Q How many years was that? A Up until 1881.
Q About how many years? A Must have been 10 or 11 years.

By the Commission:
Q Was she a citizen? A Yes sir.
Q Is her name on the roll of 1880? A I dont know.
Q What was her maiden name? A Johnson.
Q Is she the mother of Arthur? A Yes sir.

Applicant and his first wife not found on the roll of 1880.

Kern Clifton roll examined and the name of the applicant and his son identified thereon as follows-
Page 148 No. 2661, George Starr, Cooweescoowee district;
page 148 No. 2662, Arthur Starr, " "

Wallace roll examined and the applicants identified as follows
page 140 No. 2940, George Starr, Cooweescoowee district.
page 140 No. 2942, Arthur Starr, " "

DAVE FRENCH called and sworn as a witness for the applicant testified as follows-

By Mellette-
Q What is your name? A Dave French.
Q What is your age? A 72.
Q Where do you live? A Down on Verdigris river, in Coweskook Bend, this side.
Q In the Cherokee nation? A Yes sir.
Q Are you a recognized Cherokee freedman? A Yes sir.
Q Do you know this applicant? A Yes sir.
Q How long have you known him? A Ever since he was a boy.
Q Was he a slave? A Yes sir, he was Zeek Starr's slave.
Q Was he a Cherokee Indian? A Yes sir.
Q Where was this applicant taken to during the war? A To Kansas.
Q When did he come back? A In the fall of '66.
Q How do you know? A He come with me.
Q Where did he go when he come that time? A I left him at Tom Riders on Grand river, uncle Billy Loudey lived there then.
Q Where has he been since? A On Lightning creek and 14 Mile creek.

By Hastings-
Q Where did you first see this applicant just before the war? A In Flint district.
Q How far from you? A 6 or 7 miles.
Q Where did you see him next? A During the war in Kansas.
Q Near what town? A Neosho Falls.
Q Did he come with you when you come ? A Yes sir.
Q Did he come with you when you come with your family? A When I brought my sisters and the Naves, they were along.
Q Did you have your family with you then? A No sir.
Q Did he have any family then? A No sir.
Q Single? A Yes sir.
Q Was his mother in Kansas then? A I don't know.

Q You left him with uncle Billy Loudley? A Yes sir.
Q You didn't testify for him before the Kern Clifton Commission? A No sir.
Q You had been down here before you brought him had you? A Yes sir.
Q How many trips had you made before you brought him? A I dont know.
Q And you made several? A I dont know, cant tell you.
Q How long was it until you saw him again after that? A I saw him several times after that.
Q Were you married when you came down with him? A I told you before how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then? A Yes sir I had a woman.
Q Where was that woman then you brought this boy down ? A She was in Fort Gibson during the war and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she staid there until the spring of '67.
Q Did you bring her back then? A No sir I didn't bring her back, some one else brought her back to me on Grand river after I got settled.
Q In that settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline district? A Yes sir.
Q Who was it brought her back? A I think it was Houston Rogers, she said that he brought her back.
Q Is that the wife you are living with now? A No sir.
Q Where did you marry this woman that you are living with now? A In Wichita, Kansas.
Q Is her name Lucinda? A Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers brought her back, I told her to hire some one to bring her back, as I wouldn't have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Nave and Eveline Nave.
Q Did you stay on the Martha Vann place in '67? A Yes sir.
Q You and Lucinda? A Yes sir, they brought her in '67 on Spring creek and we moved then to the river.
Q Who carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '66.
Q You say she was in Fort Gibson? A Yes sir she was out with a hay outfit when they was cutting hay?
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
Q Yes? A Linda.
Q Lind who? A My wife's sister.
Q Did you take her children with her? A Yes sir.
Q How many? A I dont remember.
Q You dont remember your wife's children that were along with her? A I dont remember I guess she had them all.
Q Do you know? A There wasn't any left I dont think.
Q Who were they? A Sam Bill, Andy, Jenny, Caroline, Ellen, Louisa.
Q Is that all? A Jim.
Q Any one else? A Bill, wasn't born.
Q Where was the oldest child born? A On Sallisaw, in Flint.
Q Where was the youngest one by that wife born? A In the spring on '70.
Q Where? A On Grand river.
Q Now the time you brought this man down here, where was your wife? A She was back up here at Fort Scott.

Q What was you doing going up there, back and forth? A Hauling folks.
Q What did this man pay you for hauling him down? A I dont know.
Q Hauled him free didn't you? A I expect I did, I dont know.
Q And your wife was in Kansas? A Yes sir.
Q From what town did you start with this fellow? A From Neosho Falls?
Q How far is that from Fort Scott? A 30 or 40 miles way to, I dont know as I didn't measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles, and you was that far from your wife out hunting up Cherokee freedmen and hauling them free to the Cherokee Nation were you? A Yes sir I was hauling people back home, that was my business up there.
Q How long did you stay with your wife when you took her back to Fort Scott? A I dont know.
Q You know more about this fellow than you did about your wife? A (No response.)
Q Who did this fellow stay with on 14 Mile creek? A With Mose Neave.
Q Were you ever there after the war and saw this man there? A Yes sir.
Q When was that? A In '67 or '8.
Q And he was there then? A Yes sir.
Q Do you know who married this man the first time? A No sir.
Q Who married him the next time? A I dont know.
Q How far do you live from him now? A I live on Coope Rock Bend and he lived on Lightning creek.
Q How long has he been living on Lightning creek? A I dont know.

By Mellette:
Q When you brought this applicant George Starr, who of the Neaves came with you? A My two sisters, and Mose Neave and his wife.
Q Did the Neave boys, George, Dave and Ruben come with you? A No sir they came before that in the spring and were on 14 mile creek then.

Continued by Stenographer, M.D.Green this 22nd of June, 1901.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.
(Signed) Chas.von Weise.
Subscribed and sworn to before me this the 5th of July, 1901.
(Signed) T.B.Needles,
Commissioner.

CONTINUED,-former portion of this case taken by Stenog.Lavender:

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 22, 1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee Freedmen.
FRANK ROSS, being sworn and examined by Com'r Needles, testified:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

BY MR. MASTINGS:

Q What is your name? A Frank Ross.
Q Where do you live? A On Lightning Creek.
Q What is your age? A 33 years.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant, George Starr? A Yes sir, I am acquainted with him.
Q How long have you known him? A I have known him about 30 years, I guess, or 27.
Q Where did you first see him after the war? A I saw him on it's called on the Tom Rider place on Grand river.
Q What year? A In the fall of '66.
Q Where has he lived since you saw him there in the fall of '66, so far as you know? A Went from there to 14 Mile Creek, and I never saw him no more until along about '74 or '5.
Q Did you know his wife Malinda? A Yes sir, I knew her from childhood.
Q You knew anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife? A Yes sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married? A She was living on Lightning Creek, on Pryor's Creek, and then they moved to Lightning.
Q How long ago has that been that they were said to have been married? A It has been about, my judgment about 30 years.

BY MR. MASTINGS:

Q What was her maiden name? A Johnson.
Q You knew her before he married her? A Yes sir.
Q Where did she live? A She lived with her father and mother.
Q On Pryor's Creek? A Yes sir.
Q They were married on Pryor Creek? A They said they was, I moved, I went from Pryor's Creek in '69.
Q She was married at that time? A No sir, they wasn't married when I moved away.
Q And you moved away in '69? A Yes sir.
Q How long after you moved away until they married? A It wasn't very long, about a year or so I guess.
Q When did you see them living together as man and wife after that A I saw them often and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a house over there? A Yes sir.
Q A farm over there? A Yes sir.
Q They were living at that place were they? A Yes sir.
Q Who came with this fellow down there to Pryor Creek when you saw him? A Uncle Dave French was with him when I saw him.
Q Who else was along with Uncle Dave? A There was 2 more women along with him.
Q You didn't testify for this man 8 years ago? A No sir.
Q Although you knew him in the fall of '66? A Yes sir.
Q Good deal of money attached to that other payment to Grant? A I guess there was.
Q You didn't testify for him at that time? A No sir.
Q How long did he stay down there? A He stayed down there I guess a week or so, about a week, it may have been longer.
Q You knew that that was that year? A Yes sir, I knew it was that fall of '66.
Q You knew that 8 years ago too? A Yes sir, I knew it 8 years ago. If you had asked me I would have told you.
Q How far was that from where you lived at that time? A I was staying there with my father at that time, we were all staying there together.

Q What was your father's name? A Bill, they called him William Lucky sometimes, his right name was Rowe.
Q What time in the fall was it you saw him? A Along about the first part of fall I guess, middle, I know we went away from there on Fryer's Creek to get logs, it was getting late, we moved and built us some houses up there; we stayed up on Tom Rider's place on Grand River until along in the fall, and went up on Fryer's Creek and built a house.
Q On those places were you living at the time this fellow came down there? A On Tom Rider's place.
Q That was on Grand River? A Close to Fryer's Creek, we called it Fryer's Creek settlement.
Q You never saw this fellow then for several years after that?
A It wasn't quite that long, about 5 years I guess.

Applicant, GEORGE STARR, re-called, and further examined:

BY MR. HASTINGS:
Q Have you been married a second time? A Yes sir.
Q Where were you married? A In Vinita last time.
Q Where did your first wife die? A Died on Lightning Creek.
Q She is buried there is she? A Yes sir.

Com'r Needles: George Starr applies for the enrollment of himself and child; Arthur; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1890; he is fully identified upon the Kern-Clifton and Wallace rolls; his child Arthur, 19 years of age, is identified upon the Wallace roll; he avers that he was married to one Malinda Jones, who was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence, said George Starr and child Arthur will now be listed for enrollment as Cherokee freedmen on a doubtful card; they will be notified by the Dawes Commission of the conclusion in their case at their post-office address when it is arrived at.

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M.B.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.B.Green.
Subscribed and sworn to before me this July 1st, 1901.
(signed) T.B.Needles,
Commissioner.

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M.B.Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy and that same is a true and complete copy of the original transcript.
(signed) M.B.Green.
Subscribed and sworn to before me this August 5th, 1901.
(signed) T.B.Needles,
Commissioner.

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

H M Vance

Subscribed and sworn to before me this 29th day of July 1908.

Ona Stone
Notary Public

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

In the matter of the application of George Starr, et al., S. F. D. 311.

SUPPLEMENTAL TESTIMONY.

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

GEORGE MUSGROVE being first duly sworn by Sam'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Mr. Ball)
Q Your name? A George Musgrove.
Q Your age? A About 55.
Q Where do you live, you post office? A Lenapah.
Q Are you a Cherokee freedman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you a recognized citizen? A Yes sir.
Q Are you acquainted with one George Starr, a step son of Moses Rave? A Yes sir.
Q How long have you known him? A Getacquainted with him--let me see--let me study there, I just staid there all night with him, I knowed him before the war, not much acquainted with him, he was small
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons Kansas? A Yes sir.
Q How come you to find him in Parsons Kansas? A I was out hunting a mule, some fellow has stole my mules and I was out hunting for them and staid all night at his house.
Q About when was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away before the Wallace payment.
Q In 1866, where did you live? A I lived on Virdigris, on Geese-neck Bend.
Q Right after the war? A No sir, right after the war I lived on Grand river.
Q The year after the war? A Yes sir.
Q And the next year? A I lived there, and the next year I moved to where I am living now.
Q What point on Grand river did you live on? A On 14 mile creek.
Q How far from Moses Rave? A About half a mile.
Q During those two years that lived within half a mile of Moses Rave did you see George Starr there? A Never did see him there.
(By Smith)
Q When was it you say you went to hunt your mules? A I cant say exactly, '69 wasn't it?
Q You are the one to know. You dont know exactly when you went to hunt the mules? A I believe it was in '69.
Q It was in '69 you say? A Yes sir.
Q Where did you go to hunt the mules? A I went to Independence and from Independence to Parsons Kansas.
Q Where did you come from Parsons? A I went to Oswego and from Oswego to Chetopa and then came back home on down Cabin creek.
Q How did you travel from Parsons? A Horse back.
Q Did you come on ther railroad? A No sir, from Parsons to Independence I road along the railroad.
Q Did you go to Parsons on the railroad? A Yes sir horseback first on one side of the road and then on the other.
Q When you came from Parsons here where did you travel? A I left the railroad to my left after I left Chetopa.
Q When did you go there, back to where you were living? A I went back to Geesneck Bend.
Q How near did you come to Vinita on that trip? A About 20 miles I

Creek, near as I can recollect.
Q How far? A About 20 miles.
Q Where did you say you saw George in that part of the Country? A Parsons.
Q What was he doing there? A He was living there, I stoic all night with him.
Q That was a good while after the war? A Yes sir.
Q You dont know where he was in '66? A No sir.
Q You just know that you didn't see him at Mose Neves? A No sir I didn't see him there.
Q Where were you during the year '66? A About Fort Gibson and on Fourteen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there? A No sir never met up with him.
Q You dont know if he was there or not do you? A No sir.

(By Moll)

Q When you went to hunt your mule, the railroad from Parsons to Independence was built? A Yes sir.
Q This M. K. & T. was built? A Yes sir.
Q You dont know much about dates? A No sir.
Q You found this man George Starr in Parsons then? A Yes sir.
Q Is he any kin to you? A No sir.
Q You understand that he is a step son of Mose Neve? A Yes sir.
Q You was about Fort Gibson in '64 and '7? A Yes sir.
Q And didn'n't see anything of him? A No sir.
Q Did you go much About Mose Neves then? A Yes sir every day or so.
Q Well acquainted with the family? A Yes sir.
Q Who was George's mother? A I dont know I wasn't quainted with her I think she was dead at that time.

(By Smith)

Q How far did Mose Neve live from Fort Gibson? A 2 miles.
Q You lived in Fort Gibson? A No sir this side on Ranger creek.
Q How far from Fort Gibson? A Six miles.
Q How far from Mose Neve? A Half a mile.
Q You didn't stay at home all the time? A No sir not all the time, be at home every other day or so.
Q You say you dont know much about dates? What makes you say it was in '69 that you went to hunt your mule if you dont know dates? A I was living up here then when I went to hunt mule.
Q You said it was in '69 didn't you? A Yes sir I said it.
Q What made you say '69 if you didn't know? A A man sometimes forgets dates.
Q Then you said that then you didn't know what you were talking about? A Yes sir I tried to know.
Q Was it '69? A If I could read I could tell you every date and every month.
Q Then you dont know when it was or do you still say it was '69?
A I never said--I dont have to answer less I want to.
Q What was that? A I never said noting to you.
Q Well, I want you to say something to me. A You just brummall a fellow around here like he dont know nothing.

This will be filed in Cherokee Freedmen Doubtful cases, D-813; D-856 and D-867.

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.

(signed) Chas. von Weise.

Subscribed and sworn to before me this 26th of October, 1901.

(signed) C. R. Breckinridge,
Commissioner.

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

In the matter of the application of Jane Kernal for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-886.

APPEARANCES:
Lewis T. Brown for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that a copy of the testimony filed by the Cherokee Nation in Freedman Doubtful 815 be filed with and made a part of the record in this case.

COMMISSIONER: The request of the Nation will be complied with and the testimony filed.

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

(signed) Arthur S. Greninger.

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

(signed) P. S. Reuter,
(Seal) Notary Public.

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

S M Vance

Subscribed and sworn to before me this 29th day of July, 1902.

Notary Public.

To be filed with Jane Kernel Fr. D-856.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22, 1901.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Wash Nave, Jr.
Q How old are you? A I am about 43 or '4.
Q What is your postoffice address? A Lenapah.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just me.
BY MR. MELLETTE:
Q Where do you live? A I live up near Lenapah.
Q How long have you lived in the Cherokee Nation? A Ever since '66, when I was born here in the Cherokee Nation.
Q Where were you living at the time of your first recollection?
Q Well I can recollect a little bit during the war.
Q Can you remember where you were during the war, have you recollection enough to know about that? A I was in Kansas part of the time, the latter part of it, I recollect that.
Q What was your father's name? A Wash Nave.
Q What was your mother's name? A Mariah Nave.
Q Have you any brothers? A Yes, sir.
Q What are their names? A Dave, Reuben and George.
Q Now do you remember anything about coming back from Kansas after the war? A Yes, sir, I remember.
Q What can you remember about that? A I remember of coming.
Q How large were you at that time? A I was just a telerable sized boy, small boy, not very large.
Q Can you give an idea of about how old you were at that time? A I must have been 7 or 8 years old.
Q Well now what about your brothers, George and Dave and Reuben, did they come with you at that time? A Yes, sir.
Q What about your father and mother? A They come too.
Q Where have you lived since you came back here to the Cherokee Nation after the war? A I have lived in Saline District.
Q I know, but what Nation? A Cherokee Nation.
Q Ever live any other place? A No, sir.
Q Are you on the Kern-Clifton and Wallace rolls? A Yes, sir.
Mr. Mellette: I would like to have the rolls examined.

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant not found as Wash Nave, Jr.

Q Did you draw your money under that name? A Yes, sir, there was a mistake they made in the court; my father wasn't in the court at all, he died before the Kern-Clifton court, it was me that made the mistake.

Kern-Clifton pay roll of citizens of the Cherokee Nation page 155 #3248 Wash Nave, Tahlequah Dist., 71 years old.
Wallace roll of citizens of the Cherokee Nation examined page 132 #2764 Wash Nave, Cooweescoowee District.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found:
1896 census roll of citizens of the Cherokee Nation examined and applicant not found thereon.

Q When you came back from Kansas after the war, do you remember where you first stopped? A We came along the road.
Q Do you remember where you came to and stopped any length of time? A We came the longest step after we left Kansas at the old Tom Rider place.
Q Where was that? A That was near Grand River.
Q I will ask you where you went from there, do you remember that? A We went across the river and camped at the old Vann place; Bill Leedy was living on the Tom Rider place at the time we stopped there.

BY MR. HASTINGS:

Q How old did you say you are now? A 61 or '4, I don't just know exactly which.
Q You were a small boy then when you returned? A Well you might have an idea about what sized boy that age would be.
Q You were a small boy, 6 or 7 or 8 years old? A I wasn't no great big boy.
Q About how old were you when you came back? A Was 7 or 8 years old.
Q Who came along with you? A I don't recollect just exactly who did, there was one family came with us that I recollect.
Q What was their name? A Eph Bearden and Abbie Bearden.
Q Were they colored people? A Yes, sir.
Q That the only family you can remember? A That's the only family I recollect distinctly that was with us, and Dave French, he was with us.
Q Your father was named Wash and your mother Mariah? A Yes, sir.
Q They were along were they? A Yes, sir.
Q What other members of your family besides yourself and your father and mother were along? A My brothers.
Q Give me their names, that was along at that time? A Dave, Reuben and George.
Q Who was along with Dave French? A I don't know, he is here, he could answer for himself, he was along with us, and that other family, I don't remember distinctly whether there was anybody else or not.
Q You remember whether there was anyone with Dave or not? A He was with us.
Q Did he come in your wagon, or do you remember? A I don't remember whether he came in the wagon with us or not.
Q Was his family along or not ? A No, sir.
Q Where did you come from? A We came from near Neosho Falls.
Q What time in the year was it? A It was in the Spring, I don't know exactly what month.
Q Did you come all the way from Neosho Falls with Dave French? A Yes, sir.
Q Your first stopping place after you landed in the Cherokee Nation was for a short time at the old Rider place? A I said that was the first longest step we made there, we camped all along the road on creeks.
Q Camped over nights? A Yes, sir, and might have stayed a day or two at some of the camping places, but the longest step we made was there.
Q You never stayed longer than a week at any of these places until you got to the Rider place in the Cherokee Nation? A I don't think we did.
Q That's your best recollection? A Yes, sir.
Q The Rider place is near the old crossing of Pryor Creek? Where is it from where Pryor Creek Station is now? A It is a little southeast.
Q About how far? A It is about 7 miles, 8 or 9 miles, from where Pryor Creek town is now.
Q About how long did you stay there? A I don't know just exactly, we stayed there quite a little bit.

Q A month? A I don't know exactly how long.
Q Did you make a crop that spring anywhere? A No, sir.
Q Did you stay there you think as long as three months? A I don't know exactly how long we stayed there, Mr. Hastings.
Q I am trying to get your best judgment now Wash, did you stay there 3 months or 6? A I don't know just how long we stayed there.
Q Did you summer there? A No, sir, we didn't stay there all summer.
Q Then you left that summer sometime, that your best judgment?
A I don't know whether we left that summer or whether we left before the spring was out.
Q Where did you go from the Rider place? A We crossed Grand River and went over to camp at the old Martha Vann place.
Q Do you know who owns that place now? A Walker Drake owns it now.
Q How long did you stay there? A We stayed there several days, I don't know how long, we didn't stay there a great while.
Q Where did you go from the Vann place? A We went up above the Vann place to a place known as the Drew place, that must be I guess about three miles above the Vann place, on Grand River.
Q Who was living on the Drew place at that time? A No one.
Q Was there any Cherokees living in the neighborhood? A I don't know, I didn't see any.
Q How long did you stay at the Drew place? A Several weeks, but I don't know just how long.
Q You lived in the house? A No, sir, we just camped there; there was some old pieces of houses there, but we didn't go in there.
Q Where did you go from there? A We went up on Lynch's Prairie, to a store that was up there on Lynch's Prairie.
Q What was the name of that store? A Bill Foreman's store.
Q Was that in the winter time or not? A No, sir, that was in the summer.
Q Of what year? A '66.
Q How long did you stay up there then? A We didn't stay up there, I don't think over a night or two, or probably one night.
Q And then where did you go? A We come back over to the Tom Rider place, to Bill Leedy's.
Q How long did you stay at the Tom Rider place? A We stayed there quite a little bit.
Q Was that in the summer? A Yes, sir.
Q Well now about how long did you stay there? A I can't tell exactly.
Q Did you winter there? A No, sir.
Q Where did you go then from the Rider place? A We went down to Steven Tayler's.
Q On which side of the river is Steven Tayler's? A On the east side of Grand River.
Q How long did you stay there? A We stayed there, I don,t know just exactly how long, but it was getting up not far from Christmas.
Q Of '66? A Yes, sir.
Q Who was living there at Steven Tayler's? A Steven Tayler and his family, and Mose Mayes.
Q Was Mose Mayes colored? A Yes, sir.
Q Whose place was it? A On what is known as the Arch Belen place.
Q How far is that from where Chouteau is now? A It must be 25 or 30 miles.
Q How far from where Wagoner is now? A I guess 14 or 15 miles, I have never traveled from Wagoner over to that place.
Q On the east side of the river was it? A Yes, sir, it is on the east side of the Grand River.
Q Did you winter there that winter? A No, sir.
Q You stayed there how long then? A I don't know exactly how long we stayed there.

Q Where did you go from there? A We came to the old Vann place.
Q That's still on the east side of the river, in Saline District?
A Yes, sir.
Q Did you settle down there? Yes, sir, we wintered there.
Q You wintered there in the early part of '67? A Yes, sir.
Q Were there any Cherokees Living there at that Vann place then?
Q I didn't see any.
Q How long did you continue to live there at the Vann place? A We made we crops there.
Q You made a crop there in '67 and another in '68? A Yes, sir.
Q You have continued to reside there ever since? A Ever since, I have never been out of the country 2 months in my life since.

IT NOW BEING THE HOUR OF NOON, THE COMMISSION ADJOURNS UNTIL THE HOUR OF 1 P.M.

1 P.M.- This case continued; applicant on the stand,- examined BY MR. HASTINGS:

Q You remember about your father going down to Tahlequah to try to prove up his rights before the court sometime after the war? A He went to Tahlequah several times, I don't know what he went for.
Q You didn't know whether he went to prove his rights or not?
A No, sir.
Q Never heard him say about that? A No, sir.

DAVE FRENCH, being sworn by Commissioner Needles, testified as follows:

BY MR. MELLETTE:

What is your name? A Dave French.
Q Where do you live? A Up close to Goosenock Bend, in the Cherokee Nation, on Cedar Creek.
Q What is your age? A 72 years old, the 6th day of this month past.
Q Are you any Freedman or a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant here, Wash Nave? A Yes, sir.
Q Did you know his father? A Yes, sir, he was my brother.
Q What was his name? A Wash Nave.
Q Did you know his mother? A Yes, sir.
Q What was her name? A Mariah Nave.
Q Did you know them before the war? A Yes, sir, I knowed them always.
Q Who was Wash Nave's owner in the Cherokee Nation at the beginning of the war? A Woman named Mary Nave.
Q Was she a Cherokee citizen? A Yes, sir.
Q Who was Mariah Nave's owner? A Jane Pack, Mary Nave's daughter.
Q Was Jane Pack a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Where did Mariah Nave and Wash Nave go during the war? A They went up close to Neosho Falls, on the Neosho River.
Q What country? A It was up in Kansas.
Q Did they have any children? A Yes, sir.
Q Who were their children? A These boys.
Q Give their names? A Reuben, Wash and Dave, and a daughter named Sarah.
Q You mean this applicant here, Wash, was he one of them? A Yes, sir.
Q Now what other brothers did he have? A Dave and Reuben and George.
Q Do you know when Wash Nave and Mariah returned to the Cherokee Nation after the war? A Yes, sir.
Q When? A In the spring of '66.
Q Where were the boys? A They were along.

Q All these boys that you have named? A Yes, sir, all these boys.
Q Where did they come to in the spring of '66? A They come down to Pryor Creek to the old Tom Rider place.
Q How do you know they came in the spring of '66? A I came with them.
Q You are a old man Wash Nave was a brother of yours? A Yes, sir, own brother.
Q Full brother? A Yes, sir.
Q Where did they first stop did you say? A Stopped at the old Rider place, and uncle Bill Leody was living there.
Q Where did you finally leave them? A I left them there at the old Rider place.
Q Where did the old people live after that until they died, what country? A They lived on Grand River, until she died, there below there.
Q Where has this applicant lived? A They aredown there now.
Q This man? A Living there now, down on the river there.
Applicant? No.
Witness: Oh, he lives up here; he moved from the river, he lives up here close to where I live on this side of the river.
Q What river? A Verdigris.
Q In what district? A In Geowegeeowee.
Q Has this applicant, Wash Nave, ever lived outside of the Cherokee Nation, so far as you know, since you brought him back here? A No, sir, he has never been out to my knowing.
Q Do you know where they went from Bill Leody's, after you brought them here? A I went back to Kansas and when I saw them again it was in the winter, they was on the other side of the river, at the old Martha Vann place, at the Dave Vann place.
Q Did they have any children at that time except the four boys? A They had one girl.
Q What has become of her? A She is down here on the river, down in there below on the old Bill Sunday place in below Cheuteau.
Q What is her name? A Sarah Burgess, she married a man named Bill Burgess.
Q Was she along at the time you brought them from Kansas, or had she been born at that time? A She was born, but she wasn't along.
BY MR. HASTINGS:
Q About what time did Wash Nave, Sr., this man's father, die? A I don't know what time it was, I don't know.
Q How many years after you come back here? A Somewheres, now I didn't keep no account, he died a little after the Wallace court.
Q Do you remember what year that was in? A I don't know as I do, I didn't keep no count of it.
Q Did you make a crop in the year '66? A No, sir, I didn't make no crop till the year '67.
Q You were in the army? A No, sir, I stayed along with the army, I cooked at some officers', and stayed around Gibson.
Q When was the first time you came to the Cherokee Nation after the war? A I come from Gibson after the war, and after the treaty I went to Kansas.
Q Is that the first time you went to Kansas? A I don't believe it was, no, I was in Kansas during the time of the war, time of Price's raid.
Q Was that the first time you went to Kansas after the war? A I don't recollect.
Q You can't remember about that? A No, sir, I went there so often, backwards and forwards, and I was there two or three times with the soldiers and with the train backwards and forwards.
Q How many wagon trips did you make to Kansas in '66? A I don't know.

Q Let's study them up? A I can't study them up.
Q You don't know who you went up there with first after the war and after peace? A I don't know.
Q Don't remember about that? A No, sir, I went so many times that I can't tell who I came back with first.
Q You don't remember who you came back with first? A No, sir.
Q You don't know what time of the year you came back first after the war? A I came back several times.
Q Now after the war and after you went to Kansas who did you come back to the Cherokee Nation with first? A I think if I aint mistaken it was with Wash, I want be certain.
Q You think then this was your first trip back here? A Yes, sir, I think my first trip back here after I went up was with him.
Q Where was your wife at that time, was she along with you? A She was along with me when I went up, I hauled her back up there.
Q You testified in the case a while ago that you hauled her up there in August did'nt you? A I don't recollect, I may have hauled her back in August.
Q That was the time you went up and you brought Wash down after that? A Yes, sir.
Q Now what time did you bring Wash down here? A I aint certain.
Q Didn't you know what time of the year it was? A I aint certain, I know it was in the summer though sometime.
Q You think it was after August? A I don't recollect, that has been a good while ago.
Q Who was along with you at the time, that you came back with Wash? A I don't recollect, Wash's family and then one of my cousins was along.
Q What was your cousin's name? A She was that woman, Abbie Bearden I think it was, she came at the same time.
Q Did she have any children? A She had a child or two.
Q Were they along? A Yes, sir.
Q Was there just one wagon in that crowd, or was there more than one? A I don't recollect, it has been so long I couldn't tell you.
Q You don't remember then whether Wash had a wagon of his own or not? Q He had a wagon of his own and I had a wagon.
Q Where did you start from up there at that time? A From up there close to the falls.
Q That was your first trip from Kansas back here after the war? A I think it was.
Q Now the Nave family, and yourself, and the Bearden woman and what children she may have had, was all that was along in that crowd? A I don't recollect, there were a good many, I don't think that was all, it was a pretty good crowd. We couldn't come in little squads, we came in pretty good crowds, we weraafraid of being killed.
Q You came to the old Rider place? A Yes, sir.
Q How far is that from where Choutean now is? A I don't know exactly, it is a little northeast of Choutean.
Q Were there any Cherokees living at the Rider place at that time? A Nobody there but uncle Billy Leady's family; there wasn't no Cherokees hardly in there at that time; they came along in the spring of '67 and along in there.
Q You didn't stay there any length of time until you went back? A I went back.
Q Next time you saw Wash Nave and family was on the east side of the river at the Vann place? A Yes, sir.
Q And there they lived two or three years? A I don't know how long.
Q How long after you left them at the Rider place until you saw them at the Vann place? A That winter.

Q Was it two or three months? A I don't know exactly.
Q You know it was as early as Christmas? A I guess it was.
Q It wasn't later than Christmas? A It might have been later than Christmas.
Q Then they lived there for some two or three years at that place?
A No, I think we made two crops there.
Q Did you live with them over there? A Yes, sir.
Q Did you help them make a crop there in '67? A Yes, sir.
Q And '68? A I think I did.

FRANK ROSS, being sworn by Com'r Needles, testified as follows:

BY MR. MCCLERTY:
Q What is your name? A Frank Ross.
Q Where do you live? A Lightning Creek.
Q What is your age? A 53.
Q Are you a recognized Freedman citizen in the Nation? A Yes, sir.
Q You know the applicant here, Wash Nave Jr? A Yes, sir.
Q Did you know his father, Wash Nave? A Yes, sir.
Q Did you know his mother, Mariah? A Yes, sir.
Q Did you know them before the war? A No, sir, I got acquainted with them after the war.
Q Where did you first see Wash Nave and Mariah Nave after the war?
A On the old Tom Rider place, across Grand River.
Q When was that? A In the spring of '66.
Q Well now do you know that children they had at that time?
A They only had 4 boys at that time.
Q What about this applicant here, Wash, did they have him at that time? A Yes, sir.
Q What was the other boys? A Dave and Reuben and George.
Q Where did they go from the Rider place? A They went down on Grand River somewhereem I don't know where they went to.
Q Did you know the old man and woman and the boys from that time on? A Yes, sir, I saw them often and on from that time until the old man died, and I have seen the boys ever since often and on.
BY MR. HASTINGS:
Q You saw 4 boys, uncle, along with Wash Nave at that time? A Yes, sir.
Q What were their names? A Dave and Reuben and Wash and George.
Q How long had you been there when they come? A I hadn't been there very long; they come there in April and I come there in March.
Q You had been there about a month then? A Yes, sir, about a month.
Q Who brought them, Frank? A Old man Dave French, they come with him.
Q Did Dave have his family along at that time? A I don't think he did, I didn't see them.
Q How long did Dave stay there? A He didn't stay there very long.
Q Where did he go from there? A Went down the river somewheres.
Q How long did these people stay there? A About a month I guess.
Q And then where did they go? A They went down below across the river somewhere.
Q You never saw them over across the river? A No, sir.
Q How long after that until you saw them? A They come back in the fall and stayed a while, visiting, along about the first of September I guess.
Q How long did they stay then? A They stayed about a week I guess.
Q Where did you next see them? A Down there on Fryer's Creek; used to have camp-meeting up there and they would come up there; my father used to have camp-meeting up there.
Q What other families were along with them when they came back?

A. I don't recollect seeing any other families.
Q. You don't remember seeing Dave Vrooman's family at that time?
A. No, I don't remember seeing them.
Q. You don't think that was in the early spring? A. That was in April, I am sure that it was, because I was working to put in corn after.
Q. You wasn't a witness in this case before the Kerr-Chiftan Commission? A. No, sir.
Q. You know these facts then? A. Yes, sir.
Q. Did they have a wagon of their own when they came to your place?
A. Yes, sir, they had a wagon; they came there in a wagon and went off in a wagon.
Q. They had two wagons then, Dave had one and they had one? A. Yes, sir.
Q. You know whether they made a crop that spring? A. No, sir.
Q. You don't know what work, if any, they did that spring or that summer? A. No, sir, I didn't see them any more until I think in the fall after they left.

KATIE VANN, being sworn by Com'r Meadlen, testifies as follows:

BY. MR. WOLLETTE:

Q. What is your name? A. Katie Vann.
Q. What is your age? A. 54 years old.
Q. Where did you live? A. Lenapah.
Q. Are you a freedman citizen of the Cherokee Nation? A. Yes, sir.
Q. On the authenticated roll? A. Yes, sir.
Q. Do you know the applicant here, Wash Vann, Jr? A. Wash Vann?
Q. Wash Nave? A. Yes, sir.
Q. Did you know his father, Wash Nave? A. Yes, sir.
Q. His mother, Mariah? A. Yes, sir.
Q. What brothers has he? A. Dave and George.
Q. You know another one? A. Well, there's another one.
Q. You know his name? A. I know it, but I have forget his name; he don't be around much.
Q. Did you know old man Wash Nave and Mariah before the war? A. No, sir, I didn't.
Where did you first see them after the war? A. On Grand River.
Q. What place? A. On the Vann place.
Q. Which side of Grand River? A. On the east side.
Q. When did you see them there? A. Along in '66.
Q. What were they doing there? How did they come there? A. They came in wagons and was camped there.
Q. Besides the old man Wash and his wife Mariah, who were with them?
A. I didn't see no one but them and the children, 4 boys.
Q. Was this boy one of them? A. Yes, sir, this is one of them.
Q. Have you known them from that time on? A. Yes, sir.
Q. Where have they lived? A. When I left they moved out of that district; they lived on Grand River somewhere, I never was at their place, but I would see them often at church, every summer, about once a month until I moved there.
Q. How long had you been back at that time when you saw them there?
A. I came that spring.
Q. You came the same spring? A. Yes, sir.
BY. MR. HARTSICK:
Q. How far did you live from where they were camped? A. I lived on the same place at the house, and they was camped out on the outside on the hill; it was not very far from the house, about a quarter or maybe not so far.
Q. How long did you continue to live there? A. Oh I stayed there until the crops was laid by; I went there in the spring, I worked for Sam Downing's house.

Q Until the crops was laid by? A Yes, sir.
Q And you left that fall? A I left that summer, in August.
Q About what time o f the year do you think they came before you left? A They was plowing corn, it must have been along about may or June.
Q They were there when you left there? A No, they wasn't , they went away, they didn't stay there but a little while.
Q You remember the man and his wife and four boys? A Yes, sir.
Q What was the youngest boys name? A George.
Q About how old was he at that time? A He couldn't have been over 4 or 5, maybe 6 years old, I don't know, he was very small.
Q That was your judgment at that time? A Yes, sir.
Q You remember distinctly all four of them were along when you saw them? A Yes, sir.
Q Where was Webb Vann at that time? A I don't know, he wasn't there.
Q Sam Mayes in that country over there? A Not in the spring, he was not, he was there after that.
Q You don't remember seeing them after that for some time? A Not until next summer I believe it was I saw them to church.
Q You don't know where they moved to? A No, sir.
Q Who did you come back there with? A Jesse Vann, my brother-in-law.
Q You never witnessed for them before the Kern-Clifton Commission? A No, sir, I didn't, because you had me subpoenaed on the other side.
Q Did I tell you to testify to anything that wasn't true? A No, you didn't, but they didn't come to me to testify anything for them, and I didn't testify for them.

WILLIAM FOREMAN, being sworn by Com'r Needles, testified as follows:

BY MR. MELLETTE:
Q What is your name? A William Foreman.
Q What is your age? A 64.
Q Where do you live? A I live now near Wagoner, Ceweesecowee District.
Q Are you a recognized citizen of the Cherokee Nation, by blood? A Yes, sir.
Q Do you know this applicant, Wash Nave Jr.? A Yes, sir.
Q Did you know his father, Wash Nave? A Yes, sir.
Q His mother, Mariah? A Yes, sir.
Q Did you know them before the War? A No, sir.
QC I will ask you where you first saw Mariah Nave and Wash Nave after the war? A Firstplace I saw Wash Nave was in Ft. Scott, Kansas, in '64, he was in the Militia there; I don't remember seeing his wife until they come to the Na tion.
Q When did you first see them in the Nation after the war? A It was some time in July '66, I don't remember just what time.
Q Where did you see them? A At a little store I had on Lynch's Prairie.
Q Which side of Grand River was that? A East side.
Q How did you happen to see them there? A They came along there in a wagon and stopped there and traded and bought some groceries and one thing and another, and camped that night.
Q Did they have any family with them? A Yes, sir.
Q You remember what they had? A There was three or four little boys.
Q How long have you known this applicant here? A I have known him personally only since '90.
Q You have known him since '90? A Yes, sir, I taken the census in

Saline District in 1880 and I enrolled Wash Mays and his family, they were living near the bend, in Markham's Lick.
Q You were one of the Census takers for 1880? A Yes, sir.
Q And you put them on the roll? A That's my best recollection.
Q Did you say what year it was that you saw them at your store there after the war? A In '66.

BY MR. HASTINGS:

Q Mr. Foreman, are you willing to testify the colored people that you put on the roll 21 years ago? A No, sir, not positive, I said to the best of my recollection I enrolled them.
Q You are not positive that these people were enrolled? A They were enrolled, but I am not positive as to whether I put them on the 1880 roll or the doubtful roll, but my recollection is I put them on the '80 roll.
Q You were around before the Kern-Clifton Court 5 years ago? A Yes, sir.
Q There was then a trial of this case and a good many witnesses were called on both sides at that time? A Not that I know of, I don't remember it.
Q You know they were disputed at that time? A I don't recollect that either, there were so many cases.
Q You didn't at that time witness for them? A No, sir.
Q You didn't make known at that time that you knew about it? A No, sir, there was no one asked me that I remember of.
Q When did you quit keeping store up there? A I sold out to my brother-in-law first of August.
Q Of '66? A Yes, sir.
And I moved away from there in September.
Q It was before the first of August they were in your house? A Yes, sir, reason I know it was July sometime because I sold out the first of August and they came there and camped while I was keeping the store.
Q They didn't stay there but one night? A Just camped down at the spring all night.
Q How long after that was it before you saw them? A I don't remember seeing the family until I was taking census in '80, I saw Wash at one of his brothers', he had a brother Charley at the Tan Yard Ford, I saw Wash there at his brother's.
Q You mean the old man Wash? A Yes, sir.
Q Was he there in 1880? A Yes, sir, that was the summer I think of the year '69, I was living on the Lynch place at that time.
Q Mr. Foreman, you are the same person I believe that testified in what is known as the Robinson case 5 years ago? A Yes, sir.
Q There was 5 leading families in that case? A Yes, sir.
Q I believe you testified they paid you 25 dollars in each of those, or 125 dollars in the Robinson case? A Yes, sir.
Q I believe you testified that you charged others also for being a witness for them? A Yes, sir.
Q Running from 20 to 25 dollars apiece? A Yes, sir.

BY MR. MELLETTE:

Q Mr. Foreman, was that money the Representative of the Cherokee Nation asks you in regard to, was that paid you to induce you to swear a lie? A No, sir, it wasn't .
Q Why was that paid to you? A To bear my expenses of coming to the courts.
Q You had to leave home to attend these places? A Yes, sir.

BY MR. HASTINGS:

Q The Robinson case was all tried as one case, they were all grouped together and the testimony taken in one case? A Yes, sir.
Q And you only testified the one day in that case? A ~~Remember~~ I think only one day, I couldn't say now, I don't remember positive.
Q Where did you live at that time, during 1896? A I lived down on the west side of Grand River.

Q How far from Vinita? A 8 miles east of Wagoner.

Applicant, WASH NAVE, JR., recalled and further examined:

BY COM'R NEEDLES:

Q When did your father, Wash, die? A He died in February, '91, about the 18th or 19th I believe.
Q And your mother, Mariah? A She is dead.
Q When did she die? A She died two years ago this last February.
Q Their names are not on the roll of 1880 were they? A I think not, I don't know.

BY MR. HASTINGS:

Q Where did your father and mother die? A Both of them died in Saline District.

Com'r Needles: Wash Nave Jr., applies for the enrollment of himself; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is duly identified upon the Kern-Clifton and the Wallace rolls according to page and number of the testimony; he swears that he was a son of Wash Nave and Mariah Nave, who were slaves, and taken out of the Cherokee Nation during the war and returned in the year 1866; he makes satisfactory proof as to residence, and now Wash Nave Jr. will be duly listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by mail of the action of the Commission in the premises.

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

(Signed) M. D. Green

Subscribed and sworn to before me this July 1st, 1901.

(Signed) T. B. Needles
Commissioner.

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

N.D. #218

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

In the matter of the enrollment of Wash Nave, Jr., as a Cherokee Freedman; the following Supplemental Testimony is introduced on the part of the applicant:

APPEARANCES:
L. E. Brown, for applicant.
J. S. Davenport, for Cher. Nation.

L. D. Daniels, being sworn by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. BROWN:

Q State your name? A L. D. Daniels.
Q Your age? A 54.
Q Your postoffice? A Claremore.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880? A Yes, sir.

Q Do you know Wash Nave Jr? A Yes, sir.
Q Did you know his mother and father? A I am very well acquainted with the old man, Wash Nave.
Q That was Wash Nave, Jr's father was it? A Yes, sir.
Q What was Wash Nave Jr's. name? A I don't think of her name. I have been to her house 40 times I reckon.
Q When did you see Wash Nave, the father of the applicant, the first time after the war? A At Fort Gibson, sir.
Q In what year was that? A That was in December '66.
Q Do you know a son of Wash Nave by the name of George F? A Yes, sir
Q Did you see him at that time? A When I first seen the old man I didn't see him, and in three days afterwards I seen him, because he came to Gibson there and before he could get something to eat he had to bring his family.
Q That was in December '66? A Yes, sir, in December '66.
Q About how old was George F. Nave at that time? A He was about two years old; I don't think he was any older; he was the smallest boy.

BY COM'R MARSHALL:

Q How do you remember it was just three days? A Because he came back and went to get his family, we were issuing rations to them and they was hungry and of course he came back.
Q You say you saw him one day and you said he came back in three days? A The day I saw him, it was a new family and we had to keep a record of them and I could not give them rations until he showed up.
Q It may have been four or five days? A No, sir, it wasn't but three days, he didn't have to go but about nine miles.

BY MR. DAVENPORT:

Q George was about three years old then? A No, sir, about two years old.
Q You remember distinctly it was in December '66? A Yes, sir.
Q Was it before or after Christmas? A It was before Christmas.
Q Was he getting his rations for holidays? A No, sir, he got them to eat; wasn't anything in the country to eat.
Q Where had they come from? A Fourteen Mile Creek.
Q How do you know that? A I lent that man Stevens a pony to carry his grub up there.
Q That is the reason you know that Nave came from Fourteen Mile Creek because Stevens never brought your pony back? A I was acquainted with Fourteen Mile Creek.
Q Did you ever see Nave during the war? A No, sir.
Q You never seen him until he came to Gibson? A Yes, sir, and when he returned to get his folks and come back and old man Stevens came with him and didn't bring my horse back in time and I went after him.
Q You remember distinctly the incident of Stevens' coming with him? A Yes, sir; I didn't have any way but to keep it in my head and I remember it.

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

(Signed) J. O. Rosson

Subscribed and sworn to before me this 16th day of July, 1908.

(Signed) T. B. Needles
Commissioner.

File with Cherokee Freedman D-813, Wash Nave, Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 21, 1901.

In the matter of the application of Wash Nave, Jr., for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

D.W.VANN, being duly sworn by Commissioner Needles, testified as follows:
Mr. Davenport: What is your name? A D. W. Vann.
Q Where do you live, Mr. Vann? A I live near Pryor Creek in the Cherokee Nation.
Q How old are you? A I am 66 years old.
Q How long have your lived in the Cherokee Nation? A Well, pretty much all my life.
Q Did you go out during the war? A Yes, I went out.
Q When did you come back? A I returned in '65, the fall of '66.
Q Do you know a colored man by the name of Wash Nave, before the war? A No, sir, I didn't know him before the war.
Q When did you first become acquainted with him? A I got acquainted with him in the spring of '68, that is, I think it was in February or March in '68.
Q Where was you living at the time? A I was living at Martha Vann's on Grand River.
Q That a relative of yours? A Yes, sir, she is a first cousin of mine.
Q Well, where was Wash Nave living when you got acquainted with him?
Q He was living there.
Q Do you know whether or not he had any children? A Yes, sir, he had several children.
Q Do you remember the names of any of them? A Well there was two, the eldest ones I remember the names well, they was Dave and Reuben, and well he had one named Wash too, he was a little fellow though.
Q Now what was this Wash Nave who had these boys doing when you first got acquainted with him? A Well, he just had moved from Kansas and came there to that place where I was living to make a crop.
Q Well how do you know he just moved from Kansas? A Well he told me so, and he was loaded up, and he told me he was right from Kansas, and he had some hogs with him and I traded for a couple of hogs, hogs was scarce in that country.
Q Well that was the first time you had seen him since the war and first time you had ever seen him? A Yes, sir.
Q Where had you been living from the time you returned in '65 up to that time? A Well I have been living around and I went back to the Choctaw Nation and backwards and forwards on through the Cherokee Nation, I was working.
Q How long had you been living at this Vann place? A I had been living there ever since in the fall or summer, that is, the latter part of the summer of '67.
Q Who did the family belong to before the war, if you remember?
A From what I could learn he belonged to an aunt of mine, Aunt Mary Nave.
Q That was afterwards who? A Old Aunt Mary Nave, my father's sister.

Q Now as I understand you, he had his wagons loaded up when you saw him, and he told you he was just come from Kansas? A Yes, sir.
MR. SMITH: How many wagons did he have? A I don't exactly remember now, there was several in the family, but I don't remember the number of wagons. Q Where did he drive up to? A They drove up there to a little house on the place, lived there all the summer.
Q On whose place? A Aunt Martha Vann's place.
Q Well, can't you remember who was with him now? A No, I remember the old folks, and the family, the children.
Q What was his wife's name? A Oh I disremember now her name, I don't recollect her name.
Q You remember how many children he had? A No, not exactly, they had four or five, maybe more or less, I can't tell exactly.
Q You don't know them? A No, not exactly the number of children.
Q Do you know what the names of any of the children was? A Well the two eldest I think was named Reuben and Dave, and then he had a little fellow named George, I think, and Wash, if I am not mistaken; Reuben and Dave they both worked in the same field I did and made a crop on the same farm that I made a crop that year.
Q Well how big was George at that time? A Well he was a little fellow, he wasn't large enough hardly to make a hand in the field, not a plow hand.
Q Wasn't over five or six years old? A Yes, sir, I suppose he was.
Q About five or six? A Well, I can't say exactly how old he was.
Q Well he wasn't big enough to make a hand? A Well I don't remember him plowing.
Q You think you would have remembered it if he had plowed? A Why yes, I guess I would.
Q Well now was that all there was to it, just the man and the woman and these children that you have mentioned? A Well them is all I remember, there might have been more, but they lived there all that summer and I got acquainted with them and worked there in the same field with them; it has been a long time and a person can't tell who came with them; there may have been more came with them.
Q Can you remember the number of wagons they had? A No, sir, I can't state.
Q Well, who was it that told you they had just come from Kansas? A Well, sir, I think it was the old man.
Q Well, don't you know? A Well I can't say positive which one it was, it was the old man, it was one of the family; that was what they told me.
Q Well it must have been the old man or the old woman one? A Well I think it was the old man, because he was the one I had the talk and had the trade with.
Q But you can't state, it has been so long ago you can't state from your independent recollection at this time whether the old man told you that or not? A Yes, I will say prettyr certain that he did.
Q You are pretty certain of it, but you are not positive? A Well I can say positive I believe.
Q You believe you can? A Yes, sir.
Q Well, where was it that he told you that? A He told me that on the place.
Q That was now what time in '68? A That was in the spring of '68.
Q That was three years after the war, about three years after the war closed? A Yes.
Q Whether this man made more than one trip from Kansas after the war, you don't know? A No, I don't know.
Q You don't know when he first came to the Territory after the war?
A Not only what he told me there at that place.
Q You don't know all the places he lived in the Cherokee Nation after the war? A Well he settled a place right below there in that neighborhood.

Q You know these boys, Wash and Rube and George? A Yes, sir.
Q They been living here in the Cherokee Nation ever since you first know them, haven't they? A Yes, sir.
Q Did you ever testify before any other court than this court in this case? A Yes, sir.
Q Where was that? A It was before the Kern Court I think.
Q Do you remember what you stated before that Court? A Well it was something about as near this as I can possibly remember.
Q Do you remember whether before that Court you stated that it was the old man that told you this or the old woman that told you, or did you say before that Court that anybody told you they came here? A Well I think I did, I think that I told before the Court about them telling me where they had come from, and about making the trade, what kind of a trade I had made with them, buying a couple of pigs, gave them a sow and a calf.
Q The pig trade didn't have anything to do with where they came from? A No, it was something that impressed me.
Q I say that didn't have anything to do with where they came from? A No, sir.
Q Do you know a man named George Vann? A Yes.
Q Was he a fiddler, the one you knew? A Well I don't remember whether he was or not.
Q Have you seen him since you have been up here? A Well not to know him, they called him Sleepy George, is it.
Q The one that lives up here in this district, Geweeseeeee district? A Well I know two George Vanns, they call one George Vann sometimes and then they call him George Bruner.
Q Is that the one you knew? A Yes, sir, and there is another one they call Sleepy George, and I used to know him.
Q Where does he live now? A I don't know where he lives; this George Vann is a fiddler, I guess I know him.
Q Is he the one they call Spring Creek George? A Yes, sir, he is a fiddler.
Q When did you first get acquainted with him? A I got acquainted with him, I can't tell, but it was along about '66 or '7, or somewheres along in there, just after the war.
Q Was he around Vann's a good deal? people there? A Yes, he was around Rowes and Williams, they were some of his connections.
Q Now when was it you first got acquainted with him? A I can't say positive when I first got acquainted with him.
Q I understood you to say it was in '66? A I don't say positive it was in '66, but it was somewheres along after the war a short while.
Q Short while after the war? A Yes, sir.
Q Did you know J. M. Ross, a Cherokee? A Yes, sir, Joe Ross.
Q I don't know whether it is Joe Ross or not. A Yes, that is the man.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A I can't state, he has been dead several years.
Q Died since 1896, did he? A Well I can't say positive when he died, I never kept no count.
Q Where was J. M. Ross in February of '67? A I can't say.
Q Where was he during the year of '67, if you know? A I can't say positive where he was.
Q Do you know where he was in the year '66? A No, sir.
Q When did you first see him after the war? A I can't say when, positive when I saw him.
Q Did he live down there about that country where you were? A Yes, sir; I think it was in '68 that Joe Ross was there, I think maybe that was the first time I saw him.
Q You don't recollect on that point do you? A No, not positive but I think it was '68 that I seen him.
Q What kin was he to H.C.Ross, Judge Henry Ross? A I think they were cousins.

Q Are you acquainted with the handwriting of J. M. Rose? A No, sir.
Q You know the handwriting of Henry Ross? A No, sir.
Q Where were you when the war closed, Mr. Vann? A I was on Red River.
Q When did you first return to the Cherokee Nation? A I come in the fall of '65.
Q How long did you remain then in the Cherokee Nation? A Well I remained off and on ---
Q I mean before you went out that fall? A Well I just come there that fall, came through. I went up in Kansas where my brother was and came right back.
Q When did you come back? A I came back in the same winter, or '65.
Q Was it in the early part of the winter of '65 or the latter part of the winter of '65? A I think it was the early part of the winter of '65.
Q How long did you stay there that time? A I stayed here pretty much all the time.
Q How long did you stay before you went away again? A I stayed a month or two, maybe something longer than that.
Q Then where did you go? A I drove some cattle to Missouri and then I went back to the Choctaw Nation taking care of some cattle and came back again.
Q When did you first go to the ~~Choctaw Nation~~ Cherokee Nation after the winter of '65? A Well I stayed in the Cherokee Nation from '66 till along in the latter part of the spring.
Q Latter part of the spring of '66, then you went to Missouri?
A Yes.
Q Then you went back to the Choctaw Nation? A Yes, sir.
Q At what time did you come back to the Cherokee Nation next?
A I came back the latter part of the summer of '67.
Q You left in the spring of '66 and came back in the summer of '67? A Yes, sir.
Q How long did you stay when you came back in the summer of '67?
Q I have been there ever since.
Q Never been away any more? A Oh I have been to Kansas City and I have been to St. Louis.
Q I mean lived, gone away to stay for any length of time? A No, sir.

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

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

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

(Signed) T. B. Needles
Commissioner.

October 21st, 1901.

WASH NAVE JR., taking of testimony continued. Former portion taken by Stenographer Grace G. Jones.

B. N. MAYES, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

MR. BOWLEY: What is your name? A B. N. Mayes.
Q Where do you live? Mr. Mayes? A Pryor Creek.
Q How old are you? A 56 years old.
Q How long have you lived in the Cherokee Nation? A Well, I have lived all my life you might say.
Q You are a married man are you? A Yes, sir.
Q What was your wife's maiden name before you were married?
A She was a Vann.
Q What was her father's name, do you know? A David Vann.
Q When did you return to the Cherokee Nation after the war?
A Moved back?
Q Yes? A Moved back in 1867.
Q Did you know, prior to the war, a colored man named Wash Nave?
A Yes, sir.
Q To whom did he belong at the breaking out of the war? A He belonged to Alock Vann.
Q Do you know whether or not he went out during the war? A Yes, that is my understanding; yes, sir, he left the country during the war.
Q When you moved back to the Cherokee Nation you say in 1867, what part of 1867 did you move back? A I think it was the latter part of November we got back here.
Q To what part of the Cherokee Nation did you move and locate?
A About three miles from Chouteau.
Q Near what place; had there been any place there before the war?
A Old place that belonged toHompse Nave.
Q Did you ever see Wash Nave after the war? A I saw Wash Nave, I think it was in '68.
Q Where was he then? A He was at my mother's-in-law, Mrs. Vann's.
Q Did he have his family with him? A Yes, sir, he had a family with him.
Q Did you know any of the family's name? A Yes, sir, I knew them, the old man and all the family.
Q What were their names? A Reuben and Dave and George, I didn't know him so well he was a small boy, I knew Reuben and Dave.
Q Well did you have any conversation with the old man Wash Nave as to where he had been and when he came back? A Yes, he told me in talking with him he was from Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Was he in that country there when you came back from Texas?
A No, sir.

Mr. Smith: Applicant moves to strike out the testimony of the witness with reference to what Wash Nave said for the reason that Wash Nave is not a party to this suit, and the testimony is incompetent.

Com'r Needles: The objection will be noted and testimony heard.

MR. SMITH: Now, Mr. Mayes, about what time of the year was it you say Wash Nave? A It was in the latter part of the winter, I think it was in February or March.
Q Of 1867? A Yes, sir.
Q You don't know how long he had been living there at the place?
A Why he had only recently come in there.
Q He was living there, settled down when you saw him? A Moving in the house when I first saw him.
Q Was he moving in or was he already moved? A He was moved there and had just moved in the camp that I first saw him.

Q You didn't get back to the Cherokee Nation after the war until how long? A We moved back in '67.
Q What time of the year? A November.
Q A little more than two years after the war closed? A Yes, sir, I was in here though in '66.
Q How long were you here? A I spent the summer here of '66.
Q Well, Mayes, did you know J. M. Ross, Joe Ross? A Yes, I knew Joe Ross, I knew J. M. Ross of Saline.
Q He is dead now? A Yes, sir.
Q Are you familiar with his handwriting? A I can't say that I am; I have seen it, but I can't say that I can testify to it.
Q Did you ever see him write? A Yes, sir.
Q Can you tell by looking at this signature whether it is his or not (showing witness paper)? A I don't know.
Q Did you know H. C. Ross? A Yes, sir.
Q Is that his signature? A I don't know; H. C. Ross is living though.
Q Where was Wash Nave living in '69, Mr. Mayes? A '69, he was living right below there in '69, I think he was living on that same place, I don't know whether he had moved away or not.
Q Do you remember of Wash Nave ever living down on Grand River?
Q That was on Grand River where he was living on the Vann place.
Q Did you testify in this case before the Kern Commission? A Yes, sir.
Q Did you state before that Commission that the first time you saw him here was in '69? A No, sir, if I did--I know I didn't because that was not the first time I ever saw him; I know Wash Nave before I lived right by him in Flint District.
Q Did you know George W. Vann, a colored man? A Why I know two George Vanns.
Q How do you distinguish them? A Well we distinguish George here, we used to call him George Springcreek, Spring Creek George.
Q That is the man that is here, when did you first get acquainted with him? A It would be hard to tell, I have known him a long time.
Q When did you first see him after the war? A I don't just remember when I saw him after the war; I have seen him so many times and so many places.
Q Did you see him a short time after the war? A No, I don't remember just where I do remember I knew he used to work there for me.
Q When did he work for you? A I think he worked for me there in about '72 or '3. George Vann, Springcreek George, lived up east of where I lived when I knew him on the Rowe's Prairie on Springcreek called him Springcreek George. I never was acquainted with George until about '73.
Q Did you know where Joe Ross was in '67? A No, sir, I suppose he was in the Cherokee Nation.
MR. DAVENPORT: He has lived in Saline District hasn't he ever since the war? A Yes; I think the first time I saw Joe Ross was in '71.

ED ADAIR, being duly sworn by Commissioner Needles, testified as follows:
MR. DAVENPORT: What is your name? A Ed Adair.
Q Where do you live, Ed? A In Saline district.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q How old are you? A About 49.
Q Did you know Wash Nave after the war? A Yes, sir.
Q Did you go out of the Nation during the war? A Yes, sir.
Q Did you see Wash Nave and his family after the war? A Yes, sir.
Did you know R. H. Mayes, the chief Mayes, at the close of the War? A Yes, sir.

Q Did you see him shortly after the war? A Yes, sir.
Q How when did you see Wash Nave's family with reference to the time he came there, which came first, do you know? A Let's see; my recollection, you see it has been a good while off and I was young.
Q Well, where did Wash Nave locate with his family after he came back, Ned? A He located on the old Dave Vann place on Grand River.
Q Did you know any of the names of his children? A Yes, sir.
Q What were their names? A Daven, Reuben, Wash and George.
MR. SMITH: Mr. Adair, did you go out of the Nation during the war, or did you remain here? A No, sir, I remained in the Nation.
Q Where were you living when the war came up? A I was living in Flint District, near Evansville, Arkansas.
Q What time did you move on Grand River? A Well some time during the war, during the Civil War.
Q Well when did you first move in this neighborhood that you speak of? A Moved in there in '66, I lived on Fourteen Mile Creek in '65 and after I left that place I came up here on Grand River in '66.
QX What time in the year '66? A It was as near as I can remember in the fall.
Q Where did you locate, what point did you move to, live? A I located at the old Dave Vann place, first place I came to.
Q What time in '65 did you get on Fourteen Mile Creek? A Why I only remained there about a year.
Q What time did you go there? A It was sometime it was in about '64 I reckon, 1864.
Q Where were you brought up, Mr. Adair, were you brought up near about Evansville, were you raised there? A Yes, sir, partly raised there.
Q And the first time you moved out of that neighborhood you went down here on Grand River? A Yes, sir, I lived a little while close to Tahlequah during the war.
Q When was that? A During the war, and then after I left there I went to Fourteen Mile Creek, and lived there a year.
Q Did you ever go back to Evansville? A No, sir.
Q First came to Tahlequah? A Yes, sir.
Q And then to Fourteen Mile Creek? A Yes, sir.
Q And then up on Grand River? A Yes, sir.
Q Have you known Wash Nave before the war? A Yes, sir.
Q Had? A Yes, sir.
Q Well now, how long after you moved down here before you saw Wash? A Well as near as I could recollection about seeing Wash after the war, was about spring of '67, 1867, in the spring.
Q As near as you can remember? A Yes, sir.
Q Where did you see him? A First saw him at that Dave Vann place on Grand River.
Q He was on the Dave Vann place in '68, in the spring? A Yes, sir, that is where I saw him.
Q How many children did he have at that time? A I think he had four.
Q Do you remember their names? A I think he had Dave and a Reuben and Wash and George.
Q At the time you saw him did you know how long he had been down there in that country? A No, sir.
Q What was he doing living there then? A Just came in, him and several others.
Q He was living there when you saw him? A He came there when I was living there.
MR. DAVENPORT: Did you have any conversation with him as to where they came from? A No, sir, I don't repellect whether I did or not.
Q You were living there at the Vann place? A Yes, sir.
Q And they came there according to your best recollection after Chief S. H. Mayes and his family moved back from Texas? A Yes, sir.

Mr. [illegible]: Mr. Blair, you are certain about that, which came first [illegible] this man? A [illegible] positive, best of my recall about Hayes.

Q. As a matter of fact [illegible] didn't he? A. I don't know.

Q. Hayes came in 766 and he came again after that? A. I don't know about that.

Q. But you can't be certain now as to which of the two got there first? A. It seems to me like Hayes got there first.

Q. But you are not positive? A. No, sir.

Q. Are you a citizen of the Cherokee Nation? A. Yes, sir.

Q. By blood? A. Yes, sir.

Q. Born and raised here? A. Yes, sir.

Q. Did you know whether Webb had got back when you saw these people here, D. W. Jones? A. I saw him there.

Q. Did they live in the house or camp out? A. They moved in the house; I think there was some houses there.

Com'r Needles: This testimony will be made part of the record in the original case, Freedman D. 2415, and also part of the record in D. 2021, 822 and 823.

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

(Signed) J. O. Rossen.

Subscribed and sworn to before me this November 11th, 1902.

(Signed) T. B. Needles
Commissioner.

File with Cherokee Freedman D-2415, Wash Hayes, Jr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 24, 1902.

In the matter of the application of Wash Hayes, Jr., for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
L. B. Bell, of counsel for Cherokee Nation.

HENRY C. ROSS, being duly sworn by Commissioner Needles, testified as follows:

Mr. [illegible]: State your name? A. Henry C. Ross.

Q. Where do you live, Juanita? A. Locust Grove, Cherokee Nation.

Q. How long have you lived there? A. All my life.

Q. Are you a Cherokee Indian by blood? A. Yes, sir.

Q. Where were you living, Judge Ross, in June, 1896? A. Living right where I am now.

Q. Did you hold any official position at that time?

A. I did.

Q. What? A. District Judge.

Q. District Judge of the Cherokee Nation? A. Saline District, Cherokee Nation.

Q. [illegible]

and tell me that it is (hands witness paper)? A (Examining paper) It is an affidavit of J. M. Ross.
Q J. M. Ross was commonly known as what? A District Clerk of Saline district.
Q What was J. M. Ross known by? A Joseph.
Q Called Joe Ross? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir, he was district clerk of Saline district at that time.
Q In June, 1896? A Yes.
Q Well is he living or dead now? A He is dead.
Q This paper which I handed you and which you stated was an affidavit made by him and sworn to, was that writtne by him? A That is Joe Ross' handwriting.
Q Did he swear to is before you? A Yes, sir.

Mr. Bell: This is only an affidavit that he proposed to put in here as testimony, and I believe the rule adopted by the Commission is that the witness be brought in. These affidavits have been refused time and time again.

Mr. Smith: The objection is on the ground that the rule of the Commission is that the witness must be brought here. The tes timony shows that the man who made this affidavit is dead, and that the affidavit which he made was against his interests at the time he made it, and that makes it admissible in evidence at this time, beyond question.

Commissioner: The affidavit will be filed for what it is worth.

Commissioner: This will be made part of the record in the case at bar, and the affidavit and testimony offered to-day will be made part of the record in cases D-821, D-822 and D-823, and reference is made to the same.

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

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

(Signed) T. B. Needles,
Commissioner.

F.D-815.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 19, 1902.

In the matter of the application of Wash Nave, Jr., for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-815.

APPEARANCES:
Mallette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book from the Executive Department of the Cherokee Nation, the same being entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," from Saline District, as follows, No.80:

"Washington Nave.
Decided against claimant June 9, 1871."

The Cherokee Nation also offers in evidence the following application of Wash Nave, made to what is known as the Chambers Court, the same being taken from a book taken from the Executive records of the Cherokee Nation, entitled Book E, citizenship record 1874, page 174, case No. 120, as follows:

"Wash Nave
vs
the Cherokee Nation

(Before the Commission on Citizenship July (13, 1878. (Colored) Claiming citizenship.

Claimant presents his claim under the fifth specification of a law creating this Commission.

Claimant was a slave of Alex Nave or wife, Cherokee citizens, at the beginning of the war, left during the same, but returned in April, 1867, to this Nation and claims to have complied with the requirements of treaty.

Respectfully,

Wash Nave."

The Cherokee Nation offers the above in evidence for the purpose of showing that in 1871 a full, free and fair investigation of the father of the present applicant to be enrolled as a citizen of the Cherokee Nation, when all the witnesses were easily obtainable, it only being five years after the treaty of 1866 was ratified, and that a court of competent jurisdiction, after hearing all the testimony, decided against the applicant, and the second application to what is known as the Chambers Court hereinbefore introduced is submitted at this time for the purpose of showing that the applicant himself acknowledged in 1878, in his application to the Chambers Court, that he returned in April of 1867, as the witnesses heretofore introduced by the Cherokee Nation have testified.

MR. SMITH: The counsel for the applicant object to the introduction of the above offered testimony for the reason that there is nothing in the entry offered as shown upon the book which contains the same, to indicate or show who made the entry or when it was made, and because the last clause of the entry itself is in the third person and purports to have been written by someone other than Wash Nave, and is signed "Respectfully, Wash Nave," and certainly cannot be considered as an admission upon his part. Further, the offer is objected to by the counsel for the applicant by reason of the fact that there is nothing accompanying said offer to show that said matter offered is in any sense a record, and because the record itself is insufficient to tend to prove any issue in this case.

W. W. HASTINGS, being first duly sworn, testified as follows:

My name is W. W. Hastings. I am one of the representatives of the Cherokee Nation. The last entry hereinabove introduced by the Cherokee Nation is taken from a book that belongs to the Cherokee Nation and is part of the records of the Executive Department of the Cherokee Nation, and this book was given me by the official in charge of those records as one of the representatives of the Cherokee Nation for me to use in representing the Cherokee Nation before the Commission in making the colored roll now in process of being made by the Commission to the Five Civilized Tribes.

MR. SMITH: Mr. Hastings, who wrote this entry that you speak of, the last entry offered? A I don't know, but that unquestionably, as shown from the record, was his application to the Chambers Court, which was recorded in there among their records, that was the record of that court that set between 1874 and 1878, inclusive, and that was the application to them, and that was his statement at that time and embodied in his claim to be enrolled as a citizen.

Q Well now you don't think that the last clause of this offer last made is the form in which Wash Nave made an application to this or any other court do you? A I think it was unquestionably written by his attorney and submitted in his behalf by his attorney for him.

Q Where is that original application? A I don't know.

Q Who is the custodian of this book? A Why it belongs to the Executive Department of the Cherokee Nation, and the executive, the Chief, is T. M. Buffington, and his executive secretaries are J. T. Parks, A. B. Cunningham, and B. W. Alberty, they I suppose are the official custodians of these records, and they, at the request of the chief, gave these records to we attorneys, representing the Nation.

Q And you don't know anything at all about the records; you don't know who made this entry; you don't know from what data it was made of your own personal knowledge? A Why certainly not; I wasn't present.

MR. SMITH: The counsel for the applicant objects to the offer of this because it is not properly proven, because it is not shown upon what the entry is based, which can only come from the person who knows something of the making of the entry itself.

MR. HASTINGS: Then if that contention be true, whenever a clerk of the court would die, his records might as well be pitched into the ~~xxx~~ middle of the sea or burned up, because no record could be proven just because the man who made it wasn't there to verify it.

MR. SMITH: The custodian of it could prove that.

MR. HASTINGS: The present custodian of this record--

MR. SMITH: The applicant furthermore objects to the offer of the above entries because a copy of an entry from the books offered is not the best evidence, the books themselves being the best evidence of the entry, and therefore moves to strike the copies of the said entries.

COMMISSION: The above proceedings will be filed with and made a part of the record in the following cases: Dave Nave, D-821, Reuben Nave, D-822, George F. Nave, D-823, and in the case of Wash Nave, Jr., D-815, the same being the case at bar. It appears from the records of this Commission that all the above applicants are represented by Mellette & Smith.

MR. SMITH: The applicant especially objects to the testimony being placed in the last mentioned cases for the reason that the notices relate to Wash Nave alone.

MR. Hastings: The Cherokee Nation contends that this is relevant because Wash Nave was the father of this Wash Nave, Jr., and of all of these children, and is the man who made the application for citizenship unquestionably, because this applicant in 815 has the name of Wash Nave, Jr., whereas the original application as introduced is signed by Wash Nave, and the judgment that was introduced is against

Washington Harris and the testimony in this case among that Washington Harris was the husband of one of these applicants.

Arthur E. Springer, being first duly sworn, states that he was 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.

(Signed) Arthur E. Springer.

Subscribed and sworn to before me this 25th day of May, 1906.

(Signed) P. E. Reuter,
Notary Public.
(Seal)

E. M. Vance, being first duly sworn, states that he 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.

(Signed) E. M. Vance.

Subscribed and sworn to before me this 25th day of July, 1906.

(Signed) Bruce E. Jones,
Notary Public.
(Seal)

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 and proceedings in the above case.

Mabel F. Maxwell

Subscribed and sworn to before me this 31st day of July, 1906.

Bruce E. Jones
Notary Public.

928

Robert Lansing.

Acting Chairman.

Department of State,
Washington, August 1, 1902.

Commission to the Five Chinese Treaties.

FILED
AUG 1 1902

Department of State,
Washington, August 1, 1902.

Commissioners:

(Signed) J. W. Foster.

(Signed) Chang Yen Mao.

Chang Yen Mao, Minister of Foreign Affairs:

Sir:

Your Excellency's note of the 29th ultimo has been duly received, and I have the honor to inform you that the Commissioners of the Five Treaties have carefully considered the proposals contained therein, and have decided to accept the same in the form in which they are now presented.

I have the honor to be, Sir, your Excellency's most obedient servant,

(Signed) J. W. Foster.

Chang Yen Mao, Minister of Foreign Affairs.

Chang Yen Mao, Minister of Foreign Affairs, to the Commissioners of the Five Treaties.

Peking, 29th day of the 6th moon of the 28th year of Kuang Hsü (July 1, 1902).

Gentlemen:

Your Excellencies have informed me that the Commissioners of the Five Treaties have carefully considered the proposals contained in the Imperial Edict of the 27th day of the 5th moon of the 28th year of Kuang Hsü (June 30, 1902), and have decided to accept the same in the form in which they are now presented.

I have the honor to be, Gentlemen, your most obedient servant,

(Signed) Chang Yen Mao.

To be filed with Dep-722

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

W. W. Hastings, Cherokee Attorney.
Mellette & Smith, Attorneys for the applicant.

In the matter of the application of Ben French for enrollment as a Cherokee Freedman; he being sworn by Commissioner T. B. Needles testified as follows:

xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx

Dave French called and sworn as a witness for the applicant.

By Mr. Smith:

Q. What is your name? A. Dave French.
Q. What is your age? A. 72.
Q. What is your postoffice address? A. Lenapah.
Q. How long have you lived in what the Cherokee Nation? A. Ever since the Spring of '39.
Q. Were you living in the Cherokee Nation just before the war? A. Yes sir.
Q. Do you know the applicant here, Ben French? A. Yes sir.
Q. Did you know him just before the war? A. Yes sir.
Q. Was he a slave? A. Yes sir.
Q. Who did he belong to? A. The Frenches.
Q. Where did they live? A. Flint District, Cherokee Nation.
Q. What was his master's first name? A ? Bob.
Q. What was his wife's name? A. Marguerite Fields before he married her.
Q. Was she a Cherokee Indian? A. Yes sir.
Q. Did they have some children? A. Yes sir.
Q. What were their names? A. Bob, the old st son, Henry, Joe and several other boys.
Q. Do you know what became of this applicant during the war? A. Went to Kansas.
Q. When did he come back? A. In '66 before Christmas.
Q. Where did he come to? A. Fort Gibson.
Q. Cherokee Nation? A. Yes sir.
Q. How long did he stay there? A. I don't know, I left him there when I left.
Q. When did you leave there? A. The week after Christmas.

BY HASTINGS:

Q. Where did you go from there? A. Back to Kansas.
Q. Where did you go after? A. I don't recollect.
Q. Did you go after your wife? A. No sir.
Q. Where was your wife at this time? A. I don't recollect that.
Q. You recollect more about this fellow than you do about your wife? A. Yes, sir.
Q. Your memory is faulty about your wife? A. (No response)

BY SMITH: "I object to that question."
Q. By witness of Hastings: "What did you ask me?"
By Hastings of witness: Q. Is your memory bad about your wife?

BY THE COMMISSIONER: Your recollection is bad about your wife's whereabouts then? A. Yes sir.

By Hastings:
Q. Where was she at the time? A. In Kansas somewhere.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] true and correct transcript [illegible]

(Signed) [illegible] von Weise.

Subscribed and sworn to before me this the 13th day of July, 1901.

(Signed) T. B. [illegible]
Commissioner.

I, [illegible] B. [illegible], being [illegible] I [illegible] to [illegible] above and [illegible] true and correct copy [illegible] entered in [illegible].

[illegible]

Subscribed and sworn to before me [illegible] day of July, 1[illegible]

[illegible]

J.D.
928.
William Webber,

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

In the matter of the application of Joseph Smith et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-626.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony taken by the Cherokee Nation in the case of F. D-816, also the testimony in Freedman Doubtful 216, also the testimony of Reuben Sanders, together with the testimony taken on the part of the Cherokee Nation in the case of Freedman Doubtful 391, be introduced and made a part of the record in this case.

MR. SMITH: The applicant objects to the introduction of the above offered matter for the reason that the same is not the best evidence, and that it is incompetent, irrelevant and immaterial, and does not tend to prove any issue in this case, and because no foundation was laid for the purpose of impeaching or contradicting evidence by any witnesses who took the stand in this case whether they had made such statements, and because the same is not the best evidence, and because the same is hearsay, and because it was not taken under the rules and regulations of this Commission with reference to notice and opportunity for cross-examination so far as it applies to this case.

COMMISSION: This testimony will be filed with and made a part of the record in the following freedmen cases: Becky Webber, D-435; Lewis Webber, Sr., D-554; Russell Henderson, D-929; William Webber, D-928; Birt Henderson, D-943, and in the case at bar, being that of Joseph Smith, D-626. It appears that the applicants in the above cases are represented by Mellette & Smith.

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

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 7th day of July, 1902.
(SEAL) (signed) P. G. Reuter.

I, A. R. Cheever, being duly sworn, state that as stenograpger to the Commission to the Five Civilized Tribes I correctly copied the original proceedings had in this case, and that the forgoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Bruce G. Jones
Notary Public.

representatives of the [illegible] Cherokee Nation could [illegible] prove his right to [illegible] application [illegible] to [illegible] with the enrollment [illegible] at the [illegible] the Commission to Indian Territory, on the 2nd day of March, 1903, and from day to day thereafter until the work could be heard by the Commission during the usual business hours.

Cherokee Nation by the representative, L. B. Bell,

[illegible] C. V. Rogers, being duly sworn, testified as follows on behalf of the Cherokee Nation:

Q Tell us your name? A C. V. Rogers.
Q Age? A 68 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Tell what was your business? A After I came back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedman by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged? A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, '68. I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 20 to 23 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 23 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

E. D. 818.

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

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee freedman.

APPEARANCES:

Ben J. Scoville, representing E. D. Lawson, for applicant.
F. W. Hastings, for Cherokee Nation.

COMMISSIONER: The Cherokee Nation, by its representative, having satisfactorily proof of service on the applicant's attorney that it would, on the 20th day of May, 1902 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee freedman. The applicant this day appears by his attorney, E. D. Lawson, who is represented by Ben J. Scoville, Muskogee, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chamber Commission on Citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows:

"No. 85 Edward Wright (Ex. 7th of June.
vs (Answer filed.
Cherokee Nation.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 56 of the same, the following:

"No. 89. Major Wright
vs (Ex. June 7th. Statement filed
Cherokee Nation. on the 28 of June.
1st July set, 1st Aug.
set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitrir on the 28th day of June, 1874, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to try claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitrire
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the Law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866.

Claimant owned a [illegible] and [illegible] owned by George Whitmire, [illegible], left [illegible] during the war and returned in the summer of 1865 to [illegible] and [illegible] a home for the family, they then being without one, and [illegible] the following [illegible] proceeding the work as his [illegible] [illegible] the condition of the country at that time [illegible] and leaving [illegible] in the interior of the [illegible] without [illegible] and [illegible] was practicable [illegible] claimant finally [illegible] to the [illegible] settled to claimant [illegible] and his [illegible] 1867.

Said acts [illegible] have been called in [illegible] by competent authority, and no [illegible] presume that to [illegible] important examination of this Commission are authorized so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty.

The Cherokee Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire,
By W. P. Boudinet, Atty.

June 26, 1878.

The Cherokee Nation offers in evidence from a book taken from the Executive Department of the Cherokee Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A," page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire
vs
Cherokee Nation.

Tahlequah,
July 3, 1878.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois Dist let. S. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

Am a citizen under the treaty of 1866. I went north to the state of Kansas in 1862. I returned in August - 21st or 22nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Dec. 1866. They returned to Fort Scott before I left there. I left Kansas about the 2nd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first came down there was about 16 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires chopiloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Moses, Dennis and Noldon Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting homes. When I moved with my family I stopped on Payers Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistance. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were sore the core here were authorized by others to locate claims for them, one was by Mekex requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses. I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1863. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. when I came here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires came down first to select and improve claims.

Mark X Fields.
his mk.

Aaron Whitmire
vs
Cherokee Nation.

August 1, 1878.

Blanford Alberty, witness for claimant, called and sworn.

I reside in Coweskoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Coweskoowee District,

[illegible]

Cross Examined.

I am a claimant before this court for [illegible] I am a half-brother of Aaron Whitmire, Louis, [illegible] are also my brothers. Mariah Whitmire is my sister. [illegible] is my stepfather. The names of the party that come [illegible] are as follows: Lewis [illegible], Sam [illegible], Peter [illegible], Tuck [illegible], Nelson [illegible], [illegible] Whitmire, Louis [illegible] Whitmire, Nelson now. Witness and my mother were authorized to make claim for others still back in [illegible]. Louis made a claim for Major Wright. I can't name any of others. Witness was head of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Major Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Ann, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Thos. Sanders was Nelson's family and back at Fort Scott. We went back last January 1868 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Heiga and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alex Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. [illegible] as a witness in this case.

[illegible] correct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 53 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1866.

Attest

D. L. Nicholson,
Clerk.

his
Homer Whitmire.
mark.

Case 83.

Aaron Whitmire & family)
vs) Claiming citizenship.
Cherokee Nation.)

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in the

[illegible] the
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] the
[illegible] mourning
[illegible]
[illegible] the
[illegible] all
[illegible] labor
[illegible] as soon as
[illegible] within the
[illegible] to come to a
[illegible] to [illegible]
return consistent with the duty he [illegible] family by [illegible]
as far as his means allowed to [illegible]

[illegible] respectfully submitted,

Aaron Whitmire,

By Atty Wm. P. Pendleton.

Aaron Whitmire

vs

Cherokee Nation. August 1st, 1879.

Mr. Martin, witness for claimant, called and sworn.

I live on Big Creek, Cooweescoowee, C. N. As a citizen of the Nation, from August up to Christmas 1868 I was at the ferry on the Neosho [illegible] on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. As acquainted with claimant and his brother, [illegible] know Aaron until I meet him at the river. Lewis I [illegible] at time. While I was in charge of the ferry I recollect [illegible] meet claimant and Mose, Lewis, Dennis and Nelson Whitmire, Peter [illegible], Nick Sanders, Sam Parker, and Young Sam, Bill Foreman and others but idd not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans., they were traveling from the direction of Fort Scott. I crossed them from the [illegible] side of the River into the Cherokee Nation, they inquired [illegible] to Big Creek. Nobean gave them the directions to the [illegible] They stated the reason why they were coming was that [illegible] Cherokee Nation had invited them to come back under the [illegible] They mentioned Jim McDonald as the principal one who had [illegible] them and they were then on their way to select the [illegible]

It was after [illegible] that I meet claimant and the others spoken of in [illegible] and whether when I crossed them. It was as near as I can [illegible] about the last of October, 1868. I am positive it was [illegible] at I left them at Christmas or probably a few days [illegible]

I was not acquainted with the [illegible] of the others named previous to [illegible]

I do not know [illegible] I do not know [illegible] they had lived in [illegible] I do not [illegible] of seeing any of the [illegible] at the time.

I [illegible] them over the river. I saw [illegible] of [illegible] party back [illegible] river a [illegible] Nelson [illegible] Whitmire [illegible] I think there were some [illegible] I learned the names [illegible] of the parties [illegible] did not [illegible] [illegible] any [illegible] that time. I think [illegible] one woman with [illegible] was little Sam Webber [illegible] I would not be [illegible] a woman along [illegible] I was [illegible] I never seen any. [illegible] children I would have known it. [illegible] I [illegible] not see in the fall of 1867 on Big Creek. I [illegible] that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

Re Direct.

At the present time the distance between our two settlements is about 8 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time, I met them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire }
vs } July 4th 1873.
Cherokee Nation. }

Wm. McCracken for claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:
D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the [illegible].

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was where claimant now resides. I would say the distance from where George Whitmire resided prior to the war, and claimant's present residence is 80 or 100 miles. Witness states that he had a conversation with Sam Webber in which Webber [illegible] as a reason for quitting where he had been that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was the [illegible] for the colored man so they could have their own schools [illegible] matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The Horn of [illegible] in the same locality he lived at the time mentioned [illegible] Nov. 1866 I came [illegible] and [illegible] colored [illegible] country [illegible] in that neighborhood for the [illegible] except the [illegible] Lewis Wattire in the [illegible] I also [illegible] on the old field. [illegible] I met Aaron and Lemon Wattire at work on the [illegible] farm. This settlement of [illegible] has been [illegible] and [illegible] some of these people have large and good farms [illegible]

[illegible] in the fall of 1866 and this colored party who settled on Big Creek [illegible] in the neighborhood for [illegible] time of locating their homes. General [illegible] was then in sight of [illegible] the colored party [illegible] they had selected and are now the owners of the farms above [illegible].

[illegible] at the time advising said Col [illegible] A delegation from [illegible] Nation at Washington. There were parties as witness [illegible] from one of them who wished to expel or drive off from their claims the colored party at the time they were prospecting the country. [illegible] was advised against by witness and it was not done or [illegible]. Witness' party spoken of above was composed of Cherokee citizens except the colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness in herding wild cattle. I unrolled a good deal in that neighborhood at that time spoken of.

"Continued on page 282."

Aaron Wattire et al | July 16th 1878.
vs
Cherokee Nation. | John Riley.

sworn as witness for Deft. I live in Coope recovee Dist. I right moved there in 1862 and have continued to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Wattire. He returned or came to the Virgin's River to live in the month of March 1867. Also came at the same time Rob. Hedge, Mike Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that coming in 1867 on an old place of Aaron Dundron. He had settled no other place before that.

Cross Examined.

I don't know of any colored people or families coming in to the Nation in the month of Dec. 1866 to locate homes but I know of some who came in Sept. 1866 for that purpose. I know where Aaron Wattire lived [illegible] time. I was near Coody's Bluff in Dec. 1866. I live on the west side of the river. Claimant lives and settled on the east side of the river. If any heads of families came in Dec. 1866 I [illegible] of them. I never knew of Bluford Albert being in [illegible] country in 1866 in the party who came down in Sept. [illegible] Aaron Wattire was not along but Mike Sanders, Sam Webber, Robert & perhaps Billy Foreman. Hosea was not along. Permit was not given. I know of nor Marian nor Major Wright nor Aaron Wattire that I know of. If any such party had come down in Dec. 1866 I think, surely I could have seen it.

Joseph Riley.
Randolph Riley.

(page 283)

[illegible]

[illegible] John F. [illegible]
[illegible] the allegations of [illegible]

[illegible]
Atty for C. [illegible]

[illegible]

(Signed) Arthur G. Crouncer,

Subscribed and sworn to before me this 2nd day of June, 1922.

(SEAL) [illegible] P. C.

[illegible]

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T, May 9,1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wymer, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes,sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No,sir.
Q Never drew any money from any other Nation? A No,sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes,sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I came come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No,sir.
Q Did you ever drew your strip payment money? A Yes,sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes,sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Cooweescoowee district.

Q Were you a slave before the war? A Yes,sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes,sir.
Q Are you married? A No,sir.
Q Ever been married? A No,sir.
Q Got no children then? A No,sir, I haven't.
Q You are certain you came back in 1866? A Yes,sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes,sir.
Q They refused to do it? A Yes,sir, must have, for it aint there.

Mr. W. W. Hastings, attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes,sir, I did.
Q Did you come the first time he came out here? A Yes,sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.

Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.

Mr. Hastings: Was it the March after the treaty was made? A Yes,sir
Q You are certain of that? A Yes,sir, I am.
Q And you came back with him at that time? A Yes,sir.
Q Did he bring his family along then? A Yes,sir.
Q His wife and children? A Yes,sir.
Q He had already been out there and put up a house? A Yes,sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes,sir, that is when we moved there.
Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
Q What kind of buildings did you put up? A We put up a log cabin.
Q Out on Big Creek? A Yes,sir.
Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
Q Name some old citizen who lives at the place now where you located then? A Sam Webber.
Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
Q You have lived there ever since? A Yes,sir.
Q You came out in wagons the first time? A Yes,sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
Q What year is this? A If I am not mistaken I think this is May.
Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.
Q You are satisfied in '66 you came here in March? A Yes,sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No,sir, I don't.
Q Have you got any witnesses? A Yes,sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sam Webber.
Q What is your age? A About 58, somewheres nearabout that.
Q What is your post office address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q Your name on the 1880 roll? A Yes,sir.
Q Do you know Aaron Webber? A Yes,sir.
Q Is he any relation to you? A He is my brother.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q By blood? A Yes,sir.
Q Where was he during the war? A He was with us in Kansas.
Q When did he come back? A He came with us when we came back in July.
Q You came in July from Kansas and he came with you? A Yes,sir.
Q What year was that in? A In 1866.
Q He was a slave the same as you? A Yes,sir, same as me, with the same owners.
Q Ought to be entitled to the same rights you have got? A Yes,sir, have just the same right, belonged to the same parties too.
Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.
Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day.
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knewed of, until we got to Fort Scott, and so saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken? A He is mistaken, he don't know dates; he is notbright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wyner.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Well, did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Mm Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with me his father up in Kansas.
Q When did he come back? A He come back in the fall of 60.
Q How do you know? A I come with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Has he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning, your case was presented? A Yes,sir.

Commissioner: Aaron Walker applies for the enrollment of himself as a Cherokee [illegible]. His name does not appear upon the [illegible] but does appear upon the Kerns-Clifton pay-roll. [illegible] of the protest of the Cherokee Nation the name of Aaron Walker will be placed upon a doubtful card awaiting further consideration of the Commission.

****

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

Bruce C. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C. F. D. 350.

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

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation:
(By the Commission)
Q Give me your full name? A Douglas Walker.
Q How old are you? A 50.
Q What is your post office? A Mound City, Kansas.

(By Hastings)

Q How long have you lived in Mound City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Diana Walker.
Q Was your father and mother here the first of the month? A Yes sir
Q They testified in this matter at that time did they? A Yes, sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
Q Do you know the applicant here, Joe Ross? A I know him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes, sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister.
Q Did you know Aaron Webber a little duck legged fellow? A Yes sir.
Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
Q Whose farm did Samuel Webber live on, if you knew? A He lived on a farm that belonged to a man named Jeff Flemmings.
Q I mean in the year 1866? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '66.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living at the time he married? A On this farm on the same place.
Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
Q Did they all move down at the same time? A All started together.
Q Left there together? A Yes sir.
(By Mr. Smith)
Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognized his countenance as one man knows another.
Q How? A Well I saw him.
Q When? A To day.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '65 that you became acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some some earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you knew that you knew this man in '65 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '65? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the elder Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again?
Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dates absolutely? A Not to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Sr. bringing any hides to that country?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.
Q To refresh your memory, was it not in March? A March when?
Q '66? A No sir.
Q Upon what trip was that that he brought these hides? A He left and said he was coming down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one, the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I dont.
Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought [illegible] A It was that trip that he left there for the p[illegible] house that he brought the hides when he [illegible]
Q Don't you remember [illegible] leaving [illegible] territory for the purpose of building houses? A [illegible] in the spring or summer, in the latter part [illegible] in March I have not seen [illegible] any [illegible]
Q How do [illegible] you have given? A I remember them and then to [illegible] up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the p[illegible] had possession until the first of March, that is the common law, from the first of March one year until the first of March the next year; they had possession of it until March first last.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know that did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoken to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaed in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were here and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Commissioner J. O. Benson)

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

Chas. von Weise.

Subscribed and sworn to before me this the 8th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, being first duly sworn [illegible] to the [illegible] and [illegible] reading copy and that the same is a true and complete copy of the original.

Subscribed and sworn to before me this the 14th day of August 1902.

Joe Ross (sup'l) [illegible] Chas. [illegible]

Before [illegible]
plemental [illegible]

(By [illegible] ly
taken down [illegible]
by him to [illegible])

HENRY C. SHORT, [illegible] Commissioner Breckinridge, testified [illegible]

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A [illegible]
Q In the Cherokee Nation? A In [illegible]
BY MR. [illegible]
Q How long, Mr. Short, have you lived in and about Round City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Donald Walker that lived [illegible]? A Yes sir.
Q Did you know a colored man by the name of Sam Walker up there?
A Yes sir.
Q Do you know that [illegible] father, his son? A Yes sir.
Q Do you know Joe [illegible]? A Yes sir.
Q This is the man [illegible] (Pointing to [illegible].) A I wouldn't have known him unless he had been pointed [illegible]. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A [illegible] recognized me as being Short by the [illegible] who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Amos [illegible], a little dark large fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on that place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the part of '65.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I don't say which; along about in those times I [illegible] my folks moved; of course I was [illegible], I [illegible] from the west part of the place to the east part of my place.
Q Do you know where Sam Walker was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoining farms on [illegible].
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there [illegible].
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to go by there. The best of my judgment they left there in [illegible].
Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
MR. SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
Commission: We will take it for what it is worth and let the Commission pass on it.
BY MR. HASTINGS:
Q That is your best judgment? A Yes, sir.
Q That is your best recollection? A (No response.)

Q You said I believe you knew they were there in the fall? A Yes sir, that is all I can state positively, I don't know how long they were there.
Q You know that by your move? A Yes sir, that is the one thing I have got you know.
Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.

BY MR. SMITH

Q Mr. Short, how old were you in '66? A About 13 years old, September 5, 1866.
Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?
Q Yes? A I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q Where was Sam Webber, Jr., in February 1866? A I don't know.
Q Where was he in October, 1865? A He was on the creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q That was in the fall of 1865 was it? A Fall of 1866.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Q Of course, well how do you know, did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q That young Sam Webber? A Yes, sir.
Q You say you knew young Sam Webber, the younger of the two?
A Yes, sir, I knowed young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber , Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.
Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865?
A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.
Q They come in 1866 and located? A Yes sir, but they come back and got their family.
Q Now you know only that they were there in 1865? A I know they were there in '66.
Q You don't know what time in '65 they were there? A They were there before '65.
Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They came down in the summer of '66 I think; directly after crops was made; they came down here and they went back up there together in the fall.

Q Give me your name, please? A Mary A. [illegible] is the way I [illegible] name.
Q How old are you? A If I live to the first of next month I will be 67 years old.
Q What is your post-office? A [illegible].
Q Is that in [illegible]? A Yes sir.

BY MR. [illegible]:

Q How far do you live from [illegible] City, Kansas, Mrs. Hicks? A I live six miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1867.
Q You were living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about 175 steps; they hauled water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '66? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well of the family record here of births and deaths appear this: Franklin Hicks, was born November 7, 1866. A Yes sir.
Q And under the column of deaths appears: "Died October 23, 1866".? A That is correct.
Q Who was [illegible]? A He was my son.
Q [illegible] was when your son Franklin died?
A [illegible]
Q [illegible]
Q [illegible] up there by me I [illegible]
Q [illegible] died there.
Q [illegible] the date of your son's [illegible] A [illegible] there was an [illegible]
Q [illegible] A [illegible]
Q [illegible] a number of white family? A Yes sir, who lived there [illegible]
Q [illegible] you have remember the man shot during the wildness of [illegible] A [illegible] and if it [illegible] and he was so [illegible] he would come and sit [illegible]
Q [illegible] you have a dispute of Joe's called Cuban? A Yes sir.
Q [illegible] to have your home [illegible] Hicks as to the [illegible] Hooker moved with his family and children from that [illegible]? A [illegible]

[illegible]

A. [illegible] would be positive [illegible]

Q. [illegible] and I [illegible] anything [illegible]

Q. [illegible] what year? A. It would be '57 [illegible] it?

Q. You lived [illegible] A. Yes, sir, I could hear them sing over there [illegible] walk to my house.

Q. On whose place [illegible] living? A. Well they was living on Mr. Walker's place.

Q. Had he recently [illegible] it? A. Yes [illegible]

Q. Do you remember [illegible] he purchased it [illegible] A. I think it was a man by the name of [illegible] I think it was [illegible] named M.

BY MR. [illegible]

Q. At [illegible] Nick, Mr. [illegible] owned this place at the time these people [illegible] A. [illegible] answer that question.

Q. Well, you could tell [illegible] it [illegible] a few months or whether it had been a year or two? A. It was, I [illegible] it may be quite a while, I couldn't tell you.

Q. You remember that Mr. Walker owned a place there? A. Of course I know he had charge of the land; I think Mr. Walker bought it from Mrs. Fleming if I ain't mistaken.

Q. And you know that Webbers were living on the Walker place? A. Yes sir.

Q. Well now what is your best recollection as to how long Mr. Walker had owned that place? A. I [illegible] I won't pretend to say anything I don't know; I [illegible] I didn't come down here to criticize or [illegible] about it; I were to tell the truth as far as I can.

Q. Where was young [illegible] Webber in December, [illegible] and up until January or February [illegible] A. I could [illegible] you where he was. I think Sam worked [illegible] I you whether he was at home all [illegible] or [illegible] you.

Q. [illegible] your child died? A. I [illegible]

Q. [illegible] A.

Q. [illegible] I couldn't say as to [illegible]

Q. Do you [illegible] Sam Webber and Andy [illegible] saying that [illegible] A. I re[illegible] I must be positive, [illegible]

[illegible] last election, before [illegible] A. I don't know.

Q. [illegible] A. No I [illegible] about it, he brought [illegible]

Q. [illegible] to the community? A. No sir, I didn't charge [illegible] anything like that.

[illegible]

Q. [illegible] Christe-
man could [illegible]? A.
Q. You don't [illegible]
Q. You can't [illegible] Christe-
man, you can't [illegible]
Q. Where did you come [illegible] you live? A. Where did I
move from.
Q. How long have you been living at this place now where you lived
when your child died? A. I have been living on the place ever since
the spring of '57.
Q. About how long did you remain on the place? A. I stay there yet,
when I am at home; my husband is dead.
Q. Do you know how many times Sam Webber came to the Cherokee Nation
before this time that he came away from there the last time? A. No
sir, I don't.
Q. You know of his coming one time? I know him and his father and
I think Aaron, and I don't know whether Joe was among or not.
Q. Well is this Joe? A. Well of course, oh that one, Joe Webber,
that one sitting there?
Q. Yes? A. I think it is.
Q. Which one of them does it look familiar? A. That one, he was noth-
ing but a boy when I saw him.
Q. Which one, the one sitting here, the black one? A. Yes sir.
Q. What is his name? A. Joe we always called him.
Q. And what is this man right here? A. Sam, that is the way we always
called him.
Q. You think that is the man you knew up there in Kansas? A. This
Joe? A. I don't know, he says it is; he was nothing but a boy when I
saw him.
Q. You don't recognize him then? A. Surely, I wouldn't know; he says
he is the man; I used to think he was a very good boy when they lived
there, but then he has grown out of my [illegible].
Q. You don't know where old man Sam Webber was in July '66 do you?
A. No sir.
Q. You remember anything about young Sam Webber coming for the old
man and the family in July '66? A. Well he might have come after
them but they didn't come back here in July.
Q. They don't [illegible] come? A. [illegible] I think they came
[illegible] in the [illegible] the [illegible] I say I would not
be certain that [illegible] in [illegible] March.
Q. You won't be [illegible] either in [illegible]? A. I say they left,
I was there and saw [illegible].
Q. You would be certain it was either February or March? A. I think
they did.
Q. You think so? A. Yes sir.
By Mr. [illegible]
Q. I was going to ask you if you knew about young Sam Webber marry-
ing? A. They said he married, I didn't see it [illegible].
Q. Did you hear of his [illegible] up there? A. [illegible].
Q. Was that before or after he left? A. It was before they left.

[illegible] by Commissioner [illegible]

[illegible] A [illegible]

[illegible] Mrs. Hicks who lived [illegible] your mother?

[illegible] lived in and about [illegible] City, Kansas, I mean in [illegible] I came [illegible] about a year old. [illegible] lived there [illegible] ago, well since I have been married I have just [illegible] A. Yes sir. [illegible] moved a mile north of your [illegible] A. Yes sir.

[illegible] Henry L. [illegible] A. [illegible]

[illegible] remember at an early date [illegible] the war some colored [illegible] lived up there; one of [illegible] the name of Sam Webber?

[illegible] remember his son Sam? A. [illegible] I know him.

[illegible] your mother [illegible]? A. Yes sir.

[illegible] Joe Hicks? A. Yes sir. [illegible] been any of these people [illegible] have been here this [illegible] A. I met them to-day.

[illegible] with them some? A. [illegible] I [illegible] to Joe; Sam I did not [illegible] recognize him? A. [illegible] he [illegible] though he did; I don't [illegible] he did; I suppose he [illegible] here.

[illegible] ask you if this is your [illegible] A. Yes sir.

[illegible] family record in the [illegible] A. Yes sir.

[illegible] ask you if you had a brother by the name of Franklin Hicks?

[illegible]

[illegible] remember the date of his death? A. Yes sir, October 23,

[illegible] ask you if you know where the [illegible] family was living [illegible] he died? A. Yes sir, [illegible] there.

[illegible] how far from your [illegible] A. [illegible] 175 steps I suppose, [illegible]

[illegible] A. Yes sir.

[illegible] Webber, a [illegible] duck legged [illegible] A. Yes sir.

[illegible] to know from you [illegible] motion [illegible] time old man Webber [illegible] with [illegible] A. [illegible]

[illegible] A. [illegible]

[illegible] or not your Sam [illegible] up here?

[illegible] that was before [illegible] they left there? A. [illegible] they left there.

[illegible] that coun- [illegible] country for [illegible] A. [illegible] came in the [illegible] or sooner [illegible] I think.

Q [illegible] of some years? A [illegible] back.
Q [illegible] do you [illegible] have with [illegible] ne
[illegible] time Em[illegible] I [illegible]
A [illegible]
Q [illegible] you [illegible] A [illegible] together
Q [illegible]
[illegible]
Q [illegible] don't re[illegible] A [illegible] I [illegible] be positive
[illegible] whether he came [illegible] repair a
Q [illegible] you [illegible] trip to
[illegible] fall of 186
Q [illegible] or [illegible] A [illegible] again the summer
or [illegible]
A [illegible] it [illegible] A. No, it was not, be-
cause [illegible] terwards.
Q [illegible] A [illegible]
Q [illegible] did [illegible] A. I [illegible] he put it up here,
[illegible]
Q Do you know whether he sold it or [illegible] A. No I don't know whether
he sold it or not. I think they had [illegible] their stock before they
left.
Q Where was Sam Walker Jr. in December 1867? A. I don't know where
he was at.
Q Where was he in January and February of 1868? A. January or Febru-
ary of '68, I don't [illegible]
Q Where was he in [illegible] A. I don't know where.
Q Do you have any recollection of [illegible] Walker Jr. coming there after
his father in July 1867? A. [illegible] sir.
Q Do you have any recollection of [illegible] Walker coming there at any
time with any hides, [illegible] or any kind of hides? A. No sir.
Q Where was the old man [illegible] in the year of 1867? A. He
was there living close to my [illegible]
Q In 1875 stops of you? A. Yes [illegible]
Q And you don't remember of [illegible] there at any time off of a
trip [illegible] A. [illegible] to
[illegible] I [illegible] tried [illegible] any trace of [illegible] rawhide
Q Saw what [illegible] people [illegible] of [illegible] that
[illegible] people [illegible] to believe that
[illegible] and the
Q [illegible] A. [illegible]
Q Tadmore [illegible]
[illegible] in the patch or cane
Q [illegible]
[illegible] February, Decem-
[illegible]
[illegible]
Q [illegible] of it, [illegible] gone isn't it? A. No
[illegible]
[illegible] do you have in the [illegible] there? A. Some winters
[illegible] have much.
[illegible] there [illegible] there on
[illegible] you to believe
[illegible] or [illegible] A. [illegible] was
[illegible] best of my knowledge.
[illegible] way [illegible] A. [illegible] sir, I [illegible]
[illegible] people, of this world's
[illegible] there, that [illegible] I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not, he didn't bring it at all, the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place? I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then, there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir,
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now what I want to know, who was there except this woman, Thoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st 1868" is in the same handwriting that this is do you? A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23,1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.
BY MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I do, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that; it is leading.
BY Mr. HASTINGS:
The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.
It is further ordered that a set of all the testimony

[illegible] case 372,
[illegible] in case
[illegible] Freed-
[illegible] D-215,

[illegible] teacher to
[illegible] ed
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[illegible] and that
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notes

[illegible] Brown

[illegible] 1912.

[illegible] ary Public.

SEAL.

To be filed with _____

[illegible] Department of the Interior,
Commi[illegible] Five Civilized Tribes,
[illegible]

SUP[illegible] in the matter of the application of Joe Ross C.F.D. 3[illegible]

Appearances:
[illegible] Nation.
Mallette & [illegible] applicants.

[illegible] BY MO[illegible] tives of the Cherokee Nation [illegible] ber, re-called, in the case of [illegible] Freedmen D 972, be made a part of [illegible] ordered that a set of [illegible] ber in Cherokee Freedman Doubtful [illegible] case of Jefferson Ross [illegible] D 350, of Joe Ross, and in [illegible] of Cilora Grayson and in Cherokee [illegible] 115, of Aaron Webber.

--oo--

[illegible] of the Interior,
Commi[illegible] Five Civilized Tribes,
Bowa[illegible], I.T., June 26,1901.

In the matter of the application of Jefferson Ross for the enrollment of himself [illegible] children as Cherokee Freedmen.

Appearances:
Mallette & [illegible], attorneys for applicants;
W.W.Hastings, counsel for Cherokee Nation.

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live about two miles west of here.
Q How long have you been in the Cherokee Nation? A I was born and raised here, and [illegible] same back.
Q Do you know [illegible] Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I [illegible] before the war.
Q When did you first become acquainted with him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house thereon Big Creek in the [illegible]
Q What time? A [illegible] the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q [illegible] where he was living at the time he came to your house? A [illegible] on Snow Creek he claimed and he was on his way [illegible]
Q [illegible] after you saw him that time? A I put him [illegible] brother's and I never saw him for quite a [illegible] from [illegible] when I saw him he was there on Lightening Creek.
Q Did you see him [illegible] that at his sister's? A I saw him there often and [illegible] about two years I guess.
Q Where? A Here at Lightening Creek.

Q In the Cherokee Nation? A Yes, sir.
Q Was he a married or a single man at that time? A He was a single man to my knowledge.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q Then how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months or a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around here.
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I know of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except to his sister's? A That is all I have noticed him.
Q Did he have any children when you saw him? A I never seen them if he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I dis-remember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Rinda Martin.
Q When did you commence keeping house? A I went in my house when I first came here.
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house?
A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year?
A Along after Christmas; I was already in the house.

E. D. [illegible] stenographer to the [illegible] forming [illegible] of the original transcript.

[illegible] D. [illegible].

Subscribed and [illegible] November 16, 1901.

[illegible]

(SEAL)

I, A. [illegible], state that as stenographer [illegible] Five Civilized Tribes, I made [illegible] the same is a true and complete [illegible] of the original transcript.

C. R. Cleaver

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

[illegible]

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 22d 1906.

In the matter of the application of Alice Weigs for enrollment as a Cherokee Freedman, she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Mitchell Weigs.
Q How old are you? A I don't know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes.
Q That would make you about 71 years old, wouldn't it? A Yes sir I guess so.
Q What is your post office? A Sequoyah.
Q In what district do you live? A Coowescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Weigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Weigs? A Peter Weigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Ross.

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

Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
Page 178, No. 2638, Alice Sanders, Coowescoowee district.

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

Q Did you draw your Cherokee strip money? A Yes sir.

The Lerna-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 100 No. 2612, Alice Weigs, Coowescoowee district.

Q Did you ever go by the name of Daniel? A Yes sir them was my brothers.

The [illegible] examined and the name of the [illegible]

[illegible] Veigs.

[illegible] and the name of [illegible] District.

Q [illegible] out of the Cr[illegible] war.

Q [illegible] 3.

Q [illegible] winter.

Q [illegible] A [illegible] husband was d[illegible]

Q [illegible]s? A [illegible] winter after he went from here [illegible] Dream.

Q He came [illegible] A Yes [illegible]

Q What time did he come [illegible]s? A [illegible] tell you when he first came.

Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of 18[illegible]

Q Did he [illegible] in the winter? A [illegible] sir.

Q Was he [illegible] A [illegible] sir.

Q Do you know how [illegible] before he started to come here first? A [illegible]

Q How long was it after [illegible] he got back to you in Kansas? A [illegible] after Christmas.

Q How long after Christmas [illegible] you and he started down here together? A [illegible] after.

Q He [illegible] that you in the Cherokee Nation by himself? A Yes [illegible] did.

Q [illegible] your family came down with you and your husband? A [illegible] children.

Q Did you [illegible] your child Alice Sanders with you? A Yes sir.

Q All the [illegible]? A Yes sir.

Q Can you [illegible] why you are not on the roll of 1880? A No sir.

Q Do you know why you are not on that roll? A No sir I dont know nothing about the [illegible]

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provision did your husband make after he had been to the Cherokee Nation. He came down [illegible] family? Did he walk off when you had an [illegible]? A Yes sir [illegible] little we had, we never [illegible] much to sell.

Q Where were you living in Kansas then? A Fort Scott.

Q About how long did it [illegible] to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back did we all come here.

Q Was it as much as a [illegible] or three weeks? A Yes sir I guess so.

Q And then you started down here? A Yes sir.

Q Was it in the spring of the year when you reached here? A No sir in the winter.

Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there weren't no buds nor nothing on the trees, it was winter I tells you.

Q You all came in wagons did you? A Yes sir.

Q Who came with your husband down here when he first came? A Old man Mike Sanders.

Q Who else? A Fouban Sanders.

Q Who else? A Daniel Sanders.

Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
Q Any other Webbers? A Aaron Webber.
Q Did any one else come down? A I dont remember any one else now.
Q Were you there when they started down? A We all come together I am a telling you.
Q But I mean when [illegible] come on in advance of you. Who come with him then? [illegible] Did [illegible] that you have named come with your husband when he f[illegible]? A Yes sir.
Q You were at Per[illegible]? A Yes sir.
Q And they all [illegible] there? A Yes sir.
Q These that you have [illegible] are all the you can think of at the present time? A Yes sir.
Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
Q And after Christmas you all came down did you? A Yes sir.
Q Did you come in wagons then? A Yes sir.
Q Did you come by a little place called Chetopa? A Yes sir.
Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
Q And you are living there yet? A Yes sir, that old house was built in '36.
Q What house? A That one we is living in.
Q And you are living at the same old place? A Yes sir, in the same old house.
Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
Q Did those people the first came down with you Husband return with him and then come down again when your family all came after Christmas? A Yes sir.
Q You all came back together? A Yes sir.
Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your family? A Yes sir.
Q Are there any that I missed? A That is all that I gave you.
Q Is that all that come? A Aaron Wright done with us.
Q Who else? A (No response).
Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
Q Who? A Lunie Riley was there on Verdigris, but not there we was living.
Q How far from there you settled? A I dont know how far.
Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
Q Were they the closest neighbors to you at that time? A Yes sir.
Q Were there any Delaware Indians there when you came there? A No sir I never saw none.

Q Any Cuegen? A No sir, never saw none.
Q You didn't see any body on Big Cr[illegible] either white or black, except those that came with you? A [illegible]
Q And you have been there ever since? A Yes sir, ever since we moved there.
Q You say your husband Peter Hedges built a house there? A There a log house there and he bou[illegible] and we moved to it.
Q Who built the house if [illegible] Henry Hedges?
Q Was he a [illegible] Yes sir.
Q Is he living? A I don't know if he [illegible] not.
Q Some 3 or 4 years after you [illegible] Tahlequah before the court, didn't he, to get about his citizenship?
A Yes sir.
Q They didn't decide him [illegible] court? A I don't know sir.
Q You know he was disposed? A I don't know anything about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I dont understand what you say.
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my name enrolled me before he died.
Q I mean in Court? A That is what I am a telling you.
Q You know what a court is don't you? A Yes sir.
Q What court do you know? A Kang Clifton court.
Q Any other court that you know of? A I know of the Wallace court.
Q Any other? A No sir.
Q Did he ever have anything done about his case by the Cherokee Council? A I dont know what was done, my man went there every year or two but I dont know what was done there.
Q How long did it take you and those people to come from Kansas to the Cherokee Nation? A I dont know they left before we were on the road.
Q Have you any witnesses with you that you want to introduce?
A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. D. Breckinridge, testified as follows on the part of the applicant:
(Examined by the Commission)

Q What is your name? A Ruben Sanders.
Q How old are you? A I suppose I am about 50.
Q What is your post office? A Centralia.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
Q Who did you belong to? A James Sanders.
Q Were you taken to Kansas during the war? A Yes sir.
Q You have a wife named Alice have you? A Yes sir.
Q How long have you and she been married? A About 37 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation was examined and the name of the applicant's son-in-law identified thereon as follows:
Page 173, No. 2859, Reuben Sanders, Cooweescoowee District.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
Q What court? A The Chambers courts.
Q Is that the only one? A Yes sir that is the only one I was admitted by the Chambers Court.

Q Where was it sitting? A At [illegible]
Q In what year was that? A [illegible] that year it was
Q Your [illegible] Yes sir.
Q [illegible] during [illegible] protest? A It was
Q [illegible]
Q [illegible] yes sir.
Q Was [illegible] sir.
roll? A [illegible] put on the 1880
Q Were [illegible] in your [illegible] sion of the court
Q Did [illegible] No sir.
1887? A No [illegible] to be enrolled in 1
Q Where did [illegible] A I was in Cocoanack Bend, at the time.
Q Do you know the [illegible] Yes sir.
Q Your wife is her [illegible] Yes sir.

By W. W. Hatch:

Q Peter Meigs' children was disputed the same time yours was? A Yes sir.
Q Did he go before the court at the same time? A No, sir, I think not.
Q His wife's [illegible] also disputed? A I judge so.
Q Did she go down [illegible] court? A Not to my knowledge.
Q Did he go down to [illegible] to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
Q Was Bob Daniels Chief Justice of that court? A Yes sir.
Q Just a few years after you were? A Yes sir.
Q In 1911 wasn't it? A Yes sir.
Q Was any action taken in that court? A I dont know.
Q You were not there yourself? A No sir.
Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I dont exactly know how old I was.
Q You were not married then? A No sir.
Q How long long after you got back before you married?
A Not very long after I got back.
Q Did you marry on your [illegible] here? A No sir.
Q How long had you been here before you married? A I have been married twice.
Q How long had you been here before you married the first time? A.
A Not very long.
Q As much as a year? A [illegible]
Q Is that your best judgment? A My best judgment is perhaps that it was that long.
Q When were you married to your present wife? A Upwards of 30 years, or so.
Q How long did you live with your first wife? A Not very long, she died.
Q A year? A Perhaps it was [illegible] a little longer.
Q Then you married your [illegible] wife? A Yes sir.
Q When you came to the Government station how did you come the first time? A In [illegible]
Q The first time? A Yes sir.
Q Who came with you? A [illegible] were on horse-back; it is [illegible]
Q [illegible]
[illegible] father and [illegible] A We made a trip in August and one in [illegible] there in the winter.
Q Did you come in [illegible]? A Yes sir.
Q Who came with you then? A Some of this family, Peter Meigs and his [illegible] made up these families.

Q Who else came with you? A My brother Dan and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Rose and Dennis, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Muir, and I dont know who else, I dont know one all some.
Q Who came when you came in October? A I dont know who all come then, some of that same crowd and some more come in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Ceasar Smith.
Q You came in both of the detachments yourself? A No sir.
Q Which one did you come in? A I come in August.
Q You didn't come in October then? A Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs Meigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
Q What time in the winter? A Long in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following?
A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Simon Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
Q I dont mean only of that family, there were other families were there not? A Old man Billie [illegible]
Q Who else? A He had several children.
Q The heads of families I mean? A Dennis Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
Q Were any of the Webbers along? A Yes sir.
Q Old man Sam and young Sam? A Yes sir, I would not pretend to call them all over as I had forgotten them Webbers and so I cant remember for if I has forgotten them I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
Q Did his son Sam come? A Yes sir.

Q [illegible]

Q [illegible]

Q [illegible]

Co[illegible] [illegible] Clifton

I [illegible] [illegible] come? A.

Q [illegible]

sir [illegible] [illegible] A Yes

Q [illegible]

Q [illegible]

dia, [illegible] that we

c[illegible] [illegible] a house

Q [illegible] A [illegible] river.

Q [illegible]

or [illegible] Chestrap f[illegible]? A No sir we crossed 20

Q [illegible]

pra[illegible]? A [illegible] Chetopa and came on west through the

Q [illegible] were in [illegible] A [illegible] sir.

Q Were there [illegible] country from Chetopa

west, out to Big [illegible] [illegible] had come in August

or October before [illegible]? A I have [illegible] any one living

there [illegible]

Q Were [illegible]

A I d[illegible] know [illegible] [illegible] crowd built?

Big Creek. [illegible] [illegible]tions for them on

Q Then the h[illegible] [illegible] before [illegible] there with your

families? A [illegible] some were, there were [illegible] logs on some up

8 or 10 logs hi[illegible]

Q Then there w[illegible] [illegible] really completed until [illegible] moved t[illegible] with

your families? A [illegible]

Q Did you make [illegible]

Yes sir as nea[illegible] [illegible] [illegible] there? A

Q Do you kn[illegible]

Q How far [illegible]

Q Was he li[illegible]

Q He had a [illegible] sir.

Q Was he li[illegible] A [illegible] sir.

Q There was [illegible]

wasn't there? [illegible]

20 miles [illegible] [illegible] then,

Q Was his [illegible] [illegible]ng

Q You say [illegible]

below, on [illegible] [illegible] 20 miles

Q Do you [illegible]

called [illegible] ferry [illegible]

ferry.

Q There [illegible] no farm[illegible]

zens had [illegible] up the [illegible] A No sir [illegible] [illegible] citi-

[illegible] saw.

By the Commission:

Q You stated, I believe, that [illegible] you come to the

Cherokee [illegible] After [illegible] was in August of '66?

A Yes [illegible]

Q For [illegible] A I [illegible] it our home;

the proc[illegible] that it was [illegible] for us

to come.

Q You didn't br[illegible] with you then? A Only part of

them and some [illegible]

Q Part came wi[illegible] their families and part came to prepare for their

families? A Yes sir.

Q [illegible] first [illegible]? A [illegible]
Meigs [illegible]
Pe[illegible]
Q [illegible] with you at that time did you? A No sir.
Q Did Peter [illegible] of his family then? A No sir.
Q Did you go [illegible] after that? A Yes sir.
Q When did you [illegible] family? A Our family came in October.
Q When did Peter [illegible] to Kansas? A I think with my father.
Q You came yourself in August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip.
Q Did he go back to Kansas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October? A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the [illegible] time that Peter Meigs had been here? A Yes sir.
Q Where was Peter Meigs on Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.
Q When Peter [illegible] to the Cherokee Nation with his family did he settle in [illegible] near your family? A Yes sir.
Q How far apart? A [illegible] or three hundred yards apart.
Q Did he then go back [illegible] for his family after he made that October trip with you? A No sir he went back after something to eat.
Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
Q You stayed here then? A Yes sir.
Q When did you come? A In the winter.
Q Was it in February? A Must have been [illegible].
Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
Q Did your father come at that trip? A Y[illegible]
Q Your mother? A Yes sir.
Q Peter Meigs? A Yes [illegible]
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Come then.
Q On that third trip? A Yes sir.
Q You say Peter made all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q Every time you went [illegible] to Kansas he went back? A Yes sir, that is to the best of my knowledge.
Q Did he go there by himself? A No sir.
Q Do you remember distinctly that you came here in August the first time? A Yes sir.
Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
Q Do you [illegible] distinctly that he come with his family when you made your third [illegible] last [illegible]? A Yes sir.
Q With his family? A [illegible]

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil War. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

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

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL.

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

In the matter of the application of [illegible] Meigs for enrollment as a Cherokee freedman.

REUBEN SANDERS, having been before sworn by Commissioner Brookings, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs? A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in [illegible], 1867 when we made the last move, about the first of the [illegible] was the following August in 1866; we had been here in [illegible] you know, in '66 and in October, and we made the last move [illegible] January, and I put it down February I think; I wanted to say [illegible].
Q How do you find out now it was January instead of February? A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A [illegible] after Christmas; my reason for saying this is this, [illegible] a few days before Christmas there was a man [illegible] named [illegible]. and there was a gentleman killed him, a colored man [illegible], a man by the name of Mackey, and we started our first march shortly after that killing was, and the parties followed us, thinking we was with us, in our crowd, that was just the following a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you got his first name? A, No sir I am not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I heard afterwards that the man was caught. No I don't know [illegible] part of it.
Q You know what county Ft. Scott is in? A [illegible].
Q Who called your attention to this [illegible] A I thought so myself; I called my own attention to it, I was thinking over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Brookings: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the case in question.

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

Subscribed and sworn to before me this [illegible].

[illegible],
Commissioner.

[illegible]

[illegible]

[illegible] with [illegible] Needles D-391, Elizabeth Meigs.

[illegible] of the [illegible]
Commission to the Five Civilized Tribes.
Tahlequah, I. T., October [illegible], 1901.

In the matter of the application of Elizabeth Meigs et al, for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:
L. [illegible] Perry, appeared for applicants;
L. [illegible] Hall, of counsel for Cherokee Nation.

[illegible], being duly sworn by Commissioner Needles, testified as follows:

Q What is your name? A Daniel Sanders.
Q How old are you? A About 36.
Q Where do you live? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q Does your name appear upon the authenticated roll of 1880?
A I think I [illegible]
Q You know Elizabeth Meigs and George Meigs? A Yes,sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you see Peter Meigs during his lifetime? A Yes,sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes,sir.
Q When did they return to the Cherokee Nation? A They came in '66.
Q With whom did they return? A They came with me and my father and the Keetoowahs.
Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes,sir.
Q When did you come to the Cherokee Nation yourself after the war? A [illegible]
Q What time of the year? A First of December.
Q That was the first time? A Yes,sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January 1867? A Yes,sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes,sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes,sir.
Q Then the second time he brought his family? A Yes,sir.
Q What did his family consist of? A Mary,George,Alice,Harry,Simon, and Perry.
Q Then was his children? A Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes,sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394,D-396, D-398, D-401, D-402, D-404, D-407, D-773.

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

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of December, 1901.

T. B. Needles,
Commissioner.

The undersi[illegible] further to the C[illegible] foregoing copy, and t[illegible] copy of the original.

Subscribed and sworn to before me this 8th day of August, 1902.

Notary Public.

Appl.-C.T.B.#75

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., January 24, 1908.

SUPPLEMENTAL testimony in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman, interposed on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
T. B. Davenport, Cherokee representative.

L. B. BELL, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell? A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The railroad come through the country in 1870, and on the application of the Cherokee Nation, a [illegible] to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The secretary didn't determined which had the right-of-way. They had begun [illegible] and the M. K. & T. got the right-of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1870 that contract was made, I don't remember the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. DAVENPORT:

Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during the war.

Q There did [illegible] time [illegible] moving to Tahlequah? A Lived on Grand river [illegible]
Q Do [illegible] applicant in this case, or his family? A [illegible]
Q Where [illegible] the sixties or early part [illegible] A [illegible]
Q Do [illegible] built from [illegible] it must have been too [illegible]
Q Had [illegible] it any way that [illegible] you remember it? A Yes, sir, I had a contract on the road, beginning at Bryant's [illegible], down this way.
Q And that was in what year it built down there? A The ties was put in there in the spring, latter part; it was in the spring of '71.

BY [illegible]

Q You don't know the applicant, Mr. Markham? A No, sir, I don't.
Q You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A No, sir.

Commissioner: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

---oooOOOooo---

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

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the forgoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

[illegible]
Notary Public.

F2928

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

MOTION FOR REVIEW OF DECISION.

[illegible] persons who have been [illegible] their [illegible] at [illegible] to [illegible] would [illegible] that the evidence [illegible] at the [illegible] of the [illegible] to go out [illegible] the office [illegible] the Interior, the Department of [illegible] to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 31, [illegible].

The records of the Commission show that it did not base its decisions in these cases [illegible] a [illegible] not in the [illegible] was not.

The evidence was that these persons were residents in good faith in the [illegible] prior to [illegible].

[illegible] prior to September 1, [illegible].

Wherefore we respectfully request that this motion be allowed.

_____

_____

Attorneys for Applicants.

Service of the above motion [illegible] and a copy of the same received by the attorneys for the Cherokee Nation, at [illegible], I. T., this day of , [illegible].

[illegible],
Attorneys for Cherokee Nation.

By_____

F. D. 591.

To be filed with F. D. 588.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 13, 1903.

In the matter of the application of Elizabeth Beige for the enrollment of herself as a freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A. Mrs. Lydia Barton.
Q What is your postoffice? A. Fort Scott, Kansas.
Q Do you hold any official position at the present time? A. Yes, sir.
Q What is it? A. County Clerk.
Q Of the county in which Fort Scott is located? A. Yes, sir.
Q Have you an official paper? A. Yes, sir.
Q What is it? A. Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A. Yes, sir.
Q What was it? A. The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A. We are.
Q Have you a file of the official paper including December, 22, 1866? up to and including March of 1867? A. Yes, sir. (Here presents files.)

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford, of this city was found murdered. A colored man, named Tid Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scott mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills, where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion [illegible] arrested [illegible] and he was arrested. As the [illegible] the indignation [illegible] but wiser and [illegible] chance. [illegible] a [illegible] C. F. Drake, [illegible] Virdan, and R. L. Phillips. The body of Mr. Hayford having removed to his [illegible] proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Mr. J. S. Bedfield and B. F. Napier made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Lyer Hayford, then lying dead before them. One shot entered the region of the stomach and came out over the liver, in the [illegible] of his back. There was some evidence that the pistol was fired close to the [illegible] discharged. The other wounds found on the body were [illegible] one had passed above the left nipple and about an inch and a half [illegible] one still remaining through, coming out below the left shoulder, the other passing downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the [illegible], not fracturing the bone, and lodged in the right shoulder. (Evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Quillin, (colored) sworn. Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Ed Mackey, colored, was standing on the walk when I went into Hayfords; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had come a steep with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough for him to go to the mill and back to the place where he was shot, [illegible] before the firing. When I saw Mackey at Hayford's he had on a [illegible] coat; it was off when I found him with the flour. [illegible] that at any time whether Mackey had any arms or weapons about him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him take the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lander, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one; have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went in his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. G. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction; that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night; He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard a call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloe; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I know it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Hargrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

and he was once before arrested here, for shooting at a man; but be-
fore his trial [illegible] the prosecuting witness left for parts
unknown, and [illegible] without trial. Let him be tried
for the [illegible] now [illegible] charged, and if guilty he
should [illegible]."

MR. [illegible]: I [illegible] the editorial from the Fort Scott
Monitor, of [illegible] following:

"Eli Mackey, colored, [illegible] of the murder of Dyer Hayford,
confined in our jail, to await his trial at the next term of the
District Court, [illegible], escaped last evening,
and up to the time of [illegible] this morning, has not been
heard of. A reward of two hundred dollars is offered for his
apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following
from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.

Murderer of Hayford Captured and Hung.

Tragical events connected with the affair.

The history of our community for the past week is repleted with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 20th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in company with his son, Charles T. Wheaton, Edward Joe - who were on police duty in this city - and Benj. Files, for the purpose of capturing him.

On arriving at the house, Messrs. [illegible] and Wheaton, Jr., approached [illegible] the prisoner to surrender. In return he fired several shots [illegible] the partially open door, and then ran out of the house into the open prairie. Joe, being nearest, received the first shots [illegible] fired. He stepped to the corner of the house, and [illegible] about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the [illegible] his condition is improved, and his friends entertain [illegible] that he will live.

In the meantime a number of the posse had gone around and headed by Capt. [illegible], Mr. Files and Mr. Dickinson started in pursuit. [illegible] revolver in his hands, ran fleetly across the [illegible] his pursuers as he ran, and dropping down to load [illegible] became empty. Finally, when nearly dead from [illegible] received from his pursuers, he signified his [illegible]; but even after they approached his [illegible] satisfied, and he fired the two remaining shots in his [illegible] the crowd. Fortunately, no one was injured, though Mr. [illegible] had part of his coat shot off. After the murderer was [illegible] was taken back to the house from which he had fled and hung [illegible] neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Major Hafford last winter. - All reports indicate that he has always been a character with scarcely a parallel in the annals of history for desperation

and bloodthirstiness. - We are [illegible] at one time, in the Cherokee Nation, [illegible] him but failed on account of his [illegible] people, who knew him, were terrible afraid of [illegible] presented a character so utterly lost [illegible] of humanity.

As a [illegible] life except by [illegible] of law, as dangerous to the peace and quiet of the com[illegible] to the best interests of society. We have always found [illegible] but the most extreme necessity would justify it, but [illegible] in this instance that necessity existed; for every moment [illegible] desperado was allowed to live, endangered the lives of good citi[illegible]. We learn that the house he occupied was sino burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large processi-on, headed by the members of the Grand Army of the Republic, to the cemetary where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his conceal-ment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning.

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.

Q What is your postoffice? A Fort Scott.

Q Kansas? A Kansas, yes, sir.

Q Were you living there at the close of the war? A Yes, sir.

Q Were you living there in '66, December? A I have lived there ever since '62.

Q Did you know Dyer Hayford? A Yes, sir.

Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.

Q Was he killed? A He was killed at Fort Scott.

Q Was he killed in the town? A He was killed just at the brink of the hill along in the south; yes, sir he was killed in the city just about the brink of the hill.

Q About what time of the day was he killed? A He was killed just after dark, just dark.

Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.

Q Who? A Eli Mackey.

Q Was he a colored man? A Yes sir, he was.

Q Did you assist in his arrest? Yes, sir.

Q Who arrested him? Myself and a man we called Deacon Jones.

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and was [illegible], I lit a match and this man drew his breath twice, from the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, sometim in February, 26th I think it was.
Q Of February following, of '67? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him? A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 20th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no [illegible], nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; house in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

H. G. [illegible] testified as follows:

[illegible] A. H. G. Jones.

Q. [illegible]

Q. [illegible]

Q. [illegible]

Q. [illegible] of Fort Scott, Kansas, in Dec[illegible] A. [illegible]

Q. [illegible] a man by the name of Hayf[illegible]

Q. [illegible] to a constable.

Q. You [illegible]

Q. Did y[illegible]

Q. Who [illegible] man [illegible]

Q. This [illegible]

Q. Did you [illegible] A. I did.

Q. [illegible] arrested, Bill Hackey? A. [illegible]

Q. [illegible]

Q. [illegible] searched in t[illegible]

Q. [illegible] No, sir.

Q. [illegible] A. [illegible] as soon he he was arrested, he was [illegible] off to [illegible] of any mob violence.

Q. Well how long did he remain in jail, do you remember? A. Why I think s[illegible] like six weeks or more.

Q. Well the Fort Scott Monitor puts it about February 26th? A. I presume that was right, it was correct. It was hard for me to remember exactly.

Q. Well he remained in jail up to that time? A. Up till that time, he was not out of jail a cent while he was under guard.

Q. He made his escape then? A. He made his escape, yes, sir, at the time.

Q. You know how long he was at large? A. Well I put it something like [illegible]

Q. I will ask you if there was any rewards at that time made for him? A. You mean after?

Q. When he got away after [illegible]? A. Oh yes, sir, there was considerable [illegible] for him [illegible]

Q. Rewards offered for him? A. [illegible] reward offered.

Q. Do you [illegible] for him? A. There was quite a number of [illegible] men, they would search for him [illegible] escape from there.

Q. He was [illegible] Yes, sir, he was located afterwards, he hadn't been out of [illegible] of probably ten miles from there after he got away, he [illegible]

Q. Do you know anything [illegible] to be a Cherokee colored man? A. He was [illegible] yes, sir, had the reputation, that is his [illegible]

[illegible] You are [illegible] A. To the best of my [illegible] I would have put it, that is, a week before the holidays, but I know it was only a few days before Christmas when the killing was done.

Q. 1877? A. In '76 the killing was done.

Q. Few days before Christmas of 1876? A. Yes, sir.

Intro [illegible] The [illegible] tion [illegible] and testimony
requir [illegible] D-[illegible], with [illegible] reference to the
the tro[illegible] be introduced and made a part of
[illegible]

Commis[illegible] [illegible] agent for the applicant and moves the
taken [illegible] of this case all the testimony
and in[illegible] [illegible] ent, [illegible] twenty
[illegible] evidence, it being purely hearsay,
Nation [illegible] of the representative of the Cherokee
[illegible] and the testimony [illegible]
in the [illegible] be filed with and form a part of the record
D-401, D-4[illegible], D-404, D-407, D-[illegible], and in D-391, the same being the
case at bar.

Arthur O. Brohinger, being first duly sworn, states that he
stenographer to the Commission to the Five Civilized Tribes he re-
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 O. Brohinger.

Subscribed and sworn to before me this 14th day of May, 1902.

(Seal) (Signed) Philip D. Houter,

Notary Public.

I, Arthur O. [illegible], stenographer to the Commission to the
Five [illegible] that the [illegible] foregoing is a
[illegible] on file with the Commission
as the [illegible]

Arthur O. Brohinger

Subscribed and sworn to before me this 23rd day of [illegible], 1902.

P. D. Houter

Notary Public.

D-[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Ter., July 2, 1902.

In the matter of the application of William Webber for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-[illegible].

Cherokee Nation represented by W. W. Hastings.

COMMISSION: The Cherokee Nation by its representative makes satisfactory proof of service on the applicant's attorneys, Mellette & Smith, Vinita, Indian Territory, that it would on the 22nd day of May, 1902, at the office of the Commission at Muskogee, Indian Territory, introduce testimony bearing to disprove the right of the said William Webber to enrollment as a citizen of the Cherokee Nation. The applicant and his attorneys have this day been called and fail to respond.

MR. HASTINGS: The Cherokee Nation asks that the testimony taken in the cases of Freedman Doubtful 213, Freedman Doubtful 324 and the statement of Dave French in Freedman Doubtful 232, be introduced and made a part of the record in this case.

COMMISSION: In addition to the case at bar, this testimony will be filed with and made a part of the record in the case of Russell Henderson, D-[illegible], who is also represented by Mellette & Smith.

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

Arthur G. Gresinger

Subscribed and sworn to before me this 2nd day of July, 1902.

(Seal)

T. G. Rector
Notary Public.

Freed. D 600

Department of the Interior,
Commission to the Five Civilized Tribes,
[illegible], I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman;

[illegible] appears by Mollette & Smith; Cherokee Nation, by [illegible]

[illegible] The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of [illegible], Trustee for the Freedmen, vs The Cherokee Nation, [illegible] in the Mariah Hayden case F D 428, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

William Webber, D 928;

By V. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

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

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

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

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

William Webber, ... Cherokee Freedmen D. 928
Birt Henderson, ... Cherokee Freedmen D. 942.

D E C I S I O N .

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission, by William Webber for himself and by Birt Henderson for himself. Copies of the testimony taken at various times in the following Cherokee Freedmen cases, viz: George Starr, et al, Ben French, Jane Kernel, Russell Henderson, Edward Wright, Elizabeth Meigs, et al, Samuel Beck, Aaron Webber and Joe Ross, are made a part of the record herein.

The evidence shows that the applicant William Webber was the slave of a Cherokee citizen at the commencement of the rebellion; that he went to Kansas during the rebellion but returned to the Cherokee Nation, with his mother, Lucinda French, prior to January 19, 1867.

The evidence further shows that the applicant Birt Henderson was born since 1866 and is a son of Rachael Henderson (formerly Webber), who was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during the rebellion but returned thereto prior to January 19, 1867, with the said William Webber and Lucinda French.

The evidence further shows that William Webber has resided continuously in the Cherokee Nation since 1866, and that Birt Henderson has resided in said Nation all his life.

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

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby
Chairman.

Commissioner.

Commissioner.

W. E. Stanley
Commissioner.

Muskogee, Indian Territory,

this _____

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BARCHUS.

WM. O. BEALL,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

LETTER IN REPLY TO THE FOLLOWING
[illegible] Freedmen
[illegible] and 915.

Muskogee, Indian Territory, May 5, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, granting the application for the enrollment of William Webber and Birt Henderson as Cherokee freedmen.

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

Respectfully,

Encl. V-10

Commissioner in Charge.

File with F.D-924. Russell Henderson

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

In the matter of the application of George Starr for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith applicant's attorneys.

W. W. Hastings, Cherokee representative.

By Com'r Needles:

Q What is your name? A George Starr.
Q What is your age? A 48.
Q What is your postoffice address? A Hayden.
Q In what district do you live? A Ceweesecowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who else do you want to have enrolled? A One boy.
Q What is his name? A Arthur Starr.
Q How old is he? A 19 years old.

By Mellette:

Were you a slave in the Cherokee nation at the beginning of the war? A Yes, sir.
Q Who were your owners? A Zeek Starr.
Q Was he a Cherokee citizen? A Yes, sir.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes, sir.
Q Where did they take you to? A Kansas.
Q When did you return to the Cherokee Nation after the war? A In '66.
Q Where did you first come to? A Timber Hill.
Q What time in '66 did you come back? A In the Fall.
Q Where did you go then? A We went then on Grand River.
Q When did you go there? A The same f all, we only stopp d a few days at Timber Hill.
Q What place on Grand River did you stop at then? A Close to Pryor creek, close to Billy Leady's place.
Q Where have you continued to live since you came back in '66? A In the Cherokee Nation.
Q All the time? A Yes, sir.
Q How many children have you besides the one you desire to have enrolled at this time? A I have two children of my own.
Q One besides this one? A Yes, sir.
Q What is its name? A George.
Q How old is he? A 26 years old.

By Hastings:

Q Who did you come to the Cherokee Nation with after the war? A With Dave French.
Q Where did you first see him? A Went to Kansas with him and came back with him.
Q Where did you first see him? A I first saw him in Arkansas, Cain Hill.
Q Was that before or after the war? A During the war.

Q When did you first see him in Kansas? A I went to Kansas with him.
Q What is your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning Creek.
Q Who married you? A Preacher Nelson.
Q How long ago? A 27 years ago.
Q Was that a colored man or a Cherokee ? A A colored man.
Q You claim to have come back with Dave French do you? A Yes, sir.
Q Who else was with him? A His sister Jenny.
Q Jenny what? A Gurnell, I think.
Q Was she married then? A Yes, sir, I think she was.
Q Who else came? A Evelina.
Q What? A I don't know her husband.
Q What kin was she to Dave? A A sister.
Q Was she married then? A I don't think she was.
Q Well who else came? A The Naves.
Q How many of them, let's have all their names? A Arch, Ruben, Wash and his wife Mariah, and Dave.
Q How many children did Dave French have with him at that time? A I don't know.
Q Wash's wife along with him then? A I don't think he had a wife at that time; I don't know his family.
Q He came back with his sisters the time you came? A He made 2 or 3 trips, and the last time he came with his sisters.
Q Was that the trip you came on? A Yes, sir.
Q If he had a family then it was down here? A I don't know.
Q He had been here before that hadn't he? A Yes, sir.
Q How many trips had he made before you came? A May be three.
Q What time of the year did you come? A In the fall, in November.
Q Where did you first come to? A Timber Hill, and staid there a few days.
Q Is that up near where Chetopa is? A Yes, sir.
Q Did you come through Chetopa as you came down? A It was not much of a place when we came, but we came in that direction.
Q Did you stay at any of the stores there? A No, sir.
Q Did you come through Parsons? A No, sir, it wasn't there.
Q Did you come through Parker? A No, sir.
Q Where did you locate in the Cherokee Nation.? A On 14 Mile Creek.
Q You went right on there did you? A No, sir, we stopped a few days on the Rider place at Loeder's.
Q Was Dave French with you there? A Yes, sir, but he left me there.
Q Did you go to Fort Gibson? A Yes, sir, a month or two after that.
Q Where did Bill Loeder live? A On Pryor Creek.
Q Was he a colored man? A Yes, sir.
Q Did he have a wife? A Yes, sir.
Q Did he have any children? A Yes, sir.
Q Name them? A Frank, Rose and Matilda.
Q You came before the Kern Clifton Commission five years ago didn't you? A Yes, sir, I think so.
Q You made A statement before that Commission? A Yes, sir.
Q Did you use Dave French for a witness then? A Yes, sir.
Q Did you bring Frank Ross there? A I didn't have but one witness.
Q Did they take French's statement? A They didn't call him.
Q Then you didn't use him? A They didn't call him.
Q Then he didn't testify? A No, sir.
After staying on Pryor Creek for a while you went to 14 Mile Creek, how long did you stay there? First, how long did you stay on Pryor Creek? A We came there in November and left there in December.
Q And then you went to 14 Mile Creek? A Yes, sir.
Q Whose place on 14 Mile Creek? A Moses Nave place.
Q How long did you stay on the Moses Nave place? A I went to his house, that was my stepfather and I staid there.

Q Who were some of Moses Nave's neighbors then? A I don't know exactly, there was Steven Taylor and his family.
Q Colored men or a Cherokee? A Colored men.
Q How far from Fort Gibson was this? A 7 or 8 miles.
Q East? A Yes, sir.
Q On 14 Mile Creek? A Yes, sir.
Q Did Moses Nave live in a house? A Yes, sir.
Q What kind of a house? A Log house.
Q Who owned that place before the war? A He built it himself.
Q Did he have a field there then? A I think he rented a few acres from Arch Volsand.
Q How long did you stay there? A A year or two I think, I worked some on Grand River.
Q Who for? A John Walker and for Sixkiller.
Q Where did you go from Grand River, when you were working there? A Went back to 14 Mile Creek.
Q Then for the first few years after the war you lived on Grand River and 14 Mile Creek? A Yes, sir.
Q When was the last time you were in Parsons, Kansas? A I can't tell, I was there lots of times.
Q When did you last live there? A I worked there.
Q When was the first time you worked there after the war? A I think it was in '87.
Q You didn't work there in '67, '8 and '9? A No, sir.
Q You didn't see George Musgrove up there? A No, sir.
Q You know him? A Yes, sir.
Q Where were you married? A On Lightning creek.
Q The first time? A Yes, sir.
Q What year was that? A '74.
Q Your oldest child, George Starr Jr., where was he born? A On Lightning Creek?
Q Did you and your wife ever keep house in Parsons? A Yes, sir.
Q When did you first go there? A In '87.
Q Is that the first time that you ever saw the town? A No, sir, I went up there and passed through in '71.
Q Wasn't living there then? A No, sir.
Q Not working there then? A No, sir.
Q Not keeping house there then? A No, sir.
Q Where did you go on that trip? A To Neosho Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train in them days.
Q Where did you first get on the train? A At Chouteau.
Q Did you testify five years ago that you went up to Kansas in '68? A Yes, sir.
Q Did you? A Yes, sir, I did.
Q How long did you stay there that time? A A week or ten days.
Q Did you go on the train that time? A No, sir.
Q Who did you go with? A I disremember the man's name.
Q What house did you and your wife first live in, where was it located? Q On Lightning.
Q Who were your neighbors there? A My wife's folks.
Q Did you know Sal Coker? A No, sir, I don't know him.
Q What were your wife's folks' names? A Johnson and Looney's.
Q How far from Coody's Bluff was that? A Just a few miles.
Q Well don't you know anyone else that live around there in '74? A Jack Landrum.
Q How far did you live from him? A 4 or 5 miles.
Q How long did you stay there? A Am living there now.
Q Have you been living there ever since '74? A Yes, sir.
Q In that one house? A No, sir, in several houses.

Did you make a place of your own there? A Yes, sir.
How did you make that place? A [illegible] axes.
How far was that from [illegible] hundred? A 4 or 5 miles.

By Mellette:

Was this your wife when you married her? A [illegible] Johnson.
Was she the mother of this child when you desire to have enrolled? A Yes, sir.
Where were you married to her? A On Lightning Creek.
Who married you? A A man named Wolfe.
Have you a certificate? A Not of that marriage, I have of this last marriage.
How long did you live with her? A Until she died.
How many years was that? A Up until 1900.
About how many years? A Must have been 10 or 11 years.

By the Commission:

Was she a citizen? A Yes, sir.
Is her name on the roll of 1896? A I don't know.
What was her maiden name? A Johnson.
Is she the mother of Arthur? A Yes, sir.

Applicant and his first wife not found on the roll of 1896.

Each children roll examined and the name of the applicant and his son identified thereon as follows:
Page 113 [illegible], George Starr, Cherokee District.
Page 146 [illegible], Arthur Starr.

Father roll examined and the applicants identified as follows:
Page 113, No. 2240, George Starr, Recommended District.
Page 160, No. 5412, Arthur Starr.

DAVE FRENCH called and sworn as a witness for the applicant, testified as follows:

By Mellette:

What is your name? A Dave French.
What is your age? A 72.
Where do you live? A Down on Illinois River, in Sequoyah County this side.
Is the Cherokee Nation? A Yes, sir.
Are you a recognized Cherokee freedman? A Yes, sir.
Do you know this applicant? A Yes, sir.
How long have you known him? A Ever since he was a boy.
Was he a slave? A Yes, sir, he was Ezek Starr's slave.
Was he a Cherokee freedman? A Yes, sir.
Where was this applicant taken to during the war? A To Kansas.
When did he come back? A In the fall of '64.
How do you know? A [illegible] with him.
Where did he go when he came back? A I left him at Tom Rider's on Grand River, [illegible] Cherokee.
Where was he born? A On Lightning Creek and 14 Mile Creek.

BY COMMISSION: Where did you first see this applicant just before the war? A [illegible] Creek.

Q How far from you? A 6 or 7 miles.
Q Where did you next see him? A During the war in Kansas.
Q Now what town? A Neosho Falls.
Q Did he come with you when you came? A Yes, sir.
Q Did he come with you when you came with your family? A When I brought my sisters and the Naves, they were along.
Q Did you have your family with you then? A No, sir.
Q Did he have any family then? A No, sir.
Q Single? A Yes, sir.
Q Was his mother in Kansas then? A I don't know.
Q You left him with Uncle Billy Loeder? A Yes, sir.
Q You didn't testify for him before the Kerr Clifton Commission?
A No, sir.
Q You had been down here before you brought him had you? A Yes, sir.
Q How many trips had you made before you brought him? A I don't know.
Q Had you made several? A I don't know, can't tell you.
Q How long was it until you saw him again after that? A I saw him several times after that.
Q Were you married when you came down with him? A I told you before how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then? A Yes, sir, I had a woman.
Q Where was that woman when you brought this boy down? A She was in Fort Gibson during the war and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she staid there until the spring of '67.
Q Did you bring her back then? A No, sir, I didn't bring her back, someone else brought her back to me on Grand River after I got settled.
Q In that settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline District? A Yes, sir.
Q Who was it brought her back? A I think it was Houston Rogers, she said that he brought her back.
Q Is that the wife you are living with now? A No, sir.
Q Where did you marry this woman that you are living with now? A In Wichita, Kansas.
Q Is her name Lucinda? A Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers brought her back. I told her to hire someone to bring her back, as I wouldn't have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Nave and Eveline Nave.
Q Did you stay on the Martha Vann place in '67? A Yes, sir.
Q You and Lucinda? A Yes, sir, they brought her in '67 on Spring creek and we moved them to the river.
Q You carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '66.
Q You say she was in Fort Gibson? A Yes, sir, she was out with a hay outfit when they was cutting hay.
Q She was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
A Yes? A Linda.
Q Lind who? A My wife's sister.
Q Did you take her children with her? A Yes, sir.
Q How many? A I don't remember.
Q You don't remember your wife's children that were along with her?
A I don't remember, I guess she had them all.

Q Do you know? A There wasn't any left I don't think.
Q Who were they? A Bill, Andy, Jenny, Caroline, Ellen, Louisa.
Q Is that all? A Jim.
Q Anyone else? A Eli, wasn't born.
Q Where was the eldest child born? A On Sallisaw, in Flint.
Q Where was the youngest one by that wife born? A In the Spring of '72.
Q Where? A On Grand River.
Q The time you brought this moodoom here, where was your wife?
Q She was back up there at Fort Scott.
Q What was you doing, going up there back and forth? A Hauling folks.
Q What did this man pay you for hauling him down? A I don't know.
Q Hauled him free, didn't you? A I expect I did, I don't know.
Q And your wife was in Kansas? A Yes, sir.
Q From what town did you start with this fellow? A From Neosho Falls.
Q How far is that from Fort Scott? A 30 or 40 miles may be, I don't know as I didn't measure the miles from there to Fort Scott.
Q And you think it was 30 or 40 miles, and you drag that far from your wife out hunting up Cherokee freedmen and hauling them free to the Cherokee Nation were you? A Yes, sir, I was hauling people back home, that was my business up there.
Q How long did you stay with your wife when you took her back to Fort Scott? A I don't know.
Q You know more about this fellow than you did about your wife? A (No response)
Q Who did this fellow stay with on 14 Mile Creek? A With Moze Nave.
Q Were you ever there after the war and saw this man there? A Yes, sir.
Q When was that? A In '67 or '8.
Q And he was there then? A Yes, sir.
Q Do you know who married this man the first time? A No, sir.
Q Who married him the next time? A I don't know.
Q How far do you live from him now? A I live on Coosamack Road and he lives on Lightning Creek.
Q How long has he been living on Lightning Creek? A I don't know.

By Examiner:

Q When you brought this applicant George Starr, who of the Nayes came with you? A My two sisters, and Moze Nave and his wife.
Q Did the Nave boys, George, Dave and Ruben come with you? A No, sir, they came before that in the spring and were here on 14 Mile Creek there.

Continued by Stenographer M. D. Green this 22d of June, 1901.

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

Chas. von Weise.

Subscribed and sworn to before me this the 8th of July, 1901.

T. B. Needles,

Commissioner.

CONTINUED, afternoon portion of this case taken by stenog. Ga van Velzer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 24, 1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee Freedmen.

FRANK ROSS, being sworn and examined by Com'r Needles, testified:

APPEARANCES:
Mr. Mellette, of Mellette & Smith, for the applicant;
Mr. W. W. Hastings, for the Cherokee Nation.

BY MR. MELLETTE:

Q What is your name? A Frank Ross.
Q Where do you live? A On Lightning Creek.
Q What is your age? A 53 past.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant, George Starr? A Yes, sir, I am acquainted with him.
Q How long have you known him? A I have known him about 36 years, I guess, or 37.
Q Where did you first see him after the war? A I saw him on it's called the Tom Rider place on Grand River.
Q What year? A In the fall of '66.
Q Where has he lived since you saw him there in the fall of '66, as far as you know? A Went from there to 14 Mile Creek, and I never saw him no more until along about '74 or '5.
Q Did you know his wife Malinda? A Yes, sir, I knew her from childhood.
Q You knew anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife? A Yes, sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married? A She was living on Lightning Creek, on Pryor's Creek, and then they moved to Lightning.
Q How long ago has that been that they were said to have been married? A It has been about, my judgment about 30 years.

BY MR. HASTINGS:

Q What was her maiden name? A Johnson.
Q You knew her before he married her? A Yes, sir.
Q Where did she live? A She lived with her father and mother.
Q On Pryor Creek? A Yes, sir.
Q They were married on Pryor Creek? A They said they was, I moved, I went from Pryor's Creek in '69.
Q She was married at that time? A No, sir, they wasn't married when I went away.
Q And you moved away in '69? A Yes, sir.
Q How long after you moved away until they married? A It wasn't very long, about a year or so I guess.
Q When did you see them living together as man and wife after that? A I saw them often and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a house over there? A Yes, sir.
Q A farm over there? A Yes, sir.
Q They were living at that place were they? A Yes, sir.
Q Who came with this fellow down there to Pryor Creek when you saw him? A Uncle Dave French was with him when I saw him.
Q Who else was along with Uncle Dave? A There wasn't no more women along with him.
Q You didn't testify for this man five years ago? A No, sir.

Q Although you know him in the fall of '66? A Yes, sir.
Q Good deal of money attached to that other payment to draw? A I guess there was.
Q You didn't testify for him at that time? A No, sir.
Q How long did he stay down there? A He stayed down there I guess a week or so, about a week; it may have been longer.
Q You know that that was that year? A Yes, sir; I know it was that fall of '66.
Q You know that was 5 years ago too? A Yes, sir; I know it 5 years ago, if you had asked me I would have told you.
Q How far was that from where you lived at that time? A I was staying there with my father at that time, we were all staying there together.
Q What was your father's name? A Bill, they called him William Loudey sometimes, his right name was Ross.
Q What time in the fall was it you saw him? A Along about the first part of fall I guess, middle, I know we went away from there on Pryer's Creek to get logs, it was getting late; we moved and built us some houses up there; we stayed up on Tom Rider's place on Grand River until along in the fall, and went up on Pryer's Creek and built a house.
Q On whose place were you living at the time this fellow came down there? A On Tom Rider's place.
Q That was on Grand River? A Close to Pryer's Creek, we called it Pryer's Creek settlement.
Q You never saw this fellow then for several years after that? A It wasn't quite that long, about five years I guess.

Applicant, GEORGE STARR, recalled, and further examined:

BY MR. HASTINGS:
Q Have you been married a seven time? A Yes, sir.
Q Where were you married? A In Vinita last time.
Q Where did your first wife die? A Died on Lightning Creek.
Q She is buried there is she? A Yes, sir.

Com'r Needles - George Starr applies for the enrollment of himself and child, Arthur; he cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; he is fully identified upon the Kern-Clifton and Wallace rolls; he avers that he was married to one Malinda Jones, who was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence, said George Starr had child Arthur will now be listed for enrollment as Cherokee freedman on a doubtful card; they will be notified by the Dawes Commission of the conclusion in their case at their postoffice address when it is arrived at.

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

M. E. Green.

Subscribed and sworn to before me this July 1st, 1901.

T. B. Needles,

Commissioner.

File with George Starr et ux., C.N.D.,Ill.

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

In the matter of the application of George Starr, et ux, C.N.D.,Ill.

SUPPLEMENTAL TESTIMONY

Appearances:
L. E. Hall for the Chickasaw Nation.
McLoughlin & Smith for the applicants.

GEORGE NUGGRAVE being first duly sworn by Comm'r T. B. Rosdale, testified as follows on the part of the Chickasaw Nation:

(By Mr. Hall)

Q. Your name? A. George Nuggrave.
Q. Your age? A. About 65.
Q. Where is your live, your postoffice? A. Lebanon.
Q. Are you a Chickasaw freedman? A. Yes, sir.
Q. How long have you lived in the Chickasaw Nation? A. All my days.
Q. Are you a recognized citizen? A. Yes, sir.
Q. Are you acquainted with one George Starr, a step son of Mose Nave? A. Yes, sir.
Q. How long have you known him? A. Got acquainted with him; let me [illegible] for study there. I just stuck there all night with him. I knew him before the war; not much acquainted with him, no [illegible].
Q. Where did you first get acquainted with him? A. In Paroxene.
Q. Paroxene, Kansas? A. Yes, sir.
Q. How come you to find him in Paroxene, Kansas? A. I was out hunting a mule, [illegible] and while my mules was I was out hunting for them and stuck all night at his house.
Q. About when was that? A. I don't know exactly the date.
Q. Was it before or after the Dawes payment? A. Away before the Dawes payment.
Q. In 1896 where did you live? A. I lived in Yarbrough, on Sassafras Ridge.
Q. Right after the war? A. Yes, sir.
Q. And the next year? A. I lived there and the next year I moved to where I am living now.
Q. What point on Grand River did you live on? A. On 14 Mile Creek.
Q. How far from Mose Nave? A. About half a mile.
Q. During these two years that you lived within half a mile of Mose Nave did you see George Starr there? A. Never did see him there.

(By Smith)

Q. What was it you say you went to hunt your mule? A. I can't say exactly why I went.
Q. You did you want to know. You don't know exactly what you went to hunt the mule? A. I believe it was [illegible].
Q. It was on the [illegible]? A. Yes, sir.
Q. Where did you go to hunt the mule? A. I went to Independence and from Independence to [illegible].
Q. Where did you go from [illegible]? A. I went to Dennis and from Dennis to [illegible] and [illegible] back home on Grand River.
Q. Did you [illegible]? A. No, sir, just along on Panther Creek.
Q. How did you [illegible]? A. [illegible]
Q. Did you [illegible] the [illegible]? A. No, sir, from Paroxene to

Independence I rode along the railroad.
Q Did you go to Parsons on the railroad? A Yes, sir, horseback first on one side of the road and then on the other.
Q When you came from Parsons here where did you travel? A I left the railroad to my left after I left Chetopa.
Q Where did you go then, back to where you were living? A I went back to Greenback Bend.
Q How near did you come to Pinkie on that trip? A About 30 miles I guess, near as I can recollect.
Q How far? A About 30 miles.
Q Where did you say you saw George in that part of the country? A Parsons.
Q What was he doing there? A He was living there, I staid all night with him.
Q That was a good while after the war? A Yes, sir.
Q You don't know where he was in '66? A No, sir.
Q You just know that you didn't see him at Moses Neve's? A No, sir, I didn't see him there.
Q Where were you during the year '66? A About Fort Gibson and on Fourteen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there? A No, sir, never met up with him.
Q You don't know if he was there or not do you? A No, sir.

(By Bell)

Q When you went to hunt your mule, the railroad from Parsons to Independence was built? A Yes, sir; Q This M.K.&T. was built? A Yes, sir.
Q You don't know much about dates? A No, sir.
Q You found this man George Starr in Parsons then? A Yes, sir.
Q Is he any kin to you? A No, sir.
Q You understand that he is a stepson of Moses Neve? A Yes, sir.
Q You was in Fort Gibson in '66 and '67? A Yes, sir.
Q And didn't see anything of him? A No, sir.
Q Did you go much about Moses Neve's then? A Yes, sir, every day or so.
Q Well acquainted with the family? A Yes, sir.
Q Who was George's mother? A I don't know, I wasn't acquainted with her, I think she was dead at that time.

(By Smith)

Q How far did Moses Neve live from Fort Gibson? A 7 miles.
Q You lived in Fort Gibson? A No, sir, this side on Ranger creek.
Q How far from Fort Gibson? A Six miles.
Q How far from Moses Neve? A Half a mile.
Q You didn't stay at home all the time? A No, sir, not all the time, be at home every other day or so.
Q You say you don't know much about dates? What makes you say it was in '69 that you went to hunt your mule if you don't know dates?
Q I was living up here then when I went to hunt the mule.
Q You said it was in '69 didn't you? A Yes, sir, I said it.
Q What made you say '69 if you didn't know? A A man sometimes forgets dates.
Q When you said that then you didn't know what you were talking about? A Yes, sir, I tried to know.
Q Was it '69? A If I could read I could tell you a very date and every month.
Q Then you don't know when it was or do you still say it was '69?
A I never said. I don't have to answer I am I want to.
Q What was that? A I never said nothing to you.

[illegible] I [illegible] to me. I [illegible] a [illegible] [illegible] [illegible] [illegible] [illegible] [illegible]

This will be filed in [illegible] [illegible] [illegible], [illegible], [illegible] and [illegible].

Thos. von Weise, being first duly sworn states that he stenographer to the Commission to the Five Civilized Tribes, is required 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.

Thos. von Weise.

Subscribed and sworn to before me this 20th of October, 1902.

G. L. Brookbridge,

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.

Mabel F. Maxwell.

Subscribed and sworn to before me this 20th day of July, 1903.

Prince C. Jones

Notary Public.

To be filed with Y. Roll.

[illegible] of the Ind dept.
[illegible] to the Five Civilized tribes,
[illegible], I. T., June 24, 1901.

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

Appearances:
Mr. Smith, of Kellette & Smith, for the applicant;
Mr. Davenport, for the Creek Nation;
Mr. Hastings, for the Cherokee Nation.

Q What is your name? A Jane Karnal.
Q How old are you? A 67.
Q What is your post-office? A Tahlequah.
Q You want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Nobody but myself.

BY MR. SMITH:

Q How old are you Jane? A 67.
Q Were you born a slave? A Yes sir.
Q Who did you belong to? A Mary Have.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A Yes sir.
Q What time did you return? A In the year of '66.
Q Where did you come to, what part of the Cherokee Nation?
A Came down on Grand river.
Q Was Mary Have a Cherokee Indian? A Yes sir.
Q Citizen of the Cherokee nation? A Yes sir.
Q Where were you living at the time the war commenced? A In Flint district.
Q Cherokee Nation? A Yes sir.
Q Did you belong at that time to this Mary Have? A Yes sir.

BY COM'R NEEDLES:

Q Is your name on any of the rolls of the Cherokee Nation? A Wallace Yell.
Q You never drew what is known as the Kern-Clifton money? A No sir.
Q Your name is not on the roll of 1896? A No sir.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 186 # 3260 Jane Colonel, Walin District;
Last authenticated roll of citizens of the Cherokee Nation examined and applicant not found;

BY MR. HASTINGS:

Q Where did your father live before the war? A In Flint.
Q What was her name? A Mary Have.
Q Had have any children? A Yes sir.
Q What are their names? A There was one named Jane and the other one William and Harry.
Q Who were their neighbors who lived about them? A Mr. French and Mr. Harlin and Mr. Pack and Ned Adair.
Q What Ned Adair do you have reference to? A The one in Tahlequah.
Q You knew him before the war? A Yes sir. I knew him ever since he was a baby.
Q You saw him immediately after the war? A Yes sir, not long after.
Q How long after you came back here until you saw that Ned Adair?
A I don't know, not a great while.
Q Where did you first come to Creek here? A On Pryor's Creek.

Q How long did you remain there? A I don't know sir.
Q Did you stay there as much as two or three years? A Yes sir, I think we did.
Q When there did you go? A On 14 mile Creek[illegible].
Q Who did you go with down there? A With my brother and sister, brother Dave and sister Pauline.
Q Pauline what? A Kirk.
Q Did you come back from Kansas with Dave French? A Yes sir.
Q Who else was along? A I don't know sir, I can't remember all of them.
Q Can you name anybody else? A George Starr was one.
Q Where did he go to? A I don't know exactly, but we all came down together, and was there awhile.
Q Where awhile? A Down on Grand river, I don't know whereabouts he went.
Q Did you have a husband at that time? A Yes sir.
Q What was your husband's name? A Ned Karnal.
Q Did you have any children at that time? A No sir, I never has had any.
Q Was Dave French's wife along with you when you came back?
A No sir, it has been so long I can't remember.
Q Was his children along with him? A I don't remember nothing about that, it has been so long, short remembrance anyhow.
Q Where did you and your husband go to when you came back after you went to Pryor Creek? A My husband came went on to the Creek Nation and I stopped in there with my people.
Q Where did you marry your husband? A At Ft. Gibson.
Q Before or after the war? A Time the war was going on.
Q He was a citizen of the Creek Nation? A Yes sir, I guess so.
Q Did you and him live together after the war in the Cherokee Nation? A Yes sir, we stayed there awhile, and then went to the Creek Nation.
Q Where? A On Grand river.
Q What part of Grand river did you live together? A We stayed there awhile at Martha Vann's place.
Q How long did you stay there? A I don't remember how long we stayed there.
Q Did you stay there a week? A Oh yes sir.
Q Month? A I don't know whether it was a month or not.
Q Then you went there to the Creek Nation? A Yes sir.
Q Then you lived there ever since? A No sir, I lived there until he taken sick and died.
Q When did he die? A Been dead about 20 years.
Q Then you lived there up until he died about 20 years ago? A Yes sir.
Q You never kept house in the Cherokee Nation after the war up to the time your husband died? A Oh yes sir, I stayed with my people.
Q Who were your peoples? A My mother's name was Charlotte Hare.
Q Where was your husband when you were staying with your mother?
Q He was there in the Creek Nation.
Q You had a home over there? A He had a place over there.
Q You kept house over there with him? A Yes sir, after we came back.
Q Had a farm over there? A Yes sir.
Q When did you first see that Saline Ned Adair after you came back?
A I don't know, it was shortly afterwards.
Q You testified before that you stayed on Pryor Creek two or three weeks and went over to Saline and when you get there you saw Ned Adair? A Yes sir, we saw him.
Q How far was he living from the Martha Vann place when you saw him? A Not a great ways from where he is living now.
Q How far from the Martha Vann place? A I don't know exactly, no more than two or three hundred yards.

Q You had known him before the war? A Yes sir.
Q After your husband died how long was it until you came back over here? A I didn't stay down there but a few months, after he died, in the Creek Nation.
Q Where did you live then when you first came back here? A Right where I am living now.
Q Where is that? A In Salina.
Q You didn't introduce any witnesses before the Kern-Clifton Commission did you? A No sir.

BY COM'R MEEKS:

Q Did you ever claim citizenship in the Creek Nation? A No sir, I didn't.
Q Your name on any of the rolls of the Creek Nation? A No sir.
Q Did you ever draw any payment of Creek money? A No sir.
Q Your husband was a Creek? A Yes sir.
Q What was his name? A Ned Kernal.
Q What relation was he to Abe? A Just belonged to one set of people you know, that's all the reason they went by that name.
Q Do you know old Abe Kernal? A Yes sir.
Q Never had any land in that nation? A No sir.
Q Have you got any children? A No sir.

BY MR. HASTINGS:

Q I would like for you to tell me as near as you can who came along with you when you came back? A My sister came along with me.
Q What was your sister's name? A Evelina Kirk.
Q And who was your brother? A Dave French.
Q You remember anybody else? A No sir.
Q What time of the year was that when you came back? A '26.
Q What time? A In the fall.
Q You don't know what month? A No sir.
Q Who did you stay with over there on Fryer's Creek? A We just camped out.
Q Camped out in a tent? A Yes sir, never stayed with nobody.
Q And you went from there over to the Martha Vann place in Salina? A Went to 14 Mile Creek awhile and then came to the Martha Vann place.
Q Who did you see on 14 Mile Creek? A I went to see them that I stayed with.
Q Who was it? A My cousin, she was named Winnie and her husband was named Steven.
Q Steven what? A Taylor.
Q They were colored people? A Yes sir.
Q And they were living on 14 Mile Creek? A Yes sir.
Q How long did you stay down there? A I don't recollect.
Q As much as a month? A I don't recollect how long.
Q You came from there then back up to the Martha Vann place? A Yes sir.
Q Who was living there when you got back up there? A The house we went in there there was nobody living there; we went in some houses that was off a piece from where they was living.

DAVID FRENCH, being sworn and examined, sworn by Com'r Meekes, testified as follows:

BY MR. SMITH:

Q What's your name? A David French.
Q How old are you? A 72 years old.
Q Are you the same David French that testified in the application for enrollment of George Starr here? A Yes sir.
Q Do you know this applicant, Jane Kernal? A Yes sir, she is my sister.
Q This woman who is sitting here now, this applicant? A Yes sir.
Q Is she or is she not the same Jane Kernal that you referred to in your testimony in the George Starr case? A Yes sir, she is the same woman.

BY MR. HASTINGS:

Q Who came along with you Mr. French? A I told you the other day.
Q Well just tell me that and we will put it on the record and get it all right, I have got to get it in every case you know, you people must understand that. A My sisters and my brother, and his children, his son.
Q What was your sister's name? A Evaline and the next one was named Jane, Jane Dave and Evaline Dave.
Q They came along with you? A Yes sir.
Q Who else? A George Henry was along.
Q Who else? A This woman that was here this morning, Abbie Bearden
Q Who else? A Her husband, Eph Bearden.
Q Who else? A I don't recollect.
Q You don't remember anybody else? A I dont remember.
Q Where did you come to? A The old Harlin place, on Fryer Creek.
Q How long did you remain there? A I never remained there no time, they stayed up there and I left.
Q Were they there when you returned? A They was not there when I saw them again, they was at the Martha Vann place, on the east side of Grand River.
Q How long was that after you left the Harlin place on Fryer Creek? A I don't recollect, some time that winter.
Q Best of your knowledge about how long? A I don't know, I could not tell you, I just know it was sometime that winter.
Q You don't know whether it was before or after Christmas? A I think it was after Christmas, I want be certain.
Q Well was this woman married? A She may have been married there, I don't know; she was married, I think she may have been married, I don't know whether she was married there or in Kansas, in Kansas I guess.
Q What was he husband's name? A Ned Kornel.
Q Was he a Creek citizen? A Yes sir.
Q Now the next time after you saw her at Martha Vann's where did you see this woman next? A She stayed with us a good while and after she married she went to the Creek Nation and stayed there three or four years and her husband died, and we went and moved her back and she has been there ever since.
Q She stayed with her husband in the Creek Nation until he died? A Yes sir.
Q Was she married when you came down there? A I don't recollect, I guess she was, I couldn't say.
Q Was her husband along? A I don't recollect, that has been a long time.
Q You know what time of the year it was? A I told you it was in the spring or summer, sometime in the first part of the summer I think.
Q Your wife along? A No sir.
Q Where was she then? A I hauled her back to Kansas, she was in Ft. Scott
Q She was in Ft. Scott at the time? A Yes sir.
Q You know a man as named Ned Adair in Saline? A Yes sir, I knowed Ned Adair before he went to Saline, I knowed him when he was a little boy.
Q You know where he was living when this woman was living on the Martha Vann place? A I don't recollect. He may have been living there back in the hills.
Q You know him before the war? A Yes sir.
Q You can't say may then where this woman was married? A I can't, because I didn't stay around very much.
Q You can't remember whether her husband was along with her or not? A I can't.

BY MR. SMITH:

Q Who was it you say came at the same time that Jane came? A My and by brother and his children, and this woman that was here this morning, Annie, and her husband. I don't recollect how many was along, it has been so long I can't think.

Q You remember whether George Starr was along? A George Starr was along with us.

Q There did you first come to; what point in the Cherokee Nation? A We first struck the Cherokee nation down below Chetopa.

Q I mean there did you come to? A Timbered Hill.

Q What time of the year did you say that was? A That was in the first part of the summer, springtime, I don't know what month it was.

Q Of what year? A '66.

BY MR. [illegible]:

Q How far from was Timbered Hill from Chetopa? A I don't recollect, it is below Chetopa.

Q How long did you stop there? A Not very long. We camped out there awhile, as long as we stopped we camped.

Q Well about how long did you stop? A I don't know, it has been so long I can't tell you.

Q How far is Timbered Hill from the line? A I don't know how far it is, it is a piece from the line though.

Q Good piece? A I don't say a good piece, it is a piece though.

Q You know how far it was from town? A I don't recollect, I don't know where, after we left Chetopa I don't know exactly how far it is.

Q You have no idea how far it was from Chetopa ? A I have no idea I didn't take no notice.

Q Did you come through Chetopa? A I guess we did, I think we did anyway.

Q That is your best judgment? A Yes sir.

Q You know what sized place it was? A I don't know, didn't take no notice.

Q About how many stores there? A I don't know, [illegible] I didn't look.

Q Didn't you stop to get any provisions there? A I don't recollect, we might have stopped there and got provisions and we might have had provisions enough to do us, I don't know.

Q You don't know what sized place it was? A I don't, I know it was Chetopa, small town, I don't know how large.

Q You don't remember how far this side of that town you stopped? A I don't, I know we stopped in the Nation, after we passed through that town; after we paste through that town then we came on into the nation and stopped.

Com'r Meddles: Jane Kernal applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1886 or the Kern-Clifton roll, but she is identified upon the Wallace roll; she avers that she was a slave and taken out of the Cherokee Nation during the war, and returned in '66; as to her citizenship reference is made to her testimony; now comes her attorney, Mellette & Smith, and ask that the testimony taken in the matter of the enrollment of George Starr, who was duly listed for enrollment as a Cherokee Freedman on D card 818, be made a part of the record in the case at bar, same will be done, and a copy of the testimony will be filed herewith. Said Jane Kernal will not be listed for enrollment as a Cherokee Freedman on a doubtful card; she will be advised by mail of the action of the commission in the premises.

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[illegible]

-4-

[illegible], being first duly [illegible], states that he stenographically reported the testimony and proceedings in the case herein and that the foregoing is a true and complete transcript of his stenographic notes thereof.

(Signed) [illegible]

Subscribed and sworn to before me this [illegible]

(Signed) [illegible]
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 2nd, 1902.

In the matter of the application of George Story for the enrollment of himself and one child as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith, applicant's attorneys.
W. W. Hastings, Cherokee representative.

By Com'r Needles.
Q What is your name? A George Story.
Q What is your age? A 48.
Q What is your postoffice address? A Keyes.
Q In what district do you live? A Cooweescoowee.
Q You want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who else do you want to have enrolled? A One boy.
Q What is his name? A Lemuel Story.
Q How old is he? A 10 years old.

By Mellette:
Q Were you a slave in the Cherokee Nation at the beginning of the war? A Yes sir.
Q Who were your owners? A Rock Fourr.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee Nation at the beginning of the war? A Yes sir.
Q Where did they take you to? A Kansas.
Q When did you return to the Cherokee Nation after the war? A In '66.
Q Where did you first come to? A Timber Hill.
Q What time in '66 did you come back? A In the fall.
Q Where did you go to then? A We went then on Grand river.
Q When did you go there? A The same fall, we only stopped a few days at Timber Hill.
Q What place on Grand river did you stopped then? A Close to Pryor creek, close to Billy Landy's place.
Q Where have you continued to live since you came back in '66? A In the Cherokee Nation.
Q All the time? A Yes sir.
Q Do you own a place on the Public Domain of the Cherokee Nation? A Yes sir.
Q How many children have you besides the one you desire to have enrolled at this time? A I have two children of my own.
Q One besides this one? A Yes sir.
Q What is the name? A George.
Q How old is he? A 23 years old.
By Hastings.
Q Did you come to the Cherokee Nation with after the war? A With Dave Drunk.

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Q Where did you first see him? A Went to Kansas with him and came back with him.
Q Where did you first see him? A I first saw him in Arkansas, Cain Hill.
Q Was that before or after the war? A During the war.
Q When did you first see him in Kansas? A I went to Kansas with him.
Q Where were you married, in Kansas? A No sir.
Q What is your wife's name? A Malinda Johnson.
Q Where were you married to her? A On Lightning creek.
Q Who married you? A Preacher Nelson.
Q How long ago? A 27 years ago.
Q Was that a colored man or a Cherokee? A A colored man.
Q You claim to have come back with Dave French do you? A Yes sir.
Q Who else was with him? A His sister Jenny.
Q Jenny what? A Cornell, I think.
Q Was she married then? A Yes sir I think she was.
Q Who else came? A Evaline.
Q What? A I dont know her husband.
Q What kin was she to Dave? A His sister.
Q Was she married then? A I dont think she was.
Q Well who else came? A The Naves.
Q How many of them, lets have all their names? A Arch, Ruben, Wash and his wife, Mariah, and Dave.
Q How many children did Dave French have with him at that time? A I dont know.
Q Was his wife along with him then? A I dont think he had a wife at that time, I dont know his family.
Q He came back with his sisters the time you came? A He made 2 or3 trips, and the last time he came with his sisters.
Q Was that the trip you came on? A Yes sir.
Q If he had a family then it was down here? A I dont know.
Q He had been here before that hadn't he? A Yes sir.
Q How many trips had he made before you came? A May be three.
Q What time of the year did you come? A In the fall, in November.
Q Where did you first came to? A Timber Hill, and staid there a few days.
Q Is that up near there Chetopa is? A Yes sir.
Q Did you come through Chetopa as you came down? A It was not much of a place when we came, but we came in that direction.
Q Did you stop at any of the stores there? A No sir.
Q Did you come through Parker? A No sir.
Q Where did you locate in the Cherokee Nation? A On 14 Mile creek.
Q You went right on there did you? A No sir we stopped a few days on the Rider place at Leody's.
Q Was Dave French with you there? A Yes sir but he left me there.
Q Did you go to Fort Gibson? A Yes sir, a month or two after that.
Q Where did Billy Leody live? A On Pryor creek.
Q Was he a colored man? A Yes sir.
Q Did he have a wife? A Yes sir.
Q Did he have any children? A Yes sir.
Q Name them? A Frank, Rose and Matilda.
Q You came before the Kern Clifton Commission five years ago didn't you? A Yes sir, I think so.
Q You made a statement before that Commission? A Yes sir.
Q Did you use Dave French for a witness then? A Yes sir.
Q Did you bring Frank Ross there? A I didn't have but one witness.
Q Did they take French's statement? A They didn't call him.
Q Then you didn't use him? A They didn't call him.
Q Then he didn't testify? A No sir.
Q After staying on Pryor Creek for a while you went to 14 Mile Cr creek, how long did you stay there? First, how long did you stay on Pryor Creek? A We came there in November and left there in December.

Q And then you went to 14 Mile Creek? A Yes sir.
Q Whose place on 14 Mile Creek? A Hose Nave place.
Q How long did you stay on the Hose Nave place? A I went to his house, that was my step father and I staid there.
Q Who were some of Hose Nave's neighbors then? A I dont know exactly, there was Steven Taylor and his family.
Q Colored man or a Cherokee? A Colored man.
Q How far from Fort Gibson was this? A 7 or 8 miles.
Q East? A Yes sir.
Q On 14 Mile creek? A Yes sir.
Q Did Hose Nave live in a house? A Yes sir.
Q What kind of a house? A Log house.
Q Who owned that place before the war? A He built it himself.
Q Did he have a field there then? A I think he rented a few acres from Arch Veland.
Q How long did you stay there? A A year or two I think, I worked some on Grand river.
Q Who for? A John Walker and for Sikkiller.
Q Where did you go from Grand river, when you were working there? A Went back to 14 Mile creek.
Q Then for the first few years after the war you lived on Grand river and 14 Mile creek? A Yes sir.
Q When was the last time you were in Parsons Kansas? A I cant tell, I was there lots of times.
Q When did you last live there? A I worked there.
Q When was the first time you worked there after the war? A I think it was in '87.
Q You didn't work there in 69.'8 and '9? A No sir.
Q You didn't see George Musgrove up there? A No sir.
Q You know him? A Yes sir.
Q Where were you married? A On Lightning creek.
Q The first time? A Yes sir.
Q What year was that? A '74.
Q Your eldest child, George Starr, Jr., where was he born? A On Lightning creek.
Q Did you and your wife ever keep house in Parsons? A Yes sir.
Q When did you first go there? A In '87.
Q Is that the first time that you ever saw the town? A No sir I went up there and passed through in '71.
Q Wasn't living there then? A No sir.
Q Not working there them? A No sir.
Q Not keeping house there then? A No sir.
Q Where did you go on that trip? A To Neosho Falls.
Q What were you doing up there? A Riding on the train, it was a treat for the colored people to get to ride on a train them days.
Q Where did you first get on the train? A At Chouteau.
Q Did you testify five years ago that you went up to Kansas in '68? A Yes sir.
Q Did you? A Yes sir, I did.
Q How long did you stay there that time? A A week or ten days.
Q Did you go on the train that time? A No sir.
Q Who did you go with? A I disremember the man's name.
Q What house did you and your wife first live in, where was it located? A On Lightning.
Q Who were your neighbors there? A My wifes folks.
Q Did you know Sal Coker? A No sir I dont know him.
Q What were your wife's folks names? A Johnson and Leedey's.
Q How far from Seedy's Bluff was that? A Just a few miles.
Q Well dont you know anyone else that lived around there in '74? A Jack Landrum.
Q How far did you live from him? A 4 or 5 miles.
Q How long did you stay there? A Am living there now.
Q Have you been living there ever since '74? A Yes sir.

Q [illegible] in [illegible]
Q [illegible]
Q [illegible]
Q [illegible]

Q [illegible] wife [illegible]? A [illegible]
Q [illegible] the mother of this [illegible] you [illegible]
Q Where were you married to her? A On Lightning creek.
Q Who married you? A [illegible]
Q Have you a certificate? A [illegible] of that marriage, I have of this last marriage.
Q How long did you live with her? A [illegible]
Q How many years was that? A [illegible]
Q About how many years? A [illegible] have been 10 or 11 years.

By the Commission:
Q Was she a citizen? A Yes sir.
Q Is her name on the roll of [illegible]? A I dont know.
Q What was her [illegible] name? A [illegible]
Q Is she the mother of Arthur? A Yes sir.

Applicant and his first wife not found on the roll of [illegible].

Ward Clifton roll examined and the name of the applicant and his son identified thereon as follows-
Page 1[illegible] No. [illegible], [illegible] Starr, Cooweescoowee district;
Page 1[illegible] No. [illegible], Arthur Starr.

Wallace roll examined and the applicants identified as follows:
Page [illegible] No. [illegible], [illegible] Starr, Cooweescoowee district;
Page 1[illegible] No. [illegible], Arthur Starr.

DAVE FRENCH called and sworn as a witness for the applicant testified as follows-

By Mellette:
Q What is your name? A Dave French.
Q What is your age? A [illegible]
Q Where do you live? A Down on Verdigris river, in Goose neck bend, this side.
Q [illegible] the Cherokee Nation? A Yes sir.
Q [illegible] you a recognized Cherokee freedman? A Yes sir.
Q Do you know this applicant? A Yes sir.
Q How long have you known him? A Ever since he was a boy.
Q Was he a slave? A Yes sir, he was [illegible] Starr's slave.
Q Was he a Cherokee [illegible]? A Yes [illegible].
Q Where was this applicant taken to during the war? A To Kansas.
Q When did he come back? A [illegible] the fall of '65.
Q How do you know? A He came with me.
Q Where did he go when he came back home? A [illegible] I left him at [illegible] on Grand river, [illegible] Looney lived there then.
Q Where has he been since? A On Lightning creek and 14 Mile creek.

By Hastings:
Q Where did you first see this applicant just before the war? A In [illegible] district.
Q How far from you? A 6 or 7 miles.
Q Where did you next see him? A During the war in Kansas.
Q [illegible] what [illegible]? A [illegible]
Q Did he come [illegible] with you [illegible]? A Yes sir.
Q [illegible] when you came back with your family? A When I brought my [illegible] they were [illegible].
Q Did you have your family with you then? A No sir.

Q Did he have any family then? A No sir.
Q Single? A Yes sir.
Q Was his mother in Kansas then? A I don't know.
Q You left him with Uncle Billy Loudey? A Yes sir.
Q You didn't testify for him before the Kern Clifton Commission?
A No sir.
Q You had been down here before you brought him had you? A Yes sir
Q How many trips had you made before you brought him? A I dont know.
Q Had you made several? A I dont know, cant tell you.
Q How long was it until you saw him again after that? A I saw him several times after that.
Q Were you married when you came down with him? A I told you before how it was, every time I come up here you ask me that.
Q I want to know this time if you were married then? A Yes sir I had a woman.
Q Where was that woman when you brought this boy down? A She was in Fort Gibson during the war and then she went to Fort Scott.
Q How long did she stay in Fort Scott? A I think she staid there until the spring of '67.
Q Did you bring her back then? A No sir I didn't bring her back, some one else brought her back to me on Grand river after I got settled.
Q In what settlement? A On the Martha Vann place.
Q On this side or on the other side of the river? A On the other side.
Q In Saline district? A Yes sir.
Q Who was it brought her back? A I think it was Houston Rogers, I she said he brought her back.
Q Is that the wife you are living with now? A No sir.
Q Where did you marry this woman that you are living with now? A In Wichita, Kansas.
Q Is her name Lucinda? A Caroline, Lucinda is dead.
Q Who was it brought Lucinda back? A I said that she told me that Houston Rogers brought her back, I told her to hire some one to bring her back, as I wouldn't have time to do it myself.
Q Did you have a sister named Linda? A My sisters was named Jennie Kave and Eveline Kave.
Q Did you stay on the Martha Vann place in '67? A Yes sir.
Q You and Lucinda? A Yes sir, they brought her in '67 on Spring creek and we moved then to the river.
Q You carried this woman up to Kansas the first time? A I did.
Q How long was that before she returned? A In the summer of '66.
Q You say she was in Fort Gibson? A Yes sir she was out with a hay outfit when they was cutting hay?
Q Who was cutting hay? A The Government.
Q When was that? A In August I guess.
Q Who else was along? A When I took her to Kansas?
Q Yes? A Linda.
Q Linda who? A My wife's sister.
Q Did you take her children with her? A Yes sir.
Q How many? A I dont remember.
Q You dont remember your wife's children that were along with her?
A I dont remember I guess she had them all.
Q Do you know? A There wasn't any left I dont think.
Q Who were they? A Bill, Andy, Jenny, Caroline, Ellen, Louisa.
Q Is that all? A Jim.
Q Any one else? A Eli, Wasn't born.
Q Where was the oldest child born? A On Halligan, in Flint.
Q Where was the youngest one by that wife born? A In the spring of '70.
Q Where? A On Grand river.
Q The the time you brought this man down here, where was your wife?
A She was back up there at Fort Scott.

Q What was you doing going up there, back and forth? A Hunting [illegible].

Q Did this man pay you for hunting him down? A I don't know.

Q Didn't he pay you? A I expect I did, I don't know.

Q Don't you know you do know? A Yes sir.

Q Then what did you do with this follow? A Brought [illegible] back.

Q How far is that from Fort Smith? A 30 or 40 miles may be. I don't know as I didn't measure the miles from there to Fort Smith.

Q And you think it was 30 or 40 miles, and you had that far from your wife and handing up the Cherokee freedmen and handing them over to the Cherokee Nation were you? A Yes sir I was handing people back home, that was my business up there.

Q How long did you stay with your wife when you took her back to Fort Smith? A I dont know.

Q You know more about this fellow than you did about your wife? (No response.)

Q Who did this fellow stay with on 14 Mile creek? A With Nace Love.

Q Were you ever there after the war and saw this man there? A Yes sir.

Q When was that? A In '67 or '8.

Q And he was there then? A Yes sir.

Q Do you know who married this man the first time? A No sir.

Q Who married him the next time? A I don't know.

Q How far do you live from him now? A I live on Beech Fork Land and he lived on Lightning Creek.

Q How long has he been living on Lightning creek? A I dont know.

By Mallette:

Q Did you bring this applicant George Starr, the of the paper down with you? A My two sisters, and Nace Love and his wife.

Q Did the Love boys, George, Dave and Ephen come with you? A No sir they came before that in the spring and were on 14 mile creek then.

Continued by Stenographer, N.D.Green this 22nd of June, 1901.

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 following is a full, true and correct transcript of his stenographic notes therein.

(signed) Chas.von Weise.

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

(signed) T.B.[illegible]

[illegible] Commy.

CONTINUED,- former portion of this case taken by steno. [illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 22, 1901.

In the matter of the application of George Starr for the enrollment of himself and son as Cherokee freedmen.

Thomas Edwards, being sworn and examined by Com'r Dawes, testified:

Appearances:
Mr. Mallette, of Mallette & Smith, for the applicant;
Mr. W. H. Hastings, for the Cherokee Nation.

BY MR. MARTINEZ:

Q What is your name? A Frank Rose.
Q Where do you live? A On Lightning Creek.
Q What is your age? A 38 years.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant, George Starr? A Yes sir, I am acquainted with him.
Q How long have you known him? A I have known him about 36 years, guess, or 37.
Q Where did you first see him after the war? A I saw him on it's called on the Tom Rider place on Grand River.
Q That year? A In the fall of 66.
Q Where has he lived since you saw him there in the fall of '66, so far as you know? A Went from there to 14 Mile Creek, and I never saw him no more until along about '74 or '5.
Q Did you know his wife Malinda? A Yes sir, I knew her from childhood.
Q You know anything about them being married? A No, I heard they was married.
Q Did they live together as man and wife? A Yes sir, until she died, they lived together as man and wife until she died.
Q Where did she live at the time they were said to have been married? A She was living on Lightning Creek, on Fryer's Creek, and then they moved to Lightning.
Q How long ago has that been that they were said to have been married? A It has been about, my judgment about 36 years.

BY MR. MARTINEZ:

Q What was her maiden name? A Johnson.
Q You know her before he married her? A Yes sir.
Q Where did she live? A She lived with her father and mother, on Fryer's Creek? A Yes sir.
Q They were married on Fryer Creek? A They said they was, I moved, I went from Fryer's Creek in '69.
Q She was married at that time? A No sir, they wasn't married when I moved away.
Q And you moved away in '69? A Yes sir.
Q How long after you moved away [illegible] until they married? A It wasn't very long, about a year or so I guess.
Q When did you see them living together as man and wife after that A I saw them often and on until she died.
Q Where? A On Lightning Creek.
Q Did they have a house over there? A Yes sir.
Q A farm over there? A Yes sir.
Q They were living at that place were they? A Yes sir.
Q She came with this fellow down there to Fryer Creek when you saw him? A Uncle Dave French was with him when I saw him.
Q She also was along with Uncle Dave? A There was a more woman along with him.
Q You didn't testify for this man 5 years ago? A No sir.
Q Although you knew him in the fall of '66? A Yes sir.
Q Good deal of money attached to that other payment to draw? A I guess there was.
Q You didn't testify for him at that time? A No sir.
Q How long did he stay down there? A He stayed down there I guess a week or so, about a week, it may have been longer.
Q You knew that that was that year? A Yes sir, I knew it was that fall of '66.
Q You knew that 5 years ago too? A Yes sir, I knew it 5 years ago. If you had asked me I would have told you.
Q Another was that from where you lived at that time? A I was staying there with my father at that time, we were all staying there together.
Q What was your father's name? A Bill, they called him William Leady sometimes, his right name was Rose.

Q What time in the fall was it you saw him? A Along about the first part of fall I guess, middle, I knew we went away from there on Fryer's Creek to get logs, it was getting late, we moved and built us some houses up there; we stayed up on Tom Rider's place on Grand river until along in the fall, and went up on Fryer's Creek and built a house.
Q On whose place were you living at the time this fellow came down there? A On Tom Rider's place.
Q That was on Grand river? A Close to Fryer's Creek, we called it Fryer's Creek settlement.
Q You never saw this fellow then for several years after that? A It wasn't quite that long, about 5 years I guess.

Applicant, GEORGE STARR, re-called, and further examined:

BY MR. HASTINGS:
Q Have you been married a second time? A Yes sir.
Q Where were you married? A In Vinita last time.
Q Where did your first wife die? A Died on Lightning Creek.
Q She is buried there isshe? A Yes sir.

Com'r Needles: George Starr applies for the enrollment of himself and child, Arthur; he cannot be identificdupon the authenticated roll of 1880 or the census roll of 1896; he is fully identified upon the Kern-Clifton and Wallace rolls; his child Arthur, 19 years of age, is identified upon the Wallace roll; he avers that he was married to one Malinda Jones, the was the mother of Arthur Starr; he makes no documentary proof of marriage, makes verbal proof, and they lived together as man and wife; he is duly identified and makes satisfactory proof as to residence, said George Starr and child Arthur will now be listed for enrollment as Cherokee Freedmen on a doubtful card; they will be notified by the Dawes Commission of the conclusion in their case at their post-office adress when it is arrived at.

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

(signed) M.D.Green.

Subscribed and sworn to before me this July 1st, 1901.

(signed) T.B.Needles,
Commissioner.

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

(signed) M.D.Green.

Subscribed and sworn to before me this August 26th, 1901.

(signed) T. B. Needles,
Commissioner.

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

H M Vance

Subscribed and sworn to before me this 29th day of July, 1902.

Bruce G Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 24th 1902.

In the matter of the application of George Starr, et al., C. N. B. 213.

SUPPLEMENTAL TESTIMONY

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

GEORGE MUSGROVE being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation-

(By Mr. Bell)

Q Your name? A George Musgrove.
Q Your age? A About 45.
Q Where do you live, you post office? A Lenapah.
Q Are you a Cherokee freedman? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Are you a recognized citizen? A Yes sir.
Q Are you acquainted with one George Starr, a step son of Moses Rave? A Yes sir.
Q How long have you known him? A Got acquainted with him-- let me see-- let me study there, I just staid there all night with him, I knowed him before the war, not much acquainted with him, he was small
Q Where did you first get acquainted with him? A In Parsons.
Q Parsons Kansas? A Yes sir.
Q How came you to find him in Parsons Kansas? A I was out hunting a mule, some fellow has stole my mules and I was out hunting for them and staid all night at his house.
Q About when was that? A I don't know exactly the date.
Q Was it before or after the Wallace payment? A Away before the Wallace payment.
Q In 1866, where did you live? A I lived on Virdigris, on Goose-neck bend.
Q Right after the war? A No sir, right after the war I lived on Grand river.
Q The year after the war? A Yes sir.
Q And the next year? A I lived there, and the next year I moved to where I am living now.
Q What point on Grand river did you live on? A On 14 mile creek.
Q How far from Moses Rave? A About half a mile.
Q During these two years that lived within half a mile of Moses Rave did you see George Starr there? A Never did see him there.

(By Smith)

Q When was it you say you went to hunt your mule? A I cant say exactly, '67 wasn't it?
Q You are the one to know. You dont know exactly when you went to hunt the mule? A I believe it was in '69.
Q It was in '69 you say? A Yes sir.
Q Where did you go to hunt the mule? A I went to Independence and from Independence to Parsons Kansas.
Q Where did you come from Parsons? A I went to Oswego and from Oswego to Chetopa and then come back home on down Cabin creek.
Q Did you come by Vinita? A No sir, just along on Cabin creek.
Q How did you travel from Parsons? A Horse back.
Q Did you come on the railroad? A No sir, from Parsons to Independence I road along the railroad.
Q Did you go to Parsons on the railroad? A Yes sir horseback first on one side of the road and then on the other.
Q When you came from Parsons here where did you travel? A I left the railroad to my left after I left Chetopa.

Q When did you go back, back to where you were living? A I went back to Greenback Bend.
Q How near did you come to visit on that trip? A About 20 miles I guess, near as I can recollect.
Q How far? A About 20 miles.
Q Where did you say you saw George in that part of the Country? A Parsons.
Q What was he doing there? A He was living there, I stuck all night with him.
Q That was a good while after the war? A Yes sir.
Q You dont know where he was in '66? A No sir.
Q You just know that you didn't see him at Rose Haven? A No sir I didn't see him there.
Q Where were you during the year '66? A About Fort Gibson and on Four teen Mile Creek.
Q You just didn't happen to meet up with George Starr if he was there? A No sir never met up with him.
Q You dont know if he was there or not do you? A No sir.

(By Bell)

Q When you went to hunt your mule, the railroad from Parsons to Independence was built? A Yes sir.
Q This M. K. & T. was built? A Yes sir.
Q You dont know much about dates? A No sir.
Q You found this man George Starr in Parsons then? A Yes sir.
Q Is he any kin to you? A No sir.
Q You understand that he is a step son of Rose Have? A Yes sir.
Q You was about Fort Gibson in '66 and '67 A Yes sir.
Q And didn't see anything of him? A No sir.
Q Did you go much about Rose Haven then? A Yes sir every day or so.
Q Well acquainted with the family? A Yes sir.
Q Who was George's mother? A I dont know I wasn't quainted with her I think she was dead at that time.

(By Smith)

Q How far did Rose Have live from Fort Gibson? A 7 miles.
Q You lived in Fort Gibson? A No sir this side on Ranger creek.
Q How far from Fort Gibson? A Six miles.
Q How far from Rose Have? A Half a mile.
Q You didn't stay at home all the time? A No sir not all the time, be at home every other day or so.
Q You say you dont know much about dates? What makes you say it was in '69 that you went to hunt your mule if you dont know dates? A I was living up here then when I went to hunt mule.
Q You said it was in '69 didn't you? A Yes sir I said it.
Q What made you say '69 if you didn't know? A A man sometimes forgets dates.
Q When you said that then you didn't know what you were talking about? A Yes sir I tried to know.
Q Was it '69? A If I could read I could tell you every date and every month.
Q Then you dont know when it was or do you still say it was '69? A I never said--I dont have to answer less I want to.
Q What was that? A I never said noting to you.
Q Well, I want you to say something to me. A You just brussell a feller around here like he dont know nothing.

This will be filed in Cherokee Freedman Doubtful cases, D-815; D-856 and D-867.

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

(signed) Chas. von Weise.

Subscribed and sworn to before me this 25th of October, 1901.

(signed) G. D. Breckinridge,
Commissioner.

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

In the matter of the application of Jane Kersel for enrollment as a Cherokee freedman.

SUPPLEMENTAL TO D-255.

APPEARANCES:
Lewis S. Brown for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that a copy of the testimony filed by the Cherokee Nation in Freedman Bonds and Bill be filed with and made a part of the record in this case.

COMMISSIONER: The request of the nation will be complied with and the testimony filed.

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

(signed) Arthur E. Ironinger.

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

(signed) P. S. Reuter,
(Seal) Notary Public.

4-4-4-4-4-4-4-4

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

E E Vance

Subscribed and sworn to before me this 29th day of July, 1902.

Bruce B. Jones
Notary Public.

To be filed with Jane Kennedy Jr. D-256.

[illegible] Department of the Interior
[illegible] to the Five Civilized Tribes
[illegible], I. T., June 24, 1896.

In the matter of the application of Wash Nave, Jr., for the enrollment [illegible] as a Cherokee freedman [illegible] sworn and examined by Commissioner Kendrick, he testified as follows:

Appearances:
Mr. Mallette, of Mallette & Smith, for the applicant.
Mr. Melton, for the Cherokee Nation.

Q What is your name? A Wash Nave Jr.
Q How old are you? A I about 45 or 6.
Q What is your post-office address? A Okmulgee.
Q You apply to be enrolled as a Cherokee freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just me.

BY MR. MELTON:
Q Where do you live? A I live up near Okmulgee.
Q How long have you lived in the Cherokee Nation? A Ever since '66, when I was born here in the Cherokee Nation.
Q Where were you living at the time of your first recollection?
A Well I can recollect a little bit during the war.
Q Can you remember where you were during the war, have you recollection enough to know about that? A I was in Kansas part of the time, the latter part of it, I recollect that.
Q What was your father's name? A Wash Nave.
Q What was your mother's name? A Mariah Nave.
Q Have you any brothers? A Yes sir.
Q What are their names? A Dave, Reuben and George.
Q Now do you remember anything about coming back from Kansas after the war? A Yes sir, I [illegible].
Q What can you remember about that? A I remember of coming.
Q How large were you at that time? A I was just a tolerable sized boy, small boy, not very large.
Q Can you give an idea of about how old you were at that time?
A I just have been 7 or 8 years old.
Q Well now, what about your brothers, George and Dave and Reuben, did they come with you at that time? A Yes sir.
Q What about your father and mother? A They came too.
Q Where have you lived since you came back here to the Cherokee Nation after the war? A I have lived in Saline District.
Q I know, but what Nation? A Cherokee Nation.
Q Ever live any other place? A No sir.
Q Are you on the Kern-Clifton and Wallace roll? A Yes sir.
Mr. Mallette: I would like to have the rolls examined.

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicant not found as Wash Nave, Jr.

Q Did you draw your money under that roll? A Yes sir, there was a mistake they made in the court. My father wasn't in the court at all, he died before the Kern-Clifton court, it was up that way the mistake.
Kern-Clifton pay roll of citizens of the Cherokee Nation, page 155 [illegible], Wash Nave, Tahlequah District, 71 years old.

Wash Dave Jr. 2.

Pallage roll of citizens of the Cherokee Nation examined [illegible] Dave, Government Exhibit.
[illegible] roll of citizens of the Cherokee Nation examined and applicant not found.
[illegible] roll of citizens of the Cherokee Nation examined and applicant not found therein.

Q When you came back from Kansas after the war do you remember where you first stopped? A We came along the road.
Q Do you remember [illegible] to and stopped for any length of time? A We made [illegible] away after we left Kansas at the old Tom Rider place.
Q [illegible] A [illegible] you mean Grand River.
Q I will ask you where you went from there? Do you remember that? A We went across the river and camped at the old Vann place; Bill Loudy was living on the Tom Rider place at the time we stopped there.

BY MR. HASTINGS:

Q How old did you say you are now? A 45 or 4, I don't know just exactly which.
Q You were a small boy then when you returned? A Well you might have an idea about what sized boy that age would be.
Q You were a small boy, 6 or 7 or 8 years old? A I wasn't no great big boy.
Q About how old were you when you came back? A I was 7 or 8 years old.
Q Who came along with you? A I don't recollect just exactly who did, there was one family came with us that I recollect.
Q What was their name? A Eph Bearden and Abbie Bearden.
Q Were they colored people? A Yes sir.
Q What the only family you can remember? A That's the only family I recollect distinctly that was with us, and Dave French, he was with us.
Q Your father was named Wash, and your mother Mariah? A Yes sir.
Q They were along were they? A Yes sir.

Q What other members of your family besides yourself and your father and mother were along? A My brothers.
Q Give me their names that was along at that time? A Dave, Reuben and George.
Q Who was along with Dave French? A I don't know, he is here he could answer for himself, he was along with us and that other family. I don't remember distinctly whether there was anybody else or not. Q You remember whether there was any one with Dave or not? A He was with us.
Q Did he come in your wagon or do you remember? A I don't remember whether he came in the wagon with us or not.
Q Was his family along? A No sir.
Q Where did you come from? A We came from near Neosho Falls.
Q What time in the year was it? A It was in the spring, I don't know just exactly what month.
Q Did you come all the way from Neosho Falls with Dave French? A Yes sir.
Q Your first stopping place after you landed in the Cherokee Nation was for a short time at the old Rider place? A I said that was the first longest stop we made there, we camped all along the road on growing.
Q Camped over night? A Yes sir, and might have stayed a day or two at some of the camping places but the longest stop we made was there.
Q You never stayed longer than a week at any of those places until

you get to the Rider place in the Cherokee Nation? A I don't think We did.
Q That's your best recollection? A Yes sir.
Q The Rider place is near the old crossing of Pryor Creek? Where is it from where Pryor Creek station is now? A It is a little Southeast.
Q About how far? A It is about 8 miles, 8 or 9 miles from where Pryor Creek is now.
Q About how long did you stay there? A I don't know just exactly, we stayed there quite a little bit.
Q A month? A I don't know exactly how long.
Q Did you make a crop that spring anywhere? A No sir.
Q Did you stay there you think as long as three months?
A I don't know just exactly how long we stayed there, Mr. Hastings.
Q I am trying to get your best judgement now Vann, did you stay there 3 months or 6? A I don't know just how long we stayed there.
Q Did you summer there? A No sir, we didn't stay there all summer.
Q Then you left that summer sometime, that's your best judgement?
A I dont know whether we left that summer or whether we left before the spring was out.
Q Where did you go from the Rider place? A We crossed Grand river and went over to camp at the old Martha Vann place.
Q Do you know who owns that place now? A Walker Brake owns it now.
Q How long did you stay there? A We stayed there several days, I don't know how long, we didn't stay there a great while.
Q Where did you go from the Vann place? A We went up above the Vann place to a place known as the Drew place, that must be I guess about 3 miles up above the Vann place on Grand river.
Q Who was living on the Drew place at that time? A No one.
Q Was there any Cherokees living in the neighborhood? A I don't know, I didn't see any.
Q How long did you stay at the Drew place? A Several weeks but I don't know just how long.
Q You lived in the house? A No sir, we just camped there; there was some old pieces of houses there but we didn't go in there.
Q Where did you go from there? A We went up on Lynch's prairie, to a place that was up there on Lynch's prairie.
Q What was the name of that store? A Bill Foreman's store.
Q Was that in the winter time or not? A Nosir, that was in the summer.
Q Of what year? A '66.
Q How long did you stay up there then? A We didn't stay up there I don't think, over a night or two, or probably one night.
Q And then where did you go? A We came back over to the Tom Rider place, to Bill Leedy's.
Q How long did you stay at Tom Rider place? A We stayed there quite a little bit.
Q That was in the summer? A Yes sir.
Q Well now, about how long did you stay there? A I can't tell exactly.
Q Did you winter there? A No sir.
Q Where did you go then from the Rider place? A We went down to Steven Taylor's.
Q On which side of the river is Steven Taylor's?
A On the east side of Grand river.
Q How long did you stay there? A We stayed there, I dont know just exactly how long, but it was getting up not far from Christmas.
Q Of '66? A Yes sir.

[illegible] Dave Ray Sr.

Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible] Dave, and a daughter named [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q Do you know when [illegible] Indian returned to the Cherokee Nation after the [illegible]? A Yes [illegible]
Q [illegible] A [illegible]
Q [illegible] A They were there.
Q ALL these [illegible] you have named? A Yes sir, all grew here.
Q [illegible] in the [illegible] of [illegible]
A They came [illegible] Creek [illegible] Rider place.
Q How do you know they came in the fall of '66? A I came with them.
Q You are an old man, Dave Ray was a brother of yours?
A Yes sir, [illegible]
Q Full brother? A [illegible]
Q Where did they first [illegible] did you see? A Stopped at the old Rider place, and where Bill Lucky was living there.
Q Where did you finally leave them? A I left them there at the old Rider place.
Q Where did the old people live before that until they died? What country? A They lived on Grand River until she died, there below here.
Q Where has this applicant lived? A They are down there now.
Q This man living there now, down on the River there.
Applicant: No.
Witness: Oh, he lives up here; he moved from the ribery, he lives up here close to where I live on this side of the River.
Q What river? A Verdigris.
Q In what district? A [illegible]
Q Has this applicant, Dave Ray, ever lived outside of the Cherokee Nation so far as you know, since he brought him back here? A No sir, he has never been out to my knowing.
Q Do you know where they went from Bill Lucky's, after you brought them here? A I went back to Kansas and when I got there it was in the winter, they was on the other side of the River at the old Martin Vann place, at the Vann Vann place.
Q Did they have any children at that time except the four boys?
A They had one girl.
Q What has become of her? A She is down here on the River, down in there below on the old Bill Sunday place in Delaw Cherokee.
Q What is her name? A Sarah Burgess, she married a man named Bill Burgess.
Q Was she alive at the time you brought them from Kansas, or had she been dead a long time? A She was born but she wasn't alive.

BY MR. [illegible]

Q About what time did Dave Ray Sr., this same Father, die?
A I don't know just when it was, I don't know.
Q About how many years after you came back here? A Somewhere now, I didn't keep no [illegible], he died little after the Vallace court.
Q You remember that point that was in? A I don't know as I do, I didn't keep no count of it.
Q Did you make a crop in the year '66? A No sir, I didn't make no crop until the year '67.
Q You were in the army? A No sir, I played along with the army.

I worked at Jesse Pritchett's and stayed around Wilson.
Q When was the first time you came back to the Cherokee Nation after the war? A I came from Kansas after the war, and after the treaty I went to Kansas.
Q Is that the first time you went to Kansas? A I don't believe it was, no, I been in Kansas during the war, time of Price's raid.
Q Was that the first time you went to Kansas after the war?
A I don't recollect.
Q You can't remember about that? A No sir, I went there so often backwards and forwards, and I was there two or three times with the soldiers and with the train backwards and forwards.
Q How many wagon trips did you make to Kansas during 1867?
A I don't know.
Q Let's study them up? A I can't study them up.
Q You don't know who you went up there with first after the war and after peace? A I don't know.
Q Don't remember about that? A No sir, I went so many times I can't tell you I come back with first.
Q You don't remember who you came back with first? A No sir.
Q You don't know what time of the year you came back first after the war? A I came back several times.
Q Now after the war and after you went to Kansas, who did you come back to the Cherokee Nation with first? A I think if I aint mistaken it was Wash, I went be certain.
Q You think then this was your first trip back here? A Yes sir, I think my first trip back after I went up was with him.
Q Where was your wife at that time, was she along with you?
A She was along with me when I went too, I hauled her back up there.
Q You testified in the case awhile ago that you hauled her up there in August '66 did'nt you? A I don't recollect, I may have hauled her back in August.
Q That was the time you went up and you brought Wash down after that?
A Yes sir.
Q Now what time did you bring Wash down here? A I aint certain.
Q Did'nt you know what time of the year it was? A I aint certain, I know it was in the summer though sometime.
Q You think it was after August? A I don't recollect, that has been a good while ago.
Q Who was along with you at the time that you came back with Wash?
A I don't recollect, Wash's family and then one of my cousins was along.

Q What was your cousins name? A She was that woman, Abbie Bearden I think it was, she came at the same time.
Q Did she have any children? A She has a child or two.
Q Were they along? A Yes sir.
Q Was there just one wagon in the crowd, or was there more than one?
A I don't recollect, it has been so long I could'nt tell you.
Q You dont remember then whether Wash had a wagon of his own or not?
A He had a wagon of his own and I had a wagon.
Q Where did you start from up there at that time? A From up there close to the Falls.
Q That was your first trip from Kansas back here after the war?
A I think it was.
Q Now the Have family and yourself and the Bearden woman and what children she may have had, was all that was along in that crowd?
A I don't recollect, there were a good many, I don't think that was all it was a pretty good crowd. We could'nt come in little squads we came in pretty good crowds, we was afraid of being killed.
Q You came to the old Rider place? A Yes sir.
Q How far is that from where Chouteau now is? A I don't know exactly, it is a little North-east of Chouteau.
Q Were there any Shawnees living at the Rider place at that time?

Frank Rose #2. 3.

A. My body there was Uncle Billy Hughes family; there [illegible] me [illegible] I know he was there at that time; they came in the spring of [illegible].

Q. You don't know any length of time until you went home?

A. I don't know.

Q. Was that the way Frank Rose and his family was on the east side of the [illegible] the Vann place? A. Yes sir.

Q. And that they lived two or three years? A. I don't know how long.

Q. How long after you left them at the Vann place until you saw them at the Rose place? A. That [illegible].

Q. Then is two or three months? A. I can't know exactly.

Q. You know it was as early as Christmas? A. I guess it was.

Q. It wasn't later than Christmas? A. It might have been later than Christmas.

Q. Then they lived there for some two or three years at that place? A. Yes, I think we made 3 crops there.

Q. Did you live with them over there? A. Yes sir.

Q. Did you hoe them some a crop there in '67? A. Yes sir.

Q. And '68? A. I think I did.

FRANK ROSE, being sworn by Com'r. Needles, testified as follows:

BY MR. HALLIBURTON:

Q. What is your name? A. Frank Rose.

Q. Where do you live? A. Lightning Creek.

Q. What is your age? A. 24.

Q. Are you a recognized Freedman citizen in the Nation? A. Yes sir.

Q. You know the applicant here, Frank Rose, Jr.? A. Yes sir.

Q. Did you know his father? Frank Rose? A. Yes sir.

Q. Did you know his mother, Martha? A. Yes sir.

Q. Did you know them before the war? A. No sir, I got acquainted with them after the war.

Q. Where did you first see Frank Rose and Martha Rose after the war? A. On the old Tom Rader place, among Grand River.

Q. When was that? A. In the spring of 68.

Q. Well now, do you know what children they had at that time? A. They had only 4 boys at that time.

Q. What about this applicant here, Frank, did they have him at that time? A. Yes sir.

Q. What was the other boys? A. Dave or Reuben and George.

Q. Where did they go from the Rader place? A. They went down on Grand River somewhere, I don't know where they went to.

Q. Did you know the old man and woman and the boys from that time on? A. Yes sir, I saw them often and on from that time until the old man died, and I have been the boys ever since often and on.

BY MR. HARRINGTON:

Q. You and a boys Uncle along with Frank Rose at that time? A. Yes sir.

Q. What were their names? A. Dave and Reuben and Frank and George.

Q. How long had you been there when they came? A. I had'nt been there very long; they came there in April and I came there in March.

Q. You had been there about a month then? A. Yes sir, about 1 month.

Q. Who brought them, Frank? A. Old man Dave Rose, they came with him.

Q. Did Dave have his family along at that time? A. I don't think he did, I didn't see them.

Q. How long did Dave stay there? A. He didn't stay very long.

Q. Where did he go from there? A. Went down on the river somewhere.

Q. How long did these boys stay there? A. About a month I guess.

Q. [illegible]

Q. And then where did they go? A. They went down below above the River somewhere.

Wash Nave Jr. ?

Q [illegible] A [illegible]
Q [illegible] A They came [illegible] in [illegible] wagons along about the first of [illegible]
Q [illegible] they stay there? A They stayed about a week I [illegible]
Q Where [illegible] don't see them? A [illegible] there on Pigeon's Creek [illegible] up there and they would come up there; my father use to have [illegible] up there.
Q What other families were along with them when they came back?
A I don't recollect seeing any other families.
Q You don't remember seeing Dave Nanah's family at that time.
A No I don't remember seeing them.
Q I think that was in the early spring? A That was in April I am sure it was because I was [illegible] in corn after.
Q You was not a witness in this case before the Kern-Gilston Commission? A No sir.
Q You know these facts then? A Yes sir.
Q Did they have a wagon of their own when they came to your place?
A Yes sir, they had a wagon and stayed there in the wagon and went off in the wagon.
Q They had two wagons then? Dave had one and they had one? A Yes sir.
Q You know whether they made a crop that spring? A No sir.
Q You don't know what work, if any, they did that spring or fall? A No sir, I did'nt see them any more until I think in the fall after they left.

KATIE VANN, being sworn by Com'r Needles, testified as follows:

By MR. WHITETE:
Q What is your name? A Katie Vann.
Q What is your age? A 55 years old.
Q Where do you live? A Lenapah.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q Do you know the applicant here, Wash Vann Jr.? A Wash Vann?
Q Wash Nave? A Yes sir.
Q Did you know his father, Wash Nave? A Yes sir.
Q His mother, Mariah? A Yes sir.
Q What brothers has he? A Dave and George.
Q You knew another one? A Well there's another one.
Q You knew his name? A I know it, but I have forgot his name, he don't be around much.
Q Did you know old man Wash Nave and Mariah before the war?
A No sir, I did'nt.
Q Where did you first see them after the war? A On Grand river.
Q What place? A On the Vann place.
Q Which side of Grand river? A On the west side.
Q When did you see them there? A Along in '66.
Q What were they doing there, how did they come there?
A They come in wagons and was camped there.
Q Besides the old man Wash, and Mariah, his wife, who were with them?
A I didn'nt see no one but them and the children, four boys.
Q Was this boy one of them? A Yes sir, this is one of them.
Q Have you known them from that time on? A Yes sir.
Q Where have they lived? A When I left they moved out of that district; they lived on Grand river somewhere, I never was at their place but I would see them often at church every summer, about once a month until I moved from there.
Q How long had you been back at that time, when you saw them there?
A I come that spring.
Q You came the same spring? A Yes sir.

Wash Nave dp. 5.

BY MR. WALLACE:

Q How far did you live from them when they came [illegible]? A I lived on the same place at the time [illegible] on the [illegible] on that hill there not very far from the house, maybe a quarter or maybe not so far.

Q How long did you continue to live there? A Oh I stayed there until the chance was taken by, I went there in the spring, I cooked for Sam Bennett's family.

Q [illegible] was [illegible]? A Yes sir.

Q And you went back [illegible]? A I left that summer, in August.

Q About what time of the year do you think they came back to you [illegible]? A They was planting corn, it must have been along about May or June.

Q They were there when you left there? A No they was not, they went away, they didn't stay there but a little while.

Q You remember the man and his wife and four boys? A Yes sir.

Q What was the youngest boy's name? A George.

Q About how old was he at that time? A He couldn't have been over 5 maybe 6 years old, I don't know he was very small.

Q That was your judgement at that time? A Yes sir.

Q You remember distinctly all four of them were along when you saw them? A Yes sir.

Q There was Webb Vann at that time? A I don't know, he wasn't there.

Q Sam Mayes in that country over there? A Not in the spring he was not, he was there after that.

Q You don't remember seeing them after that for sometime? A Not until next summer I believe it was, I saw them to church.

Q You don't know where they moved to? A No sir.

Q Who did you come back there with? A Jesse Vann, my brother-in-law.

Q You never witnessed for them before the Tom-Clifton Commission? A No sir, I didn't, because you had me subpoenaed on the other side.

Q Did I tell you to testify to anything that wasn't true? A No you didn't, but they didn't come to me to testify anything for them and I didn't testify for them.

WILLIAM FOREMAN, being sworn by Gen'l Needles, testified as follows:

BY MR. WALLACE:

Q What is your name? A William Foreman.

Q What is your age? A 64.

Q Where do you live? A I live now near Wagoner, Sequoyah District.

Q Are you a recognized citizen of the Cherokee Nation by blood? A Yes sir.

Q Do you know this applicant, Wash Nave Jr? A Yes sir.

Q Did you know his father, Wash Nave? A Yes sir.

Q His mother, Martha? A Yes sir.

Q Did you know them before the war? A No sir.

Q I will ask you where you first saw Marion Nave and Wash Nave after the war? A First place I saw Wash Nave was in Fort Scott, Kansas, in '66, he was in the militia there, I don't remember seeing his wife until they came to the Nation.

Q When did you first see them in the Nation after the war? A It was sometime in July '66, I don't remember just what time.

Q Where did you see them? A At a little store I had on Lynch's

Wash Have, Jr. 10.

residing. Q Which side of Grand River was that? A East side.
Q How did you happen to see this Wash? A They came along there in a wagon and stopped there and looked and brought some provisions and one Sunday and another, and camped that night.
Q Did they have any family with them? A Yes sir.
Q You remember what they had? A Yes sir. There was three or four little boys.
Q How long have you known this applicant here? A I have known him personally only since '34.
Q You have known him since '30? A Yes sir, I taken the census in Saline Township in 1930, and I enrolled Wash Have and his family, they were living near the bend, in near Hankins Lick.
Q You were one of the census takers for 1930? A Yes sir.
Q And you put them on the roll? A That's my best recollection.
Q Did you say what year it was you saw them down at your store there after the war? A In '66.

BY MR. Hastings:
Q Mr. Foreman, are you willing to testify the colored people that you put on the roll 25 years ago? A No sir, not positive, I said to the best of my recollection I enrolled them.
Q You are not positive that these people were enrolled?
A They were enrolled but I am not positive as to whether I put them on the 1930 roll of the Quantral roll, but my recollection is I put them on the '30 roll.
Q You were around before the Kern-Clifton Court 5 years ago?
A Yes sir.
Q There was then a trial of this case and a good many witnesses were called on both sides at that time? A Not that I know of, I don't remember it.
Q You know they were disputed at that time? A I don't recollect that either, there were so many cases.
Q You did not at that time witness for them? A No sir.
Q You didn't make known at that time what you knew about it?
A No sir, there was no one asked me about it that I remember of.
Q When did you quit keeping store up there? A I sold out to my brother-in-law first of August.
Q Of '66? A Yes sir. And I moved away from there in September.
Q It was before the first of August they were in your house?
A Yes sir, reason I know it was July sometime because I sold out the first of August and they came there and camped while I was keeping the store.
Q They didn't stay there but one night? A Just camped down at the spring all night.
Q How long after that was it before you saw them? A I don't remember seeing the family until I was taking census in '30, I saw Wash at one of his brother's, he had a brother Charley at the Tan Yard Pond, I saw Wash there at his brothers.
Q You mean the old man Wash? A Yes sir.
Q Was he there in 1866? A Was sir, that was the summer I think of the year '66, I was living on the Lynch place at that time.
Q Mr. Foreman, you are the same person I believe that testified in what is known as the Robinson case a 5 years ago? A Yes sir.
Q There was five leading families in that case? A Yes sir.
Q I believe you testified that they paid you 25 dollars in each of those, or 125 dollars in the Robinson case. A Yes sir.

Wash Nave Jr. 21.

Q I believe you testified that you charged where the Tax being a witness for Israel? A Yes sir.
Q Running from 20 to 25 miles apiece? A Yes sir.

BY MR. WHALEY:
Q Was it money that the representative of the Cherokee Nation said you in regard to, was that paid to induce you to swear a lie? A No sir, it was not.
Q Why was that paid to you? A To bear my expenses of coming to the country.
Q You had to leave home to attend to these platers? A Yes sir.

BY MR. HASTINGS:
Q The Robinson case was all tried as one case, they were all grouped together and the testimony taken in one case? A Yes sir.
Q And you only testified the one day in that case? A I think only one day, I couldn't say now I don't remember positive.
Q Where did you live at that time, during 1880? A I lived down on the West side of Grand River.
Q How far from Vinita? A 8 miles east of Wagoner.

Applicant, WASH NAVE, JR., re-called and further examined:

BY COM'R WRIGHT:
Q When did your father Wash, die? A He died in February 1911, about the 16th or 17th, I believe.
Q And your mother, Mariah? A She is dead.
Q When did she die? A She died two years ago this last February.
Q Their names are not on the roll of 1880 were they? A I think not, I don't know.

BY MR. HASTINGS:
Q Where did your father and mother die? A Both of them died in Saline District.

COM'R WRIGHT: Wash Nave, Jr., applies for the enrollment of himself; he cannot be identified upon the supplemental roll of 1880 or the census roll of 1896; he is duly identified upon the Hank-Slifton and the Wallace rolls according to page and number of the testimony; he swears that he was the son of Wash Nave and Mariah Nave, who were slaves, and taken out of the Cherokee Nation during the war and returned in the year 1866; he makes satisfactory proof as to residence, and now Wash Nave, Jr., will be duly listed for enrollment as a Cherokee freedman on a descriptive card; he will be notified by mail of the action of the Commission in the premises.

———oooo———

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

(signed) M. D. Green.

Subscribed and sworn to before me this July 1st, 1911.

(signed) T. L. Needles,
Commissioner.

SUPPLEMENTAL TESTIMONY.

P. R. File.

[illegible]

Q. [illegible] A. [illegible]

Q. Your [illegible] A. [illegible]

Q. Your [illegible] A. [illegible]

Q. Are [illegible] at the [illegible] moment? A. Yes sir.

Q. [illegible] A. [illegible]

Q. Do you know Frank Brown, Mr. A. Yes sir.

Q. Do you know his mother, Mrs. Brown? A. I am very well [illegible] the old man was [illegible]

Q. That was [illegible] A. [illegible]

Q. That was [illegible] A. [illegible]

Q. Did you see Frank Brown, Mr. [illegible] Blount, [illegible] time after the war? A. At Fort [illegible]

Q. That was the [illegible]? A. That was in [illegible] 1866.

Q. [illegible] a son of Frank Brown's was named George W.?

A. Yes sir.

Q. Did you see him at that time? A. When I [illegible] seen the old man I [illegible] one day, and in three days [illegible] I mean [illegible] because he [illegible] to [illegible] and before he could get anything to eat he had to [illegible]

Q. That was in [illegible]? A. Yes sir, in December 1866.

Q. About how old was George W. have, at that time?

A. He was about ten years old; I don't think he was any older; he was the smallest boy.

BY COURT, [illegible]

Q. How do you remember it was that [illegible]? A. Because he came [illegible] and went in and [illegible] relation [illegible] and they [illegible] part of course he [illegible]

Q. [illegible] A. [illegible] I [illegible] [illegible]

Q. It came [illegible] A. [illegible] three days [illegible] he did not [illegible] to go out [illegible] [illegible]

BY MR. [illegible]

Q. George was some [illegible] when [illegible]? A. He sir, about two years old.

Q. You [illegible] A. Yes sir.

Q. [illegible] A. [illegible] the [illegible]

Q. [illegible] A. No sir, we got [illegible] [illegible] to [illegible]

Q. [illegible] and they [illegible]?

A. [illegible] Mile [illegible]

Q. How do you know [illegible]? A. I know that was because a [illegible] [illegible] gave us [illegible]

[illegible]

Q Is it [illegible]

[illegible]

back in that and I [illegible]

Q You remember [illegible] the husband of [illegible]? A [illegible]. I didn't know any way [illegible] in my head and I remember him.

J. C. [illegible], being first duly sworn, states that he [illegible] to the [illegible] in the [illegible] and [illegible] a true and complete transcript of his stenographic notes thereof.

(Signed) J. C. [illegible]

Subscribed and sworn to before me this 18th day of [illegible].

(Signed) [illegible]

[illegible]

* * * * * * * * * *

File with Cherokee Freedmen [illegible], [illegible].

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

In the matter of the application of [illegible] for enrollment as a Cherokee freedman.

Testimony introduced in behalf of the Cherokee Nation.

Appearances:
[illegible], attorney for the applicant.
J. L. Davenport, of counsel for Cherokee Nation.

[illegible], being duly sworn by Commissioner [illegible], testified as follows:

Mr. Davenport:

Q What is your name? A [illegible].

Q Where do you live, Mr. [illegible]? A I live near [illegible] Creek, in the Cherokee Nation.

Q How old are you? A I am [illegible] years old.

Q How long have you lived in the Cherokee Nation? A Well, pretty much all my life.

Q Did you go out during the war? A Yes, I went out.

Q When did you come back? A I returned in '6[illegible], the fall of '6[illegible].

Q Do you know a colored man by the name of [illegible], before the war? A No sir, I didn't know him before the war.

Q Did you know him after the war? A Yes sir.

Q When did you first become acquainted with him? A I got acquainted with him in the spring of '6[illegible], that is I think it was in February or March, in '6[illegible].

Q Where was you living at the time? A I was living at [illegible], on [illegible].

Q [illegible] a [illegible] of yours? A Yes sir, and is a first cousin of [illegible].

Wash Neve, Pg. 14.

Q Well, where was Wash Neve living when you got acquainted with him? A He was living there.
Q Do you know whether or not he had any children? A Yes sir, he had several children.
Q Do you remember the names of any of them? A Well there was one, the oldest ones I remember the names well, they was Dave and Reuben, and well he had one named Wash too, he was a little fellow though.
Q Now what was this Wash Neve who had these boys doing when you first got acquainted with him? A Well, he just had moved from Kansas and came there to that place where I was living to make a crop.
Q Well, how do you know he just moved from Kansas? A Well, he told me so and he was loaded up and he told me he was right from Kansas, and he had some hogs with him and I traded for a couple of hogs, hogs was scarce in that country.
Q Well, that was the first time you had seen him since the war and first time you had ever seen him? A Yes sir.
Q Where had you been living from the time you returned in '65 up to that time? A Well I have been living around and I went back to the Choctaw Nation and backwards and forwards on through the Cherokee Nation, I was working.
Q How long had you been living at this Vann place? A I had been living there ever since in the fall or summer, that is the latter part of the summer of '67.
Q Who did the family belong to before the war? A If you remember? A From what I could learn he belonged to an aunt of mine, Aunt Mary Neve.
Q That was afterward Mose? A Old Aunt Mary Neve, my father's sister.
Q Now as I understand you, he had his wagons loaded up when you saw him and he told you he was just come from Kansas? A Yes sir.
MR. SMITH:
Q How many wagons did he have? A I don't exactly remember now, there was several in the family, but I don't remember the number of the wagons.
Q When did he drive up to? A They drove up there to a little house on the place, lived there all the summer.
Q On whose place? A Aunt Martha Vann's place.
Q Well, can't you remember who was with him now? A No I remember the old folks and the family, the children.
Q What was his wife's name? A Oh I disremember now her name, I dont recollect her name.
Q You remember how many children he had? A No not exactly, they had four or five, maybe more or less, I can't tell exactly.
Q You don't know them? A No not exactly the number of children.
Q Do you know what the names of any of the children were? A Well, the two oldest I think was named Reuben and Dave, and then he had a little fellow named George I think, and Wash, if I am not mistaken, Reuben and Dave they both worked in the same field that I did and made a crop on the same farm that I made a crop that years.
Q Well how big was George at that time? A Well, he was a little fellow, he wa'nt large enough hardly to make a hand in the field, not a plow hand.
Q Wa'nt over five or six years old? A Yes sir, I suppose he was.
Q About five or six? A Well I can't say exactly how old he was.
Q Well, he wa'nt big enough to make a hand? A Well I don't remember him plowing.
Q You think he would have remembered it if he had plowed? A Why yes I guess I would.
Q Well now, was that all there was to it, just the man and the woman and these children you have mentioned? A Well these is all I remember, there might have been others but they lived there all of that summer and I got acquainted with them and worked there in the

Wash Rave Jr. 15.

A some field with them; it has been a long time and a person can't tell who came with them, there may have been more came with them.
Q Can you remember the number of wagons they had? A No sir, I can't state.
Q Well who was it that told you that they had just come from Kansas?
A Well sir, I think it was the old man.
Q Well don't you know? A Why I can't say positive which one it was, it was the old man, it was one of the family; that was what they told me.
Q Well it must have been the old man or the old woman one? A Well I think it was the old man; because he was the one I had the talk with and had the trade with.
Q But you can't state it had been so long ago you can't state from your independent recollection at this time whether the old man told you that or not? A Yes I will say pritty certain that he did.
Q You are pritty certain of it, but you are not positive?
A Well I can say positive I believe.
Q You believe you can? A Yes sir.
Q Well where was it that he told you that? A He told me that on the place.
Q That was now what time in '68? A That was in the spring of '68.
Q That was three years after the war, about three years after the war closed? A Yes.
Q Whether this man now made more than one trip from Kansas after the war, you don't know? A No I don't know.
Q You don't know when he first came to the Territory after the war?
A Not only what he told me there at that place.
Q You don't know all the places he lived in the Cherokee Nation after the war? A Well he settled a place right below there in that neighborhood.
Q You know these boys, Wash and Rube and George? A Yes sir.
Q They have been living here in the Cherokee Nation ever since you first knew them hav'nt they? A Yes sir.
Q Did you ever testify before any other court than this court in this case? A Yes sir.
Q Where was that? A It was before the Land court I think.
Q Do you remember what you stated before that court? A Well it was something about as near this as I can possibly remember.
Q Do you remember whether before that court you stated that it was the old man that told you this or the old woman that told you, or did you say before that court that anybody told you they came here?
A Well I think I did, I think that I told before the court about them telling me where they had come from, and about making the trade, what kind of a trade I had made with them; buying a couple of pigs, gave them a cow and a calf.
Q The pig trade did'nt have anything to do with where they came from?
A No, it was something that impressed me.
Q I say that did'nt have anything to do with where they came from?
A No sir.
Q Do you know a man named George Vann? A Yes.
Q Was he a fiddler, the one you knew? A Well I don't remember whether he was or not.
Q Have you seen him since you have been up here? A Well, not to know him, I might have seen him and forgotten him, but I use to know him, they called him Sleepy George, is it?
Q The one that lives up here in this district, Tecumseh District? A Well I know two George Vann's, they call one George Vann sometimes, and then they call him George Brown.
Q Is that the one you know? A Yes sir, and there is another one they call him Sleepy George and I use to know him.
Q Where does he live now? A I don't know where he lives; this

Wade Rose, Jr. 24.

Yeah, Vann is a fiddler, I guess I know him.
Q Is he the one they call Spring Creek George? A Yes sir, he is a fiddler.
Q When did you first get acquainted with him? A I got acquainted with him, I can't tell, but it was along about '66 or '7, or somewhere along in there just after the war.
Q Was he around Vann's a good deal people thought? A Yes he was around Rowes and Williams, they were some of his connections.
Q Now when was it you first got acquainted with him? A I can't say positive when I first got acquainted with him.
Q I understood you to say it was in '67? A I don't say positive it was in '67, but it was somewhere along after the war a short while.
Q Short why, a after the war? A Yes sir.
Q Did you know J. M. Rose, a Cherokee? A Yes sir, Joe Rose?
Q I don't know whether it is Joe Rose or not. A Yes, that is the man.
Q Is he living or dead? A He is dead.
Q How long has he been dead? A I can't state, he has been dead several years.
Q Died since '66 did he? A Well I can't say positive when he died, I never kept no account.
Q Where was J. M. Rose in February of '67? A I can't say.
Q Where was he during the year 67, if you know?
A I can't say positive where he was.
Q Do you know where he was in the year '68? A No sir.
Q When did you first see him after the war? A I can't say when positive, when I saw him.
Q Did he live down there about that country where you were?
A Yes sir, I think it was in '68 that Joe Rose was there, I think maybe that was the first time I saw him.
Q You don't recollect on that point do you? A No not positive, but I think it was '68 that I saw him.
Q What kin was he to H. O. Rose, Judge Henry Rose? A I think they were cousins.
Q Are you acquainted with the hand-writing of J. M. Rose? A No sir.
Q You know the hand-writing of Henry Rose? A No sir.
Q Where were you when the war closed, Mr. Vann? A I was on Red River.
Q When did you first return to the Cherokee Nation?
A I came in the fall of '65.
Q How long did you remain then in the Cherokee Nation? A Well I rambled off and on ----
Q I mean before you went out that fall?
A Well I just came there that fall, came through, I went up in Kansas where my brother was and came right back.
Q When did you come back? A I came back in the same winter, or '66.
Q Was it in the early part of the winter of '65, or the latter part of the winter of '65? A I think it was in the early part of the winter of '65.
Q How long did you stay here that time? A I stayed here pritty much all the time.
Q How long did you stay before you went away again. A I stayed a month or two, maybe something longer than that.
Q Then where did you go? A I drove some cattle to Missouri and then I went back to the Chester Nation taking care of some cattle and came back again.
Q When did you first go to the Cherokee Nation after the winter of '65? A Well I stayed in the Cherokee Nation from '66, till along in the latter part of the spring.
Q Latter part of the spring of '66, then you went to Missouri?
A Yes.
Q Then you went back to the Chester Nation? A Yes sir.
Q At what time did you come back to the Cherokee Nation next?

[illegible]

[illegible] A. [illegible]

Q. [illegible] A. [illegible]

Taking of testimony continued by stenographer J. O. [illegible]

[illegible] J. Young, [illegible] to the [illegible] to the [illegible] the [illegible] and [illegible] the [illegible] is a true and complete [illegible] sworn to and subscribed before me [illegible]

[illegible] J. L. [illegible]

October 22nd, 1921.

[illegible] taken by [illegible] Young duly sworn by Commissioner Moodie, testified as [illegible] of the Commission [illegible]

Q. [illegible] A. [illegible]

Q. [illegible] Mr. [illegible] A. Fryer Creek.

Q. How long [illegible] you lived in the [illegible]

A. Well, I [illegible] all my life [illegible] you [illegible] here.

Q. You [illegible] A. [illegible]

Q. You [illegible] a maiden name before you were married?

A. [illegible]

Q. [illegible] Thomas's name, do you know? A. David Vann.

Q. [illegible] you [illegible] in the [illegible] before after the war?

A. [illegible]

Q. [illegible]? A. Moved back in 1897.

Q. [illegible] you know, prior to the war, a [illegible] man by the name of [illegible]? A. [illegible] Vann.

Q. [illegible] did he belong to at the breaking out of the war?

A. He belonged to Black [illegible]

Q. [illegible] whether or not he went out during the war?

A. [illegible] to my [illegible] was war, he left the country during [illegible]

Q. [illegible] you moved back in the Cherokee Nation you say in 1897 what [illegible] did you [illegible]? A. I think it was the latter part [illegible] we got [illegible]

Q. [illegible] where did you move and locate?

A. [illegible] my place there before the war.

Q. [illegible] you [illegible] the war?

A. [illegible]

Q. [illegible] was he [illegible]? A. He was a by marriage, Mrs. Vann's.

[illegible] Dec. [illegible]

Q [illegible] he have his family with him? A Yes sir, he had a family.

Q [illegible] you know any of the family's name?

A [illegible] I know them too [illegible] all the family.

Q [illegible] Wash Nave? A [illegible] I think [illegible] was a good man. I know [illegible] and

Q [illegible] did you have any [illegible] with him? Did Wash Nave ever [illegible] he had been and when he came back? A Yes he told me in [illegible] where he was from Kan's [illegible].

Q [illegible] correct? A Yes sir.

Q [illegible] in that country there when you came back from Texas?

A [illegible]

MR. SMITH: Mr. Chairman moved to strike out the testimony of the witness with reference to what Wash Nave said for the reason that Wash Nave is not a party to this suit, and the testimony is incompetent.

COM'R. MEEKER: The objection will be noted and testimony heard.

MR. SMITH:

Q Now Mr. Mayes, about what time of the year was it you saw Mr. Wash Nave? A It was in the latter part of the winter, I think it was in February or March.

Q [illegible]? A [illegible] sir.

Q You don't know how long he had been living there at the place?

A No, he was [illegible] there.

Q He was living there, [illegible] when you saw him?

A [illegible] in the house when I first saw him.

Q Was he living in or was he already moved? A He was camped there and was just moved in the camp when I first saw him.

Q [illegible] back to the Cherokee Nation after the war until [illegible]? A He moved back in [illegible].

Q What time of the year? A December.

Q A little more than two years after the war closed? A Yes sir, I was there though in '66.

Q [illegible] were you here? A I spent the summer here of '66.

Q Well, now, did you know J. H. Rose, Joe Rose?

A Yes, I knew Joe Rose, I knew J. H. Rose of Saline.

Q He is dead now? A Yes sir.

Q Are you familiar with his handwriting? A I can't say that I am. I have seen it but I can't say that I can testify to it.

Q Did you ever see him write? A Yes sir.

Q Can you tell by looking at this signature whether it is his or not (showing witness paper)? A I don't know.

Q Did you know R. G. Rose? A Yes sir.

Q Is that his signature? A I don't know, R. G. Rose is living thereabout.

Q Where was Wash Nave living in '66, Mr. Mayes? A '66, he was living right below there in '66, I think he was living on that same place, I don't know whether he had moved away or not.

Q Do you remember of Wash Nave ever living down on Grand river?

A That was on Grand river where he was living on the Vann place.

Q Did you testify in this case before the Kern Commission?

A Yes sir.

Q Did you state before that Commission that the first time you saw him was in '67? A No sir, if I said— I knew I didn't because that was not the first time I ever saw him; I knew Wash Nave before, I lived right by him in Flint District.

Q Did you know George W. Vann, a colored man?

A Yes, I knew [illegible] Vann.

Q How do you [illegible] him? A Well we distinguish George here, we use to [illegible] Spring Creek, Spring Creek George.

Q That is the man that is here, when did you first get acquainted with him? A It would be hard to tell, I have known him a long time.

Q When did you first see him after the war? A I don't just remember.

bar just where I do remember, I know he was to work there for me.
Q When did he work for you? A I think he worked for me there in about '72 or '3. George Vann, [illegible] George, lived up each of where I lived when I knew him, on the same's prairie, on Spring Creek, called him Spring Creek George. I never was acquainted with George until about '4.
Q Did you know where Joe Rose was in '67? A No sir, I suppose he was in the Cherokee Nation.
MR. DAVENPORT:
Q He has lived in Saline District has'nt he, ever since the war?
A Yes I think the first time I saw Joe Rose was in '71.

ED ADAIR, being duly sworn by Com'r Boudinot, testified as follows:
MR. DAVENPORT:
Q What is your name? A ED Adair.
Q Where do you live ED? A In Saline District.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q How old are you? A About 49.
Q Did you know Wash Mayes after the war? A Yes sir.
Q Did you go out of the Nation during the war? A Yes sir.
Q Did you see Wash Mayes and his family after the war? A Yes sir.
Q Did you know S. H. Mayes, the Chief Mayes, at the close of the war?
A Yes sir.
Q Did you see him shortly after the war? A Yes sir.
Q Now, when did you see Wash Mayes's family with reference to the time he came there, which came first, do you know? A Let's see, my recolection, you see it has been a good while off and I was young.
Q Well, where did Wash Mayes locate with his family after he came back,Ned? A He located on the old Dave Vann place on Grand River.
Q Did you know any of the names of his children? A Yes sir.
Q What were their names? A Dave, Reuben, Wash and George.
MR. SMITH:
Q Mr. Adair, did you go out of the Nation during the war, or did you remain here? A Nosir, I remained in the Nation.
Q Where were you living when the war came up? A I was living in Flint District, near Evansville, Arkansas.
Q What time did you move on Grand river? A Well sometime during the war, during the Civil War.
Q Well, when did you first move in this neighborhood that you speak of? A Moved in there in '64, I lived on Fourteen Mile Creek in '65, and after I left that place I came up here on Grand river in '66.
Q What time in the year '64? A It was as near as I remember, in the fall.
Q Where did you locate, what point did you move to, live?
A I located at the old Dave Vann place, first place I came to.
Q What time in '65 did you get on Fourteen Mile Creek?
A Why I only remained there about a year.
Q What time did you go there? A It was some time it was in about '64 I reckon, least.
Q Where were you brought up, Mr. Adair? Were you brought up near about Evansville, were you raised there?
A Yes sir, partly raised there.
Q And the first time you moved out of that neighborhood you went down here on Grand river? A Yes sir, I lived a little while close to Tahlequah during the war.
Q When was that? A During the war, and then after I left there I went to Fourteen Mile Creek and lived there a year.
Q Did you ever go back to Evansville? A No sir.
Q First came to Tahlequah? A Yes sir.
Q And then to Fourteen Mile Creek? A Yes sir.
Q And then up on Grand river? A Yes sir.
Q Have you known Wash Mayes before the war? A Yes sir.

Vann Nave Jr. No.

Q Only? A Yes sir.
Q Well, now, how long after you moved down here before you saw Vann?
A Well, as near as I could recollection about seeing Vann [illegible] was about [illegible] of '67, late, in the spring.
Q As near as you remember? A Yes sir.
Q Where did you see him? A First saw him at that Dave Vann place on Grand river.
Q He was on the Dave Vann place in '67, in the spring
A Yes sir, that is where I saw him.
Q How many children did he have at that time?
A I think he had four.
Q Do you remember their names? A I think he had Dave and a Reuben and Vann and George.
Q At the time you saw him did you know how long he had been down there in that country? A No sir.
Q What was he doing living there then? A Just came in, him and several others.
Q He was living there when you saw him? A He came there when I was living there.

MR. DAVENPORT:

Q Did you have any conversation with him as to where they came from?
A No sir, I dont recollect whether I did or not.
Q You were living there at the Vann place? A Yes sir.
Q And they came there according to your best recollection after Chief S. H. Mayes and his family moved back from Texas? A Yes sir.

MR. SMITH:

Q Mr. Sawair, you are certain about that, which came first Mayes or this man? A Not positive, best of my recollection Mayes did.
Q As a matter of fact Mayes came twice did'nt he? A I don't know.
Q Mayes came in '66, and he came agin after that?
A I don't know about that.
Q But you cant be certain now as to which of the two got there first?
A It seems to me like Mayes got there first.
Q But you are not positive? A No sir.
Q You are a citizen of the Cherokee Nation? A Yes sir.
Q By blood? A Yes sir.
Q Born and raised here? A Yes sir.
Q Did you know whether Webb had got back when you saw these people here, D. W. Vann? A I saw him there.
Q Did they live in the house or camp out? A They moved in the house, I think there was some houses there.

COM'R. NEEDLES: This testimony will be made part of the record in the original case, Freedman D-615, and also part of the record in B. # 821, 822 and 823.

———oooooo———

J. O. Reason, 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.

(signed) J. O. Reason

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

(signed) T. B. Needles
Commissioner.

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File with Cherokee Freedman D-615, Vann Nave, Jr.

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

[illegible], [illegible] 22.

In the matter of the [illegible] of [illegible] Rogers, Jr., for [illegible] [illegible] Cherokee Freedmen.

Testimony introduced on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
L. D. Bell, of counsel for Cherokee Nation.

HENRY C. ROSS, being sworn by Commissioner Needles, testified as follows:

MR. SMITH:

Q. What your name? A. Henry C. Ross.
Q. Where do you live, Henry Ross? A. Locust Grove, Cherokee Nation.
Q. How long have you lived there? A. All my life.
Q. Are you a Cherokee Freedman by birth? A. Yes sir.
Q. Where were you living Judge Ross, in June 1896?
A. Living [illegible] where I am now.
Q. Did you hold any official position at that time? A. I did.
Q. What? A. District Judge.
Q. District Judge of the Cherokee Nation?
A. Saline District, Cherokee Nation.
Q. Mr. Ross, I will ask you to examine the paper which I hand you and tell me what it is in [illegible] paper?
A. Recording paper? It is an affidavit of J. M. Rogers.
Q. J. M. Rogers was commonly known as what? A. District Clerk of Saline District.
Q. What was J. M. Rogers known by? A. Joseph.
Q. Called Joe Rogers? A. Yes sir.
Q. Was he a citizen of the Cherokee Nation? A. Yes sir, he was district clerk of Saline district at that time.
Q. In June, 1896? A. Yes sir.
Q. Well, is he living or dead now? A. He is dead.
Q. This paper which I handed you and which you stated was an affidavit made by him and sworn to, was that written by him?
A. That is Joe Rogers's handwriting.
Q. Did he swear to it before you? A. Yes sir.

MR. BELL: This is only an affidavit that he proposed to put in here as testimony, and I believe the rule adopted by the Commission is that the witness must be present here. The testimony shows that the man who made this affidavit is dead, and that the affidavit which he made was against his interests at the time he made it, and that makes it admissible in evidence at this time beyond question.

Commissioner: The affidavit will be filed for what it is worth.

Commissioner: This will be made part of the record in the case at bar, and the affidavit and testimony offered to-day will be made part of the record in cases D-[illegible], [illegible], and D-[illegible], and reference is made to the same.

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

(signed) Bruce C. Jones

Sworn to and subscribed before me this 12th day of November, 1901.

(signed) F. L. Needles
Commissioner.

Wash Neve, Jr., 22.

[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19th, 1908.

In the matter of the application of Wash Neve, Jr., for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO R-815.

Appearances:
Mellette & Smith, for applicant.
W. W. Hastings, for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation taken from a book from the Executive Department of the Cherokee Nation, the same being entitled "Books of Judicial cases for Cherokee citizenship tried in 1874," from Saline District, as follows, No. 80:

"Washington Neve,
Decided against claimant June 9, 1874."

The Cherokee Nation also offers in evidence the following application of Wash Neve, made to what is known as the Chambers Court, the same being taken from a book taken from the Executive records of the Cherokee Nation, entitled Book B, citizenship record 1874, page 174, case No. 180, as follows:

Wash Neve
vs.
the Cherokee Nation. (Before the Commission on citizenship July 14, 1878 (Colored.) Claiming citizenship.

Claimant presents his claim under the fifth specification of a law creating this Commission.

Claimant was a servant of Alex Neve or wife, Cherokee citizens, at the beginning of the war, left during the same but returned in April, 1867, to this Nation and claims to have complied with the requirements of treaty.

Respectfully,
Wash Neve."

The Cherokee Nation offers the above in evidence for the purpose of showing that in 1874 a full, free and fair investigation of the father of the present applicant to be enrolled as a citizen of the Cherokee Nation, when all the witnesses were easily obtainable, it only being five years after the treaty of 1866 was ratified, and that a court of competent jurisdiction, after hearing all the testimony, decided against the applicant, and the second application made to what is known as the Chambers Court hereinbefore introduced is submitted at this time for the purpose of showing that the applicant himself acknowledged in 1878, in his application to the Chambers Court, that he returned in April of 1867, as the witnesses heretofore introduced by the Cherokee Nation have testified.

MR. SMITH: The counsel for the applicant object to the intro-

Wash Nave, #Tag 23.

section of the above offered testimony for the reason that there is nothing in the entry offered as shown upon the book which contains the same, to indicate or show who made the entry or when it was made, and the last clause of the entry itself is in the third person and purports to have been written by some person other than Wash Nave, and is signed "Respectfully, Wash Nave," and cannot be considered as an admission upon his part. Further, the offer is objected to by the counsel for the applicant by reason of the fact that there is nothing accompanying said offer to show that said matter offered is in any sense a record, and because the record itself is insufficient to tend to prove any issue in this case.

W. W. HASTINGS, being first duly sworn, testified as follows: My name is W. W. Hastings. I am one of the representatives of the Cherokee Nation. The last entry terminaeve introduced by the Cherokee Nation is taken from a book that belongs to the Cherokee Nation and is part of the records of the Executive Department of the Cherokee Nation, and this book was given me by the official in charge of those records as one of the representatives of the Cherokee Nation, for me to use in representing the Cherokee Nation before the Commission in making the colored roll now in process of being made by the Commission to the Five Civilized Tribes.

MR. SMITH: Mr. Hastings, who wrote this entry that you speak of, the last entry offered? A. I don't know, but that unquestionably, as shown from the record, was his application to the Chambers Court, which was recorded in there among their records, that was the record of that court that set between 1874 and 1878, inclusive, and that was the application to them; and that was his statement at that time and embodied in his claim to be enrolled as a citizen.

Q. Well now, you don't think that the last clause of this offer last made is the form in which Wash Nave made an application to this or any other court, do you?

A. I think it was unquestionably written by his attorney and submitted in his behalf by his attorney for him.

Q. Where is that original application? A. I don't know.

Q. Who is the custodian of this book? A. Why, it belongs to the Executive Department of the Cherokee Nation, and the executive, the chief, is T. M. Buffington, and his executive secretaries are J. T. Parks, A. E. Cunningham, and E. W. Alberty; they I suppose are the official custodians of those records, and they, at the request of the Chief, gave these records to me attorneys representing the Cherokee Nation.

Q. And you don't know anything at all about the records; you don't know who made this entry; you dont know from what data it was made of your own personal knowledge? A. Why certainly not, I wasn't present.

MR. SMITH: The counsel for the applicant objects to the offer of this because it is not properly proven, because it is not shown upon what the entry is based, which can only come from the person who knows something of the making of the entry itself.

MR. HASTINGS: Then if that contention be true whenever a clerk of the court would die his records might as well be pitched into the middle of the sea or burned up, because no record could be proven just because the man who made it wasn't there to verify it.

MR. SMITH: The custodian of it could prove that.

MR. HASTINGS: The present custodian of this record-

MR. SMITH: The applicant furthermore objects to the offer of above entries because a copy of an entry from the books offered is not the best evidence, the books themselves being the best evidence of the entry, and therefore moves to strike the copies of the said entries.

STIPULATION: The above proceedings will be filed with and made

[illegible]

[illegible]

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

(signed) Arthur G. Groninger

Subscribed and sworn to before me this 28th day of May, 1909.

(signed) F. A. Hunter
Notary Public.

I, Mattie E. Duffill, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I reported the foregoing testimony and proceedings in the above entitled case, and the copy is a true copy from the notes.

Mattie E. Duffill

Sworn to and subscribed before me this 1st day of August, 1909.

Bruce C. Jones
Notary Public.

BY THE CHAIRMAN OF THE COMMISSIONER:

Q. What is the reason that your name is not on the roll of 1880?
A. I was taken down with rheumatism and was in Hot Springs.
Q. You weren't here at that time then? A. No sir.
Q. You were down at Hot Springs? A. Yes sir, I have been there twice with rheumatism.

Then, witness being sworn states that as stenographer in the Commission to the Civilized Tribes he reported the full all the proceedings in the case and that the foregoing is a true and correct transcript of his stenographic notes therein.

(Signed) Chas Van Weise.

Subscribed and sworn to before me this 13th day of July, 1901.

(Signed) T. B. Needles,
Commissioner.

I, [illegible] hereby certify that the witness, [illegible] Civilized Tribes, I make [illegible] the original [illegible] evidence.

[illegible]

Subscribed and sworn to before me this [illegible] day of July, 1901.

[illegible]
Notary Public.

To be filed with Papers

[illegible]

[illegible] Tribunal,

[illegible]

[illegible]

[illegible]

In the matter of the application of Ben French for enrollment as a Cherokee [illegible] by enrollment of T. B. [illegible] deceased.

Ben French called and sworn as a witness for the applicant.

By Mr. Smith:

Q. What is your name? A. Ben French.
Q. What is your age? A. [illegible].
Q. What is your postoffice address? A. [illegible].
Q. How long have you lived in the Cherokee Nation? A. Ever since the fall of '[illegible].
Q. Were you living in the Cherokee Nation just before the war? A. Yes sir.
Q. You know the applicant here, Ben French? A. Yes sir.
Q. You knew him just before the war? A. Yes sir.
Q. [illegible]? A. Yes sir.
Q. What was his father? A. Ben Frenchie.
Q. Where did they live? A. Illinois District, Cherokee Nation.
Q. What was his mother's first name? A. Ruby.
Q. What was his wife's name? A. Margarita Fields before he married [illegible].
Q. Was she a Cherokee Indian? A. Yes sir.
Q. Did they have some children? A. Yes sir.
Q. What were their names? A. Bob, the eldest son, Henry, Ben, and [illegible].
Q. You know what became of this applicant during the war? A. Went to Kansas.
Q. When did he come back? A. He left before Christmas.
Q. Where did he come to? A. Fort Gibson.
Q. Cherokee Nation? A. Yes sir.
Q. How long did he stay there? A. I don't know, I left him there when I left.
Q. When did you leave there? A. The week after Christmas.

BY MASTIKHAN:

Q. Where did you go from there? A. Back to Kansas.
Q. [illegible]?
Q. Did you go after war? A. I don't recollect.
Q. Did you go after your wife? A. No sir.
Q. Where was your wife at this time? A. I don't recollect that.
Q. You recollect more about this fellow than you do about your wife? A. Yes sir.
Q. Your memory is faulty about your wife? (No response)

BY SMITH: I object to that question.

By witness of Contest: What did you ask me?

By Examiner of Contest: Is your memory bad about your wife?

By [illegible]: Your recollection is bad about your wife's whereabouts? A. Yes sir.

[illegible]

Q. [illegible] and ask the [illegible]? A. In Kansas somewhere.
Q. You didn't she moved down here then? A. I don't think I had.

Q. You don't remember for how a fellow before did you? A. I don't know.

BY THE [illegible]:

Q. [illegible] in the [illegible] where you [illegible] is not on the roll of [illegible]? A. I was [illegible] in [illegible] and was in Fort Smith.
Q. You [illegible] A. No sir.
Q. You were down at Fort [illegible]? A. Yes sir, I have been there [illegible] with rheumatism.

Q. [illegible] that as [illegible] to the Commission to the [illegible] allowed [illegible] the proceedings in the [illegible] and that the [illegible] true and correct transcript of the Stenographic notes [illegible]

(Signed) [illegible]

Subscribed and sworn to before me this the 13th day of July, 1901.

(Signed) T. B. Needles,
Commissioner.

I, Frances S. Rotcher, [illegible] first duly sworn, state [illegible] stenographer to the [illegible] to the Five Civilized Tribes. I [illegible] the above and foregoing [illegible] that the same is a true and correct copy of the original offered as evidence.

Frances S. Rotcher

Subscribed and sworn to before me this 13th day of July, 1902.

Bruce Jones
Notary Public.

DEPARTMENT OF
COMMISSION TO THE
FILE
SEP

C 40929

Acting Chairman

-8-

To the Final Roll of Russell Vanderburg, C. P. No. [illegible].

[illegible] OF THE [illegible],
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
[illegible], I.T., June [illegible], 1902.

In the matter of the application of William Webber for enrollment as a Cherokee freedman, said Webber being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Messrs. Mellette & Smith, for Applicant;
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A William Webber.
Q How old are you? A About 51.
Q What is your post office? A Dewey.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself only.
By Mr. Smith: Mr. Webber, where do you live? A Dewey.
Q How long have you lived in the Cherokee Nation? A I have lived here since '66.
Q Were you a slave? A Yes, sir.
Q Whom did you belong to? A Robert Webber.
Q Was Robert Webber a Cherokee Indian? A Yes, sir.
Q Was he a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Where did he live? A Lived in Flint district, at Webber's old Sawmill.
Q In the Cherokee Nation? A Yes, sir.
Q Was he living there at the time the war commenced? A Yes, sir.
Q Where were you living at the time the war commenced? A I was there at home with him.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A I went out a little while, about two or three years.
Q Where did you go to? A Went up into Kansas.
Q When did you return to the Cherokee Nation? A I returned in 1866.
Q What time in 1866? A Along about the middle of the summer.
Q Where did you come to, what part of the Cherokee Nation?
A Up there about Chetopa, Kansas, first.
Q What place did you come to after you got into the Cherokee Nation?
A We just stopped along one place and another; the next place I stopped was on Pryor's Creek and we finally worked on down to Spring Creek.
Q Where do you live now? A Up about Dewey.
Q After you come down here in '66 how long did you stay about that place? A I stayed two or three years down about Spring Creek.
Q When did you come up in this part of the country close about Dewey? A I think it was '74.
Q Where have you been living since '74? A Right there where I am now.
By Mr. Hastings: Who returned with you after the war?
A My mother and all her children and step-father.
Q Dave French? A Yes, sir.
Q He is the man that brought you down? A Yes, sir.
Q Now, what brothers did you have? A Had Andy Webber and James Webber and got two younger brothers, half brother, Eli French.
Q Dave French's child? A Yes, sir.
Q What is your mother's name? A Lucinda French.
Q And you say you stopped a while on Timbered Hill?
A Yes, sir, and finally went on and next stopped here at Pryor's Creek.
Q How long did you stop at Timbered Hill? A I don't remember; about a month.
Q Anybody living up there at that time? A I didn't see anybody.
Q You just camped around there did you? A Yes, sir, and made most stop on Pryor's Creek.

[illegible]

Q [illegible] A [illegible]

[illegible]

Q [illegible] A [illegible]

[illegible]

Q [illegible] A [illegible] about three years I [illegible]

Q [illegible] up there during that time? A He was up there backwards and forwards.

Q How long had he been there [illegible] before he came down here?

A He was [illegible] and [illegible] of his business.

Q Now, where did you [illegible] down here after you left Timbered [illegible]

Q At [illegible] to anybody's house.

Q Just [illegible] A [illegible] on the creek.

Q Was [illegible] with you? A No, sir, he was not with me at that time.

Q [illegible] he left you? A I don't remember how long [illegible] me this time.

Q Did he come down with you? A He started with me.

Q [illegible] did he quit you? A I don't remember where it was.

Q He was your partner's brother at that time, wasn't he?

A Yes, sir, [illegible] and some other folks.

Q Do you remember the [illegible]? A No, sir.

Q Didn't know them? A [illegible], sir.

Q But he came [illegible] you and [illegible] Timbered Hill? A He was there a while, we [illegible] all the time.

Q You came [illegible] as you came down? A Yes, sir.

Q What's the [illegible] there? A No, sir, wasn't any town nothing but a little [illegible] but there was all the house I seen, and two [illegible] and just [illegible].

Q You remember it [illegible]? A I remember the log hut.

Q Do you remember [illegible] there? A Yes, sir.

Q It had the [illegible] at least [illegible] Carlock.

Q Did you buy any [illegible] there? A [illegible]

Q Did you have [illegible] there? A I don't think there was family living in [illegible] at that time.

Q Where did you [illegible] while here? A We stayed on Spring Creek [illegible] Smith's [illegible].

Q Where was that? A [illegible] two miles.

Q When did you see [illegible] how over you could hear?

A I was [illegible].

Q At [illegible], didn't you? A Yes, sir, horse-racing.

Q [illegible] out racing? A No, sir.

Q You didn't [illegible] for [illegible]? A No, sir.

Q Did you see [illegible] the fever as you crossed the river? A No, sir.

Q Where did you see him? A In [illegible].

Q Around [illegible]'s house? A Yes, sir, [illegible] time.

Q What time of the year, how long had you been down to Spring Creek? A We haven't been there but a little while.

Q How old are you now? A [illegible] years old.

Q What were you doing down at [illegible]? A I was just knocking around waiting for I could get work.

Q At what time did you stop there? A With old man Venn, kept a boarding house there.

Q [illegible]? A Yes, sir.

Q [illegible] you don't see [illegible] of that hotel, Polly [illegible]?

A I don't [illegible].

Q [illegible]

Q [illegible]

Q What is your name? A [illegible]

Q Where do you live? A [illegible]

Q How old [illegible]

Q [illegible]

Q [illegible] A [illegible] I [illegible]

Q [illegible] get acquainted [illegible]

Q [illegible]

A I [illegible] trees.

Q When did you [illegible]

Q [illegible] A [illegible]

Q [illegible]

Q [illegible] I [illegible]

Q [illegible]

Q [illegible]

Q How [illegible]

Q I [illegible]

Q About [illegible] A [illegible]

Q By [illegible] A Yes, sir, he was [illegible] in the [illegible] trees.

Q That was the first time you ever saw him? A Yes, sir.

Q [illegible] A Yes, [illegible]

Q And for [illegible] you have returned [illegible] saw him up there? A Yes, sir.

Q You remember every [illegible]? A [illegible]

Q You are willing now to swear that you saw him [illegible]

A Yes, sir.

Q Were you [illegible] at that time? A I wasn't at that time, I was [illegible] trees.

Q You [illegible] A [illegible] at that time.

Q You saw him [illegible] A I saw him there several times.

Q He played [illegible] all the time? A No, he was around there [illegible]

[illegible]

Q Do you [illegible]

A It was [illegible]

Q What [illegible]

[illegible] Perry for shooting [illegible]

[illegible] Mr. [illegible] records a long [illegible] ever made in the [illegible] A. I don't [illegible] any.

[illegible] French who was a [illegible] Mr. Jones. [illegible] of the Chero[illegible]

Q. How old were you when you came back here after [illegible] I recall. Q. Came back when your father A. Yes, sir. Q. Been living here ever since? A. Yes, sir.

The 1880 Authenticated roll and the Census roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 106, #4664, William Webber, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 150, #[illegible], Wm. Webber, Cooweescoowee District, child of Linda French, #[illegible], Cooweescoowee District.

COM'R TAYLOR: William Webber makes for the enrollment of himself. He avers that he is the son of Lucinda Webber and married one David French. He was a slave of Robert Webber and taken to Kansas during the war and returned in 1866. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, but he is fully identified upon the Clifton and Wallace rolls. He avers that he returned to the Cherokee Nation with his mother and at that time was 16 years of age. The name of his mother, Lucinda [illegible], is found upon the authenticated roll of 1880 and identified as the mother of the applicant. He avers that he was born living in the Cherokee Nation ever since. It appears to the Commissioner that the testimony is plain and conclusive that the said William Webber is entitled to be listed for enrollment as a Cherokee Freedman but because of the protest of the Cherokee Nation, he will now be listed for enrollment as a Cherokee Freedman upon a doubtful card.

---oooOOOooo---

S. O. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes taken [illegible]

S. O. Rosson

Subscribed and sworn to before me this the 31st day of August, [illegible]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 18 1901
ACTING CHAIRMAN.

[illegible]

In the matter of the [illegible] of William Webber for the [illegible] his cousin, [illegible] being [illegible] by Commissioner T. B. [illegible] testified as follows:

APPEARANCES:

[illegible] Wallace & [illegible] for applicant.
Mr. T. W. Hastings for Cherokee Nation.

Q What is your name? A William Webber.
Q How old are you? A About 41.
Q [illegible] your occupation? A Doctor.
Q What district do you live in? A Coweescoowee.
Q [illegible] Rus Henderson.
Q [illegible] years of age.
Q What is his post office address? A It was Lenapah before he was taken up, he is in jail at Muskogee charged with murder.
Q What district? A Coweescoowee.
Q What is the reason he is at Muskogee? A Incarcerated.

BY MR. [illegible]:

Q Has he got a family? A He has got a wife and child.

BY COMM'R [illegible]:

Q Do you want to enroll them? A No, sir.
Q You say the reason he does not apply in person is that he is incarcerated in prison and is not able? A Yes, sir.
Q What is his father's name? A Ed Henderson.
Q Is his father living? A No, I think he is dead.
Q What was his mother's name? A Rachel Webber, she is dead now.
Q Is Rus Henderson on the roll of 1880? A I could not tell you.
Q Is his name on any of the rolls of the Cherokee Nation?
A I can't say.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of Russell Henderson not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 187, #[illegible], Russell Henderson, no district given.

The Porn-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

BY MR. [illegible]:

Q Mr. Webber, do you know Rus Henderson for whom you apply?
A Yes, sir.
Q How long have you known him? A I have known him for about twenty years.
Q Did you know his mother? A Yes, sir.
Q Who is his mother? A Rachel Webber is her name.
Q Rachel Webber? A That is the name she bore at the time she died; that is the name she went by I suppose her right name would be Henderson.
Q Was he married to a man named Henderson? A Yes, sir.
Q Well, do you know whether Rachel was a slave or not?
A Yes, sir.
Q To whom did she belong? A Robert Webber and after her daughter died he gave her over to his daughter Robert Webber.
Q Whose daughter? A Robert Webber's.
Q Is she a freedman of the Cherokee Nation? A Yes, sir.
Q Where was Rachel Webber before the war? A Here in the Nation.
Q Did she go out? A Yes, sir.
Q When did she come back? A She came back with us, in the same round that we had transport part of mine.
Q How long did she stay with you after you came back to the Cherokee Nation? A She didn't stay very long, she was single and she married around and finally got scattered and I could not tell you.
Q [illegible] was all shaved together before she

[illegible]

[illegible] Hendricks,

[illegible]

Q [illegible] A [illegible] I could not say.

[illegible] A Living

[illegible] A [illegible] four miles.

[illegible] A A little better than a

[illegible] Lived with

[illegible] A I don't know. I [illegible] at her [illegible]

[illegible] tell you just the exact occasion before he came to live

[illegible] Do you know where she died? A I think she died at Dave Brown's

[illegible] in the Cherokee Nation? A Yes, sir.

BY MR. [illegible]

Q How long after you came down here until Dan's mother married?

A I don't know just when she did marry, [illegible]

Q Do you know where she married? A No, sir; [illegible] would

know better than I do.

Q Who are her witnesses? A Sam Webber is a witness, and George

[illegible] he was living in their neighborhood.

Q Was Dan's mother alive then? A Yes, part week she went away from

us. I didn't stay with the family much.

Q She lived up to you on Spring Creek after the war? A Yes, sir.

Q Up to that time she had no children? A No, sir.

Q Ever been married? A No, sir.

Q Was she your mother's sister? A Yes, sir.

SAM WEBBER, being duly sworn by Commissioner Needles, testified as follows: BY MR. [illegible]

Q State your name? A Sam Webber.

Q How old are you? A About 58.

Q Where do you live? A About two miles west of here.

Q East of Nowata? A Yes, sir.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Do you know Rufus Henderson? A Yes, sir.

Q When did you last see him? A I saw him a week before last down here to Wagoner.

Q What was the circumstance of your seeing him in Wagoner?

A He was a prisoner.

Q Did you know who his mother was? A Rachel Webber.

Q Did you know who his father was? A I didn't know his father, I didn't know him to be his father.

Q Who was he? A Henderson.

Q Do you know whether Rachel Henderson's mother, Dan Hal, was ever a slave or not? A Yes, sir.

Q To whom did she belong? A Robert Webber.

Q Was he a citizen of the Cherokee Nation? A Yes, sir.

Q Lived in the Cherokee Nation? A Yes, sir.

Q Where was he living at the time the war commenced?

A [illegible]

Q Was Rachel at that time? A [illegible] there in

Q Do you know when Rachel came back to the Cherokee Nation

after the war? A [illegible] with some others [illegible] Frank and William Webber [illegible]

Q Well, William Webber and [illegible] along? A His mother [illegible] and their sister was [illegible] sister of [illegible]?

[illegible]

[illegible] they what do you mean

[illegible] Yes, sir!

Do you know whether Rhodes was ever enrolled on the 1880 roll or not? A. I don't know.

The 1880 [illegible] Nation [illegible] Nation were lost and [illegible] Lionant's member not lost [illegible] Cherokee.

[illegible]

Q. What was Henderson's father? A. His name was Ed Henderson they said.

Q. Did you know that they were married? A. No, sir; I don't know for certain who is the father of this child, or [illegible] smile

Q. Well, when did you next see her after you said you saw her here on horse [illegible]? A. I saw her at Uncle Billy [illegible] and long [illegible].

Q. How long after that? A. I don't know.

Q. Well, about how many years? A. It has been three or four years.

Q. Was Rhodes there when you saw her? A. Yes, sir, he was there at Uncle Billy's.

Q. Has Rhodes ever been out to [illegible] any? A. Not as I ever heard of.

Q. Well, has she [illegible] he was here? A. Not as I know of.

Q. [illegible] live [illegible] was here?

A. [illegible] Creek, and the last time I saw her was across the river at [illegible] and the last time I saw her at Boyett, she died here.

Q. Did she die? A. She died at [illegible] and she was for her son, Rhodes, [illegible] came over here and [illegible] about here.

Q. Did she ever live here and have a [illegible] here or not? A. I don't know whether [illegible] there at Lexington, I saw her there in [illegible].

Q. Did she own a house [illegible] of her? A. I don't know.

Q. Did you ever know her? A. I was [illegible] him.

Q. Where did he die? A. I don't [illegible] where he lived.

[illegible] applied for the enrollment of his cousin, [illegible] he swore that [illegible] in prison so that he could not be present [illegible] of Rhodes [illegible] cannot be found [illegible]

F.D. 929. Ebe Nation.

Muskogee - C. T. [illegible]

File in C. T. [illegible]

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

[illegible] in the matter of the enrollment of Russell [illegible] Cherokee [illegible]

[illegible] Vinita, I. T., [illegible] for applicant.

[illegible] W. V. Hastings, Cherokee Representative.

[illegible] DAVIS, [illegible] day sworn, testified as follows on part of the Cherokee [illegible]:

MR. [illegible]

Q What is your name? A Elizabeth Davis.
Q What is your age? A 57
Q What is your post office? A Fort Scott, Kansas.
Q How long has that been your post office? A Since '62.
Q Did you know a colored woman up there by the name of Rachel Webber? A Yes sir.
Q When did you learn to know her? A I knew her in '60, about '62 along until seventies.
Q Did she ever marry? A She married a man by the name of Ed. Henderson.
Q How long did she live with him? A I dont know how she lived with him, she had ten children.
Q You do [illegible] names of those children? A No sir, I just know [illegible] that is all.
Q What did Ed Henderson do there? A He was a barber; he was a barber there when I first went there, the only barber there was in the town.
Q Did he move away from there? A No sir, he lived there until he was put in the penitentiary.
Q Is he in the penitentiary now? A Yes sir; he died in the penitentiary.
Q Did you see this Rachel Webber there like you did other people? A Yes sir, I have been her passing around.
Q You know of her marrying Mr. Henderson? A Yes sir. Having those babies, two of them, and [illegible] of them separation, but I dont know the dates; I never paid [illegible] attention to it to know about that.
Q That was after the war? A That was in the seventies.
Q When they separated? A Yes sir.
MR. [illegible]
Q What year did you last see Rachel Webber? A I dont know what year I saw her last, but it was in the seventies.
Q Now what time in the seventies, you know the seventies extend over a period of ten years? A It was in '71.
Q Do you swear it was in '71? A (no response)
Q Are you positive about that? A I am positive it was in '69 or '70.
Q There were you first spoken to and asked what you knew about this witness Webber? A I was first spoken to about it yesterday.
Q Yesterday, now then it has been 30 years since you first saw her has it? A No sir, it hasn't been 30 years, I dont think.
Q How long has it been since you saw her? A I saw her in '70 or '6, remember along there.

Q Now which was it '75 or '76? A Well it was either one or the other.
Q Now you dont know which one, do you? A No sir.
Q That has been 25 years ago; is there any particular reason you had to know this woman? A No sir, only I read in the papers of the separation.
Q She was a colored woman? A Yes sir.
Q You did'nt pretend to keep track of where, her whe ereabouts all the time did you? A No sir.
Q Where was she in the year '67? A I dont know.
Q Do you remember of seeing her in that year? A No
Q Where was she in the year '66? A I dont know where she was, she was there though
Q As a matter of fact it is impossible for you to remember back 30 years and know a particular year when you did or did not see this woman? A I know that they were there; and that they lived there in the sixties and seventies.
Q Well now the sixties and seventies extend over a period of 20 years; you mean a portion of that time they were there? A Yes, sir I mean that they were there and lived there and had their residence there.
Q You dont pretend to say that this woman did not come down to the Cherokee Nation during that time, do you? A No sir.
Q You dont know what she did do; you said a while ago you saw her passing and repassing? A Yes sir; and I say I knew of her marrying Ed. Henderson.
Q Well, did you have a personal intimate acquaintance?
A No sir, I dont know as I ever spoke to this woman.
Q You dont know that you ever spoke to this woman; 30 years now you go back and say -? A Yes sir, I knew of this woman and knew of her marrying Ed. Henderson and separating and having two babies; you know these things was in the papers.
Q Do you know Ed Henderson was her husband? A Yes sir.
Q I will ask you if Rus Henderson was not her husband?
A No, he was not.
Q You are certain of that? A Yes, I am certain of that.
Q What makes you remember that; you had never spoken to this particular woman? A I had never heard tell of Rus Henderson.
Q Now, do you say that this woman Rachel Webber is that one you have been talking about? A Yes sir.
Q Do you swear that she married Ed Henderson? A I swear that she pretended that she was; what they said, that she married him.
Q When did you hear that? A I heard it in I suppose in about '69.
Q Well do you remember that it was in '69? A I cant keep the dates
Q Did you know Ed Henderson? A Yes sir, I knew of him, I seen him in his barber shop every day.
Q Were you acquainted with him? A No sir. Only that he was Ed Henderson and kept a barber shop there.
Q Why should you remember that it was in 1869 that they married?
A I dont know why I should remember, I do though?
Q You swear they married in '69? A It was somewhere in '68, '69 or 70.
Q Then you allow yourself a considerable wide rangWes sir.
Q This is the third case you have testified in since yesterday, isn't it; identifying freedmen as living in Fort Scott, Kansas?
A Yes sir, and they lived there too.
Q And you are trying to identify a woman here with this woman you never saw there?
Mr. Hastings: You have got the right to cross-examine the witness; you have got no right to argue the case with her.
Q Did you know anything about Martha Gales, a colored woman, that lived up there? A Yes sir.
Q I will ask you if Martha Gales didn't marry Ed. Henderson?

[illegible]

Q [illegible] the [illegible], [illegible]

Q [illegible] he was sent to the [illegible]

Q You [illegible] this man when he lived with Martha Giles?
A Yes [illegible]

Q After their separation he lived with this woman?
A [illegible] him, yes, until separation. [illegible] him, when he lived with [illegible]

Q [illegible] with this woman?
A Yes sir [illegible]

Q Did you ever know [illegible] there until 1859 or '70? A No sir, I never knew of her coming away after the separation.

Mr. [illegible]

Q You don't know whether she came away or not do you?
A No sir, I don't know when she came away; I know they separated. I read that in the papers.

Q There is Henderson [illegible] A He is dead, I heard the other day.

Q When did you hear that? A The other day.

Q How long ago? A [illegible] or two [illegible]

Q You swore when you were here before he was living? A No I swore he was at Fort [illegible]; I didn't know that he was in the penitentiary.

Q Did not you swear on the 17th day of February, in the case of Martha Giles, that this man was living at that time?
A No, I didn't swear he was living [illegible] I didn't know. They asked me where he was [illegible] I know of him since I went there I heard [illegible] penitentiary.

Q Now, say if you gave that last [illegible] in the case of Martha Giles what became of Henderson? Is he in the [illegible]? Did you swear that in the Martha Giles case? A I guess I did because I thought he was there.

Q Are you swearing what you knew or what you think? A Not do you know it because you think.

Q What made you swear he was there if he was not there? A Because I supposed he was there.

Q Are you swearing by what you know or by what you supposed? A He was there the last of what I know.

Q You said he died in the penitentiary? A Yes.

Q You didn't know when you swore that Henderson was up there whether he was or not? A No, I could not swear that my boy was up there.

Q You had not seen Ed. Henderson there had you? A Yes, I seen him not over three months ago.

Q Didn't you swear just now in this case that he died in the penitentiary? A Yes sir, he was sent up there last fall and I heard at the time I was here before that he was [illegible] and I read that in the paper, that is the only [illegible] I know about it.

Q You say Henderson is living up there yet? A Yes sir.

A [illegible] what I supposed [illegible].

Q I will ask you if a matter of fact he has not been dead three years? A I don't know.

Q You know Mr. Davis, whether he has or not if you seen Ed. Henderson in the past three years? A [illegible] Just let me think whether I have or not; I don't know. [illegible] was there on the corner, I never knew anything about [illegible] way.

Q [illegible] question, have you [illegible] Henderson within the past [illegible]
A I don't [illegible] I don't know.

Q Did you say you saw him about three months ago? A I knew he didn't been dead three years.

Q Did not you swear a [illegible] ago that you saw him just before you came down here on the [illegible]? A No sir, I did'nt.
Q And did'nt you swear in that [illegible] case that Ed Henderson was living up the re yet? A Yes sir, because I supposed he was living there yet.
Q You was swearing by what you supposed? A That is the way everybody swears, of course.
Q How many times have you been a witness in down here? A I guess three or four.
Q How many did you witness in when you came here the first time, 17th of February? A Two I guess.
Q Then you have been a witness in three this time, have'nt you? A Yes.

MR. HASTINGS:

Q Mrs. Davis, you knew Ed. Henderson? A Yes sir.
Q And when you were down here before you had'nt missed him? A No sir, I did'nt know he was gone.
Q Your attention was not especially directed to the last two or three years? A No sir.
Q When you went back you made inquiries and found he went to the penitiary? A Yes sir.

MR. MILLSPAUGH:

Q You had'nt missed him? A No sir.
Q If he has been dead three years you dont know? A No sir.

MINERVA RUNYAN, being duly sworn, testified as follows on part of the Cherokee Nation,

MR. HASTINGS:

Q What is your name? A Minerva Runyan.
Q What is your post office? A Fort Scott, Kansas.
Q What is your age? A 48.
Q Did you know a colored woman by the name of Rachel Webber who married Ed Henderson? A Yes sir.
Q Did you know Ed Henderson? A I did.
Q About when did you learn to know Rachel Webber? A Well it has been about seventy something or another, I just could not say.
Q After the war? A Yes sir, it was after the war?
Q Where did you know her? A In Fort Scott.
Q When did you know Ed Henderson? A Well I knew him, it must have been in the '60s. I knew him before I knew her.
Q Did they live together as husband and wife? A Yes sir.
Q You remember about how long they lived together up there as husband and wife? A No, sir I could not say.
Q Do you know whether they had any children or not? A I know they had one.
Q Do you know the name? A No sir.
Q Born up there? A Yes sir.
Q Do you know whether they continued to live together or whether they separated? A Well at the best of my knowledge they separated.
Q What did Ed Henderson do up there? A He was a barber.
Q Now, how long did you continue to know Ed around there?
A Well I could not say just when in the sixties.
Q You mean further on up the other way? A Well until his death.
Q You understood he died? A Yes sir, I understood he died; I could not say positive for that; it was just through the paper I could not swear to that for I didn't see it.

MR. MILLSPAUGH:

Q When did he die, Ed Henderson? A Well, now I could not just tell that.
Q Well, how long ago, Mrs. Runyan? A If I remember rightly it was in the fall; in the fall or latter part of the summer.
Q What year? A 1904 I think.
Q Do you swear to that positively? A No, I dont swear to that positively.
Q You saw it in the paper? A Yes sir.
Q Well now, Mrs. Runyan, if you can't fix the time when Ed Hender-

son died, how can you go back thirty years and locate a colored woman with whom you were'nt well acquainted? A Because they lived right there in the town where we did.
Q I know, if you cant tell within a year when Ed Henderson died, how can you remember the time away back yonder in the sixties?
A I dont believe he married in the 60's.
Q When did you first see Rachel Webber? A When I first saw Rachel Webber it was in the seventies.
Q What year? A I cant tell the year; best of my recollection it must have been '73, I know it was a few years before I was married. and we was cross ing a little stream, crossing the stream the plank broke and I went in her house and wrung the water from my clothes, and there was one child there at that time; there is where I get the one child from.
Q Well now there is three years before you were married you went passing Rachel Webber's house and fell in the water? A Yes sir.
Q And that was about three years before you were married? A Yes sir.
Q And how long ago have you been married? A 26 years.
Q And that was about 29 years ago? A Yes sir.
Q Is that the Rachel Webber that is concerned in this case?
A Well, that is a Rachel Webber.
Q I ask you the question? A Yes.
Q Answer it; I asked you if that was the Rachel Webber that is concerned in this case? A Well I dont know.
Q How many cases have you been to witness here yesterday and today?
A Three.
Q You have identified certain freedmen that were living in the town of Fort Scott thirty years ago? A Yes sir.
Q How old were you in 1870? A 1870?
Q Yes? A I was about eighteen I guess.
Q Were you acquainted with Rachel Webber? A Well, not personally acquainted with her, no.
Q Ever speak to her? A Yes sir.
Q Well now when did you first see her, when did you first remember seeing her, what year? A I dont know.
Q Where was she in 1866? A I dont know.
Q Where was she in 1867? A I dont know.
Q Where was she in 1868? A I dont know.
Mr. Hastings:
Q You know that about three years before you were married you stopped in there and she had one child? A Yes sir.
Q That is the same Rachel Webber that had Ed Henderson for a husband? A Yes sir.

I, J. O. Rosson, do hereby certify upon my officialoath as stenographer to the Commission to the Five Civilized Tribes, that I correct ly 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.
Signed J. O. Rosson.

I, the undersigned, as stenographer to the Commission to the Five Civilized Tribes, do certify that the above and foregoing is a true and correct copy of the original transcript.

Ella Mielenz

F. D. 391.

To be filed with F. D. 928.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May, 18, 1903.

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. L. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA [illegible], being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A We are.
Q Have you a file of the official paper including December, 22, 1866? up to and including March of 1867? A Yes, sir. (Here presents files.

MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murde

MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.

COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Bein missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scot mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once [illegible] to Mackey and he was arrested. As the news spread [illegible] and the indignation was great, [illegible] were made; but wiser and better [illegible] no d[illegible]

On [illegible] on the [illegible] a coroner's inquest. A [illegible] of [illegible] F. Drake, Joseph [illegible] and A. L. [illegible] late [illegible] the cause of his death. We give the [illegible] the jury, [illegible] J. S. [illegible] not-more or less [illegible] or gun-shot wounds on [illegible] dead before them. [illegible] the [illegible] evidence that [illegible] the other [illegible] the body [illegible] above the left nipple and about an inch and a half [illegible] one ball passing through, coming out below the left [illegible]. The other [illegible] downward, and was found close to the [illegible], a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Mullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Bill Mackey, colored, was standing on the walk when I went into Hayfords; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and taken over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back to Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour. [illegible] for Mackey; he got on and rode down the road; he had [illegible] I heard the firing; he had been gone [illegible] to the mill and back to the place where he was shot, [illegible] I heard the firing. When I saw Mackey at Hayford's he had on a [illegible]'s coat; it was off when I found him with the flour. [illegible] at any time whether Mackey had any arms or [illegible] his coat and was arrested, a short time [illegible] was killed; he then had a different coat. He asked [illegible] for stealing flour; he said [illegible] then told he had shot Hayford, and he said [illegible] with. I know that he [illegible] saw him with the flour I didn't [illegible] Hayford started from the [illegible]; he said he would go and get Mr. Myers to go with him to get the flour; from the place where I met Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry [illegible], (colored) sworn - Saturday evening heard several shots fired. [illegible] live near the mill close by Eli Mackey. About twenty [illegible] Mackey came to my door; asked me if [illegible] me. He seemed to be in a hurry. He had [illegible] the shooting sounded as if it was [illegible] my house. [illegible] place where Hayford was found; [illegible] down to [illegible] about fifteen minutes, before [illegible] fired. [illegible] Mackey were when we came [illegible] house afterward. - Do not know whether he had [illegible] usually carries one, have seen [illegible] on. I did not notice any flour on his [illegible] revolver which Mackey usually carried. [illegible] that at his house that night. When Mackey [illegible] went to his house, and soon afterward heard him [illegible] whistling. Mr. Jones found the sack of flour [illegible] or if thrown down the bank. Was found about twenty yards from Hayford's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. Tyners, sworn - I live about 150 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northwest direction; that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound I thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Collin told me he saw Mackey on the road towards home, and that Mackey heard him call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man holloa; ran out and another shot was fired before I got out. Immediately after heard another shot and saw the flash of a [illegible] in the bottom toward the mill. Alex Harris, Westley [illegible] and myself ran down the road. We found a man lying on his [illegible] was turned downward; he was alive but could not speak. [illegible] I know it was a pistol that was fired. Came to town [illegible] Mr. Jones, Deputy Marshal.

The coroner's jury [illegible] to the justice their inquisition, stating that Dyer [illegible] died by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired his revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Mayhew, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott.

[illegible] for shooting at a man, but be-
[illegible] where last [illegible]
[illegible] Let him be tried
[illegible] and if guilty let
[illegible] from the Fort Scott

Mon[illegible]

[illegible] last evening,
[illegible]

[illegible] the following
[illegible]

[illegible] with horror [illegible] overpower the
hearts [illegible]

A [illegible] of the escape of Eli
Moore, the black [illegible] over beyond,
[illegible] have been on the alert
[illegible] on Wednesday, the 20th inst., Deputy
[illegible] having learned that the murderer was concealed in
his [illegible] house, [illegible] miles northeast of this city, started,
[illegible] his son, Charles [illegible] Deputy Sheriff Joe - who were
on [illegible] in this city - and Benj. Giles, for the purpose of
capturing [illegible]

On [illegible] at the house, Moore, [illegible] and Wheaton, Jr.,
approached [illegible] In return he fired
several [illegible] then ran out of
the [illegible] received
the [illegible] the corner of the
house. [illegible] Immediately
after [illegible] side and fell
to the [illegible] for him
recovery [illegible] is improved, and
his [illegible]

[illegible] and gone around and
[illegible] Dickinson started
in pursuit. The [illegible] in his hands, ran
[illegible] as he fell, and
[illegible] his surroundings, he
sighted [illegible] even after they approached
him [illegible] and he fired two
[illegible] to the ground, fortunately, no one
was injured. [illegible] part of his [illegible] shot off.
After the [illegible] assumed [illegible] back to the house from
which he had [illegible] and hung by the neck until he was dead. Before
his death he tried to implicate an innocent person in the murder of
Mr. [illegible] having been [illegible] in the [illegible], he confessed
to [illegible] the [illegible] he also confessed to having
killed [illegible], and also [illegible] Pastor Mafford last
winter. - All [illegible] indicate that he has always been a character
with scarcely a parallel in the annals of history for desperation

and bloodthir[illegible] at one time, in the Cherokee [illegible] him but failed on account of [illegible] who knew him, were terrible [illegible] mented a character so utterly [illegible] ity.

As a general [illegible] the taking of life except by [illegible] to the peace and quiet of the [illegible] of society. We have always [illegible] necessity would justify it, [illegible] necessity existed; for every [illegible] alive, endangered the lives of good citizens. We [illegible] he occupied was sinc burned to the ground. The [illegible] their attempt to arrest him, were among the best of our [illegible] As members of the polic force of this city they have [illegible] their duties faithfully. Generous and brave to a fault, the [illegible] of one and the danger to the other creates a spirit of [illegible] that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and on Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetary where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of thd keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their life was beaten were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning.

Benjamin Giles, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Giles.
Q What is your [illegible] A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q Were you living there at the close of the war? A Yes, sir.
Q Were you living there in '66, December? A I have lived there ever since '62.
Q Did you know Dyer Hayden? A Yes, sir.
Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.
Q Was he killed? A He was killed at Fort Scott.
Q Was he killed in the [illegible] A [illegible] just at the brink of the hill along in the mouth; yes, sir he was killed in the city just about the brink of the hill.
Q About what time of the day was he killed? A He was killed just after dark, just dark.
Q Do you know who killed him. Who was said to have killed him, who was accused of killing him? A Lee, sir.
Q Who? A Eli Mackey.
Q Was he a colored man? A Yes sir, he was.
Q Did you assist in his arrest? Yes, sir.
Q Who arrested him? Myself and a man we called Deacon Jones.

Q That third other man [illegible] A Yes, sir.
Q About how long after [illegible] A I heard the shots fired, then ran down [illegible] I lit a match and this man drew his breath twice [illegible] I couldn't it was more than twenty [illegible]
Q Twenty was not A [illegible], sir.
Q Had it become generally [illegible] A No, sir.
Q There was no time for the [illegible] A Only a few people knew; I heard the shots fired [illegible] down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, sometime in February, with I think it was.
Q Of February following, of 1877? A Yes, sir.
Q Well did he make his escape? A He got away.
Q He got away? A Yes, sir, he got [illegible] turnkey, Ed Coe.
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 20th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him? A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched barns, they looked around for him, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the [illegible] February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no [illegible] when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford before he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, him and me was friends.
Q You was a friend of his? A Yes, sir.

[illegible]

Q [illegible] A [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible]

Q [illegible] A [illegible]

Q [illegible] been searched in the [illegible] A No, sir.

Q [illegible] as soon as he [illegible] of any sub violence [illegible] you [illegible] A Why I th[illegible]

Q [illegible] that? A I presume that [illegible] was hard for me to remember exactly.

Q Well he [illegible] that time, he was [illegible] sir, at the time.

Q He [illegible] time.

Q You kn[illegible] something like that [illegible]

Q I [illegible] made for him?

A [illegible]

Q [illegible] there was [illegible]

[illegible] was like [illegible] would search [illegible] d.

[illegible] was haunted [illegible] tales from [illegible]

Q [illegible] he a [illegible]kee [illegible] and the [illegible] A To the best of my [illegible], I would have put it, [illegible] before the holidays, [illegible] it was only a few days before Christmas when the killing w[illegible]

Q [illegible]? A In '68 the killing was done.

Q Few days before Christmas of '68? A Yes, sir.

[illegible] that all the testimony introd[illegible] with reference to the return o[illegible] be introduced and made a part of the reco[illegible] the applicant can move the commiss[illegible] all the testimony taken on [illegible] relevant and irre[illegible] vs of the Cherokee Nation [illegible] be [illegible] of Re-record in the following Cherokee Fre[illegible] D-398, D-401, D-[illegible] 1-404, D-407, D-[illegible] and in D-[illegible] being the case at bar.

Arthur G. [illegible] that ne[illegible] stenog[illegible] give [illegible] re-[illegible] and report[illegible] that the [illegible] and complete [illegible] the stenographic notes [illegible].

(Signed) Arthur G. Crohinger.

Subscribed and sworn to before me this 16th day of May, 1908.

(Seal) (Signed) Philip D. Hunter.

Notary Public.

I, [illegible] the Commission to [illegible] give Civili[illegible] above and foregoing is a true and p[illegible] on file in the Commission do the same [illegible]

[illegible]

Subscribed and [illegible] day of May, 1908.

[illegible]

[illegible]

To be filed in D. Docket.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of William Webber for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-928.

Cherokee Nation represented by W. W. Hastings.

COMMISSION: The Cherokee Nation by its representative makes satisfactory proof of service on the applicant's attorneys, Mellette & Smith, Vinita, Indian Territory, that it would on the 23rd day of May, 1902, at the office of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said William Webber to enrollment as a citizen of the Cherokee Nation. The applicant and his attorneys have this day been called and fail to respond.

MR. HASTINGS: The Cherokee Nation asks that the testimony taken in the cases of Freedman Doubtful 815, Freedman Doubtful 856 and the statement of Dave Franklin in Freedman Doubtful 928, be introduced and made a part of the record in this case.

COMMISSION: In addition to the case at bar, this testimony will be filed with and made a part of the record in the case of Russell Henderson, D-929, who is also represented by Mellette & Smith.

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

Subscribed and sworn to before me this 2nd day of July, 1902.

Notary Public.

Retta Chick, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy, and that the same is a true and complete copy of the original.

Retta Chick

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

Notary Public.

Real

To be filed with F. 929.

Russell Henderson

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

In the matter of the application of Joseph Smith et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-626.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony taken by the Cherokee Nation in the case of F. D-818, also the testimony in Freedman Doubtful 216, also the testimony of Reuben Sanders, together with the testimony taken on the part of the Cherokee Nation in the case of Freedman Doubtful 391, be introduced and made a part of the record in this case.

MR. SMITH: The applicant objects to the introduction of the above offered matter for the reason that the same is not the best evidence, and that it is incompetent, irrelevant and immaterial, and does not tend to prove any issue in this case, and because no foundation was laid for the offer of impeaching or contradicting evidence by asking witnesses when upon the stand in this case whether they had made such statements, and because the same is not the best evidence, and because the same is hearsay, and because it was not taken under the rules and regulations of this Commission with reference to notice and opportunity for cross-examination so far as it applies to this case.

COMMISSION: This testimony will be filed with and made a part of the record in the following freedmen cases: Becky Webber, D-435; Lewis Webber, Sr., D-554; Russell Henderson, D-929; William Webber, D-928; Birt Henderson, D-943, and in the case at bar, being that of Joseph Smith, D-626. It appears that the applicants in the above cases are represented by Mellette & Smith.

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

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 7th day of July, 1902.
(SEAL) (signed) P. G. Reuter.

I, A. R. Cheever, being duly sworn, state that as stenograpger to the Commission to the Five Civilized Tribes I correctly copied the original proceedings had in this case, and that the forgoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Bruce S. Jones
Notary Public.

[illegible]

[illegible] Interior,

Commission to the Five Civilized Tribes,

Muskogee, I. T., March 4, 1908.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD [illegible] as a Cherokee freedman, introduced on behalf of the Cherokee Nation.

The [illegible] given by his representative [illegible] satisfactory [illegible] Lawson, the attorney for the [illegible] in this case, that testimony would be introduced

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the opinion of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1908, and from day to day thereafter until the same could be heard by the Commission during the usual business hours.

Cherokee Nation represented by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 65 years old.
Q Place of residence? A Claremore.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a Freedman by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the Cherokee Nation?
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the party.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott.
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 25 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

Q How far [illegible]
A I think [illegible]
Q And [illegible] A [illegible] who is the line, [illegible]
Q You and [illegible] river? A Yes, sir.
Q At Jack [illegible]
Q [illegible] A Yes, sir, [illegible]
Q And this [illegible] one you mean in Coweta County [illegible] there?
A [illegible]
Q [illegible] was he when you [illegible] an older man I [illegible]
Q And you [illegible] and Lodge [illegible]
Q And you [illegible] with him there? A [illegible] with him ten or 15, 20 minutes and while I [illegible] passed going to Fort Scott.
Q Do you know where this man Fairbrother lives now, [illegible] Fairbrother you met?
A No, I don't know where he lives.

[illegible] Cherokee Representative:

Q Don't you know [illegible] lives on Salt Creek [illegible] Hayden? A No, I don't know for [illegible] I heard he lived on Big Creek. I don't know [illegible] he lives; I have saw him ever since I have been here, I don't think I ever [illegible] at his house.

---oo0Ooo---

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

Stenographer.

S. D. 818.

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

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee Freedmen.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1908 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 57 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 85 Edward Wright (Ex. 7th of June.
vs (Answer filed.
Cherokee Nation.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs
Cherokee Nation. (Ex. June 7th. Statement filed on the 26 of June, 1st July set, 1st Aug. set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitrir on the 26th day of June, 1878, as found on pages 164 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to rey claims to Cherokee citizenship.

The undersigned claimant in the case of
Lewis Whitrirs
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, [illegible] a citizen of this Nation by provision of the treaty [illegible] at the time [illegible] owned by [illegible] a Cherokee citizen [illegible] the owner of [illegible] being [illegible] of [illegible] in the [illegible] and [illegible] removal of [illegible] to the [illegible] of the Nation [illegible] his [illegible] in the [illegible] of 1867, [illegible] have been [illegible] in [illegible] by [illegible] therefore [illegible] that [illegible] a [illegible] Commission as are authorized so to do by law.
[illegible] June 26, 1873.

Louis Whitmire,
By W. P. Boudinot, Atty.

The Cherokee Nation offers the following from the same book and [illegible] on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire [illegible]
vs
Cherokee Nation.
claiming Cherokee citizenship.

Claimant claims under the [illegible] specification of the classes of claimants to citizenship, [illegible] in the [illegible] this Commission, to wit as a colored [illegible] a [illegible] by George Whitmire, Cherokee [illegible], resident of this Nation, at the beginning of the late war, [illegible] by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Louis Whitmire as [illegible] the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire,
June 26, 1873.
By W. P. Boudinot, Atty.

The Cherokee Nation offers in evidence from a book [illegible] the Executive Department of the Cherokee Nation entitled [illegible] of evidence before court of Commission Chambers Court, Book [illegible] page 289, case No. 50, as follows:

"Case 50.

Aaron Whitmire
vs
Cherokee Nation.
Tahlequah,
July 3, 1873.

Mike Fields a witness for claimant called and sworn.
I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. [illegible] on the [illegible] roll but had my rights proven up before the Supreme Court,

and a citizen under the treaty of [illegible]. I went north to the state of Kansas in '61. I [illegible] about -31st or Sept. 1866. I left my family in Fort [illegible] when I came. I came down to get me a claim. I stayed about thr[illegible] and then returned to Fort Scott. After I returned to [illegible] there were other s who started down, the Whitmire [illegible]. The claimant was one of them. They came down to [illegible] they returned to Fort Scott before I left there. I [illegible] the 2nd week in January, 1867 and got to the [illegible] River about the last of January. When I first came down there was about 18 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who located the Whitmire party and by party were Sam Webber, [illegible] Dennis, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Moses, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting homes. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistance. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by Lacey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of House logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1863. I was a slave before the war and was owned by Sam Taylor when he [illegible] out. He was living on Greenleaf near Mighy Mountain on the side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left there when I left. It was reported when they returned to the Nation that the Whitmire Party had built houses. But I do not know this myself as I was not along. I only heard they had. The war closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Nick x Fields,
his mk.

Aaron Whitmire
vs
Cherokee Nation.

August 1, 1878.

Bluford Alberty, witness for claimant, called and sworn,

I reside in Cooweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River, Cooweescoowee District.

on the 3rd of September, 1866. I had [illegible] more than in the last of Oct., or the first of Nov., or rather [illegible] have been so late as the middle of November, [illegible] to [illegible]. While out there I fell in with a party of [illegible] on a hunt [illegible] with others near the Cherokee. I did not [illegible] them. They were colored people, [illegible] of the [illegible] Nelson, Aaron [illegible] Lee. [illegible] I do not recollect any of the [illegible] The Whitmires were [illegible] Nation. [illegible] belonged to Georgia. [illegible] asked me if I knew [illegible] about the [illegible] here. I told [illegible] had not [illegible] about it. He told me they had come to [illegible] claims and that he was the leader of the company and the reason Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and make him a claim. He then asked what chances there was to get good land over on the river; I told him there was none there, but that there was a lot of [illegible] flour at Gibson and if they would go [illegible] they would get some. He also represented that they had come out to make claims for others who had remained in Kansas, to build their houses and so forth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night. Did not see any of those parties after this in May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was by understanding that they had come to prepare houses for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I seen Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war.

B. H. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Rotiff. She was twelve or thirteen years old at the close of the war.

She was living with her son and still lives in my family. Jack Landrum was one of the band above referred to, also Parson Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegates advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at McIsaac's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

[illegible]

[illegible] Aaron's [illegible] and children [illegible] Thos. Sanders [illegible] back [illegible] witness [illegible] Ranson [illegible] who [illegible] remember [illegible] to the [illegible]

The [illegible] closed [illegible] the war [illegible] 1867. [illegible] out [illegible] in 1866. He was a slave [illegible] during the [illegible]

[illegible] Henry [illegible] in [illegible] man at [illegible] the war. [illegible] Nation [illegible]

Attest

D. L. M[illegible] [illegible]itmire,

Clerk.

Aaron Whitmire & family

vs

Cherokee Nation [illegible]

Now comes claimant by [illegible] relinquish to the certain [illegible] Nation and [illegible] to [illegible] claim

[illegible] is a [illegible] and [illegible] privi[illegible] of the [illegible] under preferred by [illegible] by [illegible] right

[illegible] commencement of the war [illegible] at the

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.

While he was thus making preparations for the removal of his family by procuring for their habitation and subsistance at the place mentioned, his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to devote upon his family to remit his work upon the improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, when he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Wm. P. Boudinot.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Coweescoowee, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having met claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Meigs, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but idd not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans, they were traveling from the direction of Fort Scott. I crossed them from the Shanneo side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invitedthem to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned befor the war. I do not know whether they had lived in the Nation previous to the War. I do not recollect of seeing any of the families of the parties named at the time,

[illegible]

[illegible] Nichols [illegible]

[illegible]

George [illegible] before the [illegible] Dist. [illegible] on the line [illegible] Nation. [illegible]

[illegible]

[illegible] in May, [illegible]

The date of claimant [illegible] in the [illegible] the [illegible] mentioned above. [illegible] colored man [illegible] for the purpose of [illegible] old [illegible] hood in the name of the [illegible] Tiff [illegible] old. on [illegible] Aaron [illegible] more [illegible] much [illegible] farms all [illegible] and [illegible]

Witness [illegible] this [illegible] the fall of 1866 and porned [illegible] turgeon in the neighborhood [illegible] the [illegible] of selecting their colored party [illegible] of witness union the party above [illegible]

[illegible] Jones was at the time advising and [illegible] party. A Delegation [illegible] the Cherokee Nation at Washington. [illegible] parties from [illegible] colored party at the time they were prosecuting done or [illegible] witness and it was not. of Cherokee citizens [illegible] party spoken of above was composed of the [illegible] party except the colored man. I am the sole survivor Occupation of witness is farming with [illegible]. I travelled a good deal in that neighborhood at that time around of.

"Continued on page 202."

Aaron Whitaire et al) July 16th 1878.
vs
Cherokee Nation.) John [illegible]

Sworn to [illegible]

Cross-examined that. I first moved there [illegible] to reside there except in time of war. I came back in the month of August 1866 to the Nation. I knew Aaron Whitaire. He returned or came to the Virdigris River to live in the month of March 1867. Also came at the same time but I don't [illegible] Sanders, Sam Webber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Lankford. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Dec. 1866 to locate homes but I know of some who come in Sept. '66 for that purpose. I knew where Aaron Whitaire lived at this time. I was near Brady's Bluff in Dec. '66. I live on the west side of the River. Claimant lives and settled on the east side of the [illegible]. If any heads of families came in Dec. 1866 I never [illegible]. I never knew of Bluford Albert being in the [illegible] country in 1866 in the party who came down in Sept. 1866. Aaron Whitaire was not along but like Sanders, Sam Webber, Colbert & [illegible] Billy Foreman. Moses was not along. Dennis was not along as I knew of nor Marian nor Major Wright nor Nelson Whitaire that I know of. If any such party had come down in Dec. 1866 I think certainly I would have known it.

Joseph Riley.
Randolph Riley.

(Page 203)

Anson Guthrie
vs.
Cherokee Nation

Decided May 16,

[illegible] day [illegible] Sean P. [illegible]
Nation and [illegible] and [illegible] for the alle[illegible]
[illegible] in [illegible]

John [illegible] Lenn[illegible]
Atty for C[illegible]

[illegible]

[illegible] the above [illegible] the
[illegible] the
[illegible]

(Signed) Arthur [illegible]

Subscribed and sworn to before me this 2nd day of June, 1908.

(SEAL)

(Signed) [illegible]
[illegible]

[illegible]

[illegible]

Frank Jones

File with Cherokee Freedman D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9, 1902.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wymer, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes, sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No, sir.
Q Never drew any money from any other Nation? A No, sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I came come with my brother Sam Webber.
Q Is your name on the roll of 1880? A No, sir.
Q Did you ever drew your strip payment money? A Yes, sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drew the last payment? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Cooweescoowee district.

Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A Pakie Webber.
Q Was she a Cherokee citizen? A Yes, sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q Got no children then? A No, sir, I haven't.
Q You are certain you came back in 1866? A Yes, sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes, sir.
Q They refused to do it? A Yes, sir, must have, for it aint there.

Mr. W. W. Hastings: Attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.
Q Did you come the first time he came out here? A Yes, sir, I did.
Q What time of the year was it? A '68.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.

Commissioner: Was it in the fall or summer? A It was along in March when I came back in 1866.

Mr. Hastings: Was it the March after the treaty was made? A Yes, sir
Q You are certain of that? A Yes, sir, I am.
Q And you came back with him at that time? A Yes, sir.
Q Did he bring his family along then? A Yes, sir.
Q His wife and children? A Yes, sir.
Q He had already been out there and put up a house? A Yes, sir, I had come out before that and I come with him, and he put up a house and I came back with him in '66.

Q. The first time you came back was in March after the treaty was made? A. Yes, sir, that is when we moved there.
Q. How long before that was it when you came out? A. I don't give the days of the month. How long it was we came out, but we came and put up a house and mill and we moved and came right on down.
Q. About how long did you stay out here when you had put up the house? A. We stayed there six or four days and then went right back and moved down.
Q. What kind of buildings did you put up? A. We put up a log cabin.
Q. Put on Big Creek? A. Yes, sir.
Q. How far from where Sam Webber lives? A. Sam lives on the north side of Bowata and we live up there on Big Creek. I can't tell you exactly how many miles. He lives at Bowata and we live up there on Big Creek.
Q. Which old citizen lived near where you first located, where you first located when you first moved out? A. There isn't anybody lives there now.
Q. Didn't some old citizen had lived on the place where you located then? A. Sam Webber.
Q. Does Sam Webber live at that place now? A. He did live there but he don't live there now.
Q. Who lives at the place Sam and you came to? A. The Keigs and Waitsires and Sanders, and a whole lot of them.
Q. You have lived there ever since? A. Yes, sir.
Q. You came out in wagons the first time? A. Yes, sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q. Do you know anything about dates? A. I know when they say the year is out, and this year is in.
Q. What year is this? A. If I am not mistaken I think this is May.
Q. The year though? A. I can't tell you exactly what year it is, because I am not educated like you smart men.
Q. You are satisfied in '66 you came here in March? A. Yes, sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A. No, sir, I don't.
Q. Have you got any witnesses? A. Yes, sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:
Q. What is your name? A. Sam Webber.
Q. What is your age? A. About 58, somewhere nearabout that.
Q. What is your post office address? A. Bowata.
Q. Are you a recognized citizen of the Cherokee Nation? A. Yes, sir.
Q. Your name on the 1880 roll? A. Yes, sir.
Q. Do you know Aaron Webber? A. Yes, sir.
Q. Is he any relation to you? A. He is my brother.
Q. Was he a slave? A. Yes, sir.
Q. To whom did he belong? A. Talia Webber.
Q. Was she a Cherokee citizen? A. Yes, sir.
Q. By blood? A. Yes, sir.
Q. Where was he during the war? A. He was with us in Kansas.
Q. When did he come back? A. He came with us when we came back in July.
Q. You came in July from Kansas and he came with you? A. Yes, sir.
Q. What year was that in? A. In 1866.
Q. He was a slave the same as you? A. Yes, sir, same as me, with the same owners.
Q. Ought to be entitled to the same rights you have got? A. Yes, sir, have just the same right, belonged to the same parties too.
Mr. Hastings: Q. What time of the year was it you say you brought him back? A. We came in July and built houses and went back and moved down.
Q. You had heard of the treaty passed? A. We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long. I couldn't tell you just how long we really stayed, we didn't stay only long enough to find plains and cut logs and build shanties.
Q Who lives up there at the place that you located now? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken?
A He is mistaken, he don't know dates; he is not bright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wymer.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Well, did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with his father up in Kansas.
Q When did he come back? A He come back in the fall of '66.
Q How do you know? A I come with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Has he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning; your case was presented?
A Yes,sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the [illegible] roll of 1880, but does appear upon the [illegible] roll, by reason of the protest of the Cherokee [illegible] of Aaron Webber will be placed upon a doubtful [illegible] further consideration of the Commission.

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

Bruce O. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C. F. D. 350.

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

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.

(By the Commission)

Q. Give me your full name? A. Douglas Walker.
Q. How old are you? A. 60.
Q. What is your post office? A. Mound City, Kansas.

[illegible]

(By [illegible])

Q How long [illegible] Mound City, Kansas? A Since May 1857.
Q What was [illegible] A [illegible]
Q What [illegible] A [illegible]
Q Was [illegible]
Q They [illegible] the month? A Yes sir
Q Do you [illegible] at the [illegible] they? A Yes, sir.
Q [illegible] sir.
Q [illegible] Webber? A Yes sir.
Q Where do you [illegible] A Near Mound City, Kansas, in the neighborhood there.
Q Do you know the [illegible] here, Joe Rose? A I know him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes, sir.
Q Where was he living at the time? A He lived with the older Sam Webber for the time.
Q You know this applicant here [illegible] party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Rose? A Sister.
Q Did you know Aaron Webber a little dark [illegible] fellow? A Yes sir.
Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named [illegible]
Q I mean in the year 1866? A My father bought [illegible] farm.
Q Of whom did he purchase the farm? A Of [illegible].
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Webber, have you looked up the date of when your father purchased that farm? A Yes sir.
Q [illegible] date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '66.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. [illegible]) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living at the time he married? A On this farm on the same place.
Q What is your best judgment as to the time Sam Webber, including Joe Rose, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67. I can't state exactly the month; early in the spring of '67 though.
Q Did they all move down at the same time? A All started together.
Q Left there together? A Yes sir.
(By Mr. [illegible])
Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognized his countenance he was man known another.
Q How? A Well I saw him.
Q When? A To day.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Yes sir, the name Joe Rose was not used much.
Q When did you first become acquainted with old man Sam Webber? A In '63 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Fleming farm.
Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Who owned the farm at the time old man Sam Webber was on it? A Jeff Flemming owned it until my father bought it.
Q How do you know it was '63 that you because acquainted with Sam Webber? A I remember that it was during the last years of the war and the refugees were coming into Kansas, both white and black, in '63 and they were amongst them.
Q Did any come after '63? A Yes sir some came later and some come earlier, and I remember again by this farm, I remember how long they farmed it before we got it.
Q How long? A Three years--four years in the spring of '67.
Q They farmed it four years before your father got it? A They farmed from '63 to '67.
Q You say the reason you know that you knew this man in '63 was because you knew how long they worked this farm before your father got it? A Yes sir.
Q You say it was in September of 1867 that your father bought that farm? A In '66.
Q You are positive about that? A Yes sir we got possession the first of March '67.
Q Did old man Sam Webber rent this place from your father? A No sir he rented it from Flemmings.
Q Did Sam Webber, the old man and the boys, come down here or leave that country in the fall of '65? A I think not.
Q Dont you remember that they did and that the old man came back by himself one time? A If my memory serve me, it was in '66, late in the summer, or early in the fall of '66.
Q What was in the fall of '66? A That they came down here--started away from there.
Q Who came then? A Sam Webber, the old man, and young Sam and Aaron.
Q What is your recollection as to how long they staid? A They came back I think in November or late in October.
Q Well which came back first? A Why I think the older Sam Webber came first.
Q How long do you think it was before you saw Sam Webber Jr. again?
Q Well, it was a short time, a month or so--I can't recollect that, it is a good while ago.
Q Who helped Sam Webber make a crop in '66? A Johnson Webber and the old man Sam made a crop in '66.
Q Who helped him? A Them two and the little boys I think worked too; Aaron did, I dont know but as Joe did too, I dont remember much about that.
Q Where was old man Sam Webber in July 1866? A That summer he raised that crop and worked part of the summer for my father on this farm.
Q Is it not a fact that in July of 1866 that Sam Webber Jr. came here for his father and that they left there for this country to build some houses? A That is not the way I remember it.
Q You have stated that it was a long time ago, do you think that you remember the dated absolutely? A Not to the day or month exactly, but that is my best recollection.
Q Are you testifying to the best of your recollection? A Yes sir.
Q Do you remember of Sam Webber Jr. bringing any hides to that country?
A Yes sir.
Q When was that? A In the fall or beginning of the winter of '66 and '7 he brought some hides and furs.
Q To refresh your memory, was it not in March? A March when?
Q '66? A No sir.
Q Upon what trip was that that he brought those hides? A He left and said he was coming down on a hunting trip.
Q Was that the trip when he left Kansas and when old Sam returned first that you spoke of a while ago? A Yes sir, that was the one the same trip.
Q Do you remember of Sam Webber selling out a crop up here? A I dont.
Q Do you remember of them leaving there to come to the Territory to build some houses? A Yes sir.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaed in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. C. Reason)

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

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

[illegible]

[illegible]

Subscribed and sworn to [illegible] day of August, 1902.

[illegible]

[illegible] (cont'd) 6. (Continued from Stenographer's Book, von Maine.)

[illegible] at [illegible], [illegible], and [illegible] Elmendal C[illegible], [illegible], [illegible].

(By [illegible] the following [illegible] taken down by stenographer J.O. Hesson, and [illegible] by him to [illegible] grapher [illegible]son.)

---o---

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

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Mound City.
Q In the Cherokee Nation? A In Kansas.

BY MR. HASTINGS:

Q How long Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Webber, his son? A Yes sir.
Q Do you know Joe Rose? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Rose up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '65.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived there at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.

MR. SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.

Commission: We will take it for what it is worth and let the Commission pass on it.

BY MR. HASTINGS:

Q That is your best judgment? A Yes sir.

Q You said I believe you that they [illegible] sir, that is all I can state positively [illegible] were there.
Q You know that by your move? A Yes sir, [illegible] have got you know.
Q Do you know Joe's sister, Chlora? A Yes [illegible] there called Chlora, I supposed it was Joe's [illegible]
BY MR. ECHOLS
Q Mr. Short, how old were you in 1865? A About 13 years old, September 6, 1865.
Q Now when were you first asked as to the time when Sam Webber left that country? A [illegible] was I asked first?
Q Yes? A I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q Where was Sam Webber, Jr., in February 1865? A I don't know.
Q Where was he in October, 1865? A He was on the creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q That was in the fall of 1865 was it? A Fall of 1865.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Q Of course, well how do you know, did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q That young Sam Webber? A Yes, sir.
Q You say you knew young Sam Webber, the younger of the two? A Yes, sir, I knowed young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber, Jr? A Yes sir, of course it has been a long time from the time I saw him from the time he left there until I come down here; saw him the first time as soon as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man, I couldn't say as to that.
Q What about Joe Rose, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865? A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.
Q They came in 1865 and located? A Yes sir, but they come back and got their family.
Q How you know only that they were there in 1865? A I know they were there in '66.
Q You don't know what time in '65 they were there? A They were there before '66.
Q Well I am talking about '65, were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They come down in the summer of '65 I think, directly after crops was made; they came down here and they went back up there together in the fall.

Q [illegible] A [illegible]

Q [illegible] old [illegible]? A. If I live to [illegible] I will

Q [illegible]

Q [illegible]? A [illegible]

Q [illegible] A. Yes sir.

Q [illegible] A [illegible]

Q [illegible] you lived in that [illegible]? A [illegible]

Q [illegible] living there [illegible] the war? A. Living there for the

Q [illegible] Mrs. [illegible] Walker, [illegible] on the

Q [illegible] you know Mr. [illegible] the [illegible] here? A. Yes sir.

Q [illegible] A [illegible]

Q [illegible] you [illegible] the [illegible] war? A. Why I

think it was about [illegible]

Q Did you know his son, [illegible]? A. Yes sir.

Q Well did you know a little [illegible] called Aaron Robert? A. Yes sir.

Q Did you know a boy called Joe Hood? A. Yes sir.

Q Have you seen any [illegible] parties who you have been here this time? A. Why I met this [illegible] down [illegible] he said he knew me and

come up and shook hands with me and I saw [illegible]

Q I will ask you to look at this as the same parties now? A. Well I tell you Joe don't [illegible] himself so much, but Joe he is just like his father and I proved [illegible] old uncle Sam was older than he is [illegible] just like his father; well

Q I will ask you if you had any deaths in your own family in the fall of '65? A. Yes sir.

Q What was the date of it? A. The date of the death?

Q Yes, sir? A. Well it was [illegible]

Q Did you make any record of it in your Bible? A. Yes sir.

Q Is this your Bible? A. I reckon it is [illegible] you will let me look I will tell you.

Q Look at it and see if this is your Bible? A. I think it is, but I can't read it, I haven't got my [illegible].

Q You haven't got your [illegible]? A. [illegible]

Q Well of the family record here of [illegible] appear that Franklin Hicks, was born November 7, [illegible]? A. Yes sir.

Q And under the column of deaths appears: "Died October 23, 1865."?

A. That is correct.

Q Who was Franklin Hicks? A. He was my son.

Q Do you know where Sam Walker was when your son Franklin died?

A. No sir, I could not tell you.

Q Don't know? A. No I don't; you mean this [illegible]

Q [illegible] A. [illegible] I [illegible] to leave by me I

Q [illegible] A. His wife died there.

Q [illegible] dead [illegible] date of your [illegible]

A. [illegible] he died; [illegible]

Q [illegible] living? A. Yes sir.

Q Was she a member of this family? A. Yes sir, she lived there with them.

Q Do you know whether she was there during the sickness of your child? A. Yes sir, she sat up with me several times, and it was a bad night and she was so long in the world coming and sit up with me.

Q Did you know a [illegible] of Joe's called Chloe? A. Yes sir.

Q Now I would like to have your [illegible] Mrs. Hicks as to the time old Sam Walker moved [illegible] his family and children from that country? A.

MR. [illegible]: The applicant objects to the witness giving her opinion as to the time when the [illegible] left [illegible] because it is not the subject of their [illegible] or [illegible] [illegible]. I understand the question to be her best recollection.

A It has been a long time you know.

Q Well, answer the question? A [illegible] being there?

Q I want to know the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family?

[illegible] TO [illegible]

A Well my best [illegible] was that I would not be positive of course, but I [illegible] in January or [illegible] the other. The best of my recollection [illegible] and uncle Cy, that was [illegible] they both was old and feeble and I think old uncle Sam stays more on that account more than anything as long as he did.

Q Well now that would be February of what year? A It would be '67 wouldn't it?

Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.

Q On whose place were they living? A Well they was living on Mr. Walker's place then.

Q Had he recently purchased it? A Yes sir.

Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming, I think it was Flemings owned it.

BY MR. SMITH:

Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question

Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while I couldn't tell you.

Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.

Q And you know these Webbers were living on the Walker place?

A Yes sir.

Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I can.

Q Where was young Sam Webber in December, 1868, and up until January or February of 1869? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.

Q Where was young Sam [illegible] at the time your child died? A I couldn't tell you that, [illegible] one?

Q Yes? A I don't know.

Q He was not there was he? A I don't know, I couldn't say as to that.

Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving [illegible] Webber and others leaving that community in 1865 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I want be positive, I guess though it was in '66.

Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.

Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.

Q Do you remember young Sam bringing some hides to the community?

A No sir, I didn't charge my mind with anything like that.

[illegible]

Q. [illegible] A. No sir.

Q. [illegible] A. I [illegible]

Q. You don't think [illegible]

Q. You can't [illegible]

Q. [illegible] did you move from this place [illegible] A. Where did I move from.

Q. How long have you been living at this place now where you lived when your child died? A. I have been living on the place ever since the spring of '87.

Q. But how long did you remain on the place? A. I stay there yet, sir. I am at home, my husband is dead.

Q. Do you know how many trips Sam Webber made to [illegible] before this time that he came away from there the last time? A. No sir, I don't.

Q. You know of his coming one time? I know him and his father and mother, Aaron, and I don't know whether Joe was [illegible] or [illegible]

Q. Is this Joe? A. Well of course, oh that one, Joe Webber, that one sitting there.

Q. Yes, I think it is.

Q. [illegible] one of them don't long familiar? A. That one, he was nothing a boy when I knew him.

Q. [illegible] one, the [illegible] the other one? A. Yes sir.

Q. [illegible] is his name? A. [illegible] always called him.

Q. [illegible] that is the man right here? A. [illegible], that is the way we always called him.

Q. You think that is the man you knew up there in [illegible]? A. This Joe? A. I don't know, he says it is; he was no [illegible] but a boy when I was [illegible]

Q. You don't recognize him [illegible] A. Really, I wouldn't know he says he is the man; I used to know [illegible] a very good boy when they lived [illegible], but then he had [illegible]

Q. You don't know where Sam W[illegible] was in May '86 do you? A. No sir.

Q. [illegible] remember the time [illegible] Webber came for the old [illegible] dead, in [illegible]? A. [illegible] would have come [illegible] but they didn't come [illegible] here in May.

Q. You don't know when they [illegible]? A. [illegible] I think they came [illegible] the latter part of [illegible] I say I would not be certain [illegible] or around.

Q. [illegible] be certain it was [illegible] A. I say they left [illegible] and saw them [illegible]

Q. [illegible] be certain it was either February or March? A. I think [illegible]

Q. [illegible] A. Yes sir.

Q. [illegible]

Q. I was going to ask you if you knew about your boy Webber marrying [illegible] they said he married; I didn't see [illegible]

Q. [illegible] mean of his marrying up there? A. Yes sir.

Q. Was that before or after he died? A. It was before they left.

[illegible] EDWARDS, being sworn and examined [illegible] by Commissioner [illegible], testified as follows:

Q. Did you hear [illegible]? A. [illegible]
Q. [illegible] are you? A. [illegible]
Q. [illegible] is your [illegible]? A. [illegible] City.
Q. [illegible] A. Yes sir, [illegible] City, Kansas.
Q. [illegible] when you left the [illegible] your mother?
A. Yes sir.
Q. How long have you lived in and about Round City, Kansas, I mean in the neighborhood? A. Well I came there when I was about a year old.
Q. [illegible] A. Yes sir, well since I [illegible] I have not moved one mile [illegible].
Q. You lived a mile [illegible] your mother? A. Yes sir.
Q. Do you know Henry C. [illegible]? A. Yes sir.
Q. Do you know Henry C. [illegible]? A. Yes sir.
Q. [illegible] remember about [illegible] before the war some colored people that lived up there; one of them by the name of Sam Webber?
A. [illegible]
Q. Do you remember his son [illegible]? A. Yes sir, I know [illegible].
Q. Were you living with your mother at that time? A. Yes sir.
Q. Did you know [illegible], that was [illegible] with [illegible], Joe [illegible]? A. Yes sir.
Q. Have you seen any of these people since you have been here this time? A. I met them to-day.
Q. Talked with them some? A. Well I [illegible] to Joe; Sam I did not [illegible].
Q. Did he recognize you? A. [illegible] enough he did; I dont know that he did; I suppose [illegible] here.
Q. I will ask you if this [illegible] family Bible? A. Yes sir.
Q. That is the family record of the [illegible] and deaths? A. Yes sir.
Q. I will ask you if you had a brother by the name of Franklin Hicks?
A. Yes sir.
Q. Do you remember the date of his death? A. Yes sir, October 23, [illegible].
Q. I will ask you if you know [illegible] family was living [illegible] he died? A. Yes sir, [illegible] here.
Q. How far from your [illegible]? A. About 175 steps I suppose, [illegible] a cabin.
Q. [illegible] distance? A. Yes sir.
Q. [illegible] you know Aaron [illegible], a little short legged duck [illegible]? A. Yes sir.
Q. I would like to know from you how [illegible] your best recollection to the time old man Sam Webber left the country permanently from his [illegible]? A. [illegible]

By Mr. [illegible]: The counsel for the [illegible] objects to that question because it is incompetent [illegible] for the expunged [illegible].

[illegible] the counsel for the [illegible] that a [illegible] of [illegible] and [illegible] best [illegible] recollection is [illegible] of '67, either [illegible].

Q. [illegible] know whether or not young Sam Webber [illegible]?

A. [illegible] that [illegible] or after [illegible] before they left there.

Q. [illegible], did you know of Sam Webber [illegible] coming to the Courthouse [illegible] or [illegible] for [illegible] before [illegible] A. [illegible] in the [illegible] I think, or summer sometime and got a [illegible] I think.

where

ry or Febru-

there after

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66.
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now what I want to know, who was there except this woman, Thoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you? A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23, 1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.

BY MR. SMITH:

Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.

Q If they came here you didn't miss them? A No sir.

MARY A HICKS, recalled for additional cross examination.

BY MR. SMITH:

Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.

Q Was it put there at or about the time he died? A Why it was not long after he died.

Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.

Q Well was it as much as a month? A I wont say sir.

Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.

Q I thought probably you might know better than I dog, as I know nothing about it? A If I knew when I bet it down I would recollect it; I have had a good deal of trouble about it.

Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.

Q What was his name? A His name was Nichols.

Q Do you remember how long after your child died before Nichols went to work for you? A No sir.

Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?

Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.

Q Do you think it was as much as two years? A No sir.

Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.

Q Was this the first place it was made where it was made here in this Bible? A Yes sir.

MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.

COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.

BY MR. HASTINGS:

Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.

Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.

Q You so stated? A Yes sir.

BY MR. SMITH: I object to that; it is leading.

BY Mr. HASTINGS:

The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.

COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 360, the same being the case of Joe Ross.

It is further ordered that a set of all the testimony

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given [illegible] Doubtful case #72, [illegible] Freeman D-216.

[illegible]

M. [illegible] the Commission [illegible] that as stenographer to the [illegible] recently recorded the [illegible] ed to him fro the [illegible] said person, and that the [illegible] of his stenographi notes thereto.

[illegible] Green.

Subscribed and [illegible] before me this November 15th, 1901.

J. C. Perry,

Notary Public.

SEAL.

To be filed with _____.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C.F.D. 350.

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

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSION - - - - It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen Doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Greyson and in Cherokee Freedmen D 216, of Aaron Webber.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

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

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live about two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house thereoon Big Creek in the Nation.
Q What time? A Along in the spring of '87.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek he claimed and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightening Creek.
Q Did you see him then after that at his sister's? A I saw him then often and on for near about two years I guess.
Q Where? A There at Lightening Creek.

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

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed) J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A R Cheever

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

Bruce C Jones
Notary Public.

[illegible] with Cherokee Freedmen [illegible]

[illegible]

[illegible] the matter of the application [illegible] for enrollment [illegible] Freedman, [illegible] Commissioner C. R. [illegible] examined as follows:

Q [illegible] your name? A Elizabeth [illegible]
Q [illegible] are you? A I don't know [illegible]
Q [illegible] old are you? A I was [illegible] old when we came here [illegible] settlers.
Q [illegible] the Cherokees first [illegible] to this country from the old [illegible] sir.
Q This [illegible] you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your [illegible] tribe? A Cherokee.
Q In what district did you live? A [illegible]
Q [illegible] you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q [illegible] do you want to have enrolled besides yourself? A My [illegible]
Q [illegible] you any children under [illegible] years old? A No sir.
Q [illegible] will have to apply for [illegible] A (No response).
Q [illegible] you a husband? A No [illegible]
Q [illegible] you only apply for [illegible]
Q [illegible] you lived here ever since [illegible] the Cherokees in [illegible] A Yes sir.
Q How long have you been married [illegible]? A Ever since I was nothing but a girl.
Q [illegible] you [illegible]
Q [illegible] A [illegible]
Q [illegible] a Cherokee [illegible]
Q [illegible] you a [illegible] before the war? A Yes sir.
Q To whom did you belong? A [illegible].

The [illegible] roll of the [illegible] examined and the [illegible] name not found [illegible]

Q [illegible] any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a [illegible], Alice is.

The [illegible] roll of the [illegible] Nation examined [illegible] Page 1056, Alice Sanders, Tahlequah district.

The [illegible] roll of the Cherokee Nation examined and the name of the applicant not found thereon.

Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 100 [illegible], Minnie Heige, Tahlequah district.

Q Did you ever go by the name of Daniel? A Yes sir them was my owners.

[illegible] an examined and the same

[illegible] the same of

[illegible] ticets

[illegible] out of the

[illegible] and the

[illegible] you [illegible] and were from

[illegible] Yes [illegible] A [illegible] Well you [illegible]

[illegible] ? [illegible] sir [illegible] we have [illegible]

[illegible] Then [illegible] alone he started to

[illegible] back to get in

[illegible] started down hill to

[illegible] ation by himself?

[illegible] and your [illegible] ?

[illegible] you [illegible] ? A Yes sir.

[illegible] ? A No sir.

[illegible] sir I dont know

By W. W.

[illegible]

[illegible] A [illegible] we

[illegible] A [illegible]

[illegible] A [illegible] sir I guess so.

[illegible] A No

[illegible] you and

[illegible] no

[illegible] you.

[illegible] first boat ? A Yes

Q Any one else [illegible] remember? A There was little Sam Webber and [illegible]
Q [illegible]
Q [illegible] Webber.
Q [illegible] A I dont remember any one else now,
Q [illegible] down? A We all come together
Q [illegible] I [illegible] on in advance of you. The [illegible] with him then? Did [illegible] named come [illegible]
[illegible] sir.
Q [illegible] A [illegible] sir.
Q [illegible] sir and [illegible]
Q [illegible] can think of at that
[illegible] on horse-back that time? A They come
Q And after Christmas you all come down did you? A Yes sir.
Q Did you come on before then? A Yes [illegible]
Q [illegible] little place called [illegible]? A Yes sir.
Q There did you come to in the Cherokee [illegible]? A I come right
where I am living [illegible] when I come to the [illegible] Nation.
Q And you are living there yet? A Yes [illegible] that old house was
built in '66.
Q What house? A That one I was living in.
Q And you are living at the same old place? A Yes sir, in the same
old house.
Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your
own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were
you? A Yes sir, we was the advance guard.
Q Did you see any one from Coffeyville along the road through the Nation
to Big Creek when you came there? A No sir.
Q Did these people who first came down with you husband return with
him and then come down again when your family all came after
Christmas? A Yes sir.
Q You all come back together? A Yes sir.
Q Now Auntie, did any additional people—any other families come
down with you? A I dont know who all come down, I am just a telling
you what I know.
Q There was Daniel Sanders, and Reuben Sanders and there was Mike
Sanders, and Sam Webber, old and little Sam, they all came with you?
A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your [illegible]? A Yes sir.
Q Are there any that I missed? A That is all that I gave you.
Q Is that all that come? A Aaron Wright come with us.
Q Who else? A (No response).
Q Were there any others at all? A I am a telling you all that I
can think of now, it has been a long time for an old woman like me
to remember all that come.
Q You come to the place that you are living at now did you? A Yes
sir and has lived there ever since.
Q Have you any [illegible] neighbors there now that were old residents?
A No sir, there was some lived on Verdigris when we come there.
Q Who? A Louie Riley was there on Verdigris, but not where we was
living.
Q How far from where you settled? A I dont know how far.
Q Was it as much as 4 or 5 miles? A As much as ten miles if you
[illegible] at it right.
Q Were they the closest residents to you at that time? A Yes sir.
Q Were there any Delaware Indians there when you come there? A No
sir I never saw none.

Q Any [illegible]? A No sir, never [illegible]
Q You [illegible] any body [illegible] cept [illegible] with y[illegible] [illegible] politics [illegible] Clock, [illegible]
Q And you [illegible] been there [illegible] A [illegible] sir, ever since we moved [illegible]
Q You [illegible] husband Peter [illegible] log house [illegible] A There [illegible]
Q [illegible]
Q Was he a [illegible] man?
Q Is he [illegible] A I don't [illegible]
Q [illegible]
A [illegible] husband want to [illegible] to see about his citizenship?
Q [illegible]
Q Y[illegible] A I don't know sir.
[illegible] know nothing about it. I [illegible] to see [illegible] things as they [illegible] them.

By the [illegible]:

Q Were you ever [illegible] by the Cherokee or United States court for [illegible] sion? A [illegible] and what you [illegible]
Q [illegible] right to be enrolled as a Cherokee citizen [illegible] kind of a [illegible]? A Yes sir [illegible] enrolled us before he died.
Q I mean in Court? A That is what I am a telling you.
Q You know what a court is dont you? A Yes sir.
Q What court do you [illegible]? A Harris Clifton court.
Q Any other court [illegible] you know of? A I know of the Wallace court.
Q [illegible] chief? A [illegible]
Q [illegible] ever [illegible] done about his case by the Cherokee [illegible]? A I [illegible] but I [illegible] my man went there every year
Q [illegible] long [illegible] you and [illegible] to [illegible] from Kansas to the Cherokee [illegible]? A I dont know how long [illegible] on the road.
Q Have you any witnesses with you that you want to introduce?
A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant.
(Examined by the Commissioner).

Q What is your name? A Ruben Sanders.
Q How old are you? A I suppose I am about 50.
Q What is your post office? A [illegible]
Q How long have you lived in [illegible]? A All my life.
Q Were you a slave in the Cherokee [illegible] when the Civil war broke out? A Yes sir.
Q Who did you belong to? A [illegible] Sanders.
Q [illegible] you taken to Kansas during the war? A Yes sir.
Q You have a wife named Alice have you? A Yes sir.
Q How long have you and she been married? A About 30 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:
Page 135, No. 2657, Reuben Sanders, Tahlequah District.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
Q What court? A The Chambers court.
Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

[illegible] A. At [illegible]

A. Y[illegible] that poor it was [illegible] sir.

A. It was [illegible]

[illegible] on the [illegible] of the court [illegible] d in 1 [illegible] A. I w[illegible] lu[illegible]rock Pend, at the [illegible] A. [illegible] sir.

Q. Your wife's her [illegible]

By W. W. Hastings:

Q. Peter Meigs' citizenship was [illegible] ted the same time yours was? A. Yes sir.

Q. Did he go before the court at the same time? A. No sir, I think not.

Q. [illegible] was also d[illegible]ted? A. I judge [illegible]

A. [illegible] court [illegible] A. Yes [illegible] the Bob [illegible], [illegible] he went [illegible]

Q. [illegible] ico or that c[illegible] A. Yes sir. [illegible] pe[illegible]

[illegible] acts [illegible] know.

[illegible] some book? A. Yes sir [illegible]

[illegible] period?

[illegible] you [illegible] A. I have been [illegible]

[illegible] ore you [illegible] the first time? A. [illegible]

[illegible] nt is perhaps [illegible]

[illegible] Q. [illegible] long, the [illegible]

[illegible] come the first [illegible]

[illegible] it is hanging [illegible]

[illegible] in August and any [illegible]

[illegible] family, Peter Meigs and [illegible]

Q Who else came with you? A My brother Dan and the Entwistles.
Q Which ones? A. Several.
Q Which ones? A. Rose and Bonnie, and [illegible]
Q Name them? A. Old man [illegible] and [illegible] little Aaron, and [illegible] named Abe Thurman, [illegible] the war, [illegible] I [illegible] the all [illegible]
Q [illegible] when you come [illegible] A. I [illegible] all [illegible]
[illegible] and [illegible]
Q [illegible] any [illegible] Sorsen? A. [illegible] the west of [illegible] the South [illegible]
Q [illegible] his first [illegible] A. Did [illegible]
Q [illegible] in both of the attachments [illegible] sir? A. No sir.
Q [illegible] one did you come in? A. I came in August.
Q You didn't come in October then? A. No. I [illegible] when we first [illegible]; we forgot some of our farming utensils when we came in [illegible] and [illegible] on the creek.
Q [illegible] big [illegible]? A. Yes sir.
Q [illegible] where Mrs Meigs lives? A. Yes sir.
Q And you returned in October, how long did you stay in October?
A. We all didn't return in October, we didn't all go back, some [illegible] in August, some stayed and some came back; some of us brought [illegible] with us and some came to look our homes, we all came with [illegible] intention of [illegible] our homes here.
Q When did you [illegible] here the last time? A. In the winter [illegible] is when we come down here the last time.
Q What time in the winter? A. Long in January.
Q You mean in '67?
A. No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back [illegible] the following winter, in the following January or February, [illegible] the following winter, I dont understand you; we came here in the [illegible] is what I said, in January after we had first been [illegible] and October, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A. Yes sir.
Q That was your first coming was it? A. Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you [illegible] [illegible] of who came with you in the [illegible]
[illegible] family is one, her, the [illegible]
[illegible] George Meigs, [illegible]
[illegible] is all that I can remember [illegible]
[illegible] any of that family, there [illegible] families there
[illegible]? A. One can little [illegible]
[illegible]? A. He had several children.
[illegible] of [illegible] in [illegible]?
[illegible] all; I don't [illegible] I can call [illegible] I don't [illegible]
[illegible] any of the others [illegible] of them.
Q Old [illegible] man [illegible] young [illegible] A. Y[illegible]
[illegible] them all [illegible] I had [illegible] to [illegible]
[illegible] for [illegible] I have forgotten them I [illegible] to I [illegible]
[illegible] the others.

By the Commission:

Q The old man [illegible] A. Yes sir.
Q [illegible] his son [illegible] A. Yes sir.

[illegible]

Q Dont you remember any one else? A Rachel Webb.
Q Do you think of any one else? A No sir.
Q You know that it was a mooted question before the Terra Clifton Commission as to who came at this time and as to when you come? A I havent been interested as to anyone except for myself.
Q You know that there is a question about who came dont you? A Yes sir I guess I do.
Q You say you come to Big Creek? A Yes sir.
Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A What river?
Q Neosho? A No sir.
Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
Q You came through what is Chetopa and came on west through the prairie? A We may have.
Q You were in Wagoner? A Yes sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes sir some were, there were logs on some up 8 or 10 logs high.
Q Then there were none really completed until you moved there with your families? A No sir.
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
Q Do you know Jim Martin? A Yes sir.
Q How far does he live from you now? A 4, 5 or 6 miles.
Q Was he living there when you people moved there? A No sir.
Q He had a brother names William Martin? A Yes sir.
Q Was he living out there then? A No sir.
Q There was an old man by the name of Carter living out there then, wasn't there? A No sir, there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
Q Was his name Dick Carter? A I think it was.
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gilstrap ferry.
Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66? A Yes sir.
Q For what purpose did you come back then? A To make it our home, the proclamation had told us to come home, that it was open for us to come.
Q You didn't bring your families with you then? A Only part of them and some things that we had.
Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of this man's boys, but the old man Meigs, Peter Meigs.
Q You didn't bring your family with you at that time did you? A No sir.
Q Did Peter Meigs bring any of his family then? A No sir.
Q Did you go back to Kansas after that? A Yes sir.
Q When did you bring your family? A Our family came in October.
Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself in August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip
Q Did he go back to Kansas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October? A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the second time that Peter Meigs had been here? A. Yes sir.
Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.
Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
Q How far apart? A Two or three hundred yards apart.
Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
Q You stay here then? A Yes sir.
Q When did you come? A In the winter.
Q Was it in February? A Must have been in December.
Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
Q Did your father come at that trip? A Yes sir.
Q Your mother? A Yes sir.
Q Peter Meigs? A Yes sir.
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Come then.
Q On that third trip? A Yes sir.
Q You say Peter made all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
Q Did he go there by himself? A No sir.
Q Do you remember distinctly that you came here in August the first time? A Yes sir.
Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
Q Do you remember distinctly that he come with his family when you made your third last trip? A Yes sir.
Q With his family? A Yes sir.

By Com'r Breckinridge,

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1839 until she was liberated by the Civil war. She is identified on the Kuykendall-Clifton roll and on the Wallace roll, but not on the 1880 roll nor upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1886, that he came at that time to procure for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

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

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22,1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January,1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for staing this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmaw.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I dom not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~xxxxx~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

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

M. D. Green.

Subscribed and sworn to before me this May 23,1901.

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 16, 1901.

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 66 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '66.
Q Did your people own any slaves before the war? A Yes sir.
Q Do you know whether they owned a woman by the name of Elizabeth?
A No sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes sir.
Q Do you know what his wife's name was when the war broke out?
A Betsy they called her.
Q Well, was she living, Betsy, at the time the war broke out?
A Yes, sir.
Q Well, did you ever know her by any other name than Betsy?
A Battie.
Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Battie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.
Q What were the circumstances as to your seeing him or meeting him?
Q My pa had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No,sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.
By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a home in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.
Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes,sir.
L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D cases 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

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

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November,1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedmen D-391, Elizabeth Meigs.

Department of the Interior
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, Agent for applicants;
L. D. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 56.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authenticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
Q When did they return to the Cherokee Nation? A They came in '66.
Q With whom did they return? A They came with me and my father and the Wethers.
Q Have they had a continuous residence in the Cherokee Nation ever since? A A Yes, sir.
Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
Q Them was his children? A Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

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

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,
Commissioner.

[illegible] first day [illegible]
[illegible] to the First [illegible]
following copy, and [illegible] is a true and complete copy of the
original.

Subscribed [illegible] before me this [illegible] day of August, 1912.

Notary Public.

Supt. C. N. N.

[illegible] of the Interior,
[illegible] Office,
[illegible], February [illegible], 1[illegible].

[illegible] in the matter of the enrollment of [illegible] freedmen, introduced on part of the [illegible]

A[illegible]

[illegible], I. T., [illegible] for [illegible] [illegible], [illegible] representative.

[illegible] duly sworn, testified as follows on [illegible] Nation:

Q What is your [illegible]? A. I. E. Bell.
Q Where do you live, Mr. Bell? A. Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A. Oh, since '67, including most of '67.
Q Was there any railroad running in or through Vinita when you first moved into that country? A. No, sir.
Q When did the railroad first come through that country, Mr. Bell? A. In 1871.
Q You know this applicant, [illegible]? A. No, I don't know him.
Q Don't know anything [illegible] A. No, sir.
Q Was you living [illegible] railroad started from Kansas through [illegible] the M. K. & T.?
A. [illegible] railroad; The railroad [illegible] the application of the [illegible] of the Interior, they [illegible] 1870 of the National [illegible] and an act there, it is date[illegible] authorizing the furnishing of cross-ties [illegible] the railroad could go through. [illegible] determined which had the right-of-way. [illegible] M. K. & T. got the right-of-way, [illegible] selling of cross-ties, and I went to C[illegible] and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and subject it. Mr. Martin was one I applied to, and that was in 1870 that contract was made. I don't recollect the exact date. Well, just a few days following that we began putting down ties and then worked on down to the Creek Nation. That was the first railroad built in the country and the first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Hank or anything about them? A. No, I don't.

[illegible] D. [illegible], being duly sworn, testified as follows on [illegible] part of the Cherokee Nation:

[illegible]

Q What is your name? A. T. D. Harkins.
Q Where do you live? A. At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A. I was born and raised here; never was out since, except during the war.

[illegible] A. [illegible]

[illegible] in the [illegible] of the [illegible]

[illegible] A. [illegible] built in [illegible] must have been

[illegible] any [illegible] you [illegible] tract on the road, [illegible]

[illegible] built here then? A. The sides [illegible] latter part; it was in the spring [illegible]

[illegible] Mr. [illegible] them? A. No, sir, I don't [illegible] Q. [illegible] fore the bar or when he [illegible] sir.

[illegible] will also be filed in and [illegible] part of the record in [illegible] No. D.[illegible]

---oo0Ooo---

J. O. [illegible] as stenographer [illegible]

[illegible]

Subscribed and sworn to before me this [illegible] 27, [illegible]

(signed) [illegible]
Commissioner.

I, A. R. Cheever, being duly sworn, state that as stenographer [illegible] to the Five Civilized Tribes, I correctly [illegible] the original in this case, and that the foregoing is a correct [illegible] thereof.

A. R. Cheever

Sworn to and subscribed before me this 7th day of August, 1907.

[illegible]

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that time being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, the testimony in all these cases is to close and should be closed by the Commission and that no extension should be granted in any case and no cause reported. There is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. O. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Seal) (Signed) T. B. Hunter,
Notary Public.

I, E. O. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause on file with the Commission, which copy was made by me.

Subscribed and sworn to before me this July 30, 1902.

Notary Public.

[illegible]

[illegible] the application of [illegible] for enrollment [illegible]

[illegible] appears by [illegible] Smith, Cherokee Nation, by W. W. Hastings:

[illegible]

[illegible] filed [illegible] and in the following [illegible]

[illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a member of the Cherokee Nation at the beginning of the war, nor that he resided within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Conclusion:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Marish Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Marish Hayden case that counsel for the applicants be allowed within thirty days to file duly of the proof of [illegible] all of the record other than the decree already referred to.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. C. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) F. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

F G Reuter
Notary Public.

Cherokee Freedman D 929.

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

305

In the matter of the application for the enrollment of Russell Henderson as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on June 28, 1901, William Webber appeared before the Commission at Muskogee, Indian Territory, and made application for the enrollment of Russell Henderson as a Cherokee freedman, the said Russell Henderson being at that time incarcerated in prison could not personally appear. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, March 4, 1902, and at Vinita, Indian Territory, September 21, 1903. Copies of the testimony taken at various times in the following Cherokee Freedmen cases, viz: William Webber, F D 928, Jane Kernal, F D 854, George Starr, et al., F D 213, Edward Wright, F D 618, and Elizabeth Meigs, et al., F D 201 are made a part of the record herein.

The evidence shows that the applicant, Russell Henderson, was thirty years old at the date of this application and that he is a son of Rachel Webber, now deceased; that said Rachel Webber was the slave of a Cherokee citizen at the commencement of the rebellion; the she left the Cherokee Nation during said rebellion, but returned thereto with William Webber and others and established her residence therein within the time specified, in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said nation.

The evidence further shows that Russell Henderson has resided in said Nation continuously from the date of his birth up to about 1901, since which time he has been incarcerated in prison.

It is, therefore, the opinion of this Commission that Pamelia Hardjunia should be enrolled [illegible] to the Muscogee Nation, in accordance with the provisions of the act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED) W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this MAR -5 1904

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the Matter of the application for the Enrollment of Russell Henderson as a Cherokee Freedman.

F. D. 934.

Protest of the Cherokee Nation.

The Cherokee Nation respectfully protests against the decision of the Commission in this case and asks that the record of proceedings be forwarded to the Honorable Secretary of the Interior for Review.

Respectfully,

Attorney for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

[redacted], Indian Territory, June [redacted], [redacted].

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March [redacted], [redacted], granting the application for the enrollment of [redacted] as a Cherokee freedman.

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

Respectfully,

Chairman.

Encl. W-19

[redacted]

[illegible]

[illegible]

[illegible] not to y walk

[illegible] it was

[illegible] A. I

[illegible] long;

[illegible] which I put myself

[illegible]

[illegible] I that was along

[illegible] I went up to

[illegible] your wind? A. By

[illegible] this.

[illegible] A. Yes sir.

[illegible] A. I had [illegible] at that time. I

[illegible] Studio and my man

[illegible] A. No sir, you

[illegible] before this was

[illegible] in the [illegible]

[illegible] A. Yes.

[illegible] while I was down

[illegible] your's [illegible], there was old man

[illegible] A. Yes sir.

[illegible] Theatre.

[illegible] so

[illegible] a long time

[illegible] with me

[illegible] A. I don't

[illegible] I am trying

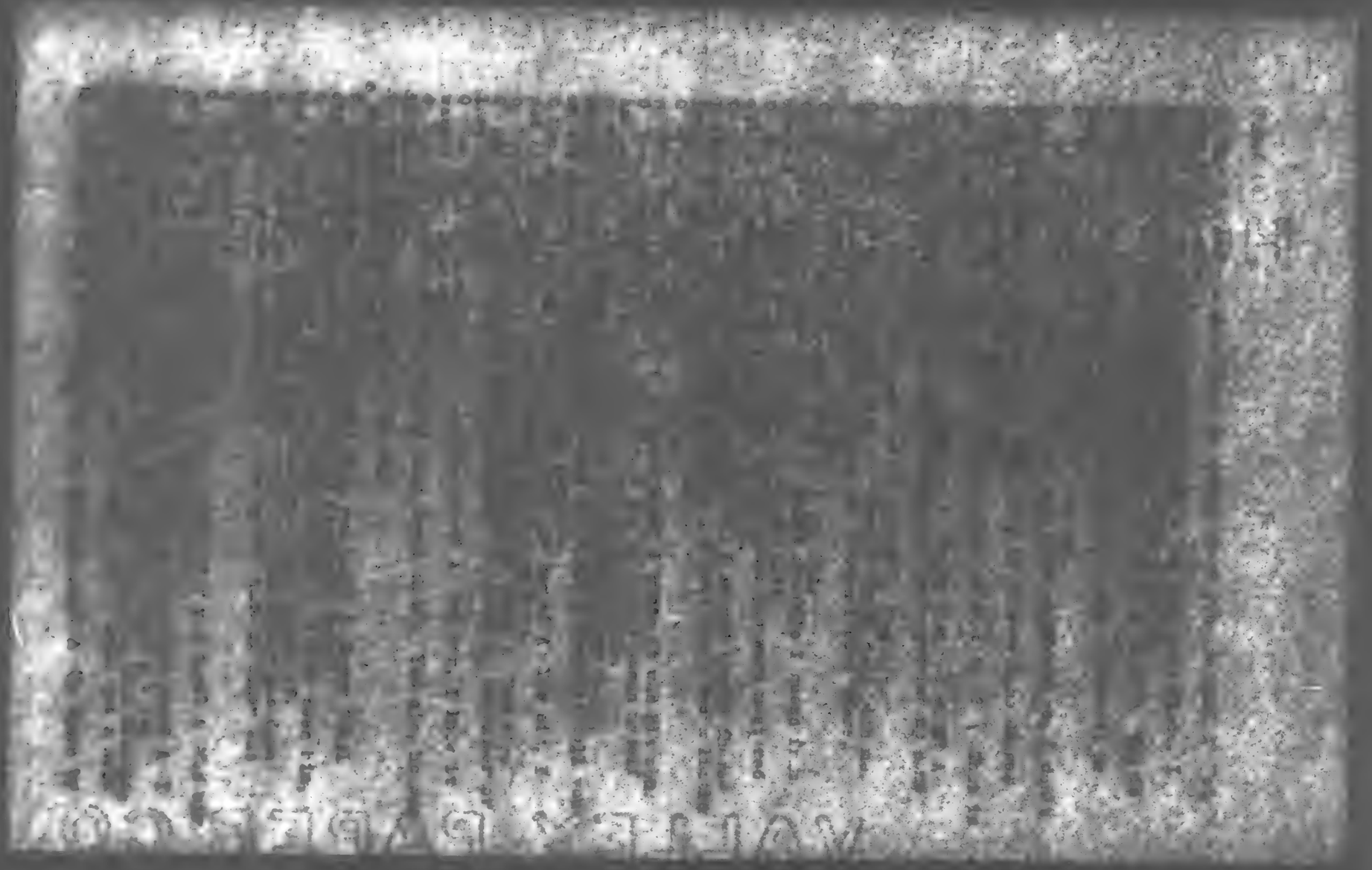
[illegible] Gerrubee station

[illegible] to come with me

[illegible] Come on

[illegible]

[illegible] A. I don't know



[illegible]

[illegible] I didn't raise anything [illegible] house there.

[illegible]

[illegible] to before me this [illegible] day of June, 1938.

[illegible]

[illegible]

[illegible] in the crew of Jack Starr for enroll-
[illegible]

[illegible] stout there.

[illegible] I was born [illegible] ever since.
[illegible] Jim Starr? A. Yes sir.
[illegible] returned to the Chesapeake Bay after the
[illegible] come in the fall of 1937.
[illegible] fall from or the [illegible]? A. We came a
[illegible] days after we arrived, he settled there by
[illegible]

Q. [illegible] lived since that time? A. Right there where he
[illegible]

[illegible] but he didn't get on the 1936
[illegible] cultivating it when he come, didn't you?
Q. [illegible] patch when Jack Starr got home
[illegible] patch.
[illegible] if you remembered that you had a roosting-
[illegible] A. I've heard so. I never had one until the
[illegible] back down there, Sept. A. 14 July, and went
[illegible]

[illegible] A. [illegible] come to build
[illegible] July and stayed until August.

Q [illegible] A [illegible] none of us

[illegible] A [illegible]

Q [illegible] A Uncle Dave Hayes

Q [illegible] A [illegible] sir, not [illegible]

Q [illegible] A No

Q [illegible] Crock [illegible]

Q [illegible]

[illegible] citizen

Q [illegible] who live

[illegible] farm [illegible]

[illegible] A Yes sir

[illegible] Commissioner

C. R. [illegible]

Q [illegible]

Q How [illegible] A [illegible] as I know

Q What is [illegible]

Q How long [illegible] lived in the Cherokee Nation? A I [illegible] was out of [illegible]

Q [illegible] A I have been living there all my life

Q [illegible] war? A I was part of the time in the [illegible], and the other part in [illegible] and

Q [illegible] of [illegible]

Q [illegible] A [illegible] I knew him

Q [illegible] under the war A [illegible]

Q [illegible] the [illegible] first

A [illegible]

Q What [illegible] A [illegible] I don't know

Q [illegible] up here on [illegible] Creek in the [illegible]

Q [illegible] time? A [illegible] been living there all [illegible] I have [illegible] him there all [illegible] that time

Q [illegible] in the fall of '66

Q [illegible] when he

[illegible] when you [illegible] A I

Q [illegible] he was living before that? A [illegible], I

[illegible] where he had

[illegible] never had been

[illegible] of them if he

[illegible] A [illegible]

[illegible] A I understand that

[illegible]

[illegible] roof? A [illegible] I think it was in [illegible]

[illegible] that it was forty years ago when [illegible] done here in '30 when they [illegible]

[illegible] Yes, [illegible] it was [illegible] Protective Association [illegible]

[illegible] don't know [illegible] you [illegible] roof? A [illegible] yes, so I do.

[illegible] all you hear of any[illegible] A. No sir. [illegible] were you [illegible]

[illegible] Sam Webber lived close [illegible] as much as you do now? A. Of [illegible] the Tom Clifton Curtis[illegible]

[illegible] Jack Starr's [illegible] roof? A. No sir, I [illegible] living there [illegible] the cloud of dust [illegible] roll. We had nothing to do [illegible] A. We did not have it they had [illegible] A. No. I never [illegible] I do [illegible] in mak[illegible] made the [illegible] Germany and Germany

[illegible]

[illegible] chair of the Chur[illegible] neighborhood, I know [illegible]

[illegible] for Fan[illegible] A [illegible]

[illegible] is the [illegible] that took by [illegible]

[illegible] A Yes sir. [illegible] was [illegible] me, [illegible] know [illegible] our land. A [illegible]

Q Do you [illegible]

Q [illegible] more [illegible] by the [illegible] examine [illegible] A I never [illegible] read. I [illegible] to have [illegible] it for me, and I never had [illegible] it for me.

[illegible] want to know that these [illegible] and others had [illegible] rowdies [illegible] which refer to [illegible] I think there would be a very peculiar proceeding [illegible] for a [illegible] and it is [illegible]

[illegible] have been a [illegible] and it is [illegible] This [illegible] the [illegible] self [illegible] under the [illegible] of a [illegible] roll of [illegible]

[illegible] You have a [illegible] these people who were [illegible] the [illegible] the roll, what did [illegible] you [illegible] to [illegible] read A [illegible] did I [illegible] I supposed they knew I [illegible] one other [illegible] I raised [illegible] the [illegible] and they [illegible]

Q [illegible] A Yes sir.

Q [illegible]

[illegible]

[illegible] and were [illegible] by the Tob [illegible]

[illegible] the [illegible] you did? A These [illegible] Sam Webber, [illegible] I [illegible] about Sam, and I don't [illegible]

[illegible] A I don't remember. [illegible] A I don't know whether he was [illegible] along, Sanner Sam [illegible] a whole lot [illegible]

[illegible] it was that you went down there to [illegible]

[illegible] the territory? A [illegible] the years.

Q [illegible] A [illegible] have been three [illegible] in the Webber neighborhood [illegible] there [illegible] there [illegible] there [illegible] in there.

Q Did [illegible] by Commissioner [illegible] how long time you went there to [illegible]

[illegible] Did you go with Sidman Sam Webber?

[illegible] Sam Apple and his family and Johnson [illegible]

[illegible] Sam Webber who testified in your case, did [illegible] you did down at Tahlequah? A Well I mind [illegible] was in that crowd, but he applied to the Chero[illegible]

Q [illegible] A Yes sir.

[illegible] you to bring your wit[illegible] to be [illegible] and go [illegible] for [illegible] we don't want you;

Q [illegible] to do but to go home? A I didn't know [illegible] to go home. I didn't have much of a home [illegible]

[illegible] to do [illegible] A [illegible] was in the [illegible]

[illegible] Q [illegible] of the Sam Webbers was along, I [illegible] there were thirty or forty [illegible]

[illegible] C. [illegible] by Commissioner [illegible] testifi[illegible] follows:

Q [illegible] A May I am seventy seven odd years old. [illegible]

[illegible] Hayden.

Q [illegible] lived in the Cherokee Nation? A Well, I lived [illegible]

Q Are you [illegible] of them? A Yes sir.

[illegible] were you when the 1880 roll was made?

[illegible] on there? A John Ficks [illegible]

[illegible] your family on the 1880 roll? A No sir.

Q [illegible] A [illegible]

[illegible] the proceedings were had.

[illegible] it wasn't approved by the Court? A No sir.

[illegible] to keep a correct journal of the proceedings of

[illegible] The Cherokee Council is ordered

[illegible] a. But

[illegible] a journal.

Q Did [illegible]

Q [illegible] as a Cherokee Freedman?

Q [illegible]

Q Did you [illegible] A [illegible] but the [illegible] his [illegible]

Q I am [illegible] and your [illegible] You [illegible] your father

Q [illegible]

Q [illegible]

Q Did [illegible] by the Court you [illegible] A [illegible]

Q You were [illegible] afterwards? A No sir.

Q Did you [illegible] a lawyer? A No sir, we didn't employ a lawyer.

Q Did you go with your father before the Court? A I didn't go in; father went in.

Q Did your father employ a lawyer? A No sir, he didn't employ a lawyer; he told me that.

Q Do you know anything about Jack Starr applying at that time?

A No, sir, I don't know whether he did.

Q Do you know whether he went into the Court or not with your father? A No sir.

Q Do you know whether he went into the Court at all? A No sir.

Q Did you have any talk with Jack Starr about the proceedings of that Court before you left there? A No sir.

Q Have you ever talked with him since about it? A No sir.

This will be filed as additional testimony in Cherokee [illegible]

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

(Signed) [illegible] Berger.

Subscribed and sworn to before me this 9th day of July, 1901.

(Signed) B. [illegible]

Commissioner.

SUPPLEMENTAL D[illegible]

[illegible] Department of the Interior,

Commission to the Five Civilized Tribes,

Muskogee, I.T., June 24, 1901.

In the matter of the application of Jack Starr as a Cherokee Freedman; [illegible] being sworn by Commissioner Meadows, testified as follows:

Appearances: Mr. Louis Hosen, for the applicant.

Mr. W. F. Hastings, for the Cherokee Nation.

BY MR. HOSEN:

[illegible] to before me this July 9, 19[illegible].

(signed) [illegible]

Commissioner.

To be [illegible] Jack Starr, [illegible] D [illegible].

[illegible]

[illegible], I. T., June 7, [illegible].

In the matter of the application of Tissie Starr for the enrollment [illegible] Freedman; being sworn and examined by Commissioner [illegible], she testified as follows:

[illegible] by Commissioner [illegible]

Q [illegible]

Q [illegible] as I can remember.

Q [illegible] Nation? A I was born [illegible]

Q [illegible] been here ever since.

Q [illegible] a Cherokee Freedman? A Yes sir.

Q [illegible] Yes sir.

Q [illegible]

Q [illegible] A Jack Starr.

Q You [illegible] Charley Starr? A Yes sir.

Q [illegible] was Hannah Whitlock before she married [illegible]

Q [illegible] know [illegible] brothers? A Yes [illegible].

Q [illegible] Starr.

Q [illegible] Nation when the war broke out?

A [illegible]

Q [illegible] you know this woman all her life? A Yes sir.

Q Has she lived in the Cherokee Nation all her life? A Yes sir.

Q She is a daughter of Charlotte and Jack Starr? A Yes sir.

Q Charlotte is dead? A Yes sir.

Q Been dead many years? A Yes sir.

Q To whom did Charlotte belong before the war? A Johnson Whitlock.

Q Was Johnson Whitlock a recognized citizen of the Cherokee Nation? A Yes sir.

Q You know [illegible] as much do you? A Yes sir.

Q Where did Charlotte and Jack go during the war? A They went to Kansas.

Q [illegible] back from Texas? A Yes sir.

Q [illegible] the fall of 65, just before us. Uh.

Q Did they have [illegible] at that time with them? A Yes sir.

Q Who was with them? A [illegible] a son they called Aaron Burr Starr, he died.

Q How long [illegible] A I couldn't tell you exactly, it has [illegible]

Q [illegible] were married? A No sir, I [illegible] It seems they were married [illegible]

Q [illegible]

Q [illegible] Charlotte died? A Yes sir, right [illegible]

Q [illegible] was it when Charlotte and Jack got [illegible] they was on behind us, and [illegible]

Q [illegible] where you did? A Yes sir [illegible]

Q [illegible] died? A Yes sir, right [illegible]

Q [illegible] how long? A We got back in the first part of [illegible]

Q [illegible] in a few days afterwards? A Yes sir, short time [illegible]

Q [illegible] lived there until she died? A Yes sir, lived [illegible]

[illegible]

Q What is your name? A [illegible]

[illegible]

[illegible] A [illegible]

[illegible] Short.

[illegible] A [illegible] dangerous.

[illegible] know, I guess so.

[illegible] A. It is on the [illegible] road and on the Kern Gulf-

[illegible] A. [illegible]

[illegible] A Charlie's [illegible]

[illegible] A Yes.

[illegible] A I don't know.

[illegible] A [illegible] while, but I don't know

[illegible] A She was small.

[illegible] ever since you been here?

[illegible] A She was [illegible]

[illegible] old man.

Q [illegible]

Q [illegible] A Very [illegible]

your knowledge? A Yes, sir.

[illegible] Lord and name of [illegible]'s

[illegible]

[illegible] Q How long have you been married? A About 13 years.

Q Is this your [illegible]? A Only one I ever had.

Q And you have [illegible] husband? A Yes, sir.

Q Is he living now? A Yes, sir.

[illegible]

[illegible] son Crawford swelling for the [illegible]

[illegible]

[illegible]

[illegible] in

[illegible] will be made

[illegible] in the matter

[illegible] of the record in the

NOTICE!

IN THE MATTER OF the application of Peggie Grimmet for enrollment as Cherokee Freedmen:

Case No. F. D. 230

To Peggie Grimmet Ruby I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 17th 1901 at 9 o'clock A. M. to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

M. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

one son Frank, and for a grand daughter [illegible]
The said White and Andy Daniels are not identified on [illegible]
except the Wallace roll; her son Frank [illegible]
[illegible] Clifton roll and also her grand daughter [illegible]
that she and her husband were slaves in the Cherokee Nation
and went out of the Cherokee Nation during the war and returned
here in 1865 or 1866; She has lived [illegible] were
that James Daniels, her son, is the father [illegible] his
wife who was a non-citizen. Makes satisfactory proof [illegible] between
the said James Daniels and his wife Ellen, the father and
mother of the said Martha. Exception [illegible] fact that they are
not found on the authenticated roll of 1880, and by reason
of the protest of the Cherokee Nation the said White Daniels,
her husband Andy, her son and grand daughter will be listed
for enrollment as Cherokee Freedmen on a doubtful card and she
will be notified by mail of the final decision of the Commission.

= = = = = = = = =

Chas. vonWeise, 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 [illegible] transcript of his stenographic notes therein.

(signed) Chas. vonWeise.

Subscribed and sworn to before me this the 5th of July, 1901.

(signed) T. [illegible]

Notary Public.

--*--

[illegible] Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made [illegible] and that same is a true and complete xxxxxxxx [illegible] of the original transcript.

Subscribed and sworn to before me this [illegible] 19[illegible]

COMMISSIONER.

Notary Public.

File with S.F. D-931, Thomas Daniels.

[illegible] Interior,
[illegible] Tribes,
[illegible] Ok.

In the [illegible] Daniels f.f the enroll[illegible] and husband as [illegible] examined by Sou-
[illegible]
[illegible] Ella M. Smith, [illegible]
[illegible] Cherokee Nation.

Q What is your name? A Ichie Daniels.
Q [illegible] A I don't know how old I am. (Hands paper to [illegible].)
Q What is your post-office? A Dewey.
Q What [illegible] live in? A Cedarcrowee.
Q You claim to be enrolled as a Cherokee [illegible]? A Yes, sir.
Q [illegible] you want to enroll [illegible]? A My children.
Q How many children have you not under 21 years of age and not married? A I ain't but but three married.
Q Well, you haven't got any children under 21 years of age, have you? A No, sir.
Q Is Frankie your son? A Yes, sir.
Q Who is Martha Ann? A That is my child.
Q Jesse Lines? A That is my daughter.
Q You haven't got but one child here under 21; what is that one's name, Frankie? A Yes, sir. (17 years of age.)
Q You got a grand children here named Martha Ann? A Yes, sir.
Q Born in 08; is your name on the roll of 1898? A It ought to be.
Q Well, is [illegible] I could not tell you whether it is or not.
Q What was your father's name? A Thomas Daniels.
Q Is he living? A No, sir.
Q What is your mother's name? A My mother's was Peggie Vann.
Q Is she living? A No, sir, she is dead.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Andy Daniels.
Q Is he a citizen? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q Why didn't he enroll you when he enrolled himself? A He was enrolled.
Q Has he been enrolled by us? A Yes, sir. He can't come here to wheel him around on a chair.
Q He was sent to enroll you? A Yes, sir.
Q Mrs. [illegible] how many children have you died than the child Frankie [illegible] you applied? A I have got two. Frankie is the baby. I got three [illegible] other that is on the rolls.
Q How many children have you ever had 21 years of age? A I haven't got but three.
Q Who are them? A Charley, Nancy and Lucinda.
Q Is Nancy's name still Daniels? A Nancy Claggett.
Q Is Lucinda Daniels with you? A Yes, sir, she is living with me.
Q Where do you live? A I live on Caney.
Q Cherokee Nation? A Yes, sir.
Q How long have you lived on the place you live on now? A 27 years or long [illegible]
Q Have you got a farm there? A I have had it fenced, we haven't got it there.
Q Where is Nancy living? A She is living over here on California Creek.
Q What is her husband's name? A John Claggett.
Q Where does he live? A Right there near me at Dewey.
Q How old is Charley? A I don't know.
Q Was he born after the war? A Born long before the war.

Ibbie Daniels et al 2

Q Where was Nancy born? A She was born down here at Gibson after the war.
Q How old is Louisa, where was she born? A On Caney.
Q How many children did you have at the close of the war?
A Didn't have got the three.
Q What were their names? A Jim, Emiline and Charley.
Q What has become of Jim and Emiline? A They are dead.
Q What is your husband's name? A Andy Daniels.
Q When were you married? A Married long before the war.
Q Are these children whose names you have mentioned all his children and yours? A Yes, sir.
Q Were you a slave before the war? A Yes, sir.
Q To whom did you belong to? A Thomas Carey and his wife.
Q Were they citizens of the Cherokee Nation? A Yes, sir.
Q Where did they live before the war? A Lived right on Grand river.
Q Where were you living at the time the war came up?
A Living on Grand river.
Q Were you taken out of the Cherokee Nation during the war?
A Taken down to Fort Smith, my old boss took me down there and hired me out to work.
Q When did you return to the Cherokee Nation after the war?
A I came back after Abraham Lincoln got killed; came back to Gibson.
Q How do you know that? A They all said so.
Q Who did you come back with? A I come back with Government troops.
Q The men with you when you came back? A There was a whole lot of Cherokees and Creeks.
Q Did you have any children at that time? A I had three.
Q Did you bring them back with you? A Yes, sir.
Q Where was your husband? A I could not tell you, he was in the army then.
Q How long after you got back before he got back? A It was about a year and he came back to see me, we was down at Gibson.
Q How long were you about Fort Gibson at that time? A I stayed down there pretty near two year when I moved up to Caney.
Q And where have you been living since you moved to Caney? A I ain't been living at no other places.
Q This child, Frankie, you apply for is that a boy or girl? A Boy.
Q Does Frankie live with you? A Yes, sir.
Q Has he ever lived anywhere except the Cherokee Nation?
A No, sir, never did.
Q What is the reason your husband isn't here? A He is paralysed and could not walk.
Q Not able to come? A No, sir.
Q You say the troops brought you back from Fort Smith up to Fort Gibson? A Yes, sir.
Q How far below Fort Smith were you when you got with the troops?
A Right in Fort Smith.
Q Right in the town? A Yes, sir.
Q And you come back up from there to Fort Gibson? A Yes, sir.
Q Now, with whom did you live when you come up to Fort Gibson?
A I lived with old Aunt Sallie Bacon, she is a grandmother of my daughter.
Q Now, where did Sallie Bacon live? A Lived right in the bottom.
Q How far was that from Fort Gibson? A It is not very far from Fort Gibson, right on the edge of the lake.
Q What family did Sallie Bacon have at that time? A No one but her daughter.

Q What was her daughter's name? A Named Polly Givens.
Q They were living together at that time? A Yes, sir.
Q Is she a witness in your case? A Yes, sir.
Q Did you have her called up here a while ago? A No, sir.
Q Was any of your children born there? A Had a little girl born there.
Q What was her name? A Nancy Jane.
Q Is Nancy alive? A Yes, sir, she is alive.
Q How old is Nancy? A I could not tell you exactly how old she is.
Q Have you got it down on your paper? (No response.)
Q Well, now how long did you continue to reside there with Sallie Bacon? A I stayed there a year and a half.
Q Now about what time of the year did you get there? A I come there in the fall.
Q In the fall of '65? A Yes, sir.
Q What time did you leave there? A I left there in the spring.
Q Now, was that the spring of '66 or '67? A I could not tell you what time.
Q You stayed there two winters? A Yes, sir.
Q Now, where did you go from there? A I went to Caney where I am living now.
Q Direct from there? A Yes, sir.
Q Now, did you go with your husband out there to Caney? A Yes, sir.
Q And by what you mean your husband, Andy Daniels? A Yes sir.
Q You and him continued to reside there ever since have you? A Yes sir.
Q Now let's get it right, you claim to have come there in the fall of '65, you stayed there a year and a half? A Yes, sir.
Q And left there in the spring? A Yes, sir.
Q And you stayed there two winters? A Yes, sir.
Q And left there in the spring of '67? A Yes, sir.
Q How far from Bartlesville was it you went? A Three miles.
Q Was there a town there at that time? A No, sir.
Q Who were your neighbors at that time out there? A Nobody but the Osages.
Q Any of the Delawares living out there at that time? A No, sir.
Q Did you and your husband settle down at that time, you and Andy? A Yes, sir.
Q And you continued to live together? A Yes sir.
Q He never went off and you never went off? A He went off to work.
Q After you moved up there? A No, sir.
Q He never left and you never? A No, sir.
Q That was in the spring of 1867? A Yes, sir.
Q Now, about what direction from Bartlesville was that, on Caney? A North.
Q And you continued to stay right there ever since? A Yes, sir.
Q From that day to this? A Yes, sir.
Q Well, what was your first child born on that place? A Thomas.
Q Tom was the first one born there was he? A Yes, sir.
Q Now, how old is Tom? A I could not tell you how old he is.
Q How long had you been living up there when Tom was born? A About a year and a half.
Q And you don't remember how many years old Tom is? A No, sir.
Q You didn't bring Eveline back from Fort Smith with you? A I did.
Q Is she here? A She is dead.
Q Well, then when you were living with Sallie Bacon you had three children? A Yes, sir.
Q And another one was born there? A Yes, sir.

BY COMMISSIONERS:

Q You say you didn't see Andy for about a year after you got to Fort Gibson? A No, sir, he was in the service.

Tobie Daniels et al 4

Q Soldier? A Yes, sir.
Q He come there about a year after you did? A Yes, sir.
Q He been with you ever since? A Yes, sir.
Q How long did you and he live together at Fort Gibson, before you moved to Caney? A I told you he stayed down there a year.
Q I mean with Andy, how long did Andy stay down there with you at Fort Gibson before you and he moved to Caney? A A year and a half.
Q Was Andy there with you all the time? A Yes, sir.
Q And you and he lived together and you moved from there up to Caney? A Yes, sir.

CROSS EXAM.

Q Yes, Daniel, I asked you awhile ago the names of your children besides Frankie and you spoke of James, Henry and Charley, and of Nancy and of Emeline and stated that Emeline and James were dead? A Yes, sir.
Q You have had children whose names I have just called are not all of your children? A Yes sir.
Q Did you have any other? A Yes, sir, of course I have got some other, there is Josephine and Charles.
Q Is Josephine still Daniels? A Yes, sir.
Q Where is she? A She is at home.
Q Living with you? A Yes, sir.
Q Where was she born? A Living on Caney.
Q Has she always lived with you? A Yes, sir.
Q Well, now, you spoke of a Thomas awhile ago? A Well, he is with me too.
Q Is he married or single? A No, sir, single.
Q Is he your child? A Yes, sir.
Q Well, was there any others, how about Freeman? A He is dead.
Q How about Lucinda? A Lucinda is my daughter.
Q Is her name still Lucinda? A Yes, sir, she is married.
Q Is she living with you? A Yes, sir; Lewis Jones ain't married.
Q Where does Lewis live? A He lives with me.
Q Where was he born? A Caney, Cherokee Nation.
Q Has he lived anywhere else except the Cherokee Nation? A No, sir.
Q Where does Jones live? A Cherokee Nation.
Q Now about Martha Ann? A She ain't never lived no where else either.
Q Who was the mother of Martha Ann? A She was a Gaskin.
Q Who was the father? A My son Jim.
Q Is she living with you? A Yes, sir, I have had her ever since she was a baby.
Q How old is she? A 13 years old.
Q The father is dead? A Yes, sir.
Q The mother is dead? A Yes, sir.
Q What is the father's name now of Martha? A Jim.
Q Well, who is the mother? A The mother is dead, she is a Gaskin.
Q Is she a citizen? A No, sir.
Q Was James and the mother of this Martha ever married A Yes, sir.
Q What was her name? A Ellen Gaskin.
Q She was a non-citizen was she? A Yes, sir.
Q Well, were they ever married? A Yes, sir.
Q How do you know that? A The preacher married them.
Q Did you see them married? A I didn't see them married.
Q You will have to prove that marriage? A Well I guess I can prove it.

BY MR. SMITH:

Q Do any of the witnesses that you called up here know about this

[illegible] Daniels et al.

[illegible] of [illegible] Lewis Daniels? [illegible] know him.

Q [illegible] A [illegible]

Q [illegible] A [illegible] or nine years.

Q [illegible] living? A [illegible], sir.

A [illegible] value? A [illegible] not as I know of.

Q [illegible] husband? [illegible] as I know of.

[illegible] community [illegible] husband and [illegible]

[illegible] and raise and [illegible] them as husband and

Q [illegible]

Q [illegible] children before she married him? A [illegible]

[illegible] you and your husband lived together

[illegible] for a year and [illegible] before you moved

[illegible] your husband, did [illegible] Andy

Q [illegible] A [illegible] at Fort [illegible] in your husband

out and I [illegible] A [illegible] after he was murdered

Q I want to [illegible] murdered [illegible]

A While [illegible] after he came up there

Nacomb, [illegible] Tobias Hardin duly sworn by Commissioner T.

Q [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A Cherokee.

Q How long have [illegible] lived in the Cherokee Nation? A All my life.

Q Are you a [illegible] of the Cherokee Nation? A Yes, sir.

Q Recognized [illegible] A Yes, sir.

Q [illegible] know [illegible] Tobias Hardin? A Yes, sir, I do.

Q How long have [illegible] A I have known her ever since

Q Did you see her in 1885? A I seen her sir.

Q [illegible] A [illegible]

Q [illegible] was in the fall.

Q [illegible] the [illegible] your [illegible] here? A Well, there was

women come [illegible] and there and a good many people came

up in [illegible] they were going on to Fort Scott, and she hooped

there and inquired for a certain family there and I told them

where that were and then after that I seen her very frequently in

Q How long did [illegible] in this settlement, do you know?

A Well, she [illegible] I guess a year or such a matter.

Q You don't know [illegible] how long she stayed? A No, because

sometimes I [illegible] a little twenty days and sometimes she

then [illegible] I would see her every twenty days, every [illegible]

they [illegible] I would see her there.

Q [illegible] where she lives now? A Yes, sir.

Q [illegible] A [illegible] on Caney four miles above Bartlesville, north.

Q Do you know how long she has been living there? A I have been

living up here [illegible] and when I moved up here they were living

over there and [illegible] now, when she is at home.

Q Do you know her children? A Well, she had three to Bore

[illegible] girls and a boy.

Q How had three you said? A Yes, sir, three.

Q Do you know [illegible] she has had some that time? A The

[illegible] house [illegible] I haven't been to her house since '86

[illegible] A [illegible]

Q [illegible] I know was down with

A [illegible] there was that didn't have the ability

Q [illegible] you know [illegible] her husband? A Andy Daniels, has sir.

Q [illegible] Andy was out of the Cherokee Nation during

[illegible]

Q [illegible] Gibson after the [illegible]
A [illegible]
Q [illegible] living down there when you knew her
to [illegible] time she would come
Q [illegible] wife.
Q [illegible] to be her mother.
Q You don't [illegible] because she stayed at her [illegible]
house in the [illegible] mile from Houston Bengo's
Q You did see her three children at that time? A Yes, sir, and I saw
and her children there too.
Q [illegible] you saw all this time?
A I don't know, he was at me to see. Chokes with a little
white child and [illegible] a white child at that time.
Q Well do you know that she continued to reside around there
at that time? A She stayed around there four or five months to
my knowledge.
Q How could see her about when she came and got her feet under
the table to see various? A She came to the old house the people
applied to see the rations.
Q You [illegible] to swear that she was there from 65 until
1872? A I [illegible] to swear that she was there in '65 and around
there four or five months.
Q To be [illegible] about that? A Yes, sir.

Testimony of applicant taken by stenographer, Chas. Van Weise.

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

(signed) J.O. Reagan.

Subscribed and sworn to before me this 19th day of July, 1901.

(signed) T.M. Needles,
Commissioner.

Continued Proof Stenographer, J.O. Reagan.

Muskogee, I.T., June 26th, 1901.

In the matter of the application of Phoie Daniels et al.

Proof in this case called and sworn by Commissioner T.M. Needles testified as follows:

By Mr. Smith, of counsel for applicant.

Q What is your name? A Easter Williams.
Q Do you know this applicant, Phoie Daniels? A Yes, sir, slightly acquainted with her for 25 years.
Q Do you know where she lives? A Yes sir.

Q Do you know [illegible] A No sir.
Q Where has he been living since you know him? A On Cow Creek.
Q Do you know where he was during the war? A Yes sir. Where was it? A I knowed some of them on Grand River.
Q Where you know her before the war? A No sir.
Q Did you know her during the war? A No sir.
Q You don't know anything about her administration? A No sir. Was [illegible]
berasmuch [illegible]

[illegible]

Q [illegible] about 25 years ago.
Q How far do [illegible] Parker? A I don't know.
Q [illegible]
Q [illegible] live from him? A [illegible] sir.
Q [illegible] there after the war? A At home.
Q [illegible] what? A I don't know.
Q Before you left there? A Yes sir.
Q Was [illegible] and there then? A No sir he was in the [illegible]
Q What time of the year was it? A Cold weather, I don't know the month.
Q And you don't know the year? A No sir.
Q At what place was it? A Right in town where I was birted out.
Q At whose house? A I don't know, I don't remember the name.
Q You remember [illegible] this man [illegible]? A Yes sir.

William Foreman, called and sworn as a witness for the applicants.

By [illegible]:
Q What is your name? A William Foreman.
Q What is your post-office address? A Vagoner.
Q How old are you? A 60 years.
Q Are you an Indian? A Yes sir.
Q A Cherokee Indian? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this applicant, Annie Daniels? A Yes sir.
Q Did you know her [illegible] war? A Yes sir.
Q Was she a [illegible]? A Yes sir.
Q Who did she belong to? A [illegible]
Q Was she a citizen of the Cherokee Nation? A Yes sir, by adoption. His first wife was a Cherokee named Jane Thomas and when she died he married another Cherokee named Jane Parker.
Q Both his wives were Cherokees? A Yes sir.
Q Was he recognized as a Cherokee citizen by the Cherokee Nation?
A Yes sir.
Q How far did they live from you at the time of the war? A I was living 20 miles north of this place when the war commenced.
Q He was here when the war commenced? A Yes sir in Delaware District Cherokee Nation at Jennie P. Fairies.
Q Do you know if this [illegible] was taken out of the Cherokee Nation during the war? A Yes sir I don't.
Q When did you first see her after the war in the Cherokee Nation?
A Winita before the United States court.
Q [illegible] there? A I might have, I don't remember.
Q [illegible]
Q [illegible] A Yes sir.
Q [illegible]
Q Who did he [illegible]
Q Was Frank Daniels a Cherokee [illegible]
Q Do you know if he was [illegible] Cherokee Nation during the Civil War? A I don't [illegible] own knowledge.

[illegible]

Q [illegible] A [illegible]

[illegible] for the applicant.

Q [illegible] A [illegible]

Q How [illegible] A [illegible]

Q [illegible] A [illegible]

Q [illegible] A [illegible] after [illegible]

Q [illegible] sir.

Q [illegible] A [illegible]

Q [illegible] A At Fort Gibson.

Q [illegible] A [illegible] fall, peace was de-

[illegible] fall, the first fall after

[illegible] A [illegible] she said there a

lived [illegible] and there about that long.

Q [illegible] she went up to Caney to live?

A [illegible]

Q [illegible] at her home on Canney? A No sir.

Q [illegible] A Her husband was a soldier [illegible] a log house and a white [illegible] it was [illegible] there.

Q How far from where you lived? A I guess town and my grandfather lived at the lake and she lived close to my grandmother, closer to town than my grandmother did.

Q What name did she go by then? A Carve.

Q Was she married then? A I don't know, she said when she came there that her husband was in the army.

Q How long after that before you met her husband? A I dont remember, didn't pay no attention to him, no I didn't.

Q You don't remember him? A Yes sir, but I dont know how long after that that I saw him.

Q How many children did she have there? A Only that white one.

Q Was that a girl or a boy? A Girl.

Q Do you know [illegible]? A Yes sir, that is my grandmother.

Q Did she live [illegible] A She lived at the lake, this side of Cannon [illegible]

Q And [illegible] down there close? A Yes sir.

Q [illegible]

Q Did you [illegible] for [illegible] A Yes sir.

Q Did [illegible] A No sir.

[illegible] not found on the [illegible] roll of 1880.

[illegible] not found on the [illegible] roll of 1896.

Applicant not found on the Town Creek roll.

Wallace roll examined and the name of applicants found as follows:

Page 111 No. [illegible] Andrew Daniels, Cherokee Nation.

Page 111 No. 2361 David Daniels.

Town Clifton roll examined and the name of applicants child found as follows:

Page [illegible] Frank Daniels, Delaware district.

Q Did you [illegible] to the Cherokee nomenclature in have your name put on [illegible]

Q [illegible] A [illegible]

Q [illegible] the conduct? A Yes sir.

Q [illegible] done? A No sir.

Q [illegible] for yourself or husband? A Yes sir

Q [illegible] the children, me and the old man and Lewis was left out.

One [illegible] daughter Martha, the [illegible] of the said [illegible] and Andy Daniels are not identified on any roll except the [illegible] roll; her son Frank is identified on the Kern Clifton roll [illegible] also her grand daughter Martha. She avers that she and her husband were slaves in the Cherokee Nation and went out of [illegible] Nation during the war but returned here in [illegible] or [illegible] and has lived here ever since. She avers that James Daniels, her son, is the father of Martha, by his wife who was a [illegible] citizen. There satisfactory proof between the said James Daniels and his wife Ellen, the father and mother of the said Martha. By reason of the fact that they are not found on the authenticated roll of 1880, and by reason of the protest of the Cherokee Nation the said Fobie Daniels, her husband Andy, her son and grand daughter will be listed for enrollment as Cherokee freedmen on a doubtful card and she will be notified by mail of the final decision of the Commission.

* * * * * * * * * *

Chas. Vorheise, 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 [illegible]

(signed) T. B. Needles,
Commissioner.

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

M D Green

Subscribed and sworn to before me this November 21, 1901.

COMMISSIONER.
Notary Public.

3D931

FILED
JUL 16 1901

ACTING CHAIR

R

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 28,1901.

In the matter of the application of Ibbie Daniels for the enrollment of two children, THOMAS & JOSEPHINE DANIELS, as Cherokee Freedmen; being sworn by Commissioner Needles, and examined by the Commission she testified as follows:

Q What is your name? A Ibbie Daniels.
Q What is your age? A I don't know exactly how old I am.
Q About how old? A I guess about 34.
Q You are older than 34? A You reckon? Well, I don't know.
Q Are you 30 or 34? A I expect.
Q How old is your oldest child? A I don't know.
Q Is it a man grown or a woman grown? A Oh she is married.
Q What is your post-office? A Dewey.
Q What district are you living in? A Coowescoowee.
Q Who do you want to enroll now? A I just want to enroll 2 children, Thomas.
Q How old is Thomas, about how old? A I couldn't tell exactly how old he is.
Q Is he over 21? A No sir.
Q About 19? A Yes sir.
Q His name Thomas Daniels? A Yes sir.
Q What is the name of the other child? A Josephine Daniels.
Q How old is Josephine? A She is 18.
Q Are these children both living with you? A Yes sir, raised at home.
Q At Dewey? A Yes sir.
Q Who is the father of the children? A Andy Daniels.
Q Is he living? A Yes sir.
Q Is he a Cherokee Freedman? A Yes sir.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Are these children upon any of the Cherokee rolls? A Yes sir.
Q What rolls? A On the 1880 roll.
Q No, these children, did you draw money for these children? A Yes sir; I drawed money for these children.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not found;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 111 #2361 Ibbie Daniels, "No district."

BY MR. L.B.BELL, Cherokee Representative:
Q You would have put these children down before unless they had been too old; Colonel Needles told you to let them enroll themselves? A No. Mr Thomas is not sound in his mind.

BY COMMISSION:
Q Why didn't you apply for these 2 children the other day to be enrolled? A I thought they had them on.
Q You simply applied for Frank and Martha last week? A Frank and Martha and Thomas and Lucinda I said.
Q Josephine ever been married? A No sir; I haven't got but two grand children married.
Q How old are these two children that are married? A I don't know how old they is, there is one of them right there, you can see for yourself. (Points to negro standing near.)

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant's children identified on
page 182 #4548 Tom Daniels, Coowescoowee District;

Ibbie Daniels for 2 children:

page 124 Josephine Daniels, Delaware District, given as 40 years old.

Q Did you draw money for Tom on the Kern-Clifton payment in 1896?
A Yes sir.

Wallace roll of citizens of the Cherokee Nation examined and Thomas Daniels identified on page 111 as Thomas Daniels, "No district."
Wallace roll page 111 as Josephine Daniels, "No district."

MR. L.B.BELL, Cherokee Rep've, waives examination.

Commissioner: Ibbie Daniels applies for the enrollment of two children, Thomas and Josephine Daniels as Freedmen of the Cherokee Nation; said Ibbie Daniels is not identified upon the authenticated roll of 1880 or the census roll of 1880; she is, however, identified upon the Wallace roll; her 2 children, Thomas and Josephine are identified upon the Kern-Clifton and the Wallace rolls; they will be listed for enrollment as Cherokee Freedmen on a doubtful card, and reference is made to the testimony which was taken in the matter of the application of Ibbie Daniels for the enrollment as a Cherokee freedman, on D card 669, and the testimony filed in said case will be made a part of the record in the case at bar.

M.D.Green, being first duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes he 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 11, 1901.

Commissioner.

DEPARTMENT OF ...
COMMISSION TO ...
COMMISSION

FILED
1901

Elizabeth Thomas Daniels et al C.F. # 931

[illegible]

[illegible] C. F. # [illegible]

[illegible]

JOE B. [illegible] W. R. Brookinridge, [illegible] Nation]

Q What is your [illegible]
A How old [illegible] 52 and 4.
Q What is [illegible]
Q How far do you live [illegible] A About 7 miles north.
Q Do you know a [illegible] in the vicinity named Andrew Daniels? A
A Yes sir.
Q Do you know his wife? A No sir.
Q Do you know [illegible] A No sir, I don't.
Q Who was [illegible] young man? A Old Likes.
Q [illegible] of Mr. Daniels? A No sir, I don't. I have never [illegible]
Q How long has [illegible] in this vicinity? A Ever since the [illegible]
Q What [illegible] A I was.
Q [illegible]
Q [illegible] A Up here in Kansas [illegible]
Q How long [illegible] A About 8 years.
Q Did you come [illegible] A No sir. There was a few families come [illegible] started [illegible] summer here on Grand River, and I came [illegible] we stopped [illegible] the Wyandotte first and [illegible]
Q About [illegible] Went through Lawrence Kansas [illegible]
Q [illegible] had known Andrew Daniels in Kansas about a year? A Yes sir.
Q Did he [illegible]
Q When did [illegible] This was along in August some time in [illegible]
Q Where? A Up [illegible]
Q Is the [illegible] A Yes sir.
Q [illegible] A I [illegible] got on our horses and [illegible] and we [illegible] the [illegible] on Caney and [illegible] cow [illegible]
Q [illegible]
Q [illegible] Daniels is now living? A
A [illegible]
Q [illegible]
Q [illegible]

A [illegible] old were you [illegible] Nations? A Just as I [illegible]
Q [illegible] A Must have been about twenty.
Q [illegible]
A [illegible]

[illegible] A Kansas.
[illegible] 2 or 3 miles
[illegible] Christ A. [illegible]
[illegible] Plantation and their
[illegible] A Yes sir.
[illegible] A It must have
[illegible] I was born first.
[illegible] lived, working for
[illegible] Nine A Must have been about
[illegible] before you came here? A I
don't [illegible]
Q A [illegible] such a matter.
Q You [illegible] time? A No sir.
Q All [illegible] in the Cherokee Nation
you [illegible]
Q D[illegible]
Q [illegible]
Q Bor[illegible] A [illegible]
[illegible] A No sir.
Q Did [illegible] A Yes sir.
Q Where [illegible] the first of '68? A I don't
tell [illegible]
Q Had [illegible]
Q [illegible] A Yes sir.
Q [illegible] Man Surcoxie.
Q [illegible] A I dont remember
that [illegible]
Q [illegible] how long you saw him in Kansas
[illegible] A No sir I dont know.
Q You [illegible] whether it was a short time or a long
time? A [illegible]
Q Your [illegible] him in Kansas was in '68? A Yes Sir in
'65 or [illegible]
Q Some [illegible] A Yes sir.
Q Was [illegible] at that time? A Yes sir, four
miles from [illegible]
Q [illegible] to your home from that time until
the [illegible]
Q Yo[illegible] there in that neighborhood
or [illegible]
Q Have [illegible] from '68 until
you [illegible] on to the fellow;
the way I [illegible] in '66 or '6.
Q Have you [illegible] that time until '68?
A No sir.
Q If he was [illegible] in your neighborhood then you dont recollect it?
A No sir.

(Cross-examined by Mr. Rose for Women)

[illegible] stenographer to the
[illegible] in full all the
[illegible] is a full, true
[illegible]

Subscribed and sworn to [illegible]

Oliver Wirard

[illegible]

- continued from [illegible] page, [illegible] side. -

[illegible] Andrew Bro[illegible], interpreter

Q [illegible]

Q [illegible]

Q [illegible]

Q Are [illegible]? A Yes, sir.

Q And [illegible]

Q What [illegible] A [illegible]

Q [illegible] you come from the town of Dewey? A About six [illegible]

Q [illegible] A [illegible]

Q Do you [illegible] in that vicinity by the name of Andrew [illegible]? A [illegible]

Q Do you [illegible] his wife? A Yes, I have seen his wife.

Q Do you [illegible] know her name.

Q How lo[illegible] A About a year before I left [illegible]

Q [illegible] Kansas? A I don't know, it has been about [illegible] years.

Q Did you come with the Delawares when they came to this country?

A Yes.

Q You don't remember the year the Delawares came here? A No.

Q Was it [illegible] Cherokee Nation, the [illegible]

Q That [illegible]? A I was [illegible] some ties there on [illegible]

Q How far was [illegible] you [illegible]? A About half a mile from where I [illegible]

Q Do you [illegible] you left up there? A Left there in the [illegible]

Q Do y[illegible] Andrew was [illegible]

Q [illegible] I don't know, I don't [illegible] Andrew came together [illegible]

Q [illegible] A [illegible]

Q [illegible] A Yes.

Q [illegible] A He came down with them.

Q [illegible] A Yes, sir.

Q [illegible] Nation.

Q Has [illegible] in that vicinity ever since? A He went back to Kansas [illegible] here.

Q That [illegible]

Q [illegible] A I don't know how long he did [illegible] in Kansas.

Q When he came [illegible] A Yes, he had his family.

Q Well, have you [illegible] here ever since? A Yes.

Q Well, he has a [illegible]? A Yes.

Mr. Smith: How old were [illegible] came over to the Cherokee

[illegible] exact age, but I was [illegible] they come as [illegible] of, the party you came [illegible] seventy wagons in [illegible] I think it was [illegible] Daniels up to about [illegible] do you? A No. [illegible] life, and about his [illegible] come to you to live?

Q [illegible] A No.

Q [illegible] in her life time.

Q How long has [illegible] now.

Q [illegible] A I don't know, it was several years ago.

Q [illegible] Daniels a wife at this time? A Yes.

Q [illegible] is her name? A I don't know.

Q Don't know her name? A No.

Q Would you know her name if you would hear it? A No, I never did know her name.

Q Do you know anything about the children of Andrew Daniels' present wife? A [illegible]

Q Do you know [illegible] of any of these children? A No, but I would know [illegible] I [illegible] time.

Q Do [illegible] of any one of them? A No.

Q Did [illegible] who is dead, [illegible] you spoke, have any children [illegible]

Q Do you know the name of any of her children? A No.

Q Do you know anything about the woman who is Andrew Daniels' present wife? A No.

Q Do you know how long she has been the wife of Andrew Daniels, how long they have been [illegible] A No.

Q Is it a short [illegible] A I don't remember how long it has been [illegible] living together, I don't remember, don't know.

Mr. Hastings: Do you know [illegible] came with in that crowd of Delawares? A Yes, [illegible] one fat old widow woman, her [illegible] Andrew went back to Kansas [illegible]

Q Do you know of your [illegible] Andrew was in the Cherokee Nation [illegible] this time that you speak of [illegible] or not? A No, I don't know anything about [illegible]

Q [illegible] Andrew Daniels? A It was about a year before the [illegible] reservation up there in Kansas.

Q About a year before the [illegible] came down to the Cherokee Nation? A [illegible]

Q Was that the first [illegible] of the Delawares or the second time?

A The second time.

Q What season of the year was it when you came down with the Delawares? A [illegible]

Q [illegible] you know [illegible]

Q [illegible] A Yes, sir.

Q Did you [illegible] A [illegible] nearly all winter

right close to [illegible]

Q [illegible] A [illegible] to the Cherokee Nation?

A [illegible]

Q [illegible]

Q [illegible] in June?

A [illegible]

Q [illegible]

lies, [illegible]

Q [illegible]

Q [illegible] he was marking ties

the w[illegible] with [illegible]?

A [illegible]

the I[illegible] all I saw [illegible] on the road with

Q [illegible] in [illegible] A. Well I

don't [illegible] Cherokee [illegible] hired him to

drive [illegible]

Q [illegible] A Yes, sir.

Q [illegible] A Yes, sir.

Q [illegible] A Yes, sir.

before [illegible] down in the Cherokee Nation

Q Does he live in your neighborhood now? A Yes, right close to

Newey.

Q Had he been living there ever since he went back up to Kansas

and got his [illegible]? A Yes.

[illegible] being duly sworn and examined by Commissioner [illegible]:

Q Give [illegible]? A [illegible] full name. Edmund [illegible] Carey.

Q [illegible] A [illegible] 70.

Mr. [illegible] Carey. [illegible] father's name? A [illegible]

Q [illegible] the war? A He lived right on

the [illegible] sorry, it was known, about

Half [illegible]

Q [illegible] A [illegible] there I lived not.

Q [illegible] A

Q You are a [illegible] Nation by blood?

A Yes, sir. [illegible]

Q [illegible] name? A [illegible]

Q [illegible] A No, sir.

Q [illegible] A [illegible]

Abbie? A [illegible] as a slave by the name of

Q [illegible]

left in [illegible] reference to the war? A I

A [illegible]

Q Was your [illegible] A No, he moved across into Missouri [illegible]

Q [illegible]

Q [illegible] A [illegible] was with my father.

Q [illegible]

Q [illegible] A Yes, [illegible] in Vale.

Q [illegible] A [illegible] Q He is dead.

60 ye[illegible] A [illegible] just exactly, about

Q [illegible] the war? A [illegible] two or three

years.

Q [illegible] your father - I believe I said in speaking

A [illegible]

Q In [illegible] did he have this colored woman, Abbie, with him?

A No, sir.

Q Where did you see your father? A [illegible]

Q Did he [illegible] with him? A No, sir.
Q Did [illegible] Fort Smith? A No, he went on back up to [illegible]
Q Fort [illegible] sir? A Yes, sir.
Q [illegible] Yes, sir.
Q [illegible]
Q [illegible] with him? A None at all.
Q [illegible] woman, Abbie? A Well, he said he [illegible] Fort Smith.
Q [illegible] tell you that? A Well, when I first met him in Fort Smith.
Q In June of '63? A Yes, sir.
Q And you saw her no more? A Never saw her any more, never [illegible] her.
Q You [illegible] never seen her since the war? A No, if I have I haven't [illegible] her.
Q You don't know by what name she goes now? A Well now, her man was by the name of Daniels.
Q Well, did you know Daniels first name before the war? A Andy.
Q To whom did Andy Daniels belong before the war? A He belonged to one of the [illegible], I don't recollect his name now.
Q Anyway, the man and the woman belonged to different people, didn't they? A Yes, sir.
Q Your father had no control over Andy? A None at all.
Q Was there any other Thomas Carey, who lived over there on Grand River, [illegible] the war? A No, sir.
Q [illegible] Mr. Carey, how old were you when the war commenced? A I don't [illegible] remember about that.
Q Married or single? A Married.
Q Where were you living? A I was living right on the river bank at the ferry.
Q How far from your father's? A About half a mile or more.
Q What date did you leave there, you speak of going away? A I went away in July sometime.
Q What year? A '63.
Q Where was your father at the time you left? A Well he went, when I went to the army, went to Missouri.
Q He go before or after you left? A He went just the same time, we both went across the line at the same time. I went to the army and he went to a [illegible] up there.
Q Did you leave your [illegible] and travel together until you crossed the Missouri line? A [illegible], sir.
Q That was in July, '63, [illegible]? A Yes, sir.
Q Then where did you [illegible] from your father? A Separated right there in the [illegible] in the army and he stayed there.
Q Then how long [illegible] it until you saw your father again? A Well it was [illegible] in June, [illegible].
Q About a year? A [illegible] a year, it wasn't quite.
Q Are you sure it was [illegible]? A Yes, I am pretty sure it was '63.
Q You [illegible] statement? A No, sir, don't think I could.
Q Now [illegible] your father doing in Fort Smith? A He moved down there [illegible].
Q Had he [illegible] Fort Smith, was he living there? A Well, he moved down there with [illegible] darkies, and he said he sold them there; I was in the army, I don't know what he was doing. I met him there.
Q You [illegible] other members of your [illegible] family there? A No, sir.
Q How long had your father been in Fort Smith at the time you saw him? A He had been there a week or two.
Q That was June, 1863? A June, [illegible], as well as I recollect.
Q You [illegible] whether it was in the summer or not? A Well yes, sir, it was [illegible].

Q. [illegible] A. [illegible]

Q. [illegible] your father had sold [illegible] sir.

Q. Did [illegible] never shed him.

Q. He [illegible] or two of the times you [illegible]

Q. [illegible] you and he [illegible] that [illegible] and his family [illegible] and his wife and [illegible] and me. I went with them.

[illegible] you continue to see your father from [illegible] or did you stay in the Army? A. I [illegible] back up there.

Q. [illegible] your father? A. No, I didn't see him for a year afterwards pretty near, we went out on a scout and he went out to Texas with us.

Q. Did he have any slaves along when he went to Texas? A. No, sir.

Mr. Hastings: I want to introduce, from the laws of the Cherokee Nation, 1867, the date of the Delaware Agreement, made with the Cherokee Nation, about which date I suppose there is no dispute, which goes on the 6th day of April, 1867. I don't care to put the whole agreement in there, it is not necessary except for the purpose of the date when that agreement was entered into.

Commissioner: This testimony will be filed as supplemental [illegible] in Cherokee Freedman cause D-238, Andrew Dart vs et al; and also in Cherokee Freedman doubtful cases D-112, D-115, D-231, D-[illegible], D-253, and D-271.

Bruce C. [illegible], being duly sworn, says that as stenographer to the Commissioner to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Bruce C. Jones

Sworn to and subscribed before me this the 7th of October, 1901.

Commissioner.

N.F.D. 931

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. 1901

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

_____
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the _____ day of SEP 18 1901 1901.

McCutchen & Smith
Attorney for applicant.

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

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

_____

on the _____ day of _____ A.D. 1901

_____

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

_____
Notary Public.

Filed SEP 13 1901

NOTICE!

IN THE MATTER OF the application of Thomas Daniels for enrollment as a Cherokee citizen;

Case No. D 831

To Thomas Daniels or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on Oct 1st 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 on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

F B Bell

N. W. Hastings

Attorneys for the Cherokee Nation.

Chemistry

Grade

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 22 1901

ACTING CHAIRMAN

To be filed with the case of Patsy Whitmire, S. F. R. 638.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 20, 1906.

In the matter of the application of Sarah Whitmire for the enrollment of herself and two children as Cherokee freedmen.

Appearances:
Mellette & Smith, attorneys for applicants.
L. B. Ball, of counsel for Cherokee Nation.

Sarah Whitmire being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A. Sarah Whitmire; name on roll is Sarah Vann, and Sarah Whitmire.
Q How old are you? A I guess about 55?
Q What is your post office? A Marden, I. T.
Q What district do you live in? A. Cooweescoowee.
Q Now you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you want to enroll besides yourself? A. I have got a girl that is kinder mindless and a boy; he is in the penitentiary.
Q Are you married? A. Yes sir.
Q What is your husband's name? A. James Whitmire.
Q What are the names of these children? A. My husband is dead.
Q What are the names of the children? A. Sam Rogers and Mary Rogers.
Q How old is Sam Rogers? A 28 years old.
Q He is in the penitentiary? A. No sir, it is Will in the penitentiary
Q What is the matter with Sam; is he crazy? A. No sir, it is Mary.
Q He is all right is he? He must apply for himself. What is the name of the boy in the penitentiary? A. William Rogers.
Q What is the girl's name? A Mary Rogers.
Q How old is William? A. 28
Q How old is Mary? A. About 25 I guess.
Q Is William married? A. No sir.
Q Is Mary married? A. No sir, she lives with me.
(Mr. Mellette) How old are you? A. About 55 I guess.
Q Were you a slave in the Cherokee Nation? A. Yes sir.
Q Before the war? A. Yes sir.
Q Who owned you? A Joe Vann.
Q Was he a Cherokee Indian? A. Yes sir.
Q A citizen of the Nation? A Yes sir.
Q Did you live in the Nation during the war? A. Yes sir.
Q Did you go out? A Yes sir.
Q Where did you go? A Went to Kansas.
Q When did you come back? A. In the fall of 66.
Q Who did you come with? A. Bill Tucker.
Q Where did you go to? A. Down to Spring creek.
Q Which side of Grand river? A. I just can't remember, it is on the west side of Grand river.
Q On this side of Grand River? A. Yes sir.
Q Same side that Coweesco is? A. Yes sir, it is in Saline district, Spring creek is.
Q Well, were you a grown girl at the time you got back? A. Yes sir, I was grown and had one child when I came back.
Q What was your father's name? A James Vann.
Q What was your mother's name? A. Patsy Vann.
Q Did your mother come back with you? A. No sir.
Q Did your husband come back with you? A. Yes sir.
Q What was his name? A James Vann.
Q What was it you said about Tucker? A Bill Tucker, I came with Bill Tucker and his family and another old man they called Babo Bill but he is dead.
Q And you came with your husband? A. And my husband was along with me
Q Where have you lived since that time? A. Well, I has lived on many places right around there in the Territory.
Q What Nation have you lived in since that? A. Just right around here, and I have lived on Grand River a while, and on Spring creek and now I

am living at Lightning creek.
Q What Nation have you lived in? A. I have lived in Saline.
Q Cherokee Nation or Choctaw Nation or Chickasaw Nation? A No sir, I haven't lived nowhere but inside the Cherokee Nation ever since I returned back; why I haven't never been no place but right around here in the Nation.
Q Is your name on any roll? A. Yes sir, on the Clifton roll and the Wallace roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kern Clifton roll examined, and the applicants identified thereon as follows:
Sarah Whitmire on page 135 No 3835, Goweseeowee district, as Sarah Vann;
William Rogers on page 130 No 3841 Goweseeowee district, as Will Rogers.
Mary Rogers on page 130 No 3841 Goweseeowee district.
The Wallace roll examined and the applicants identified thereon as follows:
Sarah Whitmire on page 134 No 2811 Goweseeowee district as Sarah Rogers;
William Rogers on page 134 No 2812, Goweseeowee district as Wm. Rogers.

(Mr. Bell) You did you say came back with you? A Bill Tucker
Q Is that the Bill Tucker that lives on Cabin creek now up near the Kansas line? A. Yes sir, he is the man.
Q Lived in Goweseeowee district? A Yes sir, and another old man they call Rube Still, Henry Still's father, he is dead.
Q Anybody else? A. And a half sister of mine.
Q Now were did you come to when you first came here? A Our down on Spring creek.
Q Wheredid you first come in into the Nation? A. Why down on Spring creek
Q Where didyou cross the Kansas line? A Why I crossed the Kansas line up here on Russell creek, I guess it was, I dont know nothing much, only just left Kansas and coming down here to my old Kansas home, and I have been here ever since I come.
Q You didnt stop anywheres then after you crossed into the Nation until you got to Spring creek? A No sir, I didn't.
Q And you did stop there did you? A Yes sir, I stoppedthere.
Q How long did you stay there? A. I guess I staid there about three or four years I reckon, I disremember; of course I never did give it a thought, when I was living around,nothing about this excitement going to come up; If I had dont you know I would have kept track of the dates and the month and everything.
Q You didn't then come on down to Fort Gibson and into the Choctaw Nation? A. No sir, I didn't, never went to the Choctaw Nation; my husband would go to Gibson and haul around there, but I didn't go.
Q Did your husband come back with you? A. Yes sir he came back.
Q What was his name? A. Joe Rogers
Q You said him went and stopped right on Spring creek, at what house? A I stopped in with my grandmother, old Granny Nannie some calls her
Q How far is that from Katie Williams? A. About ten or 12 miles I guess
Q You stopped then near down about Joe Vann's old place? A Yes sir, right to my same old home.
Q How far is that from where Mrs. Archer was living at that time? A. About three miles I guess.
Q Was she living right at the old Joe Vann place, or at her own place? A She was living at her own place.
Q Was shethere when you lived there? A. Yes sir, I guess she was, I saw her the next morning after we came down.
Q What time was that you say you came back? A. In the fall of '69.
Q What month? A. I just cant tell what month it was.
Q Was it cold weather? A. Yes sir, it was along in the fall like.
Q And you lived there three or four years before you moved off? A Yes sir.

Q Then where did you go to? A. Moved up in the Lynch's settlement and stayed there a while and then moved over here on Grand River, and then from there ~~[illegible]~~ went here on Pryor creek, and stayed there five or six years, and then back over here on Lightning creek.
(By W. W. Hastings X Cherokee attorney)
Q Your husband, Joe Rogers, got killed? A. Yes sir he got killed.
Q Bill Pigeon, a full blood Indian killed him? A Yes sir.
Q And he was indicted at Fort Smith in the United States Court for killing him? A. Yes sir.
Q And they sent for you? A. Well, I didn't say it; they summoned me to come down there, and of course I had to go, but I never swore at all he was a new citizen here because I know he wasn't, and they didn't get the man.
(Commissioner) What was your maiden name before you were married ?
A My maiden name was Pooley, or some called me Sarah.
Q What was your last name? A. Sarah Rogers.
Q Before you were ever married? A Before I ever married?
Q Before you married any man? A. My name was Sarah.
Q Sarah what? A. Sarah Venn.
Q What was your first husband's name? A. Joseph Rogers.
Q Never been married but twice? A Just twice; James is dead.
(Mr. Mellette) Now Sarah, you have no children by Whitmire? A. No sir

L. D. Daniels, being duly sworn by Commissioner Needles, testified as follows:
(Mr.Mellette) What is your name? A L. D. Daniels.
Q What is your age? A. 56.
Q Where do you live? A. Post office, Claremore.
Q Are you on the authenticated roll of freedman citizens of the Cherokee Nation? A. Yes sir.
Q Do you know the applicant here, Sarah Whitmire? A. Yes sir.
Q How long have you known her? A. I have known her something over thirty years.
Q Did you know her husband, Joe Rogers? A. Yes sir, I was well acquainted with him.
Q How long did you know him? A. About 36 years, Joe Rogers.
Q When did you first see him after the war; where did you first see him? A. I seen him in Christmas, in '66, at Fort Gibson, at Willia, P Ross'
Q Do you know whether he was married to this woman at that time or not? A. No sir, I didn't at that time but I did afterwards
Q Was she there? A. No sir, he was just there himself.
Q How long after that before you saw her? A It might have been, I dont really know, I believe it was the next summer I think.
Q Did you see Joe off and on after that? A Yes sir.
Q What became of Joe? A. He got killed.
Q Well, after you got acquainted with this woman, where did she live? A She lived on Grand river in the district of Saline.
Q On which side of Grand river? A On the east side.
Q Which side of Grand river is Spring creek? A. On the east side.
Q It is not on this side then? A. No sir.
(Mr Bell) Was you issuing rations at the time you saw Joe? A. No Sir, I was working for Bill Ross at that time.
Q That was Christmas of '66? A Yes sir.
Q What was Joe doing at Bill Ross'? A He went there to get an order to see if he couldn't kill some beeves for his folks.
Q What time in Christmas was that? A. It was just after Christmas, it must have been about the 26th or 27th of December, '66.
Q How long did he stay there? A. Why he came to the fence and asked was there where Bill Ross lived, and I told him yes, and he said he wanted to see him, and I took him in the house; it might have been a quarter of an hour or mybe longer before I found out what he was after
Q Well he left there then did he? A. Yes sir, Mr. Ross told him he couldn't kill any more beeves, that it was a violation of the law.
Q That was in '66? A Yes, that was in December the latter part of December.
Q Then had had a law then authorizing the killing of these beeves? A They didn't issue the order whether there was any law or not, they had stopped at that time, the way he told Joe.

Q Wasn't there an act of council authorizing beeves killed, stray cattle? A I dont know anything about that, I got two orders from Mr. Downing in the summer of '66.
Q Do you mean to say that the Chief just issued you orders to go out and kill cattle? A I guess so, he told me.
Q That is what you done? A Yes sir, got an order from Chief Downing, and it was the custom.
Q Well, Joe left then, did he, and went off? A Yes, I guess he did; I seen him the next summer after that; I was up there and seen him, up the Spring creek in the Cherokee Nation.
Q Where was he living? A Living right on the old Military road that leads to Tahlequah.
Q What place? A Just the other side of old man Vann's between that and the mountain.
Q How far from old man Vann's? A Might have been a mile and maybe farther and maybe not quite so far.
Q Dont make it so indefinite, cant you name it a little more definite than that? A I think that is enough.
Q Might have been a mile and might have been more and might have been less? A Itwas in the neighborhood of a mile, more or less.
Q Then you saw Joe there the next summer? A Yes sir the next summer.

FRANK ROSS, being duly sworn by Commissioner Needles, testified as follows: (By Mr. Mellette)

Q What is your name? A. Frank Ross.
Q What is your age? A. 53.
Q Where dod you live? A Lightning creek.
Q Are you a freedman citizen of the Cherokee Nation? A. Yes sir.
Q On the 1880 roll? A. Yes sir.
Q Do you know the applicant, Sarah Whitmire? A. Yes sir.
Q What was her name before it was Whitmire? A. Rogers.
Q Did you know her husband? A. Yes sir.
Q What was his name? A. JoeRogers.
Q How long did you know Joe Rogers? A Knowed him ever since he was a boy
Q How long have you known Sarah? A Knowed her ever since she was a girl, raised together.
Q Who was her master? A. Joe Vann.
Q Is he a Cherokee Indian? A. Yessir.
Q Do you know when she and her husband, Joe Rogers, returned to this Nation after the war? A. I seen them in '60 on Spring creek.
Q Where is Spring creek? A. East of Grand river.
(Commissioner) Seen who? A Joe Rogers and this applicant here.
(Mr Mellette) Where did they live after that? A They moved up on Grand river after that and then moved over on Pryer creek and then they moved on Lightning where she is living now.
Q What became of Joe Rogers? A. He got killed.
Q Who killed him? A. Bill Pigeon, a Cherokee
(Mr. Bell) Where were you living at Frank? A. Living down on the old Tom Rider place in '66.
Q That the time you saw this applicant? A. Yes sir, I had been down to Tahlequah and I was coming back home, and I saw them on Spring creek close to old Joe Vann's.
Q What time of the year was that? A. In the fall of '66.
Q How long had they been there? A. I dont know how long they had been there, it was in the fall when I saw them.
Q Did you stop at their house? A. Yes sir, stopped there a little while
Q Was that house right on the road? A. It was close to the road, it wasn't right on the road.
Q Wasn't it half a mile from the road? A. I dont think it was quite half a mile.
Q Didn't the old road go by Old man Joe Vann's place? A Not right along there; there is two roads, the Tahlequah road and the Fort Gibson road, the Fort Gibson road dont lead in the direction of Tahlequah, and it was the Tahlequah road I was on; there is two Tahlequah roads, one forks and runs up on Spring creek, and one forks and goes by his place.
Q That is after you pass the old man? A Yes sir, not far; he lived below the road, kinder west of the Tahlequah road,

Q Well didn't you have any talk with them about it on they had come?
A No, never had any talk [illegible] about when they came, but I saw them there.
Q You were acquainted with them before? A. Yes sir, I know Joe Rogers and knew her when we were boys together.
Q And you just happened up on them there? A. I came from Tahlequah and stopped in there.
Q How did you know they lived there? A. Because I knew they lived there, I heard; I had seen some of his folks and they said they lived there, seen Jess Vann and a lot and they said there was a lot of them living up there on the creek, Rab and House Rogers, and a whole lot of them living up there.

KATIE VANN, being duly sworn by Commissioner Needles, testified as follows:

(Mr. Mellette) What is your name? A Katie Vann.
Q What is your age? A A. 56 years old.
Q Are you a recognized [illegible] freedman citizen of the Cherokee Nation? A Yes sir.
Q Where do you live? A Live at Lenapah.
Q Do you know the applicant here, Sarah Whitmire? A Yes sir.
Q How long have you known her? A Ever since she was a little child.
Q Didyou know her owner before the war? A. Yes sir.
Q Who was that? A. Joe Vann.
Q Do you have any knowledge as to when she came back to the Cherokee Nation after the war? A. She came back in '66
Q How do you know? A. I saw them.
Q Where did you see them? A. On Spring creek, in Saline district.
Q Where has she lived since that time, what country? A She moved off over there about the river, I dont know whether it was Coweescoowee district or Delaware district.
Q Have you known her from that time on? A Yes sir.
(By Hastings) Did you go to Kansas yourself during the war? A. Yes sir.
Q Who brought you back? A. My husband.
Q What was his name? A. Sam Vann, and Jess Vann his brother.
Q What time in the year did you come back? A. In the spring of '66.
Q Did you make a crop down there that year, or your husband? A. No, my husband didn't, but my brother in law did.
Q On whose place? A. Martha Vann's and Dave Vann's.
Q Did you know Mrs. Archer before the war? A. Yes sir.
Q Know her after the war? A. Yes sir.
Q Where was she living when you came down there? A. Living on Grand river on her old place where we left her when we moved out of the country.
Q This woman came back after you did? A. Yes sir.
Q Who brought her back? A. Her husband.
Q What was his name? A. Joe Rogers.
Q He was a colored man, was he? A. Yes sir.
Q Anybody else came back with them? A Yes sir.
Q Who? A William Tucker and his family is all I know of.
Q That is all you remember? A That is all I can remember of coming back with them.
Q Where did they first live? A. Lived right across Spring creek east of where I lived.
Q How far was that from the old Vann place? A Well about two miles I guess, or might be more.
Q What direction? A East, kinder southeast.
Q How far was that from where Mrs. Archer lived? A About four miles as near as I can guess.
Q How long did Joe Rogers live there? A I dont know, about a year or two.
Q Was he killed here? A No sir.
Q Where was he killed? A. He was killed up in this district.
Q Bill Pigeon, a full blood Indian, killed him? A Yes sir.
Q He was indicted in Fort Smith? A I dont know about that.
Q You know he was indicted and scouted for it from the United States authorities? A Yes sir.

Q What Cherokees was living around there at the time that they first located there? A. Well, Miss Cowsing.
Q Frank Cohsing's wife? A. His mother, he was with his mother, he wasn't married then, and the Ridgeons, and Blackbirds and Boastenear.
Q Did you testify before the Keen Ellison Commission for this woman?
A No sir, she had other witnesses.
Q Did they make a place there? A. Yes sir.
Q And they lived there a number of years, did they? A. They lived there about a year or two, I dont know which, they made a little small field, and lived there, and made a crop there.
Q Did all the colored people on that place come back there in '66? A I dont know about all of them, but that I seen I know.
Q Do you know any other years but '66? A Yes sir, I know some years
Q What year were you married? A. I dont know.
Q What year were you born? A. I dont know.
Q What year was your oldest child born? A. I dont know the year it was
Q What year was the Wallace court? A. I have got it down in a book.
Q What year was the Wallace court? A. I dont know.
Q What year did the Keen Ellison court sit ? A I dont know, I dont want to answer that questions, that is not the kind I am meant to answer I am here for her, I don't——
Q You dont know any dates? A. I am not telling any lie at all about it
Q Do you know one date from another? A. Yes sir, I do, I know some.
Q You dont know any of those dates? A. I know some but I dont know all, but I know '66 because they told me about '66 and sent for us.
Q Have they told you about that year since? A. No sir, they sent for us in Kansas to come back here in '66 and the notice went out, and my husband carried the papers out.
Q Was that after the treaty was made? A. No sir, it was before.
Q And the papers was carried out before the treaty? A. Yes sir, for us to come home, that is how come me to know so much about '66, because they all said '66 was the year for us to come home and we would be citizens.
Q Well, this woman didn't come with you? A. Well she come in the same year, I know one spring to another is a year and one fall to another is a year, I always knowed that, and from one Christmas to another Christmas is a year.
Q And you remember the years when you saw a person come in the neighborhood? A I can remember when I saw a person where I saw them; I cant read and write.

SARAH WHITMIRE, recalled, testified.
(Commissioner) Why isn't William Rogers here? A He is in the penitentiary.
Q Where at? A. Columbus, Ohio.
Q He is living is he? A. Yes sir.
Q How long is he sentenced for? A. Five years.
Q How long has he been there? A. Four years, he hasn't been there four years.
Q Why isn't Mary here? A. She cant come here, Mary is kinder mindless, something or another, she has been that way ever since her father got killed.
Q She hasn't got a good mind? A. No sir, she hasn't got any mind at all, and it is a wonder I have any mind.
Q Does she live with you? A. Yes sir, she stays with me.
Q She wouldn't be competent to testify if she was here? A No sir, she wouldn't
Q Did Mary come back with you when you come? A No sir, Mary was born here.
Q William was born here? A. Yes sir, after I come back.
(Mr Hastings) What is William Rogers convicted of? A It is cattle, if he did it.
Q Stealing cattle? A. Yes sir, he denied he did it.
Q Who from? A Lewis Wright.
Q This colored man Lewis Whitmire? A. Yes sir.
Q He is a citizen of the Cherokee Nation isn't he? A. Yes sir.
Q What was he convicted? A. It is going on four years now since he was convicted.
Q For stealing from this man Lewis Whitmire, who is a citizen here of

The Cherokee Nation? A. [illegible]

(Commissioner) You don't [illegible] whether Lewis Whitmire is on the 1880 roll or not? A. Yes sir [illegible] but of course the United States Court taken the case.

Q Do you know Lewis Whitmire [illegible] on the roll of 1880? A Yes sir.

Q How do you know that? A [illegible] always claimed to be 1880 people.

Sarah Whitmire, Sarah [illegible] applies for the enrollment of herself and children [illegible] Joe Rogers. She avers that she was the slave of Joe [illegible] and that her maiden name was Vann; that she first married [illegible] Joe Rogers, by whom she had two children for whom she applies. Since the death of Joseph Rogers, she has married to one James [illegible], who is now living. She presents proof, as to her citizenship and that of her ancestor. She also presents proof of the fact that she returned. She went out of the Cherokee Nation during the war between the United States and the Confederacy, and returned in the year 1865. She is duly identified upon the Kern Clifton roll and the Wallace roll as Sarah Rogers. She cannot be identified on the authenticated roll of 1880 or the census roll of 1880. She applies for the enrollment of her son, William Rogers, 22 years of age, and avers that he is confined in the penitentiary at Columbus, Ohio, and consequently cannot appear for himself. She avers that said William Rogers is her child by her husband Joe Rogers. He is duly identified upon the Kern Clifton and the Wallace rolls. He cannot be identified upon the authenticated roll of 1880. She also applies for the enrollment of her child, Mary Rogers, whom she claims is insane and not in a mental condition sufficient for her to identify; she is not married and lived with her. The applicant, Mary Rogers is duly identified upon the Kern Clifton roll. They are duly identified [illegible] but by reason of the fact that the said Sarah Whitmire is not on the roll of 1880, and the further fact of the protest of the Cherokee Nation, said Sarah Whitmire, and her two children, Mary Rogers and William Rogers, will be listed for enrollment as Cherokee freedmen.

SARAH WHITMIRE, recalled, testified:

(Mr. Mellette) Do you remember exactly when that boy was arrested? A Ask that man (indicating) he said, he knows.

Q I say do you? A. Yes sir.

Q When was that? A. It has been three years ago since he has been arrested.

(Mr Hastings) Where was he tried? A He was tried in Vinita.

* * * * * * *

Bruce C. Jones, being 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 thereon.

(Signed) Bruce C. Jones,

Sworn to and subscribed before me this 28th of June, 1901.

(Signed) E. B. Needles,
Commissioner.

I, Chas. von Weise, upon my oath state that the above is a true and complete copy of the original.

Chas von Weise

Subscribed and sworn to before me this 19th of August, 1901.

[illegible]
Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes,
Muskogee, I. T. August 24 1901.

In the matter of the application of Nathan Whitmire, for the enrollment of his wife Patsy as a Cherokee freedman; she being sworn as a Cherokee freedman, testified as follows -

Q What is your name? A. Nathan Whitmire.
Q What is your age? A. 37.
Q What is your post office address? A Regidan.
Q In what district do you live? A. Goowoescoowee
Q Who do you want to have enrolled now? A. My wife Patsy.
Q You have been enrolled yourself? A. Yes sir.
Q What was your wifes name before you married her? A. Rogers.
Q How old is she? A. 21.
Q What was her fathers name? A. Joe Rogers.
Q What is her mothers name? A. Sarah.
Q Is your wifes name on any of the rolls of the Cherokee Nation? A. Kern Clifton and Wallace rolls.
Q Your wifes mother has been enrolled by this Commission as Sarah Whitmire? A. Yes sir.
Q Do you claim citizenship for your wife through her mother? A. Yes sir.
Q How long have you been married to her? A. Ten years.

Applicant's wife not found on the 1880 or 1890 rolls.

Kern Clifton roll examined and applicant's wife found as follows Page 164 No. 1844 Patsy Rogers, Goowoescoowee district.

Q Is she your first wife? A. Yes sir
Q Are you her first husband? A. Yes sir.
Q Have you and she been living together continuously since your marriage to her? A. Yes sir.
Q You have seven children? A. Yes sir.
Q You enrolled them with yourself? A. Yes sir.

By Com'r Needles- Nathan Whitmire applies for his wife Patsy; he avers her maiden name was Rogers, the daughter of Joe and Sarah Rogers, who afterwards married a Whitmire; she is not identified on any roll except the Kern Clifton roll. Applicant avers that his wife's citizenship comes through her mother Sarah Whitmire and the testimony taken in her case is hereby referred to and made a part hereof and a copy thereof will be made and filed here with. Said case being Cherokee Freedman Doubtful card 7886. Now the said Patsy Whitmire nee Rogers will be listed for enrollment as a Cherokee freedman on a doubtful card, and when the Commission arrives at a final decision he will be notified by mail of the same.

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

Subscribed and sworn to before me this the 24th day of July, 1901.

Chas. von Weise

Commissioner

CFD 932

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ACTING CHAIRMAN

File with Cherokee Freedmen B-932, Patsy Whitmire.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 11, 1901.

In the matter of the application of Sarah Whitmire for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

MARY P. ARCHER, being duly sworn by Commissioner Beadles, testified as follows:

Mr. Hastings: What is your name? A Mary P. Archer.
Q What is your age, Mrs. Archer? A 67.
Q You mean 67? I believe you said 76 a while ago? A It is 76.
Q What is your postoffice? A Pryor Creek.
Q Mrs. Archer, what was your maiden name? A Mary Vann.
Q What was your father's name? A Joseph Vann.
Q What was your mother's name? A Katie Vann.
Q Was your father living at the time the war came up? A Yes, sir.
Q Where was he living at that time? A On Spring Creek.
Q Now how far is that from where Chouteau is now? A About eight miles.
Q That is across Grand River, isn't it? A Yes, sir, across Grand River.
Q On which side, east or west? A East of Grand River.
Q Your father living there, you say, when the war came up? A Living there when the war came up.
Q You were married when the war came up, were you? A Yes, sir.
Q Did you remain in, or did you go out of the Cherokee Nation during the war? A We came back in the Cherokee Nation after the war.
Q Did you ever come back in the neighborhood of your old home place on Spring Creek? A After the war, yes, came right back.
Q Well, when did you come there? A We came there just a year after the war.
Q Now which year was that, you mean in the year '65 or the year '66? A '66.
Q You came there in '66? A I came to my home; I lived on my father's place one year.
Q Where did you live during the year '66? A I lived on my father's place.
Q Now where did you move from there? A To my own home.
Q How far was that from your father's place? A Three quarters of a mile.
Q How long did you live there? A I lived there fifteen, twenty years right there on the same place.
Q Do you know a colored woman that claimed to belong to your father by the name of Sarah? A Yes, sir.
Q By way of identification, it is the same Sarah who claims to have married a Joe Rogers that Bill Pigeon killed? A Yes sir.
Q You know of the circumstance of her husband being killed?
A Yes, sir.
Q Then it is the same Sarah? A It is the same Sarah I suppose.
Q I will ask you if she came back and lived at your father's old place on Spring Creek in the fall of '66?

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

Commissioner: You can ask her when she lived there; it is better to have asked when she came back; the question is leading, there is no question about.

A No,

[illegible] no.

Q [illegible] on this place, [illegible] your [illegible] A In the spring.

Q [illegible] A About '65.

Q And how long did you live on it? A [illegible] a year I think and then I [illegible] my own [illegible] there tonight.

Q [illegible] did she when the war came [illegible] A [illegible] when the war came up.

[illegible]

is for about 13 years, [illegible]

Q Did you ever see this woman, Sarah Vann, who afterwards [illegible] Rogers, after the war? A [illegible] her.

Q And yet you lived there within three quarters of a mile of the old place? A Yes, sir.

Q I will ask you the direct question whether or not she lived at any time during '66 or afterwards for ten or fifteen years on your father's old place? A No, I don't think she did, I certainly would have heard of her.

Q Could she lived on that place and you living on this adjoining place without your knowing it? A I certainly would have heard of it.

Mr. Mallette: Well Mrs. Anoher, you say you moved in that neighborhood in '65? A Yes.

Q Well then you changed places in '66, is that the idea? A Yes, about that.

Q Did you travel over the country a good deal after you came there? A No, just around the neighborhood.

Q You didn't see this woman there at all? A No, Never met her, never heard of her.

Q As a matter of fact you don't know where she was? A No.

Commissioner; This testimony will be filed with the original testimony in the case, and will also be made part of the record in D-832 and D-891.

****

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

Bruce C. Jones

Sworn to and subscribed before me this the 8th of October, 1901.

C. R. Breckinridge

Commissioner.

C.F.D-932.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 21, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of PATSY WHITMIRE as a Cherokee Freedman.

[illegible]

Cherokee Nation.

MR. HASTINGS: When did you marry her? A I married her some time in 1890.
Q In the year 1890, or in the nineties? A In t he year '90.
Q Thirteen years ago? A Some time in '90.
Q Are you living with her now? A Yes sir.
Q Been living with her ever since in the Cherokee Nation?
A Yes sir.
Q You have known her about twenty years? A Yes sir.
Q Since you have ~~xxx~~ known her she has always lived in the Cherokee Nation? A Always lived in the Cherokee Nation.

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

Wm Hutchinson

Subscribed and sworn to before me this 12th day of October, 19 03.

Charles W. Lawyer
Notary Public.

F.P. 932

Proof of Service made
and original filed with the
DAWES COMMISSION.
SEP 28 1901

R

SEP 20 1901

NOTICE!

IN THE MATTER OF the application of Patsy Whitmire for enrollment as Cherokee Freedmen:

Case No. F. D. 959

To Patsy Whitmire Hayden I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 18th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L. B. Bell

W. W. Hastings

J. P. Davenport

Attorneys for the Cherokee Nation.

Cher. Fr. D-493

XD933

[illegible] THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 13 1901
[illegible] Acting Commr.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application for the enrollment of Nina Goldsby and one sister as Cherokee Freedmen.

Fannie Goldsby, being duly sworn and examined before the Commission, testified as follows:

Q What is your name? A Fannie Goldsby.
Q How old are you? A 28.
Q What is your postoffice address? A Catoosa.
Q What district are you living in? A Coowescoowee.
Q For whom do you want to make application? A My two children.
Q What is the name of the oldest one? A Nina Goldsby.
Q How old is she? A 4 years old.
Q What is the name of the next one? A Roberta.
Q How old is Roberta? A 2 years old.
Q These children both alive and living with you at the present time?
A Yes, sir.
Q Who is the father of these children? A Luther Goldsby.
Q Is he a Cherokee Freedman? A Yes, sir.
Q Is his name on the roll of 1880? A Yes, sir.
Q He living at the present time? A Yes, sir.
Q Are you married to him? A Yes, sir, I am separated.
Q When were you married to him? A In 1897.
Q Have you any evidence of your marriage? A Yes, sir (exhibits paper), Rev. J. Franks, a Baptist preacher married us at Catoosa, I had a certificate and I lost it.

Commission: The applicant presents a Cherokee marriage license authorizing the marriage of Luther Goldsby, a citizen of the Cherokee Nation, and Miss Fannie Gordon, a citizen of the United States; license issued by Joe M. Lahay, Clerk Coowescoowee district, on the 15th of January, 1897. The applicant states that the marriage certificate has been lost.

Q Were you ever married before you married Goldsby? A Yes, sir.
Q What was the name of your first husband? A Will Gordon.
Q Was he a state man? A Yes, sir, I married him in the states.
Q Is he living? A No, he is dead.
Q Did you live with him continuously up until the time of his death?
A Yes, sir.
Q Was Luther Goldsby ever married before he married you? A No, sir.
Q How long did you live with Luther Goldsby? A We lived together I guess nearly two years or more, then we parted and we thought we could make up again and we lived together about three months and parted again.
Q How long after your separation was Alberty born? A '98, just about a year I guess.
Q A year after your first separation or last one? A The last one.
Q When did you separate from him the last time? A We went back together in April, I believe.
Q What year? A April of 1898; and lived together till about May I think, May or June, I forget which one, close on to three months I think.
Q Have you a certificate as to the birth of this child Roberta.
A I have, but the lady was here that was to make it out and she went backhome.
Q What is the exact date of this child, Roberta's birth? A Two years old last April.
Q She was born about one year after you separated from your husband, Luther Goldsby? A Yes, sir.

Q Ma is the father of this child? A Yes, sir.
Mr. L.B.Bell, Cherokee attorney: Did you say you were married before you married Goldsby? A Yes, sir.
Q What became of your husband? A He died.
The Commission: What is the date of Nina's birth? A The 24th of February, but she has got it the 29th I think.
Q The 24th of February, 1897? A Yes, sir, she has got it the 29th.
Q The child was born just about one month after your marriage?
A Yes, sir, we lived together 11 months before we were married.
Q Have you re-married since your separation from Luther Goldsby?
A No, sir, I haven't married anybody.
Mr. Bell: How long have you and him been parted this last parting?
A Lets see, It has been two years I guess, two years and nine months or something like that.
Q Where do you live now? A Catoosa.
The Commission: What was the date of Roberta's birth? A Roberta was born in April, the 3rd, 1899.
Q And you separated from Goldsby in May or June, 1897? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the father of applicants identified thereon, page 512, No. 312, Illinois district, as Luther Beck.

Q Was your husband ever known as Luther Beck? A Yes, sir.

The 1896 census roll of Cherokee Freedmen examined and the name of Luther Goldsby found thereon, page 951, No. 886, Illinois district.

The Commission: Fannie Goldsby applies for the enrollment of her two children, Nina and Roberta Goldsby, as Freedmen of the Cherokee Nation. She avers that they are the children of one Luther Goldsby, who is identified upon the authenticated roll of 1880 and the census roll of 1896. She produces a Cherokee marriage license authorizing her marriage to one Luther Goldsby, the license issued on the 15th of January, 1897, by Joe M. Lahey, Clerk of Cooweescoowee district. She avers that her first child, Nina Goldsby, was born in February, 1897, or one month after her marriage. She also avers that she and Goldsby lived together until April. 1898, when they separated. It appears that from the testimony that her second child, Roberta, was born on the 3rd of April, 1899, or one year after her separation from her husband. For the reason that the first child was born one month after her marriage, and the second child one year after her separation from her husband, both children will be listed for enrollment as Cherokee Freedmen upon a doubtful card, and the applicant will be required to file with the Commission satisfactory proof as to the birth of these two children, and also a certificate from the minister who performed the ceremony between her and Luther Goldsby.

Applicant: The minister is dead, but there is other people knows me.
Q Anybody that saw you married? A No, sir, there is nobody here.
Q Well, if you can't procure a certificate from the minister, if he is dead, it will be necessary for you to bring before the Commission several witnesses who were present and saw the marriage ceremony performed. A There is only one living.

****

Cherokee Freedman-D-725.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 22, 1906.

In the matter of the application for the enrollment of Nina Goldsby and Roberta Goldsby as Cherokee Freedman.

Luther Goldsby, being duly sworn, testified as follows:

Q. What is your name? A. Luther Goldsby.
Q. How old are you? A. 26, or will be in August.
Q. What is your post office address? A. 612 South 3rd. st., Muskogee, Indian Territory.
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. Are you on the approved roll? A. Yes sir.
Q. Do you know Nina and Roberta Goldsby? A. Yes sir.
Q. What relation are they to you? A. They are my children.
Q. Who is the mother of these children? A. Fannie Goldsby.
Q. Is she living? A. Yes sir.
Q. Is she a Cherokee Freedman? A. No sir.
Q. When were you married to her? A. In '91 I believe.
Q. By whom were you married? A. By a preacher named Franklin.
Q. Where were you married? A. At Catoosa, I.T.
Q. Aren't you mistaken about the time of your marriage? A. I think it was in '91.
Q. How soon after your marriage was Nina born? A. I don't know for I wasn't there.
Q. About how long? A. I don't know.
Q. Was it a short time? A. Yes sir, I think it was.
Q. Was it within a month or two? A. I guess probably two months.
Q. Is Roberta Goldsby your child? A. Supposed to be, yes sir.
Q. Were you living with your wife at the time this child was born? A. No sir.
Q. Had you separated? A. Yes sir.
Q. For how long? A. After Nina was born?
Q. Yes? A. Four months, I guess.
Q. Did you ever live together as man and wife after four months after Nina was born? A. Yes sir.
Q. You were not divorced from her at the time Roberta was born? A. No sir.
Q. You were husband and wife at the time Roberta was born? A. A. Yes sir, and a good while after that, but we were not living together.
Q. Was your wife married before she was married to you? A. Yes sir.
Q. To whom? A. A fellow by the name of Gordon.
Q. Was he dead at the time you were married to Fannie Goldsby? A. Yes sir.
Q. How long had he been dead? A. I don't know just exactly.
Q. Was it a year? A. I couldn't say for I don't know.
Q. What is your best judgment? A. Probably for a year.
Q. Where have these children been living since they were born? A. At Catoosa and Coffyville. They are living in Coffyville now.

Territory, and [illegible]

Q. Have you ever lived with Fannie [illegible] born? A. No sir.

Q. Have you ever been divorced from her? A. Yes sir.

Q. When? A. It has been about 5 years ago.

Q. Where did you obtain the divorce? A. At Vinita.

Q. Where were you living at that time? A. At Vinita.

Q. Where was your wife living then? A. At Catoosa.

Q. Is that in the Cherokee Nation? A. Yes sir, right near the Creek line.

Q. Are you not mistaken about the time of your marriage? A. I am sure that I must be mistaken. I have the license-- or rather, she has, and I can get it.

Q. She testified it was January 15, 1897 when the license was issued. Is that correct? A. I guess it must be. I am sure I am mistaken now, since I spoke.

Q. Had you been separated from your wife for a long time prior to the birth of this child, Roberta? A. Yes sir, quite a bit.

Q. A year? A. Yes sir.

Q. Did you cohabit with her after that? A. Yes sir.

Q. And she [illegible] the father of it.

Q. Why didn't you say so in the first place? A. (Laughs)

Q. So you want this Commission to understand that you separated from your wife, Fannie Goldsby, not long after the birth of Nina Goldsby, but that you cohabited with her afterwards, and that this child, Roberta, is yours. A. Yes sir.

WITNESS EXCUSED.

Eula Jenness 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, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jenness Branson

Subscribed and sworn to before me this the 22nd. day of March, 1905.

Myron Whitis

Notary Public.

MDG

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE
WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedman
R-933.

Muskogee, Indian Territory, July 5, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Fannie Goldsby for the enrollment of her two minor children, Nina and Roberta Goldsby, as Cherokee Freedmen, you are advised that before the Commission can render a final decision in this case, it will be necessary that further testimony be introduced as to whether Luther Goldsby is the father of the child, Roberta, and as to his status as a Cherokee freedman; also testimony as to the residence of the said minor children.

The applicant, Fannie Goldsby, has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at 9 o'clock A.M. on Wednesday, July 27, 1904, and introduce testimony as above indicated.

The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire in rebuttal of that offered by the applicant.

Respectfully,

Commissioner in Charge.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 17, 1901.

In the matter of the application for the enrollment of Frankie Grimmett and Harry Grimmett as Cherokee Freedmen.

Appearances:
A. S. McRea, attorney for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Hattie Adair, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Hattie Adair.
Q How old are you? A I am 35.
Q What is your post office? A Tahlequah.
Q What district do you live in? A I live at Timbered Hill.
Q Goweescoowee district is it? A Yes, sir.
Q What do you apply to be enrolled as, Cherokee Freedman?
McRea: I will state, your Honor, that she wants to enroll her two children just now, their father having been enrolled upon the Wallace roll and the Kern-Clifton roll, and he is now in prison, having been sent off to prison; she wants to enroll the children and their names I think appears upon one or the other of the rolls.
Q Are they your children? A Yes, sir.
Q What are the names of the children? A Frankie Grimmett.
Q How old is she? A She is 13 and past.
Q What is the name of the next one? A Harry Grimmett.
Q How old is Harry? A He is 10 and a little over.
Q What is the name of the father of these children? A Bill Grimmett.
Q Willis Grimmett, isn't it? A Well they call him Bill.
Q Is he living? A Yes, sir.
Q What is the name of the mother of them? A Hattie.
Q Are you the mother? A Yes, sir.
Q Were you married to William Grimmett? A Yes, sir.
Q Are you divorced from him? A No, I have no divorce.
Q Are you married at the present time? A Yes, sir
Q What is your husband's name? A William Adair.
Q Where is your husband, Grimmett? A At Lansing.
Q Is William Grimmett's name upon the roll of 1880? A I think it is.
Q Are you the mother of these children? A Yes, sir.
Q Have you any proof of marriage between William Grimmett and yourself? A I have.
Q Well, what is it; have you got it here with you? A Nothing only Mrs. Walker.
Mr. McRea: We just want to refer to the rolls to ascertain if the father, Willis or Bill Grimmett, appears upon the Wallace roll or any of the rolls of the Cherokee Nation.
Mr. Hastings: Did your husband have any relatives, father or mother, brother or sister? A A father.
Q What was his father's name? A Willis Grimmett.
Commissioner: How old is your husband William Grimmett? A Why to my best judgment he is somewheres, 35 or 40, I can't say just, I can't be positive of his age.
Mr. Hastings: Where did you marry your husband? A I married him at Timbered Hill.
Q In what year? A I can't tell you the date because I don't remember about how many years ago.
Q Near what town were you married? A Why near Chetopa, Timbered Hill.

Q At whose house were you married? A [illegible]
Q She was living in Chetopa at the time, wasn't she? A Why no, I said on Timbered Hill.
Q Answer the question whether she was living in Chetopa at the time? A No, it was on a place --
Q How far from Chetopa? A I don't know the miles, I can't tell you myself.
Q You were never out there before? A I was out there before, I had visited there.
Q Did William Grimmett have an own sister or brother? A He had a brother.
Q What was her name? A Bessie.
Q Did you ever know him in Oswego, Kansas? A No, I didn't know him in Oswego.
Q Did you ever live in Oswego? A No, I never lived there.
Q Have you known William Grimmett for the last 15 years?
A Yes, sir, of course.
Q Did you know him during the Wallace payment in 1906? A I can't tell you positively what payment it was, I can't tell that because I don't recollect it.
Q That was the payment before that last one that the colored people drew? A I don't know anything about that, I can't remember that.
Q Where have you been living? A Well, I haven't been stationary at any one place particularly because I had my children to take care of and had to work from one place to another.
Q There was this eldest one born? A Frankie?
Q The girl? A She was born at Mrs. Walker's.
Q Where was that? A At Mrs. Walker's place.
Q Well, where was that? A On Timbered Hill I think her place is called Timbered Hill.
Q Where was Henry born? A I haven't got any Henry.
Q Well, Harry? A He was born at Vinita.
Q You claim that you haven't lived with William Grimmett in Oswego Kansas since you married him? A I haven't lived at Oswego.
Q Have you ever stayed there any time? A I haven't been there any time, I have been through there.
Q Well, where have you been living? A I have lived at Vinita a while.
Q How long, and when? A The last two years I have lived there, err and on, just in and out.
Q Now your eldest child here is 15 years of age; was that child born when you married William Grimmett? A No, it wasn't.
Q It was born after you married him? A Yes, sir.
Q Then you married him about 1889? A I suppose so, I don't remember nothing about the dates.
Q Where did you live in 1888 or '89, immediately after you married him? A I lived out on his place a while.
Q Where was his place? A I will tell you the place in in a minute; the nearest p.o station is Welch.
Q In what direction from Welch did you live? A I can't tell young man what direction it is from here.
Q From Welch, your home, north or east or south or west?
A Seven miles if I am not mistaken, I think the place lies a little southeast if I am not mistaken; I can't tell you in just what direction it is because I don't know.
Q Who were your neighbors out there? A There wasn't very many there, hm; what is this man that lives close by --
Q You can't remember any of them? A Yes, I can, give me time and I can remember them; Gibson is one of the neighbors.
Q What is his first name? A I don't know his first name, I

called him Mr. Gibson.

Q Is that the only neighbor you can think of out there? A Well there was other white folks around.

Q As an actual fact, how long did you live on this place? A I lived there, you might say six months at a time, six months to three months at a time.

Q Where did you go to from there? He never made a crop on it?

A Yes, sir, made a crop on it, he has.

Q What kind of a crop, what did you plant or grow? A Why corn and potatoes and those things, of course.

Q Then where did you move to from there? A I was to Mrs. Walker's place and back and forwards to Vinita and work.

Q You never lived up in Kansas? A Oh I have lived in Kansas a short time, not very long at a time, back and forwards to the place.

Q ~~[illegible]~~ Now what kind of a place did you live in on that place? A Just a lumber, just this common lumber that they made those days, it was made out of ---

Q How many rooms to the house? A Just two rooms.

Q Do you own it yet? A Yes, sir, the place is there yet.

Q How many acres you got enclosed in the field? A There is 160 acres he said.

Q Does that belong to your husband Adair or did that belong to your former husband, Grimmett? A Why Grimmett, I didn't say anything about my husband Adair at all.

Q It is in the name of your husband Grimmett, all the time, is it?

A Yes, sir, it is.

Q And you have had that ever since you and he was married?

A Yes, sir.

Q And about seven miles southeast of Welch? A Well, I can't tell you from here what direction.

Q On which side of the M.K.& T. railroad? A It is on this side.

Q On the west side? A Yes, sir.

Q And yet you say it is southeast of Welch? A Well it must be I suppose this is south (indicating) and isn't this west (indicating)?

Q Do you live at Timbered Hill now? A No, sir, I don't live at Timbered Hill, I am living here now.

Q Here at Nowata? A Yes, sir, right here.

Q How long have you lived here? A Been down here for the last two or three weeks.

Q Where did you come from? A From Mrs. Walker's place.

Q Where is that? A Why Timbered Hill, where I have been visiting her.

Q How long have you been visiting her? A Been there a month I guess.

Q Where did you come from when you came to visit her? A I came from Vinita.

Q How logg had you been at Vinita? A I can't tell you how long I had been there.

Q Where did you come from when you came to Vinita? A I had been working at Gibson.

Q At Fort Gibson? A Yes, sir.

Q Who did you work for down there? A Worked for a family named Jones.

Q White or colored? A I worked for a white family.

Q Names Jones? A Yes, sir.

Q What did Jones do, the man? A He works, I don't know, at some store, he is some clerk.

Q Do you know where the store is he clerks? A I don't know just the store he clerks, because I haven't been there.

Q You never heard him say? A I never heard him say, I have my work to do, I am in the kitchen, I am not in the front part of the

house visiting.

Q How long had you been at Fort Gibson? A I think four weeks to that place.

Q What kind of a house did Jones live in? A It is a plain house.

Q Frame house or log house or what? A Frame house.

Q What part of town, who lived around him, some of his neighbors?

A I had no time to see who folks are.

Q You don't know? [No response.]

Mr. Rea: I don't understand what you are driving at. This woman is not making any application herself. I object to the manner of questioning this woman.

Commissioner: Well, you go on and ask her what questions you want.

Mr. Rea: Mrs. Adair, do you state that you are the mother of Frankie and Harry Grimmett? A Yes, sir.

Q The children of William Grimmett, who is now in prison at Lansing, Michigan? A Yes, sir.

Q Where were these children born? A Harry was born at Fort Gibson.

Q And Frankie? A At Vinita.

Q The was the father of your husband William Grimmett? A Willis Grimmett.

Q Do you know who was his mother? A Hester I think; but I'm never saw him.

Q Never know his mother? A No, sir, his mother was dead years ago.

Q Has he ever drawn any money for himself and these children? A He has never drawn from the children, he has drawn for himself.

Q Where were you and he married at? A We were married at Miss Lewis'.

Q Where? A At Vinita.

MrRea: In the Cherokee Nation? A Yes, sir.

MrRea: Now I would like to have the Wallace roll and the Kern-Clifton roll referred to for the name of William or Bill Grimmett.

Commissioner: You want to refer for these children, don't you?

McRea: A Yes, sir.

Commissioner: You and your husband William Grimmett separated?

A Well, he went to the pen.

Q When did he go? A The first time; he has been twice.

Q Is he in the pen now? A Yes, sir.

Q When did he go the first time, how long ago? A Well, I guess the time time was nearly 11 years ago, ten or eleven years ago.

Q How long was he sent for that time? A Two years and nine months, or three years.

Q Then did he come back? A Yes, sir.

Q You lived with him after he came back? A Yes, sir, when he came back.

Q Then how long did you live with him before he was sent the second time? A Well, he wasn't at home much, just in and out.

Q But you don't know how long from the time that he came out the first time until he was sent the second time? A Well, probably been two or three years.

Q How long was he sent for the second time? A Life time.

Q You ever procure a divorce? A No, sir.

The 1880 authenticated roll examined and the father of the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants not identified thereon.

The Wallace roll examined and the applicants not identified thereon.

Q You were married to Frank Grimmett on Timbered Hill? A Not Frank Grimmett, Bill Grimmett, yes, sir.

Q Who married you? A Preacher, just a common preacher.

Q Is he living? A I don't know.

Q What is his name? A Washington.

Q Now how long did you live with William Grimmett until he was sent to the Penitentiary the first time? A Well, probably two years, I am not certain.

Q Were both these children born before he was sent to the penitentiary the first time? A Not both the first time.

Q Frankie was born? A Yes, sir.

Q Well then how long after he was sent to the penitentiary the first time was Harry born? A The first time, a little over two years, no, three.

Q Three years after he was sent? A Yes, sir.

Q And that was before he came back from the penitentiary the first time? A No, it is not that, because he was here; Harry was only eight weeks old when he was sentenced this last time.

Q Then he must have been sentenced the last time about ten years ago? A I can't tell you because I don't know, I don't remember; I don't mean to say when he was sent off; he laid in jail six months.

Commissioner: Did William Grimmett have any relations you know of? A Yes, sir.

Q Who were they? A Ellis Grimmett and Emily Walker.

Q Did he have any uncles? A Ben Grimmett.

Q Did he ever have an uncle? A His uncle Ben.

Q You don't know whether your husband drew money for these children or not? A I don't think he did.

McRea: I didn't ascertain whether or not the name of William Grimmett was on the Wallace roll and the Kern-Clifton roll, the father of these children.

Commissioner: Did William Grimmett ever have a sister? A Yes, sir.

Q What was her name? A Bessie.

The Wallace roll examined and the name of Willie Grimmett found thereon, page 52, No. 686; district, Oswego, Kansas;

The Kern-Clifton roll examined and the name of William Grimmett found thereon, page 105, No. 2630, Sockwoorcowee district; no age given; on roll with Harry and Sec. 67 and 8 respectively.

McRea: Mrs. Adair, was your husband William Grimmett, was his post office address Oswego; did he ever receive his mail there; did you all ever live near that locality? A Well he was in jail there, while he was in jail he had his mail there.

Q While he was incarcerated in jail at Oswego, Kansas? A Yes, sir.

Q Where were you living then? A I was at Vinita here while he was in Oswego jail.

Q Is this William Grimmett, do you claim this William Grimmett, to be your husband, whose postoffice address at that time was Oswego, Kansas? A Yes, sir, my husband, Bill Grimmett.

Q And that he was the father of these children for whom you make application? A Yes, sir.

Q Well your child Frankie, does she ever go by any other name other than Frankie? A They call her Frances some times; her right name is Frankie.

McRea: I have nothing more to ask now. I would ask for a continuance until to-morrow, when we will get some witnesses.

Mr. Hastings: Where was your husband convicted first, in what Court? A At Oswego.

Q What was he convicted of up there? A Burglarizing.

Q You were living with him there at the time he committed the act?
A I wasn't even at Oswego.
Q Where were you living then? A I was down to his aunt, Andy Vann.
Q How long had you been married to him? A Well, I can't tell you just the number of years, because I don't remember.
Q Was this oldest child born then? A Yes.
Q Don't you know; you seem to be undecided? A No, I am not, I said yes sir.
Q Where was he convicted the second time? A Why at Florence, Kansas
Q What was he convicted for at Florence? A I can't tell; gamblers run all over, it is not for me to know.
Q You were not up there? A No, sir, I wasn't there.
Q What was he convicted of the last time? A Murder.
Q In the Courts of Kansas; he was convicted up there? A It must be in Kansas, I guess Florence is, I don't know; that is where he done the work.
Q Where were you and Adair married? A Parsons.
Q When? A February 15th.
McRae: I object to that.
Commissioner: That is all right.
Q What was that, last February? A No, sir.
Q What February, what year? A I can't tell you the year.
Q Was that this year or last year? A Not quite three years ago, a little over two years I think now.
Q Where is your child Frankie? A She is here.
Q How long has she been here, with you? A Yes, sir.
Q Have you got any of your husband's relatives here that you can prove that this William Grimmett is the William Grimmett that is on the roll? A They are here; they undoubtedly are here.
Q You intend to bring them in, do you, to prove that?
Q Why if it is necessary.
McRae: I object to that.
Commissioner: She doesn't answer that.
Commissioner: Did William Grimmett ever live in the Cherokee Nation after he was convicted first in Kansas? A Yes, sir, he was back and forward, I can't tell you how long, because he was just in and out.
Q You and him never had a residence? A We built our home.
Q Did you ever have a permanent residence in the Cherokee Nation after he was first convicted in the Cherokee Nation? A Why his home has always been here.
Q He has been in Kansas and he is now in the penitentiary, but the question is, did you ever live together or keep house together in the Cherokee Nation after he was convicted the first time? A Why I guess for two or three months we have on his place, after he came back the first time.
Q You lived on his place all this time? A Not all the time, because I had to work for my two children, they are both small, and I had to go where I could get work to do. I would come down here occasionally and visit here and work out.
Mr. Hastings: Where did you work? A I worked in different places?
Q Name some of them? A I can't do it.
McRae: I object to that; she is not the applicant.
Commissioner: It is a matter of residence of both of these children.
Mr. Hastings: She is reluctant to answer it? A I have told you twice.
Q Tell us what town you have worked in? A I can't do it.
Q Name some of them? A I worked in Tahlequah and Vinita.
Q Who did you work for in Tahlequah; give me the name of some one?

A I worked for a family named Wilson there.
Q What is his first name? A I don't know his first name, Mr. Wilson is all I know.
Q What is business? A I don't know, he has got a farm, I don't know as he is in any particular business.
Q What kind of a house did he live in? A Lived in a house like other folks lived in.
Q Brick house, stone house, what kind of a house? A No, a frame building.
Q Two story or one story? A Square top.
Q One story? A Square top I should have said.
Q When did you ever live in the town of Tahlequah? A Why I have been there in the last - - I was there the last two years, and past.
Q At Wilson? A At Wilsons.
Q Did Wilson have a wife? A No, sir.
Q A bacheler? A Yes, sir.
Q No children then? A Yes, he had a wife; I was just joking, the family I worked for had a wife.
Q What was her name? A Mrs. Wilson.
Q What was her first name? A I don't know, I always called my people I work for Mr. and Mrs, I didn't inquire and I can't tell you.
Q Was Wilson a young man or an old man? A He wasn't so old.
Q Light or dark whiskers? A He was about your color, if you call that light or dark.
Q About my size, build? A I can't tell you anything about your size, you are sitting down.
Q Did he have any children? A Oh yes, he had children.
Q What were their names? A Had a boy named Johnny, and the others was named Lillie and Maggie.
Q Those were two girls? A I guess Lillie and Maggie must have been girls.
Q And that was about two years ago you were there? A It must have beeng a little over.
Q Was it three years ago? A I didn't say three, I said over two years ago.
Q ~~Xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ Did they have a spring or a well?
A These people they had a well, just like they have a well on a place, a little ways from the house.
Q They live right in town? A I didn't say lived right in the heart of town, I didn't say that.
Q In the edge of town? A Yes, sir.
Q Which edge of town, north, east, south or west? A I don't know whether it is north, I can't tell you here whether it is north or south.
Q How long did you work for Wilson down there? (No response).
Q Where were these children all the time? A They stayed at Mrs. Walker's a part of the time.
Q Where was she living? A At Timbered Hill.
Q Is she any relation of yours? A No, sir, she is my husband's, I have no relations at all.

****

At request of applicant's attorney, case continued for further testimony.

****

In the application for the enrollment of
Frankie and Harry Grimmett-

Continued from Stenographer B. S. Jones.
Original application started June 17th 1901.
Present date being, Nowata, I. T. June 29th 1902.
* * * * * * * * * * * * * *

By A. S. McKee, (Colored) attorney for applicant-

WILLIS GRIMMETT, being sworn by Commissioner T. B. Needles, testified as follows for the applicant-

Q What is your name? A. Willis Grimmett.
Q What's your age? A. 58.
Q Post office? A. Welch.
Q Have you a son by the name of William? A. Yes sir.
Q Is he a Cherokee freedman? A. Yes sir.
Q Where is he now? A. In prison.
Q Was he ever married? A. Yes sir.
Q To whom? A. A woman named Hattie.
Q What is her present name now do you know? A. I dont know.
Q Is it Emma Adair? A. I think it is.
Q Did he have any children by her? A. One
Q Boy or girl? A. Boy.
Q Its name please? A. Harry.
Q Is that the same child that is enrolled with its father William on the Mann Clifton roll? A Yes sir.

By W. W. Hastings, Cherokee attorney.

Q Was the mother of this child a state raised woman? A. Yes sir.
Q When did you first see her? A. The first time was in Chetopa Kansas
Q When? A. I cant tell exactly.
Q About how long ago? A. 15 or 18 years ago.
Q Who was she living with then? A. Just working there in town.
Q Who for? A. I dont know just who
Q What was her husband's name at that time? A. I dont think she had one when I saw her then.
Q Did your son and she ever marry by a preacher? A. Not as I know of my own knowledge, only what I heard.
Q You never saw them living together? A. Yes sir.
Q Where? A. In Columbus Kansas.
Q When was that? A I cant tell just exactly.
Q Was it been ten years ago? A. About 15 or 16 years ago.
Q Do you know how long they lived at Columbus? A. About a year.
Q Was this child born while they were living together? A Yes sir.
Q In Columbus? A. Yes sir.
Q Where did he go from there? A. To the Territory.
Q Where did she go from there? A. I cant tell you that.
Q Have you ever been her since go to this time? A. No sir.
Q And that was about 15 years ago that you by they were living together A Yes sir.
Q And he came away from there and she remained there ? A I dont know where she went.
Q Did you ever see these two people living together in the Cherokee Nation? A. No sir.
Q Do you know of them ever keeping house together in the Cherokee Nation? A. No sir.
Q You were not there when they married? A. No sir.
Q Did you visit them there? A. Once.
Q Was this child Harry born at that time? A. Yes sir.

Q She had another child in the house too? A. Yes sir.
Q That was her child by some other man before they went to living together? A. Yes sir, supposed to be.
Q How many more did she have? A That was all.
Q Where is this child now? A. On the ground I think.
Q Have you seen it since you saw it at Galesburg? A. Once, just here.
Q When? A. This week.
Q Where have you been living? A. Near Welch.
Q How far from Timber Hill? A. Between 2 and 3 miles.
Q If this woman had been living at Timber Hill 13 or 15 years you would have known it wouldn't you? A. Yes sir.
Q Do you know a woman there named Mrs. Walker? A. Yes sir.
Q How far does she live from there? A. 7 miles.
Q Where did this woman come from when she came here to be enrolled? A I cant tell.
Q Were you ever at the house of Mrs. Walker? A. Yes sir.
Q Frequently? A. Yes sir.
Q Did you ever see the alleged mother of this child there? A. No sir
Q Ellis Grimmett is your son & isn't he? A. No sir I am Ellis Grimmett my son's name is Will.
Q Where is he now? A. In the pen.
Q In Kansas? A. Yes sir
Q What penitentiary? A. Lansing.
Q Where was he convicted? A. He got into trouble when they were taking that last census and was sent up there.

By McRae-

Q You said a while ago that you know your son and this woman were married in Galesburg 12 or 13 years ago and that they had this boy Harry? A. No sir I didn't state it in that way.
Q Is it correct that they had a child at Galesburg Kansas 18 years ago and that Harry is the child? A. No sir I didn't state that.
Q Then you dont mean to state that that child was born 18 years ago? A No sir, if I made that statement I am mistaken. I dont mean that he is 18 yars of age. He asked me how long it had been since I had seen my son there, and I said 18 years ago, never said anything about the child being born.
Q The record shows that you said that at that time there was a child there who was the child of your son and this woman? A. There was one there.
Q Was it Harry? A There was two there.
Q How long has it been to your knowledge since Will and this woman lived together as man and wife? A. I dont know as they were ever married.
Q Didn't you state that they were married and had this child born ? A I didn't say how long they lived together, I dont know how long they lived together.
Q Did they ever live together as man and wife? A. From what I can hear they did, I dont know of my own knowledge.
Q Didn't you state that this boy Harry was enrolled on the Nova Clifton roll was your grand son and the son of your son William? A Yes sir.
Q Didn't you state that Hattie , this woman here, was your son Willie's wife and the mother of this child? A. Yes sir.
Q Is that correct? A. Yes sir.

By Hastings-

Q You dont know if they were marrid or not? A. I dont know only what hearsay, I wasn't there.
Q How long had your son been in Galesburg Kansas before he began living

with her? A. I dont know.
Q How long was you there that time? A. I was just passing through and stayd there all night.
Q You dont know how long they lived together? A. No sir.
Q That was 12 or 13 years ago? A. Yes sir.
Q And that was the last time you saw this woman until your saw her here? A. Yes sir.
Q You know that she had a child before she lived with your son? A. Not of my own knowledge, but that is my information.
Q Is she married now? A. I dont know.
Q Was William ever married to some one here? A. Yes sir
Q Who? A. Mary Shafer.
Q When did he marry her? A. I just dont remember.
Q Was it before he went up there? A Yes sir.
Q Who married him to this woman down here? A. He is a preacher that used to preach in Vinita.
Q What became of his first wife? A. She is in the pen.
Q With him? A. She went since.
Q He never was divorced from her in the courts? A. Not that I know?
Q You let me understand you, do you mean to say that he was married to Mary Shafer before we went to Columbus and before you saw him with this woman sitting here? A. No sir it was after that.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the alleged father of the child applied for identified as follows-
Page 112, No. 1267 Willie Grimmet, Gooweescoowee.

Born Clifton roll examined and the applicant found as follows-
Page 105 No. 2631 Harry Grimmett, Gooweescoowee district.

By the Commission of the witness-

Q Where were these children born? A. One was born in Kansas
Q Which one? A. Joe.
Q Where was Frank born? A. I dont know.
Q Where was Harry born? A. I cant tell you.

Mattie Adair called and sworn as a witness for the applicant-

By A. S. McKee-

Q What is your name? A. Mattie Adair.
Q What is your age? A. I am 35 or 6.
Q What is your post office? A. Nowata.
Q Did you make application a few days ago for the enrollment of your two children Frankie and Harry Grimmett? A I have two children, Harry and Frankie, yes sir and I made application for them.
Q Who was the father of these children? A Bill or Will Grimmett.
Q Where is he now? A. In the pen.
Q Were you the mother of any other children besides these two before you and Will Grimmett married? A. No sir that is all I ever had.
Q Were you living in Columbus Kansas 12 or 13 years ago and were you the mother of a child at that time? A. I never lived there 12 years a ago.
Q Was you married then? A. No sir.
Q Was Will Grimmett your first husband? A. Yes sir.

Q About how long ago has it been since you and he married? A. I cant tell just the day nor the year, but it has been about 14 or 15 years ago.
Q How long did you and he live together as man and wife? A. We lived together about 2 years.
Q Are Frankie and Harry Grimmett the children of your former husband Will Grimmett? A. Yes sir.
Q You say you never had any other children? A. No sir.

By Hastings-

Q Who married you? A. A preacher named Washington.
Q Where were you married? A. Fort Gibson
Q You lived in Fort Gibson before you married did you? A. Yes sir.
Q Who with? A. The widow Lewis.
Q Where were these children born? A. Frankie was born at Fort Gibson at Mrs. Lewis'
Q When were you at Gulthrie Kansas? A My husband was in jail up there and I went up here to see him.
Q Where was Harry born? A. On Timber Hill.
Q Did you know this man Ellis Grimmett on Timber hill? A Yes sir I knew Father Grimmett there.
Q How long didyou live with Will Grimmett as your husband? A. About a year and six months, about six months before Frankie was born we separated.

By Hastings of Ellis Grimmett-

Q Where did you first know of your son living with this woman here? A To the best of my recollection it was at Gulthrie
Q Was he ever in jail up there? A. I think he was.
Q Was he in jail when you staid there all night? A. No sir.
Q They were living there then? A. Yes sir.
Q Was this boy Harry born in Gulthrie? A I think so.
Q And you never saw this woman on Timber hill? A. No sir.

By Hastings on witness Nattie Adair-

Q Where was Frankie born? A. At Fort Gibson.
Q At whose place? A. At Mrs. Lewis' place, a widow lady.
Q Didn't you say when you were here before that Frankie was born at Mrs Walker's place on Timbered Hill? A. No sir.
Q Where was Harry born? A. On Timber Hill.
Q Now didn't you state before that Harry was born at Vinita? A. No sir he was born on Timbered Hill.

Hester Grimmett, called and sworn as witness for the applicant-

By McBee-

Q What is your new Name? A Hester Grimmett or Williams it is now.
Q What is your age? A. 24.
Q What is your post office? A. Eufaula.
Q Are you an authenticated freedman? A. Yes sir
Q On the authenticated roll of Freedmen Freedmen? A. Yes sir
Q Are you acquainted with Will Grimmett? A. Yes sir he is my nephew.
Q Was he married? A. He said he was married.

Q. To whom did he say he was married? A.—

By Hastings— I object to that question.

By the Commissioner of Claims:

Q. Were you present at the wedding? A. No sir.

By Kohn—

Q. Just state to your old knowledge what he knew about this will, especially and this woman here being married? A. He claimed her as his wife in all that I knew.

Q. Did he also claim these children? A. Yes sir, he wrote a letter about them.

Q. Who did he write the letter to? A. To me.

Q. What did he say in that letter? A.—

By Hastings— I X object to that.

By Hastings of applicant—

Q. Were you and Will Garnett married by a license? A. No had a preacher marry me, and he gave him some writing.

By Hastings—

A. The representatives insist that the applicant be required to produce the alleged certificate of marriage or show that it has been destroyed or lost.

By Kohn—

I X except to that proposition.

By Sec'y Noellat,—

Hattie Adair applies for the enrollment of her two children Franklin and Harry Garnett; she states that she was married to one Will Garnett; Cherokee freedman who is deceased on the [illegible] roll of 1896 and who is not enrolled in the Cherokee Nation. The name of Franklin Garnett is not found on the roll of Cherokee freedmen and the name of Harry Garnett is found on the roll of Cherokee freedmen and the name of [illegible] is found on the roll of Cherokee freedmen. The testimony in [illegible] the marriage of the parents of the children. [illegible] the evidence [illegible] the mother Hattie Adair, Franklin and Harry Garnett will be enrolled for [illegible] as Cherokee freedmen as a [illegible] will be necessary [illegible] the mother to file proof of [illegible] and be accompanied by [illegible] the child designated of the [illegible] by mail.

* * * * *

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

Subscribed and sworn to before me this the 16th day of July, 1906.

Commissioner.

(C O P Y)

R

REJECTED as to Joe Grimmett.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application of Ellis Grimmett for the enrollment of his son William and grandson Joe Grimmett, as Cherokee Freedmen; being sworn by Commissioner Needles, and examined by the Commission, he testified as follows:

Q What is your name? A. Ellis Grimmett.
Q How old are you? A. About 40 years old as well as I can guess at it, I don't know my age.
Q What is your postoffice address? A. Welch
Q You live in Coweescoowee District? A. In Delaware.
Q Now who do you want to apply for. A. Willie Grimmett. Harry Grimmett and Joe Grimmett; ham is his 2 children.
Q Willie Grimmett is your son? A. Yes sir.
Q Is his name Willie or William ? A. William
Q Why does he not apply for himself? A. He is in prison.
Q What place? A. Lansing, Kansas.
Q How old is he? A. About 27 years old.
Q Was he born and raised in the Cherokee Nation? A. Yes sir
Q How long has he been in prison? A. Directly after the enrollment here, when they were taking the census.
Q The Kern-Clifton enrollment? A. Yes sir.
Q How long is he to remain in prison? A. If I aint mistaken I think it is 99 years.
Q You are his father? A. Yes sir
Q Who was his mother? A. His mother was named Lizzie
Q Is she living? A. No sir.
Q Was she a Cherokee Freedwoman? A. No sir
Q She was a state woman was she? A. She was a Choctaw I think
Q Was she recognized as a citizen of the Choctaw Nation? A. I could not tell, I don't know whether she was or not.
Q Did she ever live own there? A. No sir.
Q Were you married to her? A. Yes, sir.
Q Has William ever been recognized as a Choctaw? A. No sir.
Q Did he ever draw money as a Choctaw? A. No sir.
Q Did he ever apply for enrollment as a Choctaw? A. No sir.
Q What is the name of his first child? A. Harry
Q How old is Harry? A. About 11 years old I think
QQ What is the name of the next child? A. Joe.
Q Jee or Joseph? A. Jee.
Q How old is Jee? A. Jee is about 8 I expect.
Q Are these children both alive and living with you at the present time? A. No sir, they are living with their mother.
Q What is their mother's name? A. I can't think of Harry's mother, Hattie Adair.
Q Is she Harry's mother? A. Yes sir.
Q Is she living? A. Yes sir.
Q Is she a Cherokee Freedman? A. No sir.

Ellis Grimmett for son Wm. and grandson Joe--2

Q Who was Joe's mother? A. Willie Brown her name is
Q Is she living? A. Yes sir.
Q Is she a Cherokee freedman? A. No sir.
Q Was your son William married to Hattie Adair? A. I think so.
Q You don't know that he was married? A. No sir.
Q Youd didn't see them married? A. No sir.
Q You know that they ever lived together as man and wife? A. Yes sir
Q How long did they live together? A. 4 or 5 years I guess
Q Where did they live? A. They lived in Columbus awhile.
Q In Columbus, Kansas? A Yes sir.
Q I thought you said William had lived in the Cherokee Nation all his life? A. Well he did build, after he stayed there awhile, he come and built in the Territory right there near me.
Q When did he go to Columbus? A. He wasn't there long, he didn't stay more than a year.
Q He was in prison at that time? A. No sir, he wasn't in prison then.
Q Was he married to Willie Brown, Joe's mother? A. No sir.
Q He wasn't married to her atal? A. No sir.
Q She was a state woman? A. Yes sir.
Q Is there anybody here kno s he was married to Hattie Adair? A. Not that I know of; she is here on the ground.

HATTIE ADAIR, being sworn by Com'r Needles, and examined by the Commission, testified as follows:

Q What is your name? A. Hattie Adair
Q How old are you? A. About 35 or 36 I don't know my age, just exactly.

Com'n: It appears from the testimony taken in the matter of the application of Hattie Adair for the enrollment of her 2 children, that application was made on the 7th day of June for the enrollment of one Harry Adair; it appears that the Harry Adair applied for at that time is the same Harry Adair for whom application is now being made, consequently, the application being made at this time for the enrollment of said Harry Grimmett will be withdrawn.

Applicant, ELLIS GRIMMETT, re-called, and further examined:

BY COMMISSION:

Q You know of your own knowledge that William Grimmett was never married to Willie Brown, Joe's mother? A. To the best of my judgment.
Q You know they were never married? A. Yes sir
Q Is William's name on the roll of 1880? A. Yes sir.
Q Is his name on the 1896 roll? A. No sir.
Q Did he draw the Kern-Clifton money? A. Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's son identified on
page 112 #1307 Willie Grimmett, Cooweescoowee Dist., "No age or nationality."
1896 census roll of citizens of the Cherokee Nation examined for applicants and names not found:
Kern-Clifton pay roll of citizens of the Cherokee Nation examined for applicants and identified on
page 105 #2630 William Grimmett, Cooweescoowee District;
page 105 #2632 Joe Grimmett, Cooweescoowee District.

Ellis Grimmett for son Wm. and grandson Joe--S

COMMISSION: Ellis Grimmet applies for the enrollment of his son William Grimmett, who has 2 grandchildren, Harry and Joe Grimmett; it appeared, however, during the course of the examination, that application had already been made for the enrollment of his grandson, Harry Grimmett, consequently application made at the present time was withdrawn; said William Grimmett is identified upon the authenticated roll of 1880 and the Kern-Clifton roll of 1896; he is at present in prison at Lansing, Kansas; satisfactory proof as to his residence has been made, consequently he will be listed for enrollment as a Cherokee Freedman; it appears from the testimony that his child Joe is his child by one Willie Brown, a state woman; the applicant, Ellis Grimmett, states that his son, William Grimmett, was never married to this child's mother, consequently the enrollment of the child is refused; this child, however, is identified upon the Kern-Clifton roll as a Cherokee Freedman.

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

(Signed) M.D.GREEN

Subscribed and sworn to before me this July 11, 1901.

(Signed) T. B. MEEHAN

Commissioner

Lucy M. Bowman, being duly sworn, states that as a stenographer to the Commissioner to the five Civilized Tribes, she made the above and foregoing copy and that same is a full true and correct copy of the original transcript.

Lucy M. Bowman

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

Milton White
Notary Public.

Cherokee Freedmen D 924.

DEPARTMENT OF THE INTERIOR

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Frankie and Harry Grimmett as Cherokee Freedmen.

ORDER.

It is ordered that a copy of the testimony taken on June 28, 1901, at Nowata, Indian Territory, in re application of William Grimmett et al., for enrollment as Cherokee Freedmen, Case No. 1182, be filed with and made a part of the record in the application for the enrollment of the said Frankie and Harry Grimmett as Cherokee Freedmen, Case No. D 924.

Tams Bixby.
Commissioner.

Muskogee, Indian Territory,

this AUG - 7 1905

D E D I C A T I O N .

[illegible]

[illegible] a part of [illegible]

[illegible] are the children of [illegible]
Battle Adams,
[illegible] Nation; and [illegible]
[illegible], as dwelling [illegible]

[illegible]
of [illegible]
[illegible]
[illegible]
in a [illegible]
of the [illegible]

It is not satisfactorily shown that the said William Grimmett and Hattie Grimmett, now Adair, were legally married, but it is shown that during the early '90's they cohabited as man and wife, and that, during such cohabitation, the applicant, Harry Grimmett, was born; and that on, and for several years prior to September 1, 1902, he continuously resided in the Cherokee Nation, and is identified, together with his father, the said William Grimmett, on the Kern-Clifton roll, page 105, No. 2031, Coweta-cogwee District.

Only the uncorroborated testimony of her mother, Hattie Adair, is introduced to prove that the applicant, Frankie Grimmett, is a child of the said William Grimmett, which is expressly denied by the said William Grimmett, and impliedly denied by his father, Ellis Grimmett, who testified as a witness in this case in behalf of the applicants. Said Frankie Grimmett cannot be identified on any roll of the Cherokee nation in the possession of this office.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that the applicant, Harry Grimmett, was born since 1880, and is the immediate descendant of a duly enrolled Freedman citizen of the Cherokee Nation, whose name is identified upon the Cherokee authenticated tribal roll of 1880; and that, after ample opportunity having been afforded, the evidence introduced in her behalf does not satisfactorily show that the applicant, Frankie Grimmett, possesses any rights to enrollment as a Cherokee freedman, consequently, her application comes within the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D. 544-04), William Rector (I.T.D. 1468-04, Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04) and Moses Ross (I.T.D. 6056-04).

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, in accordance with the provisions of section twenty-one of the Act below noted, Harry Grimmett is entitled to enrollment as a Cherokee Freedman, and his application for enrollment as such is accordingly granted; and that, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Frankie Grimmett is not entitled to enrollment as a Cherokee Freedman, and her application for enrollment as such is accordingly denied.

(SIGNED) Tams Bixby
COMMISSIONER

Dated at Muskogee, Indian Territory,

this 6 SEP 8 1906

Y.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. DED.

I.T.D. 2,962-1905. January 11, 1909.

L.R.S.

The Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

September 9, 1905, your office transmitted the record in the matter of the application for the enrollment of Frankie and Harry Grimmett as Cherokee freedmen, including your decision of September 6, 1905, rejecting the application for the enrollment of Frankie Grimmett, and granting the application for the enrollment of Harry Grimmett.

Reporting December 22, 1905, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

Thos Ryan.

First Assistant Secretary.

1 inclosure.

Refer to this to the following
Cherokee Freedmen
D-934.

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

Muskogee, Indian Territory, August 9, 1905.

Bell, Hastings & Davenport,
Attorneys for the Freedmen,
Muskogee, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of the testimony taken on June 28, 1901, in the matter of the application for the enrollment, as Cherokee freedmen, of William Grimmett, et al., Cherokee Freedmen 1126, together with a copy of an order of the Commissioner to the Five Civilized Tribes dated August 5, 1905, making said testimony a part of the record in the matter of the application for the enrollment, as Cherokee freedmen, of Frankie Grimmett, et al., F. D. 934.

Respectfully,

W. O. Beall
Acting Commissioner.

Incl. 8-8
LS

REFER IN REPLY TO THE FOLLOWING:

Cherokee
F D-934.

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

Muskogee, Indian Territory, September 9, 1905.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, granting the application for the enrollment of Harry Grimmett, and rejecting the application for the enrollment of Frankie Grimmett, as Cherokee freedmen.

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

Respectfully,

Wm. O. Beals

Acting Commissioner.

Incl. GL-225.
GHL

Refer in reply to
the following:

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON.

Land
93497-1905.

December 22, 1905.

COPY

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report from Acting Commissioner William O. Beale, dated September 9, 1905, transmitting for Departmental consideration the record in the proceedings had in the matter of the application for the enrollment of Frankie and Harry Grimmett, as Cherokee freedmen. On September 6, 1905, the Commissioner to the Five Civilized Tribes rejected the application for the enrollment of Frankie Grimmett, and granted the application for the enrollment of Harry Grimmett, holding that the evidence in this case shows that the applicant, Harry Grimmett, was born since 1880 and is the immediate descendant of a duly enrolled freedman citizen of the Cherokee Nation whose name was identified on the Cherokee authenticated tribal roll of 1880; and that after ample opportunity having been afforded the evidence introduced in her behalf does not satisfactorily show that the applicant Frankie Grimmett possesses any rights to enrollment as a Cherokee freedman; that consequently her application comes within the rulings of

the Department in the cases of Eliza Bryant, et al., (I.T.D. 544-1904), William Reeetr (I.T.D. 1468-1904), Minnie Duncan, et al., (I.T.D. 1470-1904), Samantha Chambers (I.T.D. 2296-1904), Edward Williams (I.T.D. 4230-1904), and Moses Ross (I.T.D. 6066-1904).

From the testimony in this case it appears that Mattie Adair appeared before the Commission to the Five Civilized Tribes at Nowata, Indian Territory, June 17, 1901, and made application for the enrollment of her minor children, Frankie and Harry Grimmett as Cherokee freedmen. Further proceedings in the matter were had on June 28, 1901, and at Muskogee, I. T., On November 18, 1904.

A copy of the testimony taken on June 28, 1901, at Nowata, I.T., in re. application of William Grimmett for enrollment as a Cherokee freedman, is made a part of this record. In the testimony it is alleged that Frankie and Harry Grimmett are the children of William Grimmett, a Cherokee freedman, and Mattie Adair, a non-citizen of the Cherokee Nation, and that they are entitled to enrollment as Cherokee freedmen as descendants of their father. From the evidence it appears that the said William Grimmett is identified on the Cherokee authenticated tribal roll of 1880, page 112, No. 1307, Goowee-scoowee District, and the records of the Commission to the Five Civilized Tribes show that he was duly listed for enrollment

as a Cherokee freedman on Freedman Card No. 1126, and is now included in a partial roll of Cherokee freedmen approved by the Department, April 30, 1904, opposite No. 3267.

The evidence fails to satisfactorily show that William Grimmett and Hattie Grimmett, now Adair, were legally married, but it is shown that during the early '90's the cohabited and that during such cohabitation the applicant Harry Grimmett was born, and that on and for several prior to September 1, 1902, he continuously resided in the Cherokee Nation, and is identified, together with his father William Grimmett, on the Kerns-Clifton Roll, page 105, No. 2631, Cooweescoowee District.

The only testimony to prove that the applicant Frankie Grimmett is the child of said William Grimmett is the uncorroborated testimony of her mother, Hattie Adair, which is denied by the said William Grimmett, and by his father, Ellis Grimmett, who testified as a witness in this case in behalf of the applicants.

The Commissioner says that Frankie Grimmett cannot be identified on any roll of the Cherokee Nation in the possession of his office.

The evidence in this case shows that the applicant, Harry Grimmett was born since 1880, and is the immediate descendant of a duly enrolled freedman citizen of the Cherokee Nation,

whose name is identified upon the Cherokee authenticated roll of 1880, but the evidence does not satisfactorily show that the applicant, Frankie Grimmett, possesses any rights to enrollment as a Cherokee freedman. I therefore respectfully recommend that the application for the enrollment of Harry Grimmett as a Cherokee freedman be approved, and that the application for the enrollment of Frankie Grimmett as a Cherokee freedman be denied.

Very respectfully,

C. H. Larrabee,

Acting Commissioner.

C.T.C.
LG.

Cherokee Freedmen

D-934.

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

Muskogee, Indian Territory, January 18, 1906.

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

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 8, 1905, rejecting the application for the enrollment of Frankie Grimmett, and granting the application for the enrollment of Harry Grimmett, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 11, 1906.

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

Respectfully,

Commissioner.

Incl. S-69

30935

FILED
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ACTING CHAIRMAN

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

B. F. Hastings, Cherokee Attorney-

Mellette & Smith Attorneys for the applicant-

In the matter of the application of Ben French for enrollment as a Cherokee freedman; he being sworn by Commissioner T. B. Needles, testified as follows-

By Commr Needles-

Q What is your name? A. Ben French
Q What is your age? A. 51.
Q What is your post office address? A. Checotah
Q In what district do you live? A. Canadian.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who else do you want to have enrolled? A Just myself.

By Mr. Smith-

Q Mr. French, were you born a slave? A. Yes sir.
Q Who did you belong to? A. Marguerite French, wife of old Bob French
Q A Cherokee Indian? A. Yes sir.
Q Where were you living when the war commenced? A. In Flint district Cherokee Nation.
Q Was your master living there then? A. Yes sir.
Q Did you go out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Fort Scott, Kansas
Q When did you return after the war
Q I think it was in the fall of 66.
Q Where did you come to? A. Fort Gibson.
Q Do you remember who with? A. I started by myself and came to Baxter Springs and there I met up with another colored fellow and we walked to Fort Gibson.
Q How long did you remain there? A. Not long, nothing doing there much.
Q About how long? A. 2 or 3 months, I guess as near as I can remember
Q Are you on any of the Cherokee rolls? A. The Wallace and Kern Clifton

Applicant not found on the 1880 or 1896 rolls.

Wallace roll examined and the applicant not found on same as follows- Page 115, No. 2380, Benjamin French, Muskogee, Creek Nation, I. T.

By the Commission-

Q Did you draw Strip money? A. No sir.

Applicant not found on the Kern Clifton roll.

By Smith-

Q You have lived in Muskogee then? A. Yes sir.
Q What is your occupation? A. Barber.
Q How many years have you been a barber? A. For a number of years.
Q About how many? A. 25 years.
Q Do you work at that trade now? A. Yes sir.
Q Where at? A. Checotah.
Q Have you any property in the Cherokee Nation? A. Only a place I taken up; I had a place in Canadian district and sold it out. I got it from a man named Taylor and sold it to Simon Bennett, I kept it a year.

Q Have you one now? A. Only one I taken up, just raw land nine miles from Checotah.
Q Where have you worked at your trade as a barber, when did you first live at Muskogee? A. I disremember when I first went there, some time before the Court was established there, I don't remember the year.
Q How long did you remain there? A. I think 2 or 3 years the first time and left there and stayed away a while, went to Vinita and found it was no good and came back to Wagoner and stayed there three months and then I went back to Muskogee.
Q Did you ever own any property in Fort Gibson? A. No sir.
Q Did you ever work there? A. Yes sir and worked at Tahlequah the first year Cleveland was elected for President.

By Hastings:

Q Where did you commence barbering? A. At Fort Smith.
Q How long did you work there? A. Only a short time and went to work on a steam boat two or three trips.
Q Where did it run? A. From Little Rock to Memphis.
Q Where did you next barber? A. I came then to Hamburg now called Lockesburg.
Q Arkansas? A. Yes sir.
Q How long did you stay ther ? A. Not long, it was in '71.
Q Where did you go then? A. Came on back to Fort Gibson.
Q How long did you stay there? A. Until the latter part of '71 or the first part of '72.
Q Where did you go then? A. To Muskogee and on the railroad on the dining car.
Q How long did you work there? A. All through into Texas long into Christmas of '72.
Q Did you work in Texas? A. Think I worked there until the cholera broke out in '74.
Q Where did you work then? A. Tahlequah.
Q Where then? A. Muskogee.
Q How long did you stay there? A. I don't know exactly, I worked for Mel Brown.
Q When did you leave there that time? A. I think it was in '80.
Q Where did you go then? A. Vinita and Wagoner, stayed in Vinita a day and was going to Tahlequah and a fellow stopped me at Wagoner to work for him and I worked there a while and then Mr. John Adams at the Katy Hotel sent for me and I went to Muskogee and worked there until a year ago last January.
Q The first place you owned in the Cherokee Nation was in the Canadian district? A Yes sir.
Q Did you buy that from Taylor? A. Yes sir.
Q How long did you hold it ?A Not long.
Q Six months? A I cant say exactly .
Q How long did you stay at Fort Gibson when your first came there after the war? A. 3 or 4 months.
Q And went from there to Muskogee? A. No sir to Fort Smith
Q You testified before the Kern Clifton Commission? A Yes sir.
Q You had Joe Johnson and Mattie Salee and Ore Burgess? A Yes sir.
Q You testified then that you came there in March didn't you? A. No sir I said it was in the fall, because it was cool weather.
Q Didn't you testify that it was in the spring that you came back? A No sir, you asked me if it wasn't in the spring and I said it was in the fall.
Q Didn't ya testify that you came back in the spring and didn't you say

Q Anybody that you came back in March and that that March and Spring was after the Bounty was made? A No sir I didn't say that.
Q Did Jackson Smith find you? A Yes sir.
Q He testified that you returned here in '67 didn't he? A. Yes sir he made a mistake of it.
Q You didn't call K. D. Daniels as a witness then? A. He wasn't there, he was a witness for me before the Wallace court.
Q Who did you come back with? A. By myself as far as Baxter Springs Kansas and there I met up with a colored fellow named Lewis something and we walked from Grand river by the Whitegrass to Fort Gibson.
Q Who did you live with when you got there? A. Fred Davis.
Q Where did you see K. D. Daniels? A Saw him therein town, I was looking for work and old man Davis introduced me to him.
Q Where did you first see Dave Fredson? A. Before the war.
Q How long before Christmas did you see K. D. Daniels? A. I don't know it was some months I guess.
Q Was Fredson living there at that time? A. I don't know.
Q You wasn't at his house? A. No sir. I was at Mr. Davis' house.
Q Had you known Davis before the war? A. Yes sir.
Q Are you married? A. No sir.
Q Never were married? A. No sir, used to live with a woman but was not married to her?
Q Where did you live with her? A. In Muskogee.
Q What was your mothers name ? A Mandah Fredson

K. D. Daniels called and sworn as a witness for the applicant.

By Smith.

Q What is your name? A. K. D. Daniels, age 56, residence Okmulgee.
Q How long have you lived in the Creek Nation? A. All my life.
Q Do you know this applicant? A. Yes sir.
Q How long have you known him ? A met acquainted with him in '65.
Q Where? A In Fort Gibson.
Q Do you know who he belonged to before the war? A. No sir.
Q When did you first see him after the war? A. In '66.
Q Where? A. Fort Gibson.
Q How long did you see him there? A. Saw him 3 or 4 times, maybe for a month.
Q Then did you miss him from Fort Gibson? A. Yes sir.
Q Where did you next see him? A. I suppose it was in '67.
Q How long after '66 was it that you left there? A. Left there December 4th '67.

By Hastings.

Q How long did you first see him there? A. In '66?
Q No sir in '65? A 3 or 4 weeks, or longer he was with Fred Davis.
Q Did you never see him anymore then? A. No sir not until '69
Q Where did you see him then? A. At Winita before the Wallace court.
Q Was he married? A. I dont know, I witnessed for him there
Q Did he have a wife? A. He didn't have her there that I knew of, if I saw her I didn't know it was his wife.
Q He didn't have any woman living with him there as his wife? A. No sir.
Q What age was he then? A. A young man.
Q Grown? A. Yes sir.
Q You dont know how old he was? A. No sir, some people are old and

looks young, and great friends looks old and isn't.
Q What time did you see him there in 60? A Spring of '60.
Q Who was he with then? A. They was just hanged up in town there.
Q How old was he then? A. He was a young lad, but a lad with his master there.
Q What was her name? A. Mary Tucker, and with lots of other people.

Dave French, called and sworn as a witness for the applicant.

By Mr. Smith-

Q What is your name? A. Dave French.
Q What is your age? A. 72.
Q What is your post office address? A. Lenapah.
Q How long have you lived in the Cherokee Nation? A. Ever since the spring of '60
Q Were you living in the Cherokee Nation just before the war? A. Yes sir.
Q Do you know the applicant here, Ben French? A. Yes sir.
Q Did you know him just before the war? A. Yes sir.
Q Was he a slave? A. Yes sir.
Q Who did he belong to? A. The Frenches.
Q Where did they live? A. Flint district, Cherokee Nation.
Q What was his mastors first name? A. Bob.
Q What was his wife's name? A. Margaretta Fields before he married her
Q Was she a Cherokee freedman? A. Yes sir.
Q Did they have some children? A. Yes sir.
Q What were their names? A. Bob, the oldest son, Henry, Joe and several other boys.
Q Do you know what became of this applicant during the war? A. Went to Kansas.
Q When did he come back? A. In '65, before Christmas.
Q Where did he come to? A. Went direct.
Q Cherokee Nation? A. Yes sir.
Q How long did he stay there? A. I dont know, I left him there when I left .
Q When did you leave there? A. The week after Christmas.

By Hastings-

Q Where did you go from there? A. Back to Kansas.
Q Who did you go after? A. I dont recollect.
Q Did you go after your wife? A. No sir.
Q Where was your wife at that time? A. I dont recollect that.
Q You recollect more about this fellow than you do about your wife? A Yes sir.
Q Your memory is faulty about your wife? A (No response)

By Smith- " I object to that question "

Q By witness of Hastings: " What did you ask me ? "

By Hastings of witness:

Q Is your memory bad about your wife ? A (No response)
By the Commission-

Q Your recollection is not above your wife's statements that A Yes sir.

By Hastings.-

Q Where did she tell that? A. In Kansas somewhere.
Q Not Kansas, never was down here then? A. I don't think I have.
Q Was she's witness for this Miller before and your? A. I don't know.

By the Examiner of the applicant.-

Q That is the reason that your name is not on the roll of 1860? A. I was taken down with a [illegible] and was in Bat Springs.
Q You weren't here at that time, were? A. No sir.
Q You were down at Hot Springs? A Yes sir I have been there twice with rheumatism.

By Com'r Noodles.-

Benjamin Franklin applies for himself; he is not found on any of the rolls except the Miller roll; he is only identified therein by parol testimony; proof as to residence but because of the fact that his enrollment is contested by the Cherokee Nation he will be limited for enrollment as a Cherokee freedman on a doubtful card and when the final decision of the Commission is arrived at he will be notified by mail.

* * * * * * *

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

Subscribed and sworn to before me this the 12th of July, 1901.

Commissioner.

No. 1-655.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Okla., May 24, 1909.

In the matter of the application of Benjamin French for the enrollment of himself as a Cherokee Freedman.

STIPULATION OF DEBT.

Applicant represented by Mellette & Smith.
Cherokee Nation appears by W. W. Hastings.

STIPULATION. The Cherokee Nation, by its representative, being satisfactorily apprised of service on the applicant's attorneys, Mellette & Smith, with a Rocket Repository, that it would, on the 22nd day of May, 1909, introduce testimony tending to disprove the right of the said Ben French to enrollment as a Cherokee Freedman, neither the applicant nor his attorneys appear.

W. W. HASTINGS, being first duly sworn, testified as follows:

My name is W. W. Hastings. I am 73 years old. My postoffice is Tahlequah. In 1896, when the Kern Gilmore roll was made, I was one of the attorneys, as I am now, representing the Cherokee Nation before that Commission. Ben French applied to be enrolled as a colored citizen of the Cherokee Nation before that Commission at Fort Gibson. He my recollection begins on page, the case being No. 1155. Mr. Hays was associated with me and took as much of the testimony as he could in longhand while the witnesses were testifying. This record shows that Ben French testified, and also that Joe Johnson testified for him. My record shows that Ben French at that time claimed to have come back in the spring following the time the treaty was made in 1866, and he said he got back down in March of that following spring. My record also shows that Joe Johnson stated that Ben French came back in 1870, and my record further shows that Ben French was rejected by the Commission, and it was so ordered at the time.

Arthur G. Grominger, 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. Grominger

Subscribed and sworn to before me this 2nd day of July, 1909.

(Seal)

E. B. Reeder
Notary Public.

in the Court of Claims to the counsel of the [illegible] is desired to do so.

W. W. Hastings:
The Cherokee Nation most certainly [illegible] the allowance of this permission or to the granting of this request for the reason that most of these applicants [illegible] year in which to file all of their [illegible] file to make out their [illegible] was given them all by agreement in [illegible] be closed so far as testimony was concerned [illegible] mission of the firm of attorneys representing [illegible] the 31st day of May, 1902, and that this [illegible] 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:
The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to [illegible] certified copies of the proceedings of the said Court is denied.

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

(Signed) N. C. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) T. G. Reuter,
Notary Public

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which came [illegible] me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

935

Trans. D 880

[illegible] of the Interior,
Commission to the Five Civilized Tribes,
[illegible], I. T., May 21, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of [illegible] Hayden, vs The Cherokee Nation, No. 17279, [illegible] in case D D 498, a part of the record in this case and [illegible] further mentioned by reference to the said case of [illegible] Hayden, and if it be deemed necessary that a copy of [illegible] be filed in this case and in the following cases, to-wit:

Rand. French, D 938;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moved that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothemberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. S. Reuter,
Notary Public.

I, N. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

N. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. S. Reuter
Notary Public.

Q Has he lived in Muskogee all the time since you have known him?
A No, sir, I have seen him alone, but I dunno know where he lived.
Q How long has he lived in Muskogee this last time? A This last time he has been in Muskogee since '90.
Q Do you know that of your own knowledge? A He has been here off and on, but I wouldn't say that he has been right in here to a day, but he has been here more or less since then.

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

[redacted]

to the questions to the five Civilized Tribes he reported the proceedings had in the above entitled case, and that the above and fore-going is a true and correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 7th day of March, 1904.

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 8, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Benjamin French for enrollment as a Cherokee freedman.

It appears that on the 23rd day of January, 1904, the applicant and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on March 8, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

APPEARANCES:
Applicant appears in person.
Cherokee Nation by its attorney, W. W. Hastings.

BENJAMIN FRENCH, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Ben French.
Q What is your age? A I am 52.
Q What is your postoffice address? A Muskogee.
Q You were a slave before the war? A Yes, sir.
Q Who was your owner? A Old man Bob French.
Q Was he a Cherokee citizen? A His wife was a Cherokee citizen.
Q Where were you when the w ar commenced? A On his place, Flint District, Cherokee nation.
Q Did you go out during the war? A Yes, sir.
Q Were you old enough to remember when you went out? A Yes, sir.
Q Where did you go to? A Kansas.
Q What town? A Fort Scott.
Q When did you come back to the Cherokee Nation? A In the fall of '66, or sometime after '66; it was sorter cold weather.
Q How long did you stay in the Cherokee Nation after you come ba ck that time? A I stayed here till '72, while this road was being built through here.
Q Where? A In the Cherokee Nation; part of the time in Fort Gibson and down at Bragg Station.
Q Up to '72? A Yes, sir.
Q Where did you go then? A Followed this road to Texas, Denison.
Q What were you doing? A Helping my brother-in-law in the shop, following the road until it was built into Denison, Texas.
Q Did you go any further than Denison? A No, sir, it was the destination at that time.
Q How long did you stay in Denison? A Until the cholera broke out, in '73, I think, somewhere along there.
Q Where did you go then? A Came back to the territory.
Q Where to? A Here.
Q Muskogee? A Yes, sir.

Q How long did you stay in Muskogee? A Not long; wasn't nothing to do.
Q Where did you go to from here? A To Vinita or Gibson, I dis-remember.
Q How long did you stay in Gibson and Vinita together? A I didn't stay there very long; I was looking for work and came back here, no, I went over to Tahlequah, and then I went from there to see if I could get work and couldn't get nothing, and I was barbering them and came back here.
Q How long did you stay here? A Until, let me see, what year, '79, I think it was, I took the rheumatism, and went away.
Q Where did you go then? A Hot Springs.
Q Arkansas? A Yes, sir.
Q How long did you stay there? A I left there the day Garfield was assassinated---the second day of July----
Q '81? A Yes, sir.
Q Where did you go then? A Came back here by the way of Texas.
Q To Muskogee? A Yes, sir.
Q How long did you stay in Muskogee then? A I don't remember how long; I came back here and went to work in Uncle Bill----I think, yes, I don't know how long.
Q Did you stay at Muskogee that time as much as a year? A Yes, sir, I was here up until I went back down the road, when Tuff was Indian Agent here, I went back down in the Choctaw and Chickasaw Nations.
Q How long did you stay down there? A I didn't stay long; was just looking for work. I came back here then just before the court was first established here.
Q In '90? A Yes, sir.
Q How long did you stay here then? A I have been here pretty near ever since.
Q Your home has been here ever since? A I have a place six miles from here; I call this my home.
Q How long have you had that placeX in the Cherokee Nation? A Bought it in '90.
Q You bought it after you came back to Muskogee the last time? A Yes, sir.

HENRY TAYLOR, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Henry Taylor.
Q How old are you? A I don't know exactly; close on to 40, I guess.
Q Where do you live now? A Tahlequah.
Q Do you know the applicant, Ben French? A Yes, sir.
Q How long have you known him? A Quite a while.
Q About how many years, 20 years? A Yes, sir, I have known him that long.
Q Did you know him when the 1880 roll was made? A Yes, sir.
Q Are you a Cherokee freedman? A Yes, sir.
Q Are you on the 1880 roll? A No, sir.
Q Do you remember when it was made? A Yes, sir.
Q Did you know Ben French then? A Yes, sir.
Q You weren't old enough to know anything about him during the war, were you? A No, sir.
Q Where has Ben French lived since you knew him? A When I knew him he lived in Muskogee, about 20 years ago I guess it was.

Q. Does he intend to [illegible]

A. [illegible]

Q. [illegible]

Q. [illegible] A. He has been here [illegible] but I couldn't say just as [illegible] but he has been here more or less [illegible].

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

H. M. Vance, being first duly sworn, states that he [illegible] to the [illegible] to the [illegible] proceedings had in the above entitled cause, and that the same and foregoing is a true and correct transcript of his testimony and notes thereof.

Subscribed and sworn to before me this 4th day of March, 1908.

Edward Merrick
Notary Public

Cherokee Freedman D 935

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, May 24, 1906 .

In the matter of the application for the enrollment of BEN FRENCH as a Cherokee Freedman.

JENNIE MADALINE FRENCH being duly sworn, testified as follows:

Q. What is your name? A. My name?
Q. Yes? A. Jennie Madaline French.
Q. What is your age? A. Well, sir, I am 49.
Q. What is your postoffice? A. Muskogee.
Q. Were you ever married? A. Yes sir.
Q. What was your husband's name? A. Ben French.
Q. Is he living? A. No sir, he is dead.
Q. When did he die? A. The eleventh day of April, 1906.
Q. Did he claim to be a freedman citizen of the Cherokee Nation ?
A. Yes sir.
Q. When were you and Ben French married? A. Well, we have been married now thirty-six years, thirty-six or seven years.
Q. Were you acquainted with Ben French prior to the war of the rebellion? A. Well, no, during the rebellion we were children together , after they came to Fort Scott.
Q. You got acquainted with Ben French then, at Fort Scott, Kansas?
A. Yes sir.
Q. Did you return with him to the Cherokee Nation? A. I didn't come right with him, we married July 4, and then he came in October to Fort Gibson.
Q. What year was that that he returned to the Cherokee Nation?
A. It was in 1866 or '67, between, as near as I can remember, of course you know the people in these days were not as smart as they are now. We were uneducated.
Q. You say you did not return with your husband at that time?
A. I did not return right with him, no sir, but he sent for me in about a week. I was with him there at Fort Gibson.
Q. Do you remember stopping with Fred Davis at Fort Gibson at that time? A. Yes sir, well.
Q. And what year was that? A. That was somewhere in '66.
Q. Is Fred Davis living at this time? A. No sir he has been dead many years.
Q. You don't know what year he died in? A. No sir, I did not learn that he was dead until just a few days ago, but he was very old at that time.
Q. When you came from the state of Kansas to the Cherokee Nation, how did you come? A. Well, I came in the stage, because there wasn't no trains running to the Territory then.
Q. Who did you return with? A. I don't know, a white man drove the stage, I don't know his name.
Q. Do you know whether there were any other persons that came to the Cherokee Nation in company with your husband or not?
A. I can't remember any of them, but it seems to me there was several of them returned at that time. But I was a child, you may say then, and I can't remember them, now.

Mrs Prunch--4

Q. You cannot give the name of any person that returned to the Nation with your husband or at the time he did, then?
A. No sir, because I didn't pay any attention to it, and I was nothing but a child then, and I cannot swear to that. My husband was somewhat older than I was.
Q. After your husband came to the Cherokee Nation in 1866, did he reside continuously in the Cherokee Nation until the time of his death? A. No sir, he did not, we stayed there in Fort Gibson quite a while, near a year.
Q. Then where did you go? A. He had the rheumatism and we went to Fort Smith, and then to Hot Springs.
Q. Now, after you returned to the Cherokee Nation from the state of Kansas, how long was it before you returned again to the Cherokee Nation, the next time you came back? A. Well, I can't remember; I just do not remember that.
Q. How many years were you out, about how many? A. I don't know I did not commit that to memory, you know I was never thinking of this coming up then.
Q. How many years have you been residing continuously in the Cherokee Nation? A. Why, off and on ever since we have been married.
Q. But you cannot tell me just how long you were out of the Cherokee Nation at that time? A. No sir, I just can not.
Q. Have you any more witnesses that you desire to introduce in this case? A. I have one.
Q. What is his name? A. Polly Ross. I have several others, that knew us, there's Mr. Nash, he knew us at Fort Gibson, my husband used to shave him.

The undersigned, being duly sworn, states that as stenographer to the Commissioner to the Five Civilized Tribes she correctly reported the above case and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

Lucy M Bowman

Subscribed and sworn to before me this May 28, 1906.

B. P. Rasmus
Notary Public.

Cherokee freedman D 936.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., MAY 31, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of BEN FRENCH as a Cherokee freedman.

APPEARANCES:
Per Applicant, His wife.
Per Cherokee Nation, J. S. Davenport.

JENNIE N. R. FRENCH, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Jennie N. R. French.
Q How old are you? A Well I presume I am about 49.
Q What is your post office? A Muskogee, 536 South Main Street.
Q Are you the wife of Ben French? A Yes sir.
Q When did he die? A April 11, 1906.
Q You testified in his case a week ago today? A Yes sir.
Q What year were you and he married? A Well I have just forgot.
Q Were you married in Kansas? A Yes sir, Fort Scott, Kansas.
Q Were you married before he returned to the Cherokee Nation after the war? A Yes sir.
Q Did you and he return to the Cherokee Nation together? A No sir, as I told you he came in October and I came about a week after he did.
Q You came about a week after he did? A Yes sir, he sent after me and I came with him.
Q Was that the first trip that he made to the Cherokee Nation after the war? A I presume so, I don't know.
Q Your information is that is the first trip he made to the Cherokee Nation? A I can not say, it might be the first, I don't know nothing about it.
Q You are how old you say? A About 49.

BY MR. DAVENPORT:
Q Where was Ben when you first got acquainted with him? A In Fort Scott, Kansas.
Q He was then in the barber business there? A No sir, he was a boot best black at that time.
Q He hadn't began barbering then? A No sir, he was only a boy.
Q After you knew him how long did he live in Fort Scott? A I don't know, of course I was nothing but a girl.
Q Did you get acquainted when you were a child? A Yes sir, after they first came to Fort Scott.
Q And you continue to live there until after you grew up to womanhood and married him? A Yes sir, I was just a child when I married him.
Q You and he lived there sometime after you were married then come to the Territory? A We married on the 4th of July and he left in October sometime.
Q But you don't know what year that was? A In 1866 sometime in that year, that is when he went, in '66.
Q When you come to the Territory where did you move to? A To Uncle Fred Davis.

Q That was at what point? A It is the northwest part of Fort Gibson.
Q How long did you stay there before Ben came to Muskogee? A It was pretty near a year.
Q Do you know what year Ben came to Muskogee? A No sir, I don't.
Q He came here after the Indian Agent office was moved from the hill out here to town? A I guess he did.
Q Do you remember whether the Indian Agent's office was here in town? A Yes sir.
Q What was your maiden name? A Jennie Madalena Frost.

WITNESS EXCUSED.

POLLY MOSS, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Polly Moss.
Q How old are you? A I don't know exactly, about 56 or 57.
Q What is your post office? A Fort Gibson.
Q You are a Cherokee freedman? A Yes sir.
Q Did you know a colored man whom is an applicant before this office for enrollment by the name of Ben French? A Yes sir.
Q Did you know his father? A No sir, I did not.
Q Was Ben French a slave at the breaking out of the war? A Yes sir, belonged to old Mrs. French.
Q What was her full name, Mrs. French? A I have forgot her first name. Tom French is her boy.
Q Was Ben a slave of Mrs. French or one of her boys? A Mrs. French, the old lady, the mother of them boys.
Q Do you know what became of Ben French when the war broke out?
A No sir, I don't, he was here in Gibson and left and I don't know where he went to.
Q When was the first time you saw him after the war? A When they were all coming back to Fort Gibson in '66, when peace was first made. I saw him then.
Q Where did you see him? A Up on the hill, he was working in a barber shop.
Q That was in Fort Gibson you state in the year 1866? A Yes sir, but he had just come down, I don't know where he came from.
Q You don't know where he was during the war? A No sir, I don't.
Q How often did you see him after that time? A I saw him along until they drove them out of Fort Gibson, and I stayed all night in his house during that time and met his wife. I went to a dance and they got to cutting up so I went to her house and stayed all night.
Q Do you know the woman who has just testified in this case? A No sir, I don't know nothing about her only that she was his wife.
Q Were they married when Ben French came to the Cherokee nation?
A Yes sir, said they were, living together.
Q Did they come together? A I don't know just whether they come together or not, but when I went to their house they were together.
Q Were they together the first time you ever saw Ben French after the war? A Yes sir.
Q Where did he live from that time on in the Cherokee nation or out of it? A I couldn't tell you whether he lived in the Cherokee Nation or out. I have seen him ever since off and on.

BY MR. DAVENPORT:
Q Ben was a grown man and married when you first saw him after the war? A Yes sir.
Q And big enough to be a barber? A Yes sir, looked like to me he was. He was working in a barber shop.
Q You know whether he was barbering or boot black? A Said he was working in a barber shop.
Q Did he say he was a barber? A I never asked him.
Q You know one thing sure and that is he had his wife with him, this present wife? A Yes sir.

WITNESS EXCUSED.

RAB BREWER, being first duly sworn, testified as follows:

ON BEHALF OF THE COMMISSIONER:
Q What is your name? A Rab Brewer.
Q How old are you? A I am about 60 I reckon, I don't know.
Q What is your post office? A Fort Gibson.
Q Are you a Cherokee Freedman? A I sure im.
Q Did you know a colerodman named Ben French? A Yes sir.
Q Do you know the name of his father? A No sir, I don't know the name of his father.
Q How about his mother, did you know her? A Yes sir, I have seen his mother.
Q Do you know her name? A I think she was named Betsy, if I don't mistake not.
Q Was this Ben French a Cherokee freedman? A Yes sir, he was always considered to be.
Q Who owned him? A Some of the Frenchs.
Q Were they Cherokees by blood? A Yes sir.
Q Do you know where Ben French went during the war of the rebellion?
A No sir, but when I come to Fort Gibson I found him there, it was then in '66 I believe.
Q He was at Fort Gibson when you returned after the war? A Yes sir.
Q Where did you go? A I went to Red River. I was getting out of the war.
Q When did you return to the Cherokee nation after the war? A '66.
Q What time of the year? A In the spring I come and I seen him long in the summer.
Q Was he married? A Yes sir.
Q What was the name of his wife? A Jennie.
Q Is that the woman who has testified here in this case? A Yes sir.
Q They were married about that time? A Yes sir.

BY MR. DAVENPORT:
Q How old was Ben when you first saw him? A I don't know exactly how old Ben was.
Q He was a grown man? A Yes sir.
Q Working in a barber shop then? A Yes sir, just kinder learning the barber trade then.
Q And married? A Yes sir.
Q And married to the same woman that was his wife at the time of his death? A Yes sir.
Q Anyway when you first saw Ben in the Cherokee nation after the war he had the wife who has testified in the case and whose first name is Jennie? A Yes sir.

[illegible] and [illegible] with
be considered for [illegible]

Geo. H. Hessley, being first duly sworn, states that as [illegible] to the Pure Crystalized Tribing he [illegible] and [illegible] is a true and correct [illegible] and that [illegible] hole thereon.

Geo H Hessley

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

Chas E. Webster
Notary Public

Cherokee Freedman R 955.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 26, 1906.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of KEN FRENCH as a Cherokee freedman.

APPEARANCES:
For Applicant, His wife, Jennie Madaline French.
For the Cherokee Nation, W. W. Hastings.

JENNIE MADALINE FRENCH, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Jennie Madaline French.
Q In what year were you born? A I just don't really know.
Q How old are you now? A I must be somewhere along about 31.
Q Where were you born? A I was born in Fort Scott, Kansas.
Q How long did you continue to live in Fort Scott? A Until I was married.
Q And how did long after you were married? A I guess I was there about two weeks probably.
Q And you claim to have been married on July 4th? A Yes sir.
Q Of what year? A It must have been in '66 as I said before.
Q Are you positive about the year? A Well, Yes sir.
Q How long had you known your husband before you and he were married? A I had known him quite awhile. When we were children when his parents first brought him to Fort Scott.
Q What was his father's name? A I didn't know his father, Jim French was his step-father.
Q Did you know him from that time up until you and he married at Humbolt? A Yes sir.
Q I believe you told me that a Presbyterian Preacher married you? A Yes sir, Mr. Lewis.
Q Jim Lewis? A I didn't know his first name.
Q But he was a white man? A Yes sir.
Q At whose house were you married? A At John Priest's Hotel.
Q Was he a white man? A Yes sir.
Q Did you have a brother-in-law by the name of John Decker? A Yes sir.
Q Where do you understand he lives now? A In Cooweescoowee District, there is where I heard he was.
Q Did he marry your sister? A Yes sir.
Q What was her name? A Lydia Ann Frost.
Q Where did you understand John Priest at whose hotel you were married, is living? A The last time I saw John Priest he was living in Fort Smith, I met him on the street.
Q Your husband was never married before he married you? A No sir, he was nothing but a boy when we married.
Q And he never married any one else but you? A No sir.
Q Were you ever previously married, you never married before you married him? A No sir, I was nothing but a child.
Q Did you know Sallie Leeings in Fort Scott? A Yes sir, that is my sister.
Q Did you know Mose Melt? A Yes sir.

Q What relation is he to you? A None. I have got no relationg except my sister, except some Cherokee Indians on my father's side.
Q And Sallie Levings is your sister? A Yes sir.
Q Did they ever call you Amanda instead of Madaline? A Yes sir.
Q Did they ever call you Amanda Tucker? A Yes sir, James Tucker was my step-father, but my father's name was Frost. My proper name is Eugenia Madaline Frost.

ON BEHALF OF THE COMMISSIONER:
Q When you were a young girl did they call you Amanda Tucker?
A Yes sir, sometimes they would.
Q What is the name of the mother of Ben French? A Maria.

Mr. Hastings: The Cherokee Nation now desires to offer in evidence the marriage license granted by John Praxton, Probate Judge, Iola, Allen County, Kansas, on the 3rd of July, 1869, authorising the marriage of Benjamin Freak of Humbolt, Kansas, age 21 years, and Amanda Tucker, of Humbolt, Kansas, age 21 years. And also a certified copy of the original marriage licens e granted at Iola, Allen County, Kansas, July 3, 1869, by John Praxton, Probate Judge, authorising the marriage of Benjamin French of Humbolt, Kansas, age 21 years, and Amanda Tucker, of Humbolt, Kansas, age 21 years, together with the certificate attached signed by James Lewis, Minister of the Presbyterian Church, Humbolt, Allen County, Kansas, certifying that he joined together in Holy Bonds of Matrimony the parties named in the above license on the 4th day of July, 1869, together with the certificate of J. B. Smith, Probate Judge of Allen County, Kansas, certifying to the correctness of the above copies and record.

On Behalf of the Commissioner: This certified copy appearing to be in due form will be filed.

ON BEHALF OF THE COMMISSIONER:
Q Is there any statement you desire to make in connection with this marriage license? A No sir.
Q Are you the person mentioned in this license and certificate as Amanda Tucker? A Yes sir, I am the one.
Q Is there any additional statement you desire to make in connection with the enrollment of your husband, Ben French? AA No sir.
Q Have you any further testimony in the case or do you desire it closed and a decision rendered? A Close it if you desire.
Q You have no further testimony? A No sir, I haven,t any at all.

On Behalf of the Commissioner to applicant: We will just close the case and send you a copy of the decision as soon as it is rendered.

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

Geo. H. Lessley

Subscribed and sworn to before me this 6th day of August, 1906.

Chas. E. Hibbins
Notary Public.

Before the Honorable, Secretary of the Interior.

In the matter of the application of Ben French, as a Cherokee Freedman.

Concluding argument in behalf of applicant.

There is nothing in the reply brief of the attorneys for the Cherokee Nation, that seriously calls for a closing argument, but it is believed that certain features in said reply argument should be brought to the attention of the Department.

In the first place, applicant does not produce the testimony of the witness, Daniels, as his only corroborative testimony. It will be observed that the witness, Dave French, gives the real important corroborative testimony and it is immaterial whether or not the testimony of the said witness, Daniels, is entirely disregarded in the disposition of this case, inasmuch as the same is mainly cumulative. The testimony of applicant and Dave French makes out a prima facia case as to the time of applicant's return, and this is the only point in the case. The whole testimony in behalf of applicant goes to show that he was residing in the Territory at almost all times and in the Cherokee Nation a great part of the time. The important point is whether or not the applicant has been residing in the Territory and, as to this point, the decisions of the Secretary are clear and familiar.

The record also shows that applicant has owned at least two places in the Cherokee Nation and was the owner of one place, at the time this case was considered by the Commission, upon which place improvements had been made, and if this case were to be

decided by facts entirely outside of the record, as the argument of the Nation's attorneys would seem to suggest, it would be proper for applicant to indulge in the statement that he is even now holding land in the Cherokee Nation, as a citizen thereof, which said land is improved and under cultivation.

The Nation's attorneys have seen fit to range far outside of the record in their endeavor to cast reflections upon applicant's witness, L. D. Daniels. According to the record, this witness is unimpeached, uncontradicted and undisputed by any competent evidence. As far as the disposition of this case is concerned, it makes no difference whether the said Daniels has, since his testimony in this case, become the most disreputable citizen of the community. He stands here uncontradicted, and unimpeached and his testimony is entitled to consideration.

Nation's attorneys again stray outside of the record, when they refer to other witnesses who have testified in other cases, to the effect that they knew all about the events of the year 1866, but were unable to tell the year of their testimony or even their age. Now accepting this unsupported statement for what it is worth, there is nothing strange about the same. The presumption is that Cherokee Freedmen had notice of the provisions of the Treaty of 1866, and the necessity of returning to said Nation within a certain time, limited by said Treaty, was a most vital circumstance in their lives and very likely to be most vividly remembered. Again, such witnesses were young at that time and the memory correspondingly more tenacious as to contemporary events, then it was at a period forty years later.

The very gist of this proceeding is the fact that up to a certain stage of the proceeding applicant had succeeded in making out a prima facia case, to the satisfaction of the Commission, and was entitled to be enrolled at such stage, were it not for the assertion and representation upon the part of the Cherokee

[illegible]

[illegible] result in [illegible]

[illegible] ment, that said [illegible]

of [illegible]

squarely upon its merits. [illegible]

Nation's attorneys is expressive of the [illegible] in this case [illegible]

is not believed that the mine will receive any more consideration

than it is entitled to.

Respectfully submitted,

[illegible]

Washington, D. C.

July 21, 1905.

DEPARTMENT OF THE INTERIOR.

In the matter of the application for the enrollment of BENJAMIN FRENCH as a Cherokee freedman.

Cherokee Freedmen D 938.

Reply Brief to the Argument Presented by the Attorney for the Applicant.

In this case the attorney for the applicant seems to rely upon the testimony of the applicant alone and refers specially to certain questions propounded to the applicant and answers given by him. An examination of the record and a careful study of the questions propounded and the answers given will clearly show that the applicant, himself, was not positive of anything and did not desire to be positive, but on the other hand would answer "I think it was in the fall of '66." If such testimony or such answers as these are to be taken as testimony then every negro applicant for citizenship in the Cherokee Nation would be enrolled, because each of them when making application to the Commission to the Five Civilized Tribes to be enrolled as a freedmen citizen of the Cherokee Nation testified that he returned to the Cherokee Nation in 1866, many of whom after testifying that they returned in 1866 could not tell the present year, nor could they tell their ages, but assumed to remember a year more than forty years ago and could not give any reason for so doing. Another evidence to our minds which goes to show that applicant did not return to the Cherokee Nation within the time provided by the treaty is that he called one L. D. Daniels, who is one of the most disreputable negroes in the Cherokee Nation, andwho testified in many cases, being always present at the sittings of the Commission to give testimony until the Department, passing upon his testimony, held that he was wholly unworthy of belief and the Commission in the future would pay no further heed to his testimony, since which time the Commission has been relieved of the presence of L. D. Daniels and the records of the Commission have not been burdened with his false testimony. There is nothing in the testimony of the applicant to show when he returned to the Cherokee Nation and he fails to show that he at any time had a permanent home or a residence in the Cherokee Nation. On January 25, 1904, applicant was notified to appear before the Commission and introduce further testimony as to the applicant's residence in the Cherokee Nation, as to whether he ever owned any effects therein and if so, when he acquired such effects and how long he continued to own them. The record is silent upon this question and we take it that the applicant could not show his residence in the Territory, nor could he show that he owned any effects in the Cherokee Nation. Attorney for applicant in his argument says that the applicant would have been on the 1880 roll were it not for the fact that at the time said roll was being prepared he was sojourning at Hot Springs, Arkansas, taking treatment for rheumatism. It is shown by the record in this case that the applicant was not only sojourning in 1880, but that that he has been sojourning since the war, having at no time a home or residence in the Cherokee Nation.

B F S

We do not deem it necessary to take up the time of the Department with discussing many of the questions presented by the attorney for the applicant. However, we are willing that the testimony and the facts surrounding the application of this applicant may be read with an honest endeavor to arrive at what is true as suggested by the attorney for the applicant. If such could be done and a true conditions of affairs brought to light we feel satisfied that in this case the applicant would be found to have been sojourning in 1866 and 1867 beyond the limits of the Cherokee Nation, which occupation of sojourning he has continued to follow to the present time.

It is true that in all of these cases the Department should, and we believe it does, examine all of these cases impartially and in accordance with fair play and exact justice. We do not think that it is the intention of any party to do an injustice to any of the applicants in these cases, but we submit that the decision of the Commission in this case is correct and should not be disturbed.

Respectfully submitted,

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_____

_____

Attorneys for the Cherokee Nation.

Before the Honorable, the Secretary of the Interior.

In re. application of Ben French, Cherokee freedman.

Memorandum of argument for applicant.

Now comes the applicant, above named, through his attorney, William W. Wright, of Washington D. C., and respectfully shows:

The decision of the Commission to the Five Civilized Tribes, in the above named application, denying enrollment of applicant, and the decision of the Commissioner of Indian Affairs, affirming said decision of the Commission, should be overruled and this applicant ordered enrolled as a citizen of the Cherokee Nation, for the following reasons:

The decision of said Commission is not according to the proof as spread upon the record, and if based upon anything contained in said record, it is upon the alleged proof of one, Hastings, attorney for the Cherokee Nation, whose evidence is wholly incompetent and should have been stricken out by order of the Commission itself.

With this alleged proof eliminated, there is presented a clear case to the effect that applicant returned to said nation within the statutory time, as established by the rule laid down in the decree in the "Whitmire" case, and this fact remains undisputed by any witnesses in rebuttal or by reason of anything developed, after a severe cross-examination of applicant and his witnesses, conducted by both the Commission and the attorneys for said nation. In support of its decision, the Commission cite the decisions in cases of "Eliza Bryant et al", "William Rector et al" and several others of like character, but it is submitted that none of those cases are authority or precedents for the decision of this case, for the reason that all of said cited cases passed off on the point of want or scarcity of evidence, while there is an abundance of evidence in this case, upon which a fair and just decision may be rendered.

E. F. No. 2.

Referring to the testimony in this case, there is only one slight discrepancy in the testimony of applicant and that is as to the particular season of the year of 1866, when he returned to the nation. When we read all of the testimony on this point, which required three different hearings, covering a period of four years, this slight discrepancy is easily reconciled and of such a character that any fair minded jury, if called upon to consider the same, would have no difficulty in rendering a verdict in favor of applicant.

Referring specifically to the testimony of applicant upon this particular point, we have the following:

On May 11th, 1900, applicant was called and testified as follows:

"Q." "you returned to the territory?" A. "Yes sir, between 1865 and 1866. I remember being in Cabin Creek in May 1866".

OnJune 28th, 1901, applicant was called and testified as follows:

Q. "When did you return after the war?" A. " I think it was in the Fall of 66".

On March 2nd, 1904, applicant was called and testified as follows:

Q. "When did you come back to the Cherokee Nation?" A. "In the Fall of 66. or sometime after 66. It was sort of cold weather".

In considering this testimony, it must be taken into consideration that this applicant was testifying to the best of his recollection as to facts that occurred almost thirty five years prior to the date of his examination. He might have been mistaken as to being on Cabin Creek in May; at the same time there is a strong presumption that he was on said creek at that time. When he speaks of having returned in the Fall of 66., he might have had in mind the time of year when he met the other witnesses at Fort Gibson. However it is quite probable that he was on Cabin Creek in May and in Fort Gibson in the Fall of 66., because his testimony shows that he was returning from Kansas by easy stages, with no means of support except the result of occasional labor, as the opportunity presented. Cabin Creek is in the extreme Northern [illegible] of the Cherokee Nation, near the Kansas line, and from that point to Fort Gibson is a long journey by foot and, as applicant traveled,

Might easily occupy an entire Summer. However, it is a very difficult matter for any one to fix a specific date, after such a lapse of years, and, indeed, had he attempted to do so, without reciting a plausible collateral circumstance as a basis therfor, the testimony would have been almost suspicious and of far less weight than it now presents.

As a matter of fact, applicant does not say positively whether it was in the Spring or Fall of the year 1866 that he returned to the Cherokee Nation; all he attempts to say, as fixing the month of his return, is that "IT WAS SORTER COLD WEATHER" However, the actual season of applicants return is definately fixed by the testimony of another witness and this testimony shows that the applicant was at Fort Gibson in the Fall of 1866, just before the Christmas Holidays.

Referring to the testimony of the witness Dave French, page 4. of the examination of June 28th, 1901, as follows:

Q. "Do you know what became of this applicant during the war?"

A. "Went to Kansas." Q. "When did he come back?" A. "In 66. before Christmas."

This is the most important link in the chain of evidence, as to the date of applicant's return, because the time of return is associated with an important collateral event, namely the Christmas Holidays.

This witness has good cause to remember this particular season of the year,- crowded as it is with pleasant anticipations and prospective delights-, and the fact that he can associate the return of applicant with this particular time, raises a very strong probability that the witness is correct in his statement.

This witness, Dave French, is further corroborated by the testimony of the witness, L. B. Daniels, as follows: P. 3. hearing of 6/28/01

Q."When did you first see him after the war?". A. "In 66".

Q. "Where?." A. "Fort Gibson".

In considering the testimony of both these witnesses, it will be observed that they are unimpeached, uncontradicted, disinterested, and entirely free from any bias whatever and nowhere does the press

examinati on shake their testimony as to the time of applicants return.

The record in this case further shows, that, at the conclusion of the hearing of June 28th, 1901, this applicant had made out a prima facie case, to the satisfaction of the Commission and they were disposed to enroll him at that time, except for the plea of the Cherokee Nation, by its attorneys, to the effect that they desired an opportunity to disprove applicants claim. Quoting from the record:

"By Commissioner Needles:
Benjamin French applies for himself; he is not found on any of the rolls except the Wallace roll, but he is duly identified thereon; he makes satisfactory proof as to residence, but because of the fact that his enrollment is CONTESTED by the Cherokee Nation, he will be ENLISTED FOR ENROLLMENT as a Cherokee Freedman on a doubtful card and when the final decision of the Commission is arrived at he will be notified by mail".

Let us see now by what manner of testimony the Cherokee Nation pretent to overcome the prima facie case already made out by the applicant. After laying a foundation by a most rigid cross examination of the applicant, which resulted in absolutely nothing except the further strengthening of applicants case, they produce one of their hired attorneys, one, W. W. Hastings, a witness necessarily biased by the very nature of his employment, to wit, that of "knocking out" as many applicants as he possibly could. A witness pecuniarily interested in the result of the proceeding, who does not attempt to offer any testimony based upon personal recollection, but contents himself with giving a series of conclusions, based upon certain memoranda, a part of which was made by some other person. On page 1. of the testimony of May 23rd, 1902, this witness testified as follows:

" My name is W. W. Hastings. I am thirty five years old. My post office is Talequah. In 1896, when the Kerns- Clifton roll was made, I was one of the attorneys, as I am now, representing the Cherokee Nation before that Commission. Ben French applied to be enrolled as a colored citizen of the Cherokee Nation before that Commission at Fort Gibson, as my records before me show, the same being No. 158. Mr Keys was associated with me and took as much of the testimony as he could in long hand while the witnesses were testifying. This record shows that

R. F. No. 5.

Ben French testified, also that Joe Johnson testified for him. My record shows that Ben French at that time claimed to have come back in the Spring following the time the treaty was made in 1866, and he said he got back down in March of that following Spring. My record also shows that Joe Johnson stated that Ben French come back in 67, and my record further shows that Ben French was rejected by the Commission and it was so ordered at that time".

It is submitted, that this testimony, even if not objected to by the applicant or his attorneys, should have been ordered stricken out by the Commission at the time it was given, much less taken into consideration later on as a controlling factor in their decision. Especially is this so, if we are to consider the Commission as an impartial board, created largely for the purpose of gathering facts, upon which the Secretary of the Interior may, subsequently, base a fair and impartial decision. It will be observed that this witness does not give his personal recollection, neither does he refresh his recollection by reference to these personal records, and then state what his recollection is. He simply says that his records show that Ben French testified to certain facts. He does not even tell us the language of Ben French, nor does he quote anything purporting to be contained in said records. He simply gives his conclusions of what the record, in effect, contains; whereas an inspection of this alleged record might lead another fair minded person to draw an entirely different conclusion. Testimony of this kind is manifestly incompetent and has been the subject of much criticism by the courts of this country. This testimony is full of suspicion, because when an attorney is making notes at any trial or hearing, he is, naturally, noting down only those facts that are of most material interest to the success of the case or the interests of his client, and it is not presumed that he has any clear recollection of any facts occurring at the time, except those that are of peculiar interest to him. Although a reference to any of the elemental text books on evidence will show the incompetence of this kind of

testimony, as a general proposition of law, a reference to the opinion of Judge Martel, in the case of Watson vs Watson, 36 Maryland 501, explains in terse language the danger of this character of evidence, and clearly states the rule, as established by a whole line of decisions. Quoting from the opinion in above case, as follows:

"It is no part of the Counsels duty to take down the whole testimony of a witness, and in most cases it would be impossible for him to do so; generally he does no more than note down those parts of the testimony which appear to him to be material, or most worthy to be noted OR TENDING TO SUPPORT HIS OWN SIDE OF THE CASE, and to admit the notes thus taken to be read in evidence, as proof of the testimony which had been given, would be a very unsafe practice. AND WE DO NOT FIND IT SANCTIONED BY ANY DECIDED CASE".

See also the case of Green vs. Brown, reported in 3. Barb. N. Y. 119.

This testimony of the witness, Hastings, is the case of the Cherokee Nation, and it is submitted that, for the reasons stated, the same is not entitled to any consideration; and certainly not as a controlling factor in the disposition of this application.

On the contrary, the applicant has established his right to enrollment as a Cherokee Freedman. He has been a resident ever since his return and would have been on the 1880 roll, were it not for the fact that at the time said roll was being prepared, he was sojourning at Hot Springs Arkansas, taking treatment for rheumatism. His name is on the Wallace roll. His residence has been sufficiently established and he has been and is now a property owner in said nation, and is in other respects qualified. In spite of all the activities of the nation's attorneys in their efforts to overcome the clear case made out by applicant, when the testimony of applicant and his witnesses is read, with an honest endeavor to arrive at what is true, and not hypercritically and with an attempt to pick flaws, the case made out by applicant stands unshaken in any material particular.

In conclusion, therefore, it is submitted, that now, when applicant has an opportunity to have his status considered impartially, and in accordance with fair play and exact justice, he is entitled to receive those rights, which he establishes by clear and undisputed proof.

Respectfully submitted,

William O. Beall

Attorney for Applicant

Washington D. C. June 27th, 1906.

Cherokee Freedman D 935

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

In the matter of the application for the enrollment of Ben French as a Cherokee Freedman.

D E C I S I O N.

The record in this case shows that on May 11, 1900, Ben French appeared before the Commission at Muskogee, Indian Territory, and made application for enrollment as a Cherokee freedman. Further proceedings in the matter of said application were had on June 26, 1901, at Nowata, Indian Territory, and on May 23, 1902, and March 2, 1904, at Muskogee, Indian Territory.

The evidence in this case shows that the applicant, Ben French, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, and it is not shown by satisfactory evidence that he returned thereto, and established a residence therein, within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Mason Whitaire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation. Except that said applicant, Ben French, is identified on the Wallace roll, he cannot be identified on any roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Eliza Bryant, et al. (I.T.D. 544-04), William Rector (I.T.D. 1468-04), Minnie Duncan et al. (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2296-04), Ed Williams (I.T.D. 4230-04), Martha Albert et al. (I.T.D. 4738-04), and Moses Ross (I.T.D. 6056-04), the application for the enrollment of Ben French as a Cherokee Freedman, 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: Tams Bixby.
Chairman

SIGNED: T. B. Needles.
Commissioner

SIGNED: C. R. Breckinridge.
Commissioner

Muskogee, Indian Territory,
APR 24 1905

C-163

COPY

Cherokee freedman D 938

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Ben French as a Cherokee freedman.

D E C I S I O N

THE RECORDS OF THIS OFFICE SHOW: That at Muskogee, Indian Territory, on May 11, 1903, Ben French appeared before the Commission to the Five Civilized Tribes and made application for enrollment as a Cherokee freedman. Further proceedings in the matter of said application were had on June 24, 1902, at Nowata, Indian Territory, and on May 23, 1904, and March 2, 1904, at Muskogee, Indian Territory. The records further show that on April 24, 1905, the Commission to the Five Civilized Tribes rendered its decision herein denying Ben French the right to enrollment as a Cherokee freedman and that said decision was duly forwarded the Department for consideration and review. Thereafter on April 16, 1906, (I.T.D.5052-1906) the Department remanded said case to this office for the purpose of securing additional testimony to determine definitely the date of applicant's return to the Cherokee Nation. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, May 24, May 31, and July 26, 1906. A marriage license granted by John Pearson, probate judge, Iola, Allen County, Kansas, on the 3rd day of July 1869, authorizing the marriage of Benjamin French (Frank) of Humboldt, Kansas, age twenty-one years, and Amanda Tucker of Humboldt, Kansas, age twenty-one years, with certificate attached signed by James Lewis, Minister of the Presbyterian Church, Humboldt, Allen County, Kansas, certifying that he joined together in Holy bonds of Matrimony the parties named in the above mentioned license, on the 4th day of July 1869, together with the certificate of J. E. Smith, probate judge of Allen County, Kansas, certifying to the correctness of the copies and record, and the testimony of Frank Smith, S. W. Benge, Nancy Smith and Jack Smith, which was taken in Cherokee freedman D 938

and D 851 on June 17, 1904, in the cases of Martha Phillips and Bessie Phillips, are filed herewith and made a part of the record herein.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Ben French, was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that during the progress of said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation. Excepting the Wallace Roll, said applicant cannot be identified on any roll of the Cherokee Nation in the possession of this office.

IT IS THEREFORE ORDERED AND ADJUDGED: That under the provisions of Section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat. 495) Ben French is not entitled to enrollment as a Cherokee freedman and his application for enrollment as such is accordingly denied.

(SIGNED) Tams Bixby
Commissioner.

Dated at Muskogee, Indian Territory
this SEP 19 1906

Sattison J 8 7/13 04

Mr W W Hastings
Muscogee

Dear sir
In Regard to Letter Dated
July 12 04 in Regard Colord
Woman i Do not know any
thing Bout Her i Never
Lived in Kansas at all
and Dont know any Thing
a Bout That Woman

Yours Etc
John F Price
U S Marshal

J. A. GREGORY,
PROBATE JUDGE
WOODSON COUNTY.

Yates Center, Kansas. July 6 1906

James M Sayo.
Pryor Creek. I.T.

Dear Sir

Yours of July 2nd at hand and in reply will say that I have examined the Marriage Records of this County. and find no record of the Marriage of Benjamin French or Whili and Madaline Frost. I find prior to May 1867 that it was not necessary to obtain Marriage License those solemnizing Marriage Made their return to the county Clerks of the county where the Marriage was solemnized if the parties remember Who performed the ceremony they might establish their record if the party is still living.

Respectfully
J. A. Gregory

Laws 1867. ch 84 §1 (May 27)

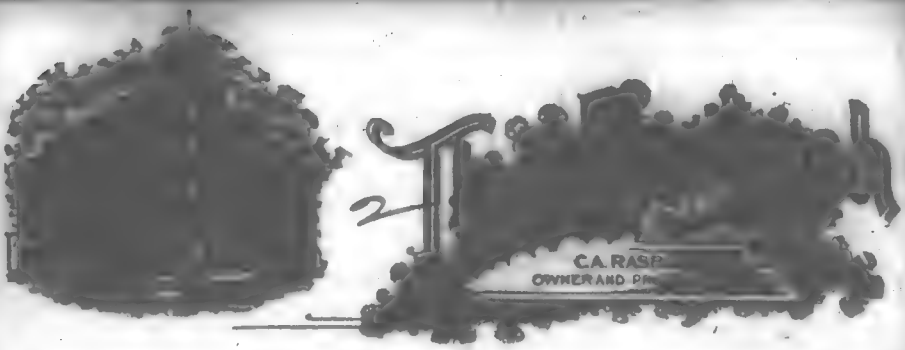
M. G. RASBACH,
Manager.

Parsons, Kan. June 25th 1906

Hon. H. W. Hastings,
Tahlequah I.T.

Dear Friend.

Yours relative to the Ben. French, or White, marriage to hand. I have written the Probate Judge at Iola, Kan. as well as Yates Center relative to the matter, as the probate Judge is custodian of the marriage records in Kansas. I wrote the Judge at Yates Center thinking Humbolt might be in his County. I will go from here to Coffeyville, this evening thinking I may procure a witness or two on the early settlement of Snow creek in the Cherokee Nation as Stephen, Little Leander, Bean and John Baldridge



M. G. RASBACH,
Manager.

Parsons, Kan.

fix the residence of her
Father, George, May, or Landrum
on said Creek in 1866 - of course
it is a lie. However we have
to disprove it, as they have
sworn it, I hope to find some
one at Coffyville to disprove
their statements.

Yours Truly
James McCoy Jr

F.D. 935

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the

.....day of.....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

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

....day of....., 190....

.....

Attorney for applicant.

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

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

.....

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

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

9/20 filed

NOTICE!

IN THE MATTER OF the application of Benjamin French for enrollment as Cherokee citizens:

Case No. D 925

To Benjamin French or Mellette & Smith Attys

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Mt Gibson Indian Territory, on Sept 24 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept 18 1901

L B Bell

W W Hastings

Attorneys for the Cherokee Nation.

M81

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

ALLISON L. AYLESWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D 935

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 23, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Benjamin French for enrollment as a Cherokee Freedman you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to the applicant's residence in the Cherokee Nation; as to whether he ever owned any effects therein, and if so when he acquired such effects and how long he continued to own same.

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 Tuesday March 1, 1904, and introduce testimony as above requested. The Cherokee Nation will be permitted to appear on that date and introduce testimony in rebuttal of that requested of the applicant.

Respectfully,

Commissioner in Charge.

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

Refer in reply to the following:
Cherokee Freedmen.
B-555.

Muskogee, Indian Territory, April 24, 1905.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 24, 1905, rejecting the application for the enrollment of Benjamin French as a Cherokee freedman.

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

Respectfully,

Chairman.

Encl. 6-54

Land Litigation
Indian Matters
Patents
Trade-Marks
Designs

Registered Attorney
U. S. Patent Office and Interior Department

Practice in all U. S. Courts
Court of Claims
Departments of Government
Committees of Congress

WILLIAM W. WRIGHT,
Lawyer,
Formerly U. S. Appraiser Public Lands,
Bond Building,
WASHINGTON, D. C.

Refer to
Columbia National Bank

July 22nd, 1905.

Messrs, Bell Hastings & Davenport,

Muskogee I. T.,

Gentlemen:

Enclosed, please find copy of closing argument in behalf of Ben French, Cherokee Freedman Applicant.

Very truly yours,

W. W. Wright

W.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D. 935

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

Muskogee, Indian Territory, May 28, 1906.

Bell, Hastings and Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is enclosed you herewith a copy of the testimony taken May 24, 1906, at Muskogee, Indian Territory, in the Cherokee freedmen enrollment case of Ben French, C. F. D. 935.

You are advised that this case has been set for hearing at Muskogee, Indian Territory, at nine o'clock A.M., on Thursday, May 31, 1906, at which time the Cherokee Nation will be permitted to appear and introduce such testimony as it may desire.

Respectfully,

W. O. Beall
Acting Commissioner

LMB

Encl. B-91

W. W. HASTINGS, ATTORNEY. OFFICE OF [illegible], SECRETARY.

Attorneys for the Cherokee Nation

BEFORE THE UNITED STATES COMMISSION TO THE FIVE CIVILIZED TRIBES.

CHEROKEE ENROLLMENT DIVISION.

Muskogee, I. T., June 1, 1906.

Probate Judge,

Fort Scott, Kansas.

Dear Sir:

Please examine your marriage record and send us a certificate of the marriage license of Benjamin French (or White) to Jennie Madeline Frost, together with your charges for certifying the same, and we will remit at once. Kindly give this matter your immediate attention and we will promptly remit to you.

Yours very truly,

Bell, Hastings & Davenport
Attorneys for the Cherokee Nation.
HM

Fort Scott, Kas. June 2nd 1906.

Dear Sirs:
If you will give me the date of whose marriage or something more the date it will greatly assist me.

Yours truly,
B. T. Anderson
Probate Judge.

Muskogee, I. T., 6-4-06.

They claim to have been married on July 4, 1866.
We believe it was later than that time. It was probably on July 4, 1867--possibly later.

Yours very truly,

Dear Sirs: I find by my record of such marriage. Have looked from 1866 to 1870.
B. T. Anderson
P. J.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
F D 938.

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

Muskogee, Indian Territory, June 5, 1906.

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

Gentlemen:

There is inclosed herewith a copy of supplemental proceedings taken at Muskogee, Indian Territory, May 31, 1906, in the matter of the application for the enrollment of Ben French, as a Cherokee freedman.

Respectfully,

Commissioner.

Incl. GL-9.
GHL

Refer in reply to the following:
Cherokee.
F D 600.

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

Muskogee, Indian Territory, August 7, 1906.

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

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, July 26, 1906, in the matter of the application for the enrollment of Ben French as a Cherokee freedman.

Respectfully,

Geo. D. Rodgers
Acting Commissioner.

Incl. GL-5.
GHL

REFER IN REPLY TO THE FOLLOWING:
Cherokee F
D 938

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

Muskogee, Indian Territory, September 19, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 19, 1906, rejecting the application for the enrollment of Ben French as a Cherokee freedman.

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

Respectfully,

Commissioner.

Encl.H.J.-203.
H.J.C.

(Copy)

Refer in reply to the following:

LAND.
82640-1906

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

January 11, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith report of Commissioner Bixby, dated September 19, 1906, relative to the application for the enrollment of Ben French as a Cherokee freedman, including the decision of the Commissioner, dated September 19, 1906, rejecting the application.

On April 10, 1906 (I.T.D. 5052-1905), the Department remanded this case to the Commissioner for rehearing and readjudication.

The applicant appeared before the Commission at Muskogee on May 11, 1900, and made application for enrollment, as above.

The evidence in this case shows that the applicant was the slave of a Cherokee citizen at the commencement of the rebellion and that he was taken from the Nation during the rebellion; that at the rehearing had, in pursuance of Departmental instructions, evidence was taken to determine whether the applicant returned to the Nation and established his residence therein prior to February 11, 1867.

The applicant's wife, Jennie M. French, testifies that she was married to Ben French on July 4, 1866, and returned to the

Cherokee Nation, with the applicant, in December of the same year. The marriage license, granted by John Paxson, probate judge, Iola, Allen County, Kansas, on July 3, 1869, authorizing the marriage of Benjamin French, of Humboldt, Kansas, age 21 years, and Amanda Thoker, of Humboldt, Kansas, age 21 years, properly certified to by the officiating minister, showing that the marriage occurred on July 4, 1869, is placed in evidence. The name of the applicant cannot be found on any roll of the Cherokee Nation except the Wallace roll in the possession of the Commissioner.

On this state of facts, ample opportunity having been afforded the applicant to further establish his residence in the Nation prior to February 11, 1867, it is the opinion of the Office that he did not return to the Nation within the time specified, and under the provisions of the Act of April 26, 1906 (34 Stat.L., 137), he is not entitled to enrollment as a Cherokee freedman. It is therefore recommended that his application be denied.

Very respectfully,

(Signed) C. F. Larrabee,

Acting Commissioner.

A.J.W.-EH

K.S.M.

DEPARTMENT OF THE INTERIOR,

WASHINGTON. FEB.

D.C.5186-1907.
I.T.D. 788-1907.
LRS.

January 22, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

September 19, 1906, you transmitted the record in the matter of the application for the enrollment of Ben French as a Cherokee freedman, including your decision of the same date, denying said application.

Reporting January 11, 1907 (Land 82640-06), the Indian Office concurs in your decision. A copy of its letter is inclosed.

The Department also concurs, and your decision is affirmed.

The papers in the matter have been returned to the Indian Office for its files.

Respectfully,

(Signed) Thos.Ryan,

First Assistant Secretary.

Through the Commissioner of Indian Affairs.

1 inc. and 2 for Ind.Of.

REFER IN REPLY TO THE FOLLOWING:
Cherokee 3
B 935

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

Muskogee, Indian Territory. January 31, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 19, 1906, rejecting the application of Ben French for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, on January 22, 1907.

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

Respectfully,

Commissioner.

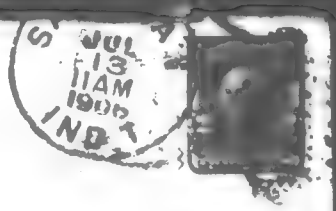
E.R.C.
Enc. B.C.1

RETURN IN TWENTY DAYS TO

ATTORNEYS FOR CHEROKEE NATION

CHEROKEE ENROLLMENT

TAHLEQUAH, INDIAN TERRITORY



W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, I. T.

RETURN IN FIVE DAYS TO
J. A. GREGORY,
Probate Judge, Woodson County.
YATES CENTER, KANSAS.

YATES CENTER
JUL
6
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James M. Keys
Muskogee
I.T.
Care of The Attys for Cherokee nation)

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PARSONS, KANS

SEDALIA & DENISON
R.P.O.
JUN 2 1906

Hon. W. W. Hastings.
atty. for the Cherokee Nation
Muskogee.
I. T.

"... I ... LOTT TO HOPE ... ORAL ... I do not know what to ... (Mr. Bonnycastle) and ... 1961 ... Thirty years ago ... LITTLE ... two ... ... Lake ... ...

To be filed with the case of Skeeter Willis, D. F. N. [illegible]

[illegible]

In the matter of the application of Steve Looney for the enrollment of himself, his wife [illegible] as Cherokee freedmen by being sworn as examined by [illegible] C. [illegible], testified as follows- I R. Bledsoe, sworn for the claimant.

Q Give me your name? A. Steve Looney.
Q What is your age? A. 58 years of age.
Q What is your post office? A. [illegible]
Q In what district do you live? A. [illegible]
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Do you want to apply for the enrollment of anybody besides yourself? A My wife. The children are all grown.
Q How long have you lived in the Cherokee Nation? A. I was raised in the Cherokee Nation.
Q Have you lived here all your life except during the war? A. Yes sir, all my life, except when I went out to live of the war.
Q Give me the name of your father? A My father was named Sequi-[illegible], a Cherokee name.
Q Is your father dead? A. Yes sir.
Q How long has he been dead? A. I dont know how long; he died when I was a small boy.
Q Give me the name of your mother? A We all belonged to the same person. My mother, I heard since she enrolled, she enrolled by her young mistress; she was staying with her when the war broke out.
Q Give me her present name? A. Julia Rattlingtoad.
Q She is alive now, is she? A. No sir, she is dead.
Q How long has she been dead? A. Going on three years, I think.
Q Was she a Cherokee freedman? A. Yes sir
Q To whom did you belong at the time the war broke out? A. I belonged to Betsy Looney.
Q Was she a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Well did you go to Kansas during the war? A. Yes sir.
Q What time did you come back? Q. I came back in the fall of [illegible].
Q When did you first hear of the treaty of 1866? A It must have been about a year.
Q A year what? A. When I first heard about it.
Q About a year before you came back? . Yes sir.
Q How long was it after the treaty had passed had you heard that the treaty had passed? A I heard that they had made a treaty and we fixed up and got ready and came as soon as we could?
Q And about a year after that you came? A. Yes sir.
Q Who all came with you? A. Tobe Looney, old man Murrell.
Q Murrell who? A. Nelson Murrell.
Q Who else? A. Sam Fox.
Q Who else? A. Joe Ross.
Q Who else? A. Jacob Ross.
Q Who else? A. Rowie Gibson.
Q Did these people come along and bring their families? A. Yes sir.
Q You all made up a sort of a party together? A Yes sir, they came together.
Q Where did you come? A We came to Virdigris.
Q Near what point? A Near Coppenock bend.
Q Who was all living in the neighborhood when you got there? A There wasn't anybody living there.
Q Hadn't some people come there and put up some cabins when you got there? A I think old man Nelson Murrell had a cabin when we got there.
Q You said he came with you? A. He came with us, but I think he was there before and went back.
Q Who else then? A. That is all I know of.
Q That is all you remember now? A. Yes sir.
Q Give me the name of your wife? A. Peggy Ross-Peggy Looney now.
Q How old is your wife? A. She must be somewhere near about 58 years old.
Q [illegible] you and those that were grown and she married? A We have been married together since the war.

been living together since before the war.
Q If she the first woman you ever lived with as husband and wife? A Yes sir.
Q Was you the first man she ever lived with as husband and wife? A. She lived with a man before.
Q Was yourwife alleged to be a Cherokee freedman of her own right? A. Yes sir.
Q Have you and your wife any children of your own? A No sir.
Q Has she children of her former marriage? A. Yes sir.
Q They are all the children of the man she lived with before the war? A Yes sir, she has two.
Q Two living now? A. Yes sir.
Q To whom did your wife belong? A. She belonged to Chief Ross.
Q Was she his slave at the time the war broke out? A. Yes sir.
Q What was the name of the man your wife lived with before the war? A I dont know she lived with anybody but him.
Q But who? A. Chief Ross you mean?
Q You told me your wife had been married before the war? A. I dont know who he was; I was quite young then—I dont know.
Q Is he dead or do you know know anything about him? A. I dont know anything about him.
Q That was back in slavery time? A. Yes sir.
Q Well, did your wife come with you when you came back from Kansas? A Yes sir
Q You and she come the same time? A. Yes sir, I brought her with me.
Q Did you once go to Tahlequah to apply for admission to the Cherokee Court? A. Yes sir.
Q To try and get your right as a Cherokee freedman? A. Yes sir.
Q When was that? A. I couldn't tell you just how long; I never kept no count.
Q Was it as far back as '70 or '71? A It was when Chief Bushyhead was Chief. He was Chief then.
Q Did you appear before the Court? Ans sir, I didnt go before the Court: I just went to him.
Q And did you have a talk with him? A. Yes sir, I had a talk with him.
Q Was that out doors or in the court house? A. Out doors—outside of the court house.
Q What did you do—go back home? A. He told me to go back home and work; that we were all right. He said this court wasn't set for us.
Q What court was that? A. They said that was the North Carolina Court for North Carolina Indians. There were a large number there that claimed to be Indians.
Q You never applied to any court? A. No sir.

The 1880 authenticated roll and the 1885 census roll examined and the names of the applicants not found thereon.

Q Did you draw Cherokee strip money? A. I drawed ~~xxx~~ money on the Wallace payment and on the Kerns payment.

The Kern Clifton roll examined and the names of the applicants are found thereon as follows:
page 142, No 3536, Stephen Looney, Coowescoowee dist.
page 142, No. 3537, Peggy Looney, Coowescoowee dist.
The Wallace roll examined and the names of the applicants are found thereon as follows
page 121, No 2545 Steve Looney, Coowescoowee dist.
page 121 No 2546 Peggy Looney, Coowescoowee dist.

(Mr. Shadgee) I have some certificates here.
(Commissioner) The applicant presents a certificate under the signature and seal of the Clerk of Coweescoowee district, and under date of September 1, 1893, authorizing him to employ a laborer in the Cherokee Nation, and also two certificates for the year 1895 from the Clerk of Coowescoowee district to the same effect, and these are filed herewith
(J. S. Davenport) The representatives of the Cherokee Nation protest against the introduction and use of the said certificates as evidence for the reason that it does not tend to prove or disprove any fact material in this case, and that the Clerk of Coowescoowee district violated the law in issuing permits to one who is not a recognized citizen and it does not tend to establish that the applicant had complied with the treaty of 1866.
(Mr. Shadgee) Have you always been recognized as a citizen of the

Cherokee Nation? A That is what they call me.
Q Henry never has been any [illegible] citizenship that you know of? A. I have heard [illegible] I have not.
Q Did you ever vote? A. [illegible] I voted.
(J. S. Davenport) If you claim [illegible] a citizen why are you here applying? A. Of course, I was here all the time.
Q Yambee knew for years that you were not a recognized citizen? A. I was always called [illegible]. They gave me [illegible] and recognized me.
Q You knew you were [illegible] your name was advertised to be sold as and intruder's place? A. Yes sir, they didn't call it.
Q It was advertised for sale? A. Yes sir.
Q You didn't apply to any of the courts at Tahlequah? A I told you we got information from the chief.
Q I asked you did you or did you not apply? A. I told you I didn't.
Q Now you came back to the Nation you say with Nelson Murrell? A. Yes
Q Did you testify before the Dawes Commission? A. Yes, yes, I guess I did.
Q If in giving your testimony before that Commission, I will ask you if you didn't testify in substance as follows: " I came back to the Cherokee Nation before Nelson Murrell came to this country? " A I don't recollect anything about that at all.
Q Well, did you testify in substance anything about when you came or when Nelson Murrell came? A. No sir, I don't think I ever did that.
Q Do you know Randolph Walls? A. I have seen him.
Q Alex Gonnes? A Yes sir.
Q Were they living up there when you came? A They were not.
Q Where did you first come to from Kansas to the CherokeeNation? A Go Verdigris.
Q Was there any place you went to [illegible] that you can name, any farm or improvement? A No sir there wasn't any.
Q No farm or improvement in that country? A. There was no farm at all.
Q Now you say, your wife, Peggy, belonged to Chief Ross? A Yes sir.
Q John or Bill? A. John, Chief Ross.
Q Where was she living at the breaking out of the war? A. Park Hill.
Q Where was she living with Chief Ross at that time? A. She was
Q Where were you living at the time the war broke out? A. I was living on Illinois river close to Oak springs.
Q Your wife didn't go north with the other slaves of Chief Ross? A She wn't with me.
Q Were you married at that time? A. No sir.
Q How old were you at the breaking out of the war? A I couldn't tell you
Q How old was your wife? A. I couldn't tell you that; she was the mother of those children that is here now.
Q And yourwife went with you to what point in Kansas? A. To Fort Scott
Q Did any of the rest of the slaves of Chief Ross go with you? A No sir
Q You and your wife weren't married then at that time? A. No sir, we were living together then.
Q Your wife returned with you did she? A. Yes sir.
Q That was about a year after you heard of the treaty being made? A. Yes sir.

NELSON MURRELL, being sworn and examined by Commissioner Breckinridge testified as follows:
Q Give me your full name? A Nelson Murrell.
Q How old are you? A. 77, soon will be.
Q What is your post office? A. Coffeyville.
Q How long do you claim to have lived in the Cherokee Nation? A All my life
Q Were you out during the war? A. Yes sir.
Q Do you know the applicant here, Steve Looney? A Yes sir
Q How long have you known him? A About 45 years if my memory serves me right.
Q Was he a slave in the Cherokee Nation at the time the war broke out? A Yes sir.
Q To whom did he belong? A He belonged to Betsy Looney.
Q Did you know him up in Kansas during the war? A. Yes sir.
Q Did [illegible] come back with him? A. Yes sir.
Q When [illegible] you came back from Kansas? A. He came back with me.

Q Was that the first time you came to the Cherokee Nation after the war?
A No sir.
Q When had you been to the Cherokee Nation before that visit? A. I had been back to the Nation in February, '70.
Q You dont mean February '70? A No sir, I mean February '65; I made a mistake.
Q Where did you come the first time? A. I came up on the Verdigris
Q Is that where you are living now? A. Close by where I am living now
Q Did you make any improvements when you came at that time? A. Yes sir built a cabin.
Q Had the war been declared over? A. Yes sir.
Q Did you wait until you heard the army had all surrendered and the fighting had stopped? A. Yes sir.
Q Well, how long did you stay in the Cherokee Nation that visit? A. Well, I staid about three weeks, I guess, and maybe four at that time
Q And what did you get? A. Well, I packed out some flour
Q Where did you go after this visit? A. I went back to Kansas.
Q When did you come back the next time? A. I came back the next time in July.
Q At the same year? A. Yes sir.
Q What did you do then? A. Put up some hay.
Q How long did you stay that time? A I went back to Bourbon County Kansas.
Q And when did you come to the Cherokee Nation again? A. Back in the fall
Q In the fall of the same year? A.Yes sir.
Q How long did you stay then? A. I staid then all the time. I brought my family and effects all at that time.
Q That was the time you brought your family and all your effects? A Yes sir.
Q Who came with you that time? A. This man here, Steve Looney.
Q Did his wife come with him? A Yes sir.
Q Was that the first time they had come down? A. No, he had been down once before, this man to my knowledge.
Q How do you know he had been down before? A. Because he has been in my neighborhood.
Q When had he been down before? A. Well, he came down about the same time in July when I was down.
Q What did he do down here? A Came and picked his claim out.
Q What improvements did he make? A. He stuck up some poles on his place where he expected to come to
Q And what else? A. They didn't do much else that time.
Q How long did he stay? A. He staid maybe one month
Q What did he do then? A. He went back to Kansas.
Q Where were you when you first heard of the treaty of '66? A I was up in Bourbon County, Kansas.
Q Where were your family at that time? A. Up there with me.
Q Had you brought your family to the Cherokee Nation before you heard of that treaty? A. No sir.
Q How long after youheard of that treaty before you brought your family? A I brought them down in the fall of 1866; that was when I brought them.
Q Did this man and his wife come down with you when you brought your family? A ~~I brought them down the fall of 1866~~ Yes sir, when I brought my family he came with me then.
Q Came along together? A Yes sir.
Q What improvements were in the country at the time you brought your family? A There were some cabins scattered about in a few places;some few houses.
Q What houses were in the neighborhood where you and he settled,did you and he settle in the same neighborhood? A. He settled about four miles from me.
Q What cabins where in that neighborhood? A. There weren't any—not when I brought my family.
Q There wasn't any in where he settled down in his settlement? A. He was the first settler on that side of the river.
Q Were there some in your settlement? A. Yes sir.
(By I. P. Bledsoe) Do you know when the treaty was made,Nelson? A Yes sir.
Q When? A. No, I dont know exactly when it was made; I cant tell that
Q Then if Steve Looney states that it was a year after the treaty was made that he came back here he is mistaken in the dates,aint he? A

Yes sir.
Q He came with you in the fall of '60 did he? A. Yes sir.
Q Are you positive of that? A. Yes sir.
(Commissioner) You came the same time you brought your family? A Steve Leaney, John Leaney, James Rose, Bunk Fox, Frank Gibson.
Q Was Jim Rose came? A. Jim Rose came with us the first time.
Q Did he bring his family the same time you brought yours? A. Yes sir
Q Was these three Steve Leaney brought his? A. Yes sir.
Q Anybody else? A. That is all I can remember.
Q They came that time? A There may be others, but I cant remember.
(By I.P.Bledsoe) Was Dave Rose about? A. Yes sir.
(Commissioner) Did Dave Rose come too? A. Yes sir.
Q Who did he come with? A. Steve Leaney.
(I.P.Bledsoe) Do you know Dave Rose' wife? A. I know of her; I am not acquainted with her.
Q Was she along in the crowd with Steve Leaney? A. Yes sir.
(J. S. Davenport) Nelson, you are the same Nelson Murrell that testified the other day in the Amos Addir case? A Yes sir.
Q And you are one of the committee of the claimants to look after and get up evidence and present to the Commission in their cases are you? A No sir, I dont recollect that we did; I am a member of the organization.
Q That is what I am asking you about? A. Yes sir.
Q You are a member of it now? A. Yes sir.
Q You came back with Steve, you say? A. Yes sir.
Q And you don't know when that was except that you claim it was in '60? A Yes sir.
Q Do you know where Steve Leaney was living when the war broke out? A Yes sir.
Q Where was he living? A. On Mill creek, Bourbon county
Q When the war broke out? A. At Park Hill.
Q How far were you living from Steve? A. About five miles.
Q How far were you living from his wife? A. Peggy Leaney; about one mile.
Q You were living on the old Murrell place and she was living on the old Rose place about three hundred yards apart? A. About a mile apart
Q And she went to Kansas with Steve instead of going with Rose. Did she go with Rose or with Steve to Kansas? A. I dont recollect;it seems she went with Steve.
Q You went along too didn.t you? A. No, I didn.t go with them.
Q When did you next see Peggy after the war broke out? A. In Fort Scott Kansas.
Q She was with Steve then? A. Yes sir.
Q When you first came down you were peddling flour when you first came down; who were you selling flour to? A. I was selling it to Osage Indians.
Q And you came back the next year to make hay? A. Yes sir.
Q How did you cut it? A. I made it with Armstrong.
Q You cut up your hay and left it and went back to Kansas? A. Yes sir
Q And then came back that fall? A. Yes sir.
Q Were there any roads through that section of the country then? A. No sir, there was what they called the west traily road.
Q Where did it lead to? A. To the Osage Nation, and down to Shetepa: that was on the traily road.
Q Was Chetopa there that time? A. No sir.
Q Then it didn't lead to Chetopa? A. It led to there— one road did.
Q You quit the main military road that led from Fort Scott to the Cherokee Nation and went in the west part of the Osage Nation? A Yes sir.
Q Was that in the Cherokee Nation at that time,or part of the Osage Nation? A. Part of the Osage Nation.
Q Coonscuck country was part of the Osage Nation? A. No sir.
Q Did it belong to the Cherokee Nation or Osage Nation? A. It belonged to the Cherokee Nation; Osages were only camped there.
Q Was that before the Osage war? A. Did they have a war?
Q Dont you remember when they had a war with the Cherokees? A That was a long time at Claremore.
Q I believe you said you belonged to George Murrell? A Yes sir, I be-

belonged to George Murrell.

The applicant applies for the enrollment of himself and wife. The applicant is identified on the Wallace roll and the Kern Clifton roll, but not upon the roll of 1880 or that of 1896. It appears that he was a slave of a Cherokee citizen at the end the war broke out, and that he has lived in the Cherokee Nation all his life, except during the period of the war, and somewhat indefinite period thereafter, when he was in the State of Kansas. He claims to have returned to the Cherokee Nation in the fall of 1866, but a witness, as he has stated several times as a witness in other cases that he came back to the Cherokee Nation about a year after he heard of the treaty of 1866. The witness in this case, Nelson Murrell, affirms that the applicant has been to the Cherokee Nation some prior to the time when he and the applicant and the applicants wife, along with other persons mentioned, moved permanently to the Nation, and the testimony should be considered as such. This is consistent with the statement of the applicant himself. For the further consideration of the testimony, giving the applicant the benefits at this time of any doubts that may exist, he will be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address. The applicant claims that his wife is a Cherokee freedman of her own right; she is identified on the Wallace roll and the Kern Clifton roll, but not upon the roll of 1880 or that of 1896. She is now 62 years of age, and the applicant is 58 years of age. The testimony shows that she and the applicant returned to the Cherokee Nation at the same time from the State of Kansas. She was evidently a Cherokee slave at the time the civil war broke out. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her postoffice address. It is ordered that the Nelson Murrell taken in this case be filed in the cases of Tobe Looney, D-518 and Dave Rose, D-513.

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

(signed) E. S. Rutherford.

Subscribed and sworn to before me this 7th day of June, 1901

(signed) C. R. Breckinridge

Commissioner.

* *

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 10, 1901.

In the matter of the application of Steve Looney for the enrollment of himself et al. as Cherokee freedmen.

O R D E R

The testimony of Frances Patterson, taken this day in the matter of the application of Burns Rose for enrollment as a Cherokee Freedman will be made a part of the record in the application of Tobe Looney et al and Steven Looney et al, who have been listed for enrollment on doubtful cards 512 and 513 respectively. A copy of the testimony of the said Patterson will be made a part of the record in the cases of Steve Looney and Tobe Looney.

By Order of the Commission.

(signed) T. B. Needles, Commissioner.

[illegible]

In [illegible] Q [illegible]

[illegible]

A [illegible]

[illegible]

J. S.

[illegible] they moved by [illegible] Brazos, [illegible] led on

[illegible]) [illegible] Pennington.

[illegible]

Q [illegible] Do you know who he was? A I know [illegible] his mother's home.

Q Where was he from, do you think? A ([illegible])

Q [illegible] he was [illegible] A [illegible] I seen him he was [illegible] Texas.

Q [illegible]

Q [illegible]

Q When did you [illegible] A Well it was in 1889

Q Along about [illegible] A Yes sir.

Q I'm don't know anything about where he lived up to that time? A No sir

Q You don't know where his [illegible] were living when they were here? A I know where he [illegible] lived when he was [illegible] A No,

Q I am speaking about [illegible] lived when he was [illegible] A No, sir, I don't know anything about them until I saw them put in my house here.

Q How far did they live from you? A I guess it is about 10 miles; I lived on Cabin creek and they lived on [illegible]

Q [illegible] A [illegible] I know of.

Q Did he live with his [illegible] yet? A Yes sir, then I don't know he was [illegible]

Q Do you know when you were up in that country first? A I was up there [illegible]

Q [illegible] where [illegible] until? A At that little [illegible], I [illegible] all the rest of it [illegible] I guess.

Q They don't live in [illegible] that A No sir, they rather lived [illegible] there close to my [illegible] place on the hill.

Q (By Bledsoe) Do you know when Dave and his mother came to this country? A No sir.

Q You don't know when he came back? A No sir, I don't know when he came back here, but I knew when they left and that I know.

Q From where? A Fort Smith.

Q Does you think? A It was a little over the 66 [illegible]

Q And they started from there to go to Mr. A. [illegible] Kansas.

Q [illegible] came down to the Nation [illegible] that? A Yes sir, we came down here on grand river and they went a [illegible] place.

Q And Dave Rose, father of this boy, was in the [illegible]? A All of them was [illegible]

Q What do you mean by all of them? A [illegible] he was a [illegible]

Q [illegible] Yes sir.

Q [illegible] was in that [illegible] and Dave [illegible]

Q [illegible] A [illegible] and [illegible]

Q [illegible] they [illegible] a [illegible]

Q [illegible] Do you come by [illegible] as you came from Fort Smith [illegible] A Yes sir.

Q [illegible] was [illegible] that? A It was a small place, there was [illegible]

Q [illegible] A No sir, it was [illegible]

Q [illegible] you were [illegible] A [illegible] Yes sir.

Q [illegible] A [illegible] A [illegible] A [illegible] sir.

[illegible]

[illegible]

[illegible]

(Signed) [illegible]

Subscribed and sworn to before me this [illegible] day of June, 1901.

(Signed) [illegible]

[illegible]

I, [illegible], upon my oath state that the above is a true copy of the original.

[illegible]

Subscribed and sworn to before me this 2nd day of August, 1901.

[illegible]

[illegible]

To be filed with the case of Sherney Maggie Willis, S. F. D. 834

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T. June 6, 1906.

In the matter of the application of Sherney Rose for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant.
J. W. Davenport, of counsel for Cherokee Nation.

Sherney Rose, being duly sworn and examined by Commissioner Brookbridge testified as follows:
Q Give me your name? A Sherney Rose.
Q How old are you? A I think I am about 32 or 33.
Q What is your post office? A Coffeyville, Kansas.
Q In what district do you live? A Goweesoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Do you want to apply for the enrollment of anybody besides yourself? A Just myself, my children are of age.
Q Have you a husband? A I have had.
Q But you haven't now? A No sir.
Q Then you only want to apply for yourself? A Yes sir.
Q How long have you lived in the Cherokee Nation? A I came back in 1902, in the fall.
Q Have you lived here ever since? A No not ever since, I have been out and in.
Q Were you a slave in the Cherokee Nation at the time the war came on between the north and south? A Yes sir.
Q To whom did you belong? A John Rose.
Q Was he recognized citizen of the Cherokee Nation? A He was the Sheriff of the Cherokee Nation.
Q Old Sheriff John Rose? A Yes sir.
Q Give me the name of your father? A My father was sold when I was a year old, but Steve Looney is my stepfather.
Q Give me the name of your mother? A Peggy Rose was my mother, but she is Steve Looney's wife now.
Q She is alive now, is she? A Yes sir.
Q How many times have you been married? A Once.
Q To whom were you married? A Married to John Willis.
Q When were you married to John Willis? A About 20 years ago.
Q You say he is dead? A No sir, he is alive.
Q Have you and he parted? A Yes sir.
Q Have you resumed the name of Rose? A Yes sir.
Q You dont go by the name of Willis now? A No sir.
Q How long did you and John Willis live together? A We lived together about six or seven years, the best I can recollect.
Q You have never remarried since you parted from John Willis? A No sir
Q Are you on that 1880 roll? A I am on the Kilfen roll.
Q Are you not on the 1880 roll? A No sir.

The 1880 authenticated roll of Cherokee freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee freedmen examined, and the applicant not identified thereon.
The Kern Kilfen roll examined, and the applicant identified thereon, page 143, No 2848, Goweesoowee district.
The Wallace roll examined and the applicant not identified thereon.

Q You are not on the Wallace roll? A No sir.
Q Now is there someone here who knows about your having been married and being the child of Peggy Looney? A Yes sir, Steve Looney and Emma Fox.

STEVE LOONEY being duly sworn and examined by Commissioner Brookbridge, testified as follows:
Q Give me your name? A. Steve Looney.
Q What is your post office? A. Coffeyville.
Q Dwhat district do you live? A I live in Goweesoowee district.
Q Do you know the applicant here? A Yes sir.

Q What kin is she to you? A. She is my stepdaughter.
Q Is she the daughter of your wife Peggy by a former husband? A Yes sir
Q When did you marry her daughter Peggy? A. I had her before the war.
Q Was this child with you when you went out during the war? A. Yes sir
Q Did she come back with you when you came back from Kansas? A. Yes sir
Q Did she come back at the same time you brought her mother Peggy? A Yes sir.
Q Has this woman lived in the Cherokee Nation ever since she came back with you from Kansas? A She makes it her home here.
Q Well, she has been married, has she? A. Yes sir.
Q How many times? A. Once that I know of.
Q What was the name of the husband? A I think it was Willis.
Q Has she parted from him? A. Yes sir.
Q How many years ago? A. Yes sir.
Q Has she ever married since that? A. No sir.
Q Does she now go by the name of Ross? A. Yes sir.
Q Was that her mother's name in old times? A. Yes sir, Peggy Ross.
Q And she has taken back the old name since she left that husband? A
A Yes sir.
(Mr. Davenport) Where was this woman when the Wallace roll was made?
A She was here, right on the ground.

CHANEY ROSS, recalled, testified- (Commissioner)
Q Now you say you have lived in the Cherokee Nation since you came back after the war? Off and on? A. Yes sir.
Q Well, was your husband, John Willis, a Cherokee Freedman? Or a state man? A. State man.
Q Where did you marry him? A. On the Virdigris river.
(Mr. Mellette) In the Cherokee Nation? A. Yes sir inn the Cherokee Nation.
(Commissioner) Where was he from? A I think he was from Tennessee.
Q Well, where have you lived except in the Cherokee Nation? A. I have lived in-- I have worked in Fort Scott.
Q And where else? A. And I have worked at Coffeyville after Coffeyville was a town.
Q When did you first work in Fort Scott? A I worked there I think about five years after we come down here, as near as I can recollect.
Q You went there to work five years after you came back from Kansas? A Yes sir.
Q Well who did you work for up there? A I worked for a man by the name of Col. Hohig.
Q Well how long did you work for him? A. I staid there I think about four months three or four months.
Q Then what did you do? A I came back to the Nation.
Q Then what did you do? A. Then I helped on the farm.
Q Well, tell me about what you have been doing? A I helped them clear up the farm.
Q How long did you stay there with them? A. I staid there, really I cant saw how long, but I says I worked there with them, then after Coffeyville was built I went there and took washing for people.
Q Well, when did you go to Coffeyville? A After Coffeyville was established.
Q Do you remember when that was? A. No sir, I dont.
Q Well, how long did you live up there? A. Why I would go back and forward, because I am only eight miles from Coffeyville, seven or eight.
Q How many children have you? A. Just the two.
Q Where were they born? A. On the Virdigris river, in the Cherokee Nation, at my mother's
Q Have you lived in Coffeyville since you married? A. I haven't lived there since my husband went back to his home.
Q Since you and he parted? A. Yes sir.
Q Have you ever gone back to Fort Scott to work? A. I said I has went back once.
Q I am talking about since that time? A. No sir, I have been there to have my eyes treated.
Q Well, how long a stay have you made in Coffeyville? A I haven't made to say any stay, I think I have worked there about a month at a time.
Q Well have you worked at any place except at those two places up in

Kansas, Fort Scott and Coffeyville? A No sir.
Q Have you ever been to Claremore? A I went up there to have a tooth taken from me.
Q Did you ever make your home up there in any way? A. No sir, never did.
Q Why are you not on the roll of 1896? A. I don't know.
Q Why are you not on the Wallace roll? A I can't say that.
Q Where were you when the roll of 1896 was made? A At Vinita.
Q In 1896, how old were you? A I was born in the Nation.
Q Well, have you any knowledge of applying for enrollment? A Yes sir
Q Why didn't they put you on? A. Haven't told why they didn't put me on.
Q Did you ever apply to any court or to the Council at Tahlequah to be recognized as a citizen? A. My stepfather went and he brought the news back they were only taking in the Indians, wasn't taking in the black folks at all.
Q Do you remember when that was? A. No,sir.
Q Was that before you were married or after you were married? A. It was after I was married, I think it was.
Q Soon after you were married? A. I think it was, to my knowledge.
Q Did he go there to apply for you as well as other members of the family? A. Well, he just called us in as the family.
Q He applied for the whole family, or did he went there for that purpose A Yes sir.
Q But you say that he didn't apply as a matter of fact? A. I dont know. They told him it wasn't for the darkies at all, he said.
(Mr. Mellette) Have you ever owned a place on the public domain of the Cherokee Nation? A No sir, I have always made my home with my mother, I always lived with her, because I had got a no 'count man and I never trusted myself with him.
Q You never staid on a place of your own? A. No sir, and all the way he would establish a home for me was by me following him and I wouldn't do it.
(Mr. Davenport) How old were you when the war broke out,do you know? A. I was quite a little girl.
Q Can you remember it? A Something, not so very much.
Q Where were you living when you can first remember now distinctly about the world? A At Park hill.
Q You were then a slave of Chief John Ross? A. I was.
Q Did you go to Kansas with you mother during the war? A. Yes sir.
Q You remember to what point you went? A. No sir.
Q Do you remember whether you went to Fort Scott or not? A. Yes,I went to Fort Scott.
Q How long did you live at Fort Scott before you changed your place of residence, or your mother, for you? A. I didn't change my place, I have always made my mother's house my home.
Q When your mother left Fort Scott you came too? A. Yes sir.
Q And you came down with her? A. Yes sir, I did.
Q What was your father's name? A. Why father was sold when I was a year old, so I was told, I dont know any father except Steve Rooney.
Q Your right to be enrolled is through your mother,Peggy Rooney now? A Yes sir.
Q And being owned by Chief John Ross at the breaking out of the war? A Yes sir.
Q Do you know where Ross went during the war? A. He went away somewhere
Q Did he own other slaves except yourself and your mother, at the breaking out of the war? A. Oh yes sir.
Q Where did they go: did they go with you? A. No sir, not all of them I dont know how many.
Q Did any of the rest of Chief John Ross. slaves go with you and your mother when you went to Kansas? A. No sir, not as I know of.
Q You have been living continuously up there, at your mother's since you came back in '66? A I never [illegible] that, I said I had been out and in.
Q How often have you been out? A. Well I have been in Fort Scott twice since I lived down here, then after Coffeyville was established I have been up there.
Q Do you remember about when Coffeyville was established? A No sir,I dont; I cant tell you when it was.
Q You dont remember when you removed to the Cherokee Nation? What year? A I came with my mother and stepfather right on that place.

Q Do you remember what year it was? A They said it was 1900.
Q I ask you do you remember? A [illegible] it was fall of 1900.
Q Now what year was it when [illegible] you live in eight miles? A I can't tell [illegible] been so overly long.
Q Yes, how long did you stay [illegible] when you went there, how many years? A About three [illegible]
Q You worked there for Sol. [illegible] They? A. Yes sir.
Q Did you work for anybody else [illegible] No sir.
Q Have you ever worked in any other place in Kansas except Gerbyville and Fort Scott? A No sir.

(Commissioner) I understood you to testify a while ago that you had only been to Fort Scott one[illegible] you returned from Kansas? A. I said twice.

Q Did you go back the second time to have your eyes treated? A Yes sir

Commissioner: The applicant applies for the enrollment of herself alone, stating that she has separated from her husband, and that her children are of age, and also that her former husband is a state man. It appears from the testimony that at the time of the breaking out of the Civil war, she was a slave of Chief Ross of the Cherokee Nation, and that she was carried with her mother to the State of Kansas. Of her father she cannot give any information, but her mother is now known as Peggy Looney, she being the wife of Steve Looney, who is the applicant's stepfather. The applicant's temporary change of name does not affect her present status as she has resumed her maiden name since she parted from her husband. The fact of that marriage is established by satisfactory personal testimony. The applicant has been out of the Cherokee Nation somewhat since her first return from Kansas after the Civil war, but the evidence does not indicate that it was in a way to impair any right that she might have possessed as a Cherokee freedman. It is shown that she returned to the Cherokee Nation with her mother and step father after the Civil war. The applicant will now be listed for enrollment as a Cherokee freedman on a doubtful card, and for further evidence in her case, there will be filed a copy of the testimony, Cherokee doubtful card D-510, the same setting forth the status of her mother, will be filed with the present testimony; which is the final determination in regard to the rights of the mother as respects her return from Kansas and her qualification under the treaty of 1866 will be quite true of the applicant. Her name is identified on the Henry Clifton roll, but not upon any other, and she will now be listed for enrollment as a Cherokee freedman on a doubtful card under the conditions stated, and the final decision of the Commission will be made known to her at her post office address.

* * * * * *

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

(Signed) Bruce G. Jones

Sworn to and subscribed before me this the 6th of June, 1901.

(Signed) T. B. Needles

Commissioner.

= = = = = = = = = = = = = = = = = = = =

I, Chas. von Weise, upon oath state that the above is a true copy of the original.

Chas von Weise

Subscribed and sworn to before me this 2nd of August, 1901.

T. B. Needles

Commissioner.

FILED

JUL 18 19

ACTING CHAIRMAN

[illegible]
[illegible]
[illegible], [illegible]

In the matter of the [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible]

[illegible] [illegible] attorney for the applicant.

[illegible] attorney for the [illegible] [illegible].

By [illegible]

Q What is your name? A [illegible]
Q What is your age? A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A Yes sir.
Q [illegible] business yourself? A [illegible]
Q [illegible] A [illegible]
Q [illegible] A [illegible]
Q [illegible] A I don't know.
Q Are you married? A [illegible]
Q What is your [illegible] A [illegible]
Q Is he living? A [illegible]
Q You and he are not living together? A No sir.

By [illegible]

Q Who is your mother? A [illegible]
Q Has she [illegible] [illegible] A Yes sir.

[illegible] being called and sworn as a witness for the applicant
By [illegible]

Q What is your name? A [illegible]
Q Where do you live? A In [illegible] district, on the river.
Q In the Cherokee Nation? A Yes sir.
Q Do you know this applicant? A Yes sir I do. She is my [illegible].
Q Where was she born? A In [illegible] district, Cherokee Nation.
Q Have you already applied for enrollment? A Yes sir.
Q When? A [illegible]
Q Did you mention her name in your testimony? A Yes sir.
Q Where does she live? A At the [illegible] place.
Q In the Cherokee Nation? A Yes sir.
Q Is she married or single? A She has been married.
Q Has she always lived in the Cherokee Nation? A Yes sir except when she was out at [illegible]
Q She was out at work when she was [illegible]? A Yes sir.
Q Does she claim her citizenship through you? A Yes sir.

By [illegible]

Q Did you apply before the [illegible] Commission for enrollment?
A Yes sir.
Q [illegible] A In [illegible] City
Q Where was she [illegible]? A [illegible] the [illegible] of her grand mother's [illegible]
Q [illegible] City [illegible] A Yes sir.
Q How long did she work there? A 4 or 5 months.
Q Was she [illegible] at any place in [illegible]? A No sir.
Q Has she been married only once? A Yes sir.

Subscribed and sworn to before me [illegible] 19th of [illegible], [illegible].

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

NOV 12 1901

ACTING CHAIRMAN

[illegible] 2-436, [illegible] Willis.

[illegible]

In the matter of the application of Steve Looney [illegible] for enrollment as Cherokee freedman.

[illegible] of the Cherokee Nation.

I. P. [illegible] for the applicants:
W. S. Lavender, of counsel for Cherokee Nation.

Peggy Rose, being duly sworn by Commissioner Needles, testified as follows:

Mr. [illegible] What is your name? A Peggy Rose.

Q Where do you live, Mr. Rose? A I live at Tahlequah District, Park Hill.

Q How old are you? A 5[illegible] next birthday.

Q Where were you at the close of the war? A When peace was made I was in Kansas.

Q When did you return to the Cherokee Nation? A In the fall of 1866.

Q Do you know Steve Looney, a colored man? A Yes, sir, I know one Steve Looney.

Q Do you know his wife? A The Steve that I know, his wife was named Peggy Rose.

Q Well, did you ever know her by any other name? A Peggy, just Peggy.

Q Now, do you know any of his children? A I don't know Steve's children, I know Peggy's children.

Q Do you know any of their names? A Yes, sir.

Q What were their names? A The oldest one was a son, his name was David, and the girl next to him, I think her name was [illegible], and then there was a smaller one whose name was Yonette, they called her Nettie.

Q Well, did you see Steve's wife and family after the war?

A Yes, sir.

Q When did you see them? A I don't remember exactly, but it was either '79 or '78.

Q You mean '68 or '70? A '69 or '70.

Q Where did you see them? A They were at Fort Scott.

Q Fort Scott where? A Kansas.

Q Were you up there, and what were the circumstances of your seeing them? A Why I moved a family, Mr. Rose, up there so that he could get to the railroad, he was going east, to Pennsylvania or Delaware or somewhere out east there. His people was out there, and when I got up there to Fort Scott why I came across of the people I met up there, colored people, and they told me of Peggy being there and I went and seen her.

Q You had known her before the war, had you? A Yes, sir.

Q To whom did you say she belonged before the war? A She belonged to Grandfather John Rose.

Q Well now what Rose was it you were moving out there? A It was John Rose, we called him Navement John.

Mr. [illegible] You d[illegible] Not [illegible] wasn't here in '66 do you, Peggy? A Not [illegible], what I get from her.

Q What was that? A It was in '69 or '70, somewhere about that time.

Q She belonged to your people, did she, she belonged to the Rosses? A Grandfather.

Q Was she a slave at the breaking out of the war of the secession? A Yes, sir, her mother was grandfather's slave too.

Cross-Examination: [illegible]

[illegible]

[illegible] I [illegible] that my statements to the [illegible] are [illegible] the [illegible] and the present [illegible] and [illegible] as a true and complete [illegible] of the [illegible] to the best of my knowledge and belief.

Sworn to and subscribed before me November 7th, 1901.

[illegible]

Commissioner.

COMMISSION TO THE

Gideon 1/2 936

Supl. C.W.D.[illegible]

Co[illegible]

[illegible], I. T., [illegible]

S[illegible] in the matter of the enrollment of [illegible] as a C[illegible]

[illegible]

[illegible] part of the [illegible]

Q. [illegible]

Q. [illegible]

Q. How long [illegible] A. [illegible]

Q. Did you [illegible] Pope? A. Yes, [illegible] was her [illegible]

Q. Did you know [illegible] Dave Pope.

Q. Have a brother [illegible]? A. Yes, sir.

Q. Did you know her mother? A. I knew them but I didn't [illegible] with her.

Q. About when did you get acquainted with Cooney and [illegible], I [illegible] put them together? A. In [illegible] about.

Q. About when? A. In [illegible] 81 or 82.

Q. How long did you continue to know them up there? A. Well up until about 1 [illegible] 86.

Q. Well, did you know [illegible] the time from 1883 up until [illegible] or 85? A. [illegible] all the [illegible]

Q. How often did you see [illegible]? A. [illegible] there all the time; she owned a [illegible] there [illegible] there.

Q. Was Dave [illegible]? A. [illegible] sir.

Q. [illegible]? A. Yes, [illegible]

Q. Did he come [illegible] there? A. Yes.

Q. Who did [illegible] for? A. Stadden Grocery Company, working for them all the time.

Q. [illegible]

Q. What do you say your name was? A. James Dryden.

Q. Mr. Dryden, how many times have you appeared before the Commission as a witness? A. Quite [illegible].

Q. [illegible] there? A. Up at [illegible]

Q. Did you appear at Muskogee? A. No, sir.

Q. Well, is this your second or third trip down here? A. Second trip.

Q. Now, when did you go to Fannin? A. Went to Fannin?

Q. Yes. A. In [illegible] or [illegible]. I [illegible] not be certain.

Q. What kind of work did [illegible] you come about here [illegible] work for [illegible] there, [illegible] marriage [illegible] part of the [illegible] Nation, [illegible] around [illegible] to do [illegible]

Q. Do [illegible] how [illegible] and was hired to [illegible] there to do [illegible]? A. I don't know.

Q. Well, now, how long do you say [illegible] you knew [illegible]? A. Well 12 or 13 years [illegible] I knew her.

Q Commencing about '81? A Yes, sir; but I have seen her since; seen her within the last three or four years.
Q Were you subpoenaed to testify in her case when you went to Vinita? A No, sir.
Q What case were you testifying in then? A Dave Ross'.
Q Well, you say Dave is her brother? A Yes, sir.
Q Did you know as much about Chaney then as you know now? A I expect I did.
Q Why didn't you tell it? A I know I did.
Q You know you did? A Yes, sir.
Q Why didn't you testify? A I wasn't asked to; I didn't hunt the job.
Q What do you do when you are at home? A I am Constable; have been for ten years.
Q Are now? A Yes, sir.
Q Constable of the township you live in? A City.
Q Well, it is township? A Yes, township and City.
Q Well, have you told now all you know about Chaney Ross and Dave? A Told all they asked me; told all I think of about it; I know them well.

Commission: This testimony will be made a part of and filed in the following Cherokee freedman cases: D.#519, [illegible]7, and D.#936.

---oooOOOooo---

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 February 24, 1902.

Commissioner.

Freedmen D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17208 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Maggie Willis, D 954;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the Attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

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

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

BLUE & BULGEE,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

IN THE DISTRICT COURT OF THE [illegible]

To the Honorable the Secretary of the Interior:

In the [illegible] Cherokee Freedmen, consisting [illegible]

[illegible], et al.

936

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not [illegible] in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision ___ to reconsidate said case and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the war of the rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after proclamation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

_____

_____

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

F. D. 936

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

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

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

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant, hereby accept service of the within notice on this the .....day of SEP 23 1901, 190....

Mellette & Mellette
Attorney for applicant.

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

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

.....

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

.....

Subscribed and sworn to before me this .....

.....
Notary Public.

Proof of Service made and original filed with the DAWES COMMISSION.

SEP 24 190-

NOTICE!

IN THE MATTER OF the application of Maggie Willis for enrollment as Cherokee Freedmen:

Case No. F. D. 836

To Maggie Willis or Mollette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 11th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

N. W. Hastings

Attorneys for the Cherokee Nation.

F. D. 936

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the

.....day of.....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

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

....day of....., 190.....

.....

Attorney for applicant.

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

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

.....

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

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

Proof of Service made
and original filed with the
DAWES COMMISSION.
FEB 6 1902

NOTICE!

IN THE MATTER OF the application of Maggie Willis,
for enrollment as Cherokee Freedmen:
Case No. F. D. 986
To Maggie Willis or Mellette & Smith her Attorneys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on FEB 17 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this FEB 4 1902

L B Bell

W. W. Hastings

Jas. Davenport

Attorneys for the Cherokee Nation.

COPY

Land
111294-1906.

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

January 24, 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 December 18, 1905, enclosing a motion for a rehearing in the Cherokee Freedman case of Maggie Willis and Rena Willis, filed in his office on June 23, 1905. These claimants are parties applicant in the Cherokee Freedman Consolidated case of Flora Harrell and Rena Fox, et al.

It is alleged in the motion that these parties are the daughters of Chainie Ross, who, it is alleged, was born the slave of John Ross, the chief of the Cherokee Nation. The motion is not supported by the affidavits of anyone, but is more in the nature of a motion to be informed of what evidence will be required to place their names upon the roll. It does not appear that there is anything material in the motion that has not heretofore been considered in connection with the original case, and the Office therefore concurs in the recommendation of the Commissioner that it be denied.

The records of this Office show that the record in the case of Rena Fox, et al., was transmitted to the Department on November

[illegible] 1700 [illegible], 97106 - [illegible].

Very respectfully,

[illegible]

[illegible]

Acting Commissioner.

E. C. 8761-1907.

Y. T. D. [illegible]

[illegible]

[illegible]

[illegible]

LMS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

J.T.J. Jr.
S. P.

February 12, 1907.

DIRECT.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

On December 10, 1906 (Land 102978-06), the Indian Office transmitted your report dated November 20, 1906, relative to "All motions in Cherokee Freedmen cases" and referring particularly to the consolidated case of Rosa Fox, et al.

You recommend that as these motions have no merit they should be denied.

On January 26, 1906 (Land 111284-06), the Indian Office also transmitted your report dated December 18, 1906, in the matter of a motion for rehearing filed on behalf of Maggie Willis and Rosa Willis, applicants in the consolidated case of Rosa Fox, et al.

You do not consider that there is anything material in this motion and you recommend that it be denied.

The Indian Office concurs in your recommendation. A copy of its letter is enclosed.

On July 7, 1906, the Department forwarded for your

consideration a motion for rehearing filed on behalf of Jake Looney, et al., who is also a party applicant in this case.

In view of Section 2 of the Act of April 26, 1906 (34 Stat., 137) even if these motions presented a prima facie case, the Department would not now be warranted in granting a rehearing.

All motions for rehearing are accordingly denied.

The papers are enclosed for the files of the Indian Office, together with a carbon copy hereof.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

1 inc. and 16 to Ind. Off.

AWG
2-18-07.

DEPARTMENT OF THE INTERIOR,

Land. 14246-1907 15804-1907.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. February 26, 1907.

(COPY)

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of February 12, 1907, (I.T.D. 23256-1906, and 1866-1907), denying motion for re-hearing, filed on behalf of Maggie Willis and Emma Willis, applicants in the consolidated Cherokee freedman case of Emma Fox, et al., I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 12, 1907, enclosing a motion filed on June 23, 1906, by Ray T. Osborn, attorney at law, of Coffeyville, Kas., and a motion made by Jake and Frank Looney for a re-hearing of their Cherokee freedman enrollment cases.

The decision of the Commission to the Five Civilized Tribes, dated March 4, 1904, rejecting, among others, the application for the enrollment of Jake and Frank Looney was affirmed by the Department August 31, 1904 (I.T.D. 6984-1904). The motion filed is based on newly discovered evidence, but the only affidavit in support thereof is that of Emma Campbell, a sister of the applicants, Jake and Frank Looney.

It is not shown that the applicants used due diligence in endeavoring to secure the testimony of their sister, and as the record further shows that she lives only a few miles from

these applicants, it is not a violent presumption to assume that they used no diligence whatever, or her testimony could have been secured when the case was tried before the Commission. It is quite evident that her testimony is not newly discovered.

The motion has no merit and raises no new points of law or evidence that have not heretofore been considered, and the Office concurs in the recommendation of the Commissioner that it be denied.

The record in the Ruan Pex, et al., case is enclosed herewith.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

FWB-GD.

J.H.W.

DEPARTMENT OF THE INTERIOR,

D.S.12340-1907. WASHINGTON. FWH.
I.T.D. 5820-1907.
L&R.

DIRECT.

March 1, 1907.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The motion for rehearing in the Cherokee Freedman case of Ewan Fox, et al., filed on behalf of Maggie and Rose Willis, applicants therein, received with your letter of February 18, 1907, and Indian Office letter of February 26, 1907 (Land 14346-07), is hereby denied, in accordance with your recommendation and that of the Indian Office, and in view of the limited time allowed by the provision in section 2 of the act of April 26, 1906 (34 Stat., 137), for the completion of the rolls of citizens of the Five Civilized Tribes.

A copy hereof and the papers in the matter here have been sent to the Indian Office.

Respectfully,

James R. Wilson,

Assistant Secretary.

1 inc. and 18 for Ind.Of.

A.F.W.
3-1-07.

REFER IN REPLY TO THE FOLLOWING:

Cherokee F.D.
936

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

Muskogee, Indian Territory, March 9, 1907.

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

Dear Sir:

You are hereby advised that a motion for a rehearing, filed by Starr & Patten, Attorneys, Vinita, Indian Territory, June 25, 1906, in the matter of the application for the enrollment of Maggie Willis, et al., as Cherokee freedmen, was denied by the Secretary of the Interior, February 12, 1907.

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

Respectfully,

Commissioner.

Enc I-20
RPI

REFER IN REPLY TO THE FOLLOWING:
Cherokee
D 956, et al.

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

Muskogee, Indian Territory, April 1, 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 Cherokee freedmen enrollment case of Maggie Willis, et al., was denied by the Secretary of the Interior, March 1, 1907.

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

Respectfully,

Geo. L. Rogers
Acting Commissioner.

Encl. C-101
LMC

File with Cherokee Freedman D-937, Wm & Hill

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 11, 1901.

In the matter of the application of William Henry Robinson for the enrollment of himself and seven children as Cherokee Freedmen, and for the enrollment of his wife, as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicants;
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A William Henry Robinson.
Q How old are you? A I am about 48, or 9 years old, I don't know my age exactly.
Q What is your postoffice? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q You apply for enrollment as a Cherokee Freedman? A Free colored person living here at the commencement of the Rebellion.
Q Who do you desire to enroll besides yourself? A Self and seven children.
Q Give me the names of your children? A Josie Ann.
Q How old is she? A 26.
Q She will have to enroll for herself, I want the children under 21? A James Aurelius.
Q How old is he? A 22.
Q Next? A Jennetta.
Q How old is Jennetta? A 16.
Q Next? A Charles S.
Q How old is he? A 14.
Q Next? A Amanda Elizabeth, 12.
Q Next? A John Savannah.
Q How old is he? A 10.
Q Next one? A Ollie.
Q How old is Ollie? A 8 years old.
Q Next one? A Next is three years old, his name is William Dewey.
Q That all? A Yes sir, that's all under age.
Q Are you married? A Yes sir.
Q Is your wife a citizen? A Claimant.
Q What is your wife's name? A Millie Robinson, nee Hill.
Q You don't apply for her, you say has she been listed for enrollment? A No sir, she has not been listed yet, I can enroll her of course, she is married, been married twenty-eight years.
Mr. Smith: Better apply for her.
Comr: Applies for himself and wife Millie.
Q Are these children all living? A Yes sir.
Q They were all born in the Cherokee Nation? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Two, I am satisfied.
Q What rolls? A Wallace and Clifton.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;
1896 census roll of citizens of the Cherokee Nation examined and applicants not found thereon.
Kern-Clifton pay-roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 1[illegible] roll William Robinson, Cooweescoowee District.
Kern-Clifton roll examined for applicant's wife and not found.
page 1[illegible] roll Jim Robinson, Cooweescoowee District;
page 1[illegible] roll Jeannette Robinson, Cooweescoowee District;
page 1[illegible] roll Charles Robinson, Cooweescoowee District;

page 121 #3018 Amanda Robinson, Cooweescoowee District;
page 121 #3020 John Robinson, Cooweescoowee District.
page 121 #3021 Olive Robinson, Cooweescoowee District.

Q Is her name Ollie or Olive? A Ollie.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

[illegible] Wm. H. Robinson, Cooweescoowee District.

Witness not examined for applicant's wife Millie, and not [illegible].

Q Did you [illegible] money for your wife? A No sir.

[illegible]

Q Where were you living when the war commenced, the Civil War?

A Best of my recollection, I was living in Delaware District, on the place they call Beatty's Prairie, in the Cherokee Nation.

Q Who was your father? A Mumford Robinson.

Q Who was your mother? A Annie Robinson.

Q You were a free colored person? A Yes sir.

Q You were here at the time the war commenced? A Yes sir.

Q Did you go out? A Yes sir.

Q Where did you go? A To Ft. Scott, Kansas.

Q When did you return first to the Cherokee Nation? A In May, '66.

Q Where have you been living since that time? A In the Indian Territory.

Q What Nation? A Cherokee Nation.

Q Have you any children now older than James A.? A Yes sir.

Q Name them? A Josie Ann and Eva Ellen.

Q Is Josie Ann married? A Yes sir, her name is Josie Ann Slaughter

Q Where does she live? A At Dewey, Cooweescoowee District, Cherokee Nation.

Q What is your other daughter's full name? A Eva Ellen Anderson.

Q Tell her husband's first name? A Arthur.

Q What is Slaughter's first name? A Charlie.

Q Have they any children, either one of them? A Slaughter has a step-child.

Q But your daughter I speak of? A Yes, one.

Q What is that child's name? A Smith. Married a second time; her first husband was Smith, second husband was Slaughter, that's the one she lives with now.

Q What is the christian name of the child? A Sadie.

Examined by Cherokee Representative, Davenport:

Q Bob Robinson, you were living at what point in the Cherokee Nation when the war broke out? A I was living on the place they call Beatty's Prairie, near the neutral lar in the strip, I think it is in Delaware District.

Q Who were living near where you were living at that time? A Old man named McGee is the only one.

Q Was that Jeff? A I don't know.

Q Was Joe Ward living there? A I don't know anything about that.

Q Where was Jim Yeargin's family? A I don't know.

Q How old were you when the war broke out? A Between seven and eight years old.

Q How old is your oldest child now? A 36.

Q You went out of the Nation during the war and to what point did you go? A Fort Scott.

Q How long did you stay at Ft. Scott? A During the war.

Q That's where you got acquainted with William Y. Foreman?

A First of my recollection; of course I had seen him before, but I didn't get acquainted with him.

Q You came back to the Cherokee Nation when? A In '66, May.

Q You came back before or after the Treaty was made? A After.

Q Did you come back in May? A May.

Q When you came back to what point in the Cherokee Nation did you come? A Big Cabin Creek, not very far from Lee Schrimsher's old place.

Q Who was living on the Lee Schrimsher place at that time, if any

ous? A Mr. [illegible], I believe.
Q Where was Mr. Schrimsher when you came back? A My recollection is he [illegible] over east somewhere, I don't know where.
Q What was Reuben Sanders, and Solon James? A I don't know a thing about Solon James, but I remember Reuben Sanders and them, they lived on Big Creek. I don't know whether they came there after, or I think it was just about the time I moved in here.
Q When Foreman, did he live in Ocoweescoowee or Delaware District at that time? A He lived in Ocoweescoowee.
Q He is the same William Foreman that you and your brothers and sisters gave the one hundred and twenty-five dollars to to swear for you in the Rose-Clifton enrollment isn't he? A Same man.

By Mr. Smith:

Q What did you give him $125 dollars to swear for you for? A That's his price, he charged that, and more than that he was to follow the court in case of recottal he was to see that we wasn't injured, and he had to travel backwards and forwards on the railroad and pay his expenses, consequently we just volunteered to give him that amount.
Q Who is William Foreman? A A Cherokee man.
Q Was he acquainted with the facts in your case? A Yes sir.
Q Did you hire him to swear to anything that wasn't the facts? A No sir.

By Mr. Davenport:

Q You just simply hired him to represent, he your brains? A No sir.
Q Was that Mr. Blythe living there near you before the war? A No sir.

By Com'r Needles:

Q This man Foreman, he was also acting kind of attorney was he?
A Might determine it that way, children you know, our parents deceased.
Q Was anybody else included in that 125 dollar fee besides your family? A No sir.

By Mr. Smith:

Q Was Foreman an older man than you? A Yes sir indeed.
Q You say he was acquainted with the facts in your case?
A Yes sir.
Q Did he demand that much from you? A He thought it ought to be worth about that much.
Q He knew the facts in your case, were there any witnesses who did know the facts? A There was two others we had that was acquainted with them.
Q That matter of paying Foreman wasn't before this Commission?
A No sir.
Q That was at another time, when the Clifton roll was made?
A Yes sir.

LEWIS WHITMIRE, being sworn by Com'r Needles, testified:

By Mr. Smith:

Q State your name? A Lewis Whitmire.
Q Where do you live? A On Lightning Creek.
Q What is your postoffice? A Hayden.
Q What is your age? A 62 years old.
Q You know this applicant, William H. Robinson? A Yes sir.
Q How long have you known him? A I don't know exactly, I guess it has been about 38 or 9 years.
Q Did you know him before the war? A No sir, I knew him in time of the war.
Q Where was he in time of the war? A He was at Ft. Scott.
Q When did you first see him in the Cherokee Nation after the war? A First place I saw him was out here about a mile and a half south-west of Timbered Hill
Q How far from Chelsea is Timbered Hill? A I don't know how far

it is from here, the place I saw him is about eight miles northwest of Vinita.

Q When did you see him first? A It was the winter of '66, I don't know exactly what time; it was winter, I don't know whether it was December or January.

Q You remember how long it was from Christmas? A No sir, I don't remember how long it was until Christmas.

By Mr. Davenport:

Q You remember whether it was before or after Christmas? A I don't remember whether it was before or after Christmas.

Q You came back to the Territory in the summer of '66? A Yes sir I came back here in the summer of '66.

Q And it was sometime in the following winter you saw him? A Yes sir

Q You don't know what time? A No sir.

Q Nor what month of the year? A No sir, I don't.

By Mr. Smith:

Q Under what circumstances did you see him? A He was living with his father and mother in a old Government tent; camped right down in the bottom on the bank of Big Cabin Creek; I was horse hunting at that time.

HARRY STILL, being sworn by Com'r Needles, testified as follows;

By Mr. Smith:

Q State your name? A Harry Still.

Q Where do you live? A Hayden.

Q You know this applicant, William H. Robinson? A Yes sir.

Q How long have you known him? A Since '62.

Q Where was he in '62? A First time I saw him was on the neutral land when we started to Kansas.

Q Who was he with when you saw him first? A His mother and father, and his brothers and sisters.

Q What was his father's name? A Old man Robinson I always called him.

Q You remember his mother's given name? A No sir, I don't remember her given name.

Q When did you first see him in the Cherokee Nation after the war?

A In the winter of '66, over here on Cabin Creek, first time, not far from the Newt Schrimsher place.

Q About what time was that? A It was along in the winter of '66 when I saw him there.

Q How many trips did you make back to the Cherokee Nation? A Three

Q When did you come back here the third time? A In the fall of '66

Q About what month? A Sometime in October I think.

Q About how long after that was it before you saw this man William H. Robinson? A Maybe I am mistaken, I went back after Aunt Nancy when she died up there at Timbered Hill and I found William and his folks up there then; it was getting kinder late in the year; near the old Schrimsher place.

Q And when was it you think? A Sometime in the winter or fall of '66, I mean the last part of '66.

Q Was it before or after Christmas? A Before.

Q Before Christmas of '66? A Yes sir.

Q Do you know where he has been living since that? A Yes sir.

Q Where? A Next time I saw him he was clearing a plaace after that about three miles from there, and then along in the summer of '66 me and him and his brothers worked together up here on Snow Creek, I have been knowing him ever since; we worked there awhile, and he went back over here where he started a place over here on Cabin Creek, and I have been knowing him around in the Nation, I don't know how many places he did live, I have been him up here where he is living now.

Q How long has he been living where he is living now? A I don't

Q How long has he been living where he is living now? A I don't know exactly, I have known him out on Caney awhile, living out there, and right around in the Nation here all the while, we worked together in '67.

By Com'r Needles:

Q When you talked about the neutral land, that was a claim considered part of the Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q This is the first time you have ever testified for Robinson?

A Yes sir.

Q You was around with the Kane-Clifton Commission in 1896?

A Yes sir.

Q Mr. Robinson was there? A Yes sir.

Q You know he applied? A Yes sir.

Q They didn't use you then, they used W. Y. Foreman? A Yes sir, he had other witnesses.

Q You knew the same facts then you know now? A Yes sir.

Q And never did tell them? A Nobody never did ask me to tell them.

Q How did it happen you was on Big Creek in the latter part of '66, and saw this fellow? A Went back to get my aunt.

Q Was there a road from Big Creek down towards Neosho River at that time? A No sir.

Q How did you happen to straggle on him? A It was right on my road, right across the prairie.

Q You never lived in that neighborhood towards Big Creek where Sam Webber lived? A No sir, I lived on middle prong of Lightning Creek.

Q How far from Hayden's postoffice? A Three or four miles.

Q And you were going up to Newt Schrimsher's place to get your aunt?

A Yes sir.

Q Was Robinson grown then? A He looked big as he is now, he was a good big fellow; when we went to Kansas together he was nearly grown.

Q Just at the breaking out of the war? A Yes sir, he was a young man, the other boys wasn't as large as he was.

Q You didn't know anything of them when the war broke out? A When we started to Kansas we got with the command taking refugee negroes out here, first time I saw William was up in the Neutral land, and we went together from there to Ft. Scott.

Q There was a whole lot of other colored people along? A Yes sir.

Q You remember him because he was nearly grown? A I remember him and his family because they was people I never forget.

Q What makes you think it was before Christmas in '66 that you saw them up there on Big Creek? A Because I am satisfied it was.

Q You have nothing on which to base your satisfaction? A I know I went after aunt Nancy and she was dead, and the result was I found them.

Q You know that was in the winter of '66? A Yes sir.

Q You knew what time the applicant came back to the Cherokee Nation?

A No sir, I know I went with him, and that's what time I saw him over there.

Applicant, WILLIAM HENRY FOREMAN, re-called and further examined, by Com'r Needles:

Q Where were you born? A In the Cherokee Nation.

Q Your father and mother free? A Yes sir.

By Mr. Davenport:

Q Your parents, were they alive then? A Not that I know of.

Q You didn't reside in Arkansas in '61? A No sir, ~~xxxxxxx~~ did I didn't know it.

WILMORE HICKS, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Wilmore Hicks.
Q Where do you live? A In Vinita now.
Q How old are you? A 55.
Q You know William H. Robinson, this applicant? A Yes sir.
Q How long have you known him? A Ever since the winter of '67.
Q You didn't know him before the war? A No sir.
Q Did you know his father before the war? A No sir.
Q Know his mother? A No sir.
Q You don't know where they lived before the war? A No, I don't know.

By Com'r Needles:

Q Are you a Cherokee citizen by blood? A Yes sir.
Q You don't know whether this applicant was a slave before the war or not? A No sir.
Q What time you saw him was in January, '67? A Yes sir.
Q Where? A On Cabin Creek.
Q Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q What was he doing then Cap, when you saw him? A They were camped on the Creek there when I saw them.
Q You don't know where they had been during the war? A No sir.
Q Had they just come from Kansas or some other place, or just seemed to be camping there? A They seemed to have been there somewhere.
Q About a year? A No, not that long.
Q What makes you think it was January, '67? A I can tell you; Bill Foreman. I had been hired to Bill Foreman, he moved to Big Creek and from Big Creek back to Cabin Creek; I had been working for him about three months I guess, right along, and I went home about the first of December, he owned me twenty-five dollars, he told me to come back after Christmas about the first of January, he didn't have any money, and I stayed there about four or five days waiting for him.
Q Where was Bill Foreman living then? A On the John Foreman place.
Q How far from the Lee Schrimsher place? A About two or three miles; while I was waiting there for Foreman and hunting around I run across this family; hunted on the creeks there and around through the country, nothing to do but hunt around.
Q How far were they from the Lee Schrimsher or Foreman place when you run across them? A About a mile and a half.
Q Did you work for Bill Foreman around the Foreman place in '66?
A Yes sir.
Q Did you see them there during that year of '66? A No sir.
Q Were you following cattle around over the creeks? A Well, I was driving cattle for Foreman, and driving teams.
Q You had been on the creeks around where you saw them in '67?
A Not much, Foreman never left Big Creek until about December and he came to Cabin Creek, and about the first of December I went home, and about the first of January I came to get my money.
Q Were you with Foreman from May to December, '66? A We never lived there up until then.
Q Were you around the Schrimsher place from May up to '66? A I passed there twice.
Q How far did you work from the Schrimsher place during '66?
A About three or four miles down the creek.
Q Did you see this applicant or his family about the Schrimsher place at any time during the year of '66? A No.
Q How often did you say you passed the Schrimsher place? A I passed there twice. We came there as we moved over and when we came back we came back that way.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined, by Com'r Needles:

Q You present a marriage certificate certifying that you married your wife, Millie, did you ever have a license? A No sir, them is the first license I got.

Q Never had any license? A No sir, that's the first time we was married, we married only according to customs.

Q Was you ever married but once? A Yes sir, I married twice, both to the same woman.

Q What did you marry twice for? A She come in as a claimant, they failed to respect the much some years ago, and consequently we was called to marry according to Cherokee laws.

Q When you marry according to Cherokee Law don't you have to procure a license? A That is all the license they claimed it was necessary for us to have.

By Mr. Smith:

Q Where did you marry your wife first? A In the Cherokee Nation.

Q How many years ago has that been? A 20 years ago.

Q Have you been living together as man and wife ever since that?

A Yes sir.

Q Who were you married by? A Brother named Nathan Duffin, a preacher.

Q Is he living or dead? A Dead.

Q Is there anyone here who saw you married? A I guess so, Thomas Mayfield was present.

THOMAS MAYFIELD, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Thomas Mayfield.

Q Where do you live? A On Grand River.

Q In what nation? A Cherokee Nation.

Q Do you know this applicant, William H. Robinson? A Yes sir, I know him.

Q You know his wife? A Yes sir.

Q Were you present when they were married? A Yes sir.

Q Who married them? A Nathan Duffin.

Q About how long ago has that been as well as you can remember?

A Right near fifteen or twenty years ago.

Q Might have been near that? A Might have been.

Q You don't know how long it has been? A No sir, I don't know exactly.

Q Was Duffin a preacher? A Yes sir.

Q Where were they married? A Married in my church house there on Grand river, Island Ford.

Davenport, Cherokee Rep've, waives examination.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined: By Com'r Needles:

Q When were you married the first time? A Married last day of August '78, I believe.

Q You know the reason your name is not on the roll of 1880?

A No sir.

Q Did you ever apply to have it put down? A I applied and I supposed they put it on, but it failed to show up.

Q You applied did you? A Yes sir.

Mr. Smith offers a marriage license, and hands it to Mr. Davenport, for examination.

Mr Davenport: The Representatives of the Cherokee Nation object to the introduction of the certificate of marriage offered, for the reason that at the time it was ex-

quted there was no law in force in the Cherokee Nation authorizing the issuing of marriage certificates according to Cherokee law by which anyone marrying a recognized citizen could acquire property rights in the Cherokee Nation, the law having been repealed on December 16th, 1895, and for the further reason that there was no law authorizing a clerk to issue a certificate of marriage according to the laws of the Cherokee Nation to any parties other than recognized citizens of the Cherokee Nation, and if the clerk violated his duty it would give no force to the applicant in establishing his right as to having been a free colored person at the breaking out of the war and residing in the Cherokee Nation, having returned in accordance with the treaty.

Applicant examined by Com'r Needles:
Q You apply for your wife as an intermarried citizen? A Yes sir.
By Mr. Smith:
Q Did your wife apply for enrollment? A Her mother has a claim on file here, so I understand.

Com'r Needles: William H. Robinson applies for the enrollment of himself and wife and seven children; to-wit: James A., Jennetta, Charles S., Ollie, Amanda E., John S., and William D. Robinson; he avers that he is a free colored person, never a slave, and was a resident of the Cherokee Nation before the adoption of the treaty of 1866; he went out of the Cherokee Nation during the war between the North and the South and returned in the year 1866; he avers that he was married to one Millie Hill, a non-citizen; he however avers that his wife is an applicant or has a claim for citizenship; he presents no proof whatever as to the citizenship of his wife, and her name cannot be found upon any of the rolls of the Cherokee Nation now in the possession of this Commission; he makes verbal proof of his marriage to his wife, Millie, more particularly shown in the testimony; he also files certificate signed by Joe M. Lahay, Clerk of Cooweescoowee District, certifying that he was married in accordance with the laws of the Cherokee Nation on the 10th day of March, 1897, to one Millie Robinson, nee Hill, a citizen of the United States, said certificate being recorded on page 138, book E, of marriage record of Cooweescoowee District; upon examination of the rolls of the Cherokee Nation his name cannot be found upon the authenticated roll of 1880, but he is duly identified upon the Kern-Clifton and the Wallace rolls, and his children are duly identified upon said roll, with the exception of the youngest child, William D., three years of age, which makes it necessary for him to file satisfactory proof of marriage of said child; consequently, said William H. Robinson and his children as enumerated herein, will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife, Millie, will be duly listed for enrollment as Cherokee Freedman by intermarriage or by her inherent rights, as the testimony may develop; he will be duly notified by mail of the action of the Commission on his application when arrived at.

APPLICANT re-called, supplemental examination
Mr. Smith:
Q Did you ever have any law case, law case tried in the Cherokee courts? A No sir.

By Com'r Needles:

Q Were you in the Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q You did not vote that? A I don't know how many.

Q [illegible] A I voted for Joe Lahey to set him [illegible]

Q [illegible] A I voted for the treaty, and I voted for Mr. [illegible] for you when you was running.

Q Are you sure of that now? A I know it.

By Com'r Needles:

Q Was Davenport's majority over one? A I don't know that.

Q If it wasn't over one we could throw him out, because yours was illegal, eh? A (No reply)

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

Signed, D. D. Green.

Subscribed and sworn to before me this June 20, 1901.

Signed, T. B. Needles,
Commissioner.

- -

Supplemental testimony.
F.B-#674.

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

Supplemental testimony in the matter of the enrollment of William H. Robinson as a Cherokee Freedman; introduced on the part of the applicant:

WILLIAM FOREMAN, being duly sworn by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Mallette & Smith, for Applicant.
Messrs. Hastings and Davenport, for Cherokee Nation.

By Mr. Smith:

Q State your name? A William Foreman.

Q Where do you live, Mr. Foreman? A Near Wagoner.

Q How long have you lived in the Cherokee Nation? A 64 years a little over.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Citizen by blood? A Yes, sir.

Q Do you know this applicant, William H. Robinson? A Yes, sir.

Q How long have you known him? A First knew him in '62.

Q Where? A Less [illegible] on Spain Creek.

Q In the Cherokee Nation? A Yes, sir.

Q Who was he with at that time? A With his father and mother, they were living there working there.

Q What was his father's name? A Lunford I think.

Q What were they, Mr. Foreman, slaves or free colored persons?

A My understanding is that they were free.

Q When did you first see that family back in the Cherokee Nation after the war? A First saw this boy and his mother near Locs country in May, '66, but his father and mother I never saw since the war.

Q Well, how old was William when you saw him in '66, after the war? A He was a young man probably 18, 17 or 18, somewhere about there, a young man.
Q Did you know the wife of Lumford, did you know his mother?
A Yes, sir, I saw her at Fort Scott in '66.
Q What was her name? A I could not tell you.
Q Where did you say you saw her in '66? A I left them at Fort Scott in '66.
Q How, were you acquainted with his mother before the war?
A No, sir, only at Lees country in '62.
Q Where was she? A Working there.
Q And they were free colored persons you say? A Yes, sir, they claimed to be from Arkansas.
Q Well, you were acquainted with this country? A Yes, sir.
Q You know whether they belonged to anybody? A They didn't belong to anybody in this country that I knew of.

By Mr. Hastings:

Q When did you say you knew the applicant first? A I first saw him in '62 at Lee Schrimsher's.
Q Is that the first time you ever saw the applicant? A Yes sir.
Q You testified for him before the Kern-Clifton Commission? A Yes sir.
Q You testified that you saw him on Shoals Creek with Blye in '61?
A No, sir; some of that isn't correct.
Q How do you know this testimony isn't true? A I have seen it and know it is not true.
Q Where did you see a copy? A Some fellow had it there.
Q Fellow L. A. Bell? A I think so.
Q Where were you living in '61? A I was living on Poteau river about six or seven miles below Chetopa.
Q What time of the year was it you saw this fellow? A Along in the Fall.
Q How long did you see him there? A I saw him there two different times, I was passing there and stayed all night at Lees country one time.
Q Do you know where this family came from? A No, sir, only what they claimed.
Q What did they claim? A Claimed to come from Arkansas.
Q You swore that they refugees from Arkansas in '64 then didn't you? A I don't know.
Q Did Lee Schrimsher live on the line? A No, sir, lived on Big Cabin Creek.
Q Well, didn't you swear before that you saw this Robinson in '61 or 2 on the neutral land? A I don't think I did.
Q Well, do you deny that now? A Yes, sir, I do.
Q You admit though that you testified for them before the Kern-Clifton Commission? A Yes, sir.
Q Now how many did you see in '66 of this family?
A I could not tell, the old man and his wife and a lot of children, this boy and another he claimed to be his family.
Q I thought you said just now you never saw his father?
A I saw him at Lee Schrimsher's in '62.
Q I mean in '66? A I never saw him in '66.
Q Now, who did you see in '66? A I saw this boy and his brother.
Q Was he older or younger? A Older.
Q And you only saw this boy about in '66? A He came there to Lee Schrimsher's in May, '66.
Q How long did he stay in there? A I don't know, he come in.
Q Was Lee Schrimsher there? A No, sir.
Q Who was along with you? A A fellow named Wolf, dutchman.
Q Did he settle there with them? A He did that fall.
Q Where were you going? A I was going up to the Dave Martin place.
Q Who was living there at that time? A Nobody.

Q Did you have a place there at that time? A First bought a place from Tom [illegible] and I afterwards sold it to Bill Martin.
Q Was there a place made in '06? A Made before '06.
Q Was any crop in that, '06? A No, sir.
Q Did you [illegible] put any in? A No, sir, I moved out there and [illegible] to stay and they stole my cattle.
Q Did you have any family with you? A No, sir, just some work hands.
Q Well, how long after that was it before you saw this Robinson family? A The next time I saw this one was when Wallace had the Wallace Court.
Q You don't know what became of them between that and the Wallace Court? A No, sir.
Q Did you see any other members of the family in the meantime? A No, sir.
Q These two then were there alone? A Yes, sir, just the two, they claimed they was camped on Russell Creek; I don't know whether they was or not, I didn't see them.
Q How far was Lee Schrimsher's from Russell Creek? A About 25 miles.
Q Lee Schrimsher lived on Cabin Creek? A Yes, sir.
Q About how far from Vinita? A About ten miles.
Q There was nobody there in this house at that time? A No sir.
Q What were they doing down there? A They came there to see if Lee Schrimsher had some work for they wanted to get work.
Q There were five or [illegible] applied before the Kern-Clifton Court? A I don't [illegible]
Q You charged them also didn't you? A I think I did.
Q To testify in that case? A Yes, sir.
Q Are you charging them anything this time? A No, sir; they paid my fare up here from Wagoner.
Q You were at Chelsea when this man applied? A No, sir; I was there three days at Chelsea and I understand he made application after I left there.
Q He was there while you were there? A Yes, sir.
Q And you saw him there? A Yes, sir.
Q By Mr. Smith:
Q Why did you charge him $125 before the Kern-Clifton Commission?
A I thought it was right that I should have pay for my trouble running around tending to these courts, it cost me something to be here.
Q Where did you have to go to when you testified before the Kern-Court? A I went from Wagoner to Lightning Creek, where the Court was held.
Q Was it at Lightning Creek he made his application? A Yes, sir.
By Mr. Hastings:
Q How far is it from where you lived to Lightning Creek?
A I came around by this place, I suppose it is about 25 or 30 miles.

Applicant offers in evidence some permits issued by the authorities of the Cherokee Nation.

Counsel for Cherokee Nation objects to the introduction of said permits for the reason it is irrelevent, incompetent and immaterial.

Permits are permitted to be filed.

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 15th day of July, 1907.

Signed, T. B. Needles, Commissioner.

[illegible] before me this the 21st of August, 1921.

Commissioner.

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ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 20th 1901.

In the matter of the application of William H. Hill for the enrollment of himself and his brother John Hill as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith for the applicant-

W.W.Hastings for the Cherokee Nation-

By Com'r Needles-

Q What is your name? A. William H. Hill.
Q How old are you? A. I dont know exactly, about 33 or 4
Q What is your postoffice address? A. Talala.
Q In what district do you live? A. Coweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who else do you want to have enrolled? A. My brother.
Q How old is he? A. 20.
Q What is his name? A. John Hill.
Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A. I guess so.
Q Is your name on the roll of 1880? A. No sir.
Q Is it on any of the rolls? A I dont know.
Q What is your mothers name? A. Mary Ann Robinson.
Q What is your fathers name? A. Milton Hill.
Q Are you married? A. Yes sir.
Q What is your wife's name? A. Lottie Holmes when I married her.
Q Do you apply for her? A Yes sir.
Q Is she a citizen? A. No sir.
Q When were you married to her? A. 3 years ago.

I wont let you apply for her, you married her too late and I would just have to reject her and it will only confuse the record and there is no use of it.

By Smith-

Q Where do you live? A. On Caney river.
Q How long have you lived there? A. 16 or 17 years.
Q Who did you say your mother was? A. Mary Ann Robinson
Q Do you know William H. Robinson? A Yes sir.
Q In what way is your mother related to him? A. His sister.
Q Has your mother any other brothers? A. Yes sir.
Q What are their names? A. Robe, Wesley.
Q Robinson? A. Yes sir.
Q Has she any sisters? A. Yes sir, Vinsy Martin and Marguerite Hill.
Q How long have you lived in the Cherokee Nation? A. Off and on all my life.
Q Where were you born? A. I dont know exactly.
Q What is your information as to where you were born ? A In Kansas.
Q Do you know when your mother married your father? A. No sir.
Q Is your father alive? A. Yes sir.
Q Is your mother alive? A. No sir she is dead.
Q Do you know where she died? A. In Kansas, I think.
Q How old are you? A. I dont know exactly, 33 or 4 somewhere along in there.
Q How long have you been living at the place where you live now? A. 15 or 16 years, somewhere along there
Q Are you on any of the rolls? A. I dont know.

The 1880, 1896, Kern Clifton and Wallace rolls examined and the applicant not found on either of them.

Q You say you have been living off and on for 15 or 16 years where you do now? A. Yes sir.
Q How old were you when you went to live where you do now? A. I dont know exactly how old I was.
Q Well about how old? A. 14 or 15 years
Q Where had you been living before that? A. Just off and on in the Cherokee Nation.
Q You had lived part of the time before that in the Cherokee Nation? A Yes sir.
Q And you had been out part of the time? A. Yes sir.
Q Where had you lived in the Cherokee Nation before you lived where you live now? A. On Big creek.
Q Who with? A. Sam Webber
Q How long did you live with him? A. Off and on about a year.
Q That was just before you went to where you live now? A Yes sir.
Q Have you ever lived anywhere else in the Cherokee Nation except these two places? A. Yes sir, about 2 or 3 miles from there, I worked for uncle Manuel Ward at his place .
Q Was that before you went to Sam Webber's? A No sir after.
Q Where did you live before you went to Sam Webbers? A. I dnt know exactly.
Q What kind of work did you do that time? A. Farmed.
Q Did you have a place of your own or just hiled out? A. My mother had one and I just worked out .
Q What kind of work did you do? A Farmed and cutting wood
Q How long have you been married? A. 3 or 4 years.

By Hastings-

Q Are you you called Harrison? A. Yes sir.
Q Where were you married? A. On Caney.
Q Have you a brother Jim? A. Yes sir.
Q And one named Hayes? A. Yes sir.
Q One named John? A. Yes sir.
Q Where is five of your children? A. Four of them
Q These children are all younger than you? A. Yes sir.
Q Where were you born in Kansas? A I dont know sir.
Q Where were your younger brothers born? A. I dont know sir.
Q Weren't you there when they were born, you are the eldest? A Yes sir I am the eldest, I may have been away.
Q Wasn't you living with your mother when they were born? A. Part of the time.
Q Jim is three years younger than you? A. Younger thanthat
Q Dont you know where Jim was born? A I guess he was born in Kansas
Q Dont you know where Hayes was born, he is 8 years younger than you? A I guess he was born there too, I reckon.
Q Where was John born, he is 11 years younger than you? Was he born there too? A. No sir here.
Q Your mother is dead? A. Yes sir.
Q She died in Kansas? A. Yes sir.
Q How long ago?A. 18 or 19 years ago, I guess.
Q Were you living with her when she died? A. Yes sir.
Q And up to the time she died? A. Yes sir.

By the Commission-

Q Where did she die? A. In Kansas.

Q Where did you marry? A. In Caney.
Q In the Cherokee Nation? A. Yes sir.
Q How long have you lived in the Cherokee Nation? A. 16 or 17 years, maybe longer than that.
Q Who with? A. With my uncle.
Q Where has John been living? A. With my father in the Cherokee Nation
Q Did you ever live with your father? A. Yes sir.
Q In the Cherokee Nation? A. Yes sir.
Q When did he come to the Cherokee Nation? A. He came off and on all the time.
Q Where was he when your mother died? A. In Kansas.
Q She never came here at all? A Yes sir she came before I was born.
Q But you were born in Kansas? A. Yes sir.

By Com'r Needles.-

William H. Hill applies for the enrollment of himself and his brother John Hill; they are not identified on any of the rolls of the Cherokee Nation now in the possession of the Commission; he avers that he is the child on Mary Ann Robinson and that he is the nephew of William H. Robinson, the said William H. Robinson being a brother of his mother. The Commission is of the opinion that the weight of the testimony in this case will not justify the enrollment of the said William H. and John Hill, but attention is called by the attorney for the applicants to the testimony of the said William H. Robinson on Cherokee Freedman Doubtful card 7674, and reference is therefore made to said case and a copy of the testimony therein will be filed herewith, and the said William H. Hill and John Hill will for the present be listed as Cherokee freedmen on a doubtful card, and when the final decision of the Commission is arrived at he will be notified thereof by mail.

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

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

Chas von Weise

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

Commissioner.

To be filed in case S.F.D.-837

R
S.F.D.-874.

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

Supplemental testimony on behalf of Cherokee Nation, in the matter of the application of William W. Robinson for the enrollment of himself, wife and children as Cherokee Freedmen.

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

Elizabeth Davis, being first duly sworn, and being examined testified as follows:
By Mr. Hastings:
Q What is your name? A Elizabeth Davis.
Q What is your age, Mrs. Davis? A 57.
Q What is your post-office address? A Fort Scott, Kansas.
Q How long has Fort Scott Kansas been your post office? A Since '63.
Q You formerly lived in this country? A Yes sir.
Q Do you know a colored man by the name of Munford Robinson? A Yes sir.
Q When did you learn to know him? A In 1863. He was at Fort Scott when I left.
Q Did you continue to live there during the war? A Yes sir.
Q And after the war? A Yes sir, I lived up there right along.
Q Do you know his wife? A Yes sir.
Q What is her name? A Anna.
Q Do you know any of his children? A Yes, I knew his children.
Q You know any of their names? A Had one named Lizzie, and a boy named William and one Jim and Tobe and Wesley, and I don't know, he had awhole house full.
Q How long did you continue to know this family at Fort Scott, Kansas? A I knew him from '63 down to the winter of '69.
Q Did you know them continuously? A Yes sir, they lived right there; I was about two blocks away from them.
Q Did you have occasion to see them frequently? A Yes sir, I saw them ~~[illegible]~~ pass, they would have to pass my house to go to town.
Q You know where they went to from there or where they were gone? A I don't know where they went to.
Q You know whether they had a house there or not? A Yessir, they owned their home there; they bought their house; I don't know whether they bought a lot and built the house or whether they bought the house, I couldn't say, it was just a frame building, that was there when I left; I know they owned that and sold it.
Q You positive that they lived there until the fall or winter of '69? A Yes, sir, I am positive; how that is, Mrs. Runyan & her father, Mr. Anthony died in July, 1869, and they was there then, and in the fall the boys helped dig the potatoes and gather the crop; him and his son Walter Runyan both died the same month, and left the widow woman and the girls and she got these boys to gather the crop.
By Mr. Mellette:
Q Are you a white woman? A Yes sir.
Q You are of white blood? A Yes sir.
Q You are not of Cherokee blood? A No sir.
Q This W. H. Robinson you have been talking about? A W.H.Robinson is Munford Robinson's son.
Q Where is Munford Robinson? A I don't know.
Q Is he alive or dead? A I don't know.
Q When did you see him? A I haven't seen him since '69, or heard of him.

Q You don't know whether the applicants here are the persons you knew in Fort Scott or not do you? A I know that Mumford didn't, I knew that; I don't know whether these are them or not.
Q You don't know whether the Mumford Robinson they talked about in the testimony is the Mumford Robinson you knew at Fort Scott, do you? A I don't know, no sir.
Q Were you ever married? A Yes sir.
Q Married now? A No sir, I am a widow woman.
Q Who was your husband? A S.S.Davis.
Q Ever married to any one else? A No sir.
Q Did you at one time live with a man named Alonzo Manley? A Nosir
Q You swear you didn't? A I swear I didn't live with him in the world. Lived with Alonzo Manley, what are you talking about?
Q I just asked you the question? A Well indeed I guess I didn't.
Q Did you know him? A Yes sir, I knewhim.
Q Where did you know him? A I knew him from '63 until '70, along in '70's somewhereas.
Q How long has it been since you saw Mumford Robinson? A '69.
Q How long has that been? A I don't know; I haven't counted it up.
Q Well try to count it up? A 32 years or 33.
Q Now can you remember back every person that you saw in '69, 32 years ago? A Well I could remember their names and remember seeing them.
Q Can you remember when you last saw everybody that you saw in '69? A Yes, I can remember when I last saw them for I last saw them when they was gathering those potatoes; that is the last time I saw those boys.
Q You remember you saw Mumford Robinson dig potatoes in '69?
A I saw the Boys and their mother I told you.
Q Did they ever dig potatoes at any other time? A Not that I know of.
Q Why do you remember that was in '69? A These girls father died in '69 and it is there in the Bible.
Q Where is the Bible? A Mrs. Anthony's house; I know they dug potatoes at that time.
Q You didn't bring the Bible with you? A No sir.
Q Maybe that is like the Bible that was not made in '67? A Probably it is, but it is there and can be produced just the same.
Q You didn't bring it with you did you? A No sir.
Q When were you first asked about this matter? A I don't know; sometime in December I guess, or January.
Q Some time last January, is that the first time that you were asked about when you saw Mumford Robinson last? A Yes sir, that is the first time.
Q You never had this matter called to your attention until then?
A No sir.
Q That was nearly 32 years after you had seen him there that you were asked about it? A Yes sir.
Q And then 32 years after that you remembered back about the boys digging potatoes 32 years before? A Yes sir, I remember the family well, because when I first went to Fort Scott there wasn't very many.
Q How much did you get for coming down here? A I haven't got anything yet.

By Mr. Hastings: I object to that; it is insulting to the witness.

Q Who first asked you about this matter? A I don't know, I suppose the judge of the Cherokee Nation.
Q Who is it, what is his name? A Mr. Keyes.
Q Did he tell you he was the Judge of the Cherokee Nation? A No, he didn't tell me so.
Q What makes you call him Judge of the Cherokee Nation? A I have learned it since.

By Mr. Hastings: That is not proper cross-examination of this witness.

A I am going to tell you I knew Judge Keyes before the war; he

was in the army with my brother.
Q He is the man that came to you and asked you about them? A Yes sir.
Q 28 years and nobody had ever called your attention to this fact before that time?A No sir.
Q Then you remembered back there it was in '69 the boys dug potatoes for you? A They didn't dig for me at all, they dug for Mrs. Anthony
Q How many cases have you been a witness here in? A -
By Mr. Hastings: I submit this is not proper cross-examination, and I object to it.
By Commission: The objection will be noted; answer the question.
A How many have I? Three besides this I believe.
Q Who were they? A
By Mr. Hastings: I submit that that is not proper cross-examination; I object to it.
By Commission: Objection noted; answer the question.
By Mr. Mellette: I have got the right to ask questions touching the knowledge of this witness in the matter that brings her here.
A I think it was Mrs. Nancy Thompson, Mrs. Gales and the Alonzo Manley case.
Q How old did you say you are? A 57.
Q Were you married in '69? A No sir.
Q How long after that did you marry? A I married in '70.
Q What time in '70? A In March, 1871.
Q What day of March? A 13th of March.
Q Have you ever been married any more since that time? A No sir. My husband has been dead now three years.
By Mr. Hastings: I desire to introduce a certified copy of this contract. (Hands paper to Mr. Mellette.)
By Mr. Mellette: I object to the introduction, because it does not show where Mumford Robinson lived at the time he made it, and it does not show that it is the Mumford Robinson that was mentioned in the testimony.
By Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the fact that it does say Mumford Robinson and Annie Robinson of the County of Bourbon, and State of Kansas.
By Commission: There is offered in evidence by the representative of the Cherokee Nation a Warranty Deed made by Mumford Robinson and Annie Robinson, his wife of the County of Bourbon, State of Kansas, on the 7th day of December 1869; same is filed herewith.

Minerva Runyon, being fird duly sworn and being examined testified as follows:
By Mr. Hastings:
Q What is your name? A Minerva Runyon.
Q What is your age? A 48, in my 48th year.
Q What is your post-office address? A Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A Well I lived there since 1862.
Q Do you know a colored man up there by the name of Mumford Robinson?
A I do sir.
Q Do you know his wife? A Yes sir.
Q What was her name? A Her name was Annie.
Q Did you know any of their family? A I do.
Q Name as many of them as you can remember now? A William, James, Alonzo, Fatette, Tobe and Wesley, that was the boys in the family, and there was Elizabeth Jane and Mary and Martha and Melvina, them was the girls.
Q Who did Melvina marry? A I don't know.
Q Did you ever know one of them married Mr. Hill? A Yes sir.

Q What was her name? A Mary Ann.
Q When did you first learn to know this family? A In '62 when I came there they was there.
Q Neighbors from '62 until '63 continuously? A Continuously, they might have been there a little longer than that, but that much any way.
Q How do you fix the date, Mrs. Runyon, that you knew them? A Well I fix the date by father's death.
Q When did your father die? A Father died July 13th, 1860.
Q Do you know they were living there then? A They were living there then; he raised a little crop and these boys helped us children gather our potatoes, as much as I can remember it was Frank and Tobe.
Q How far did the family live from you? A They lived just the next, there was one lot, a fifty foot lot between us.
Q Was that vacant or did it have a house on it? A I think there was a house partly on it; there was quite a space between their lot and our lot.
Q You are a citizen of the State of Kansas? A Yes sir.
Q Don't claim citizenship down here? A No sir.
Q You came down here by a subpoena as a witness? A I did.
Q You know the family well I suppose? A I know the family well.

By Mr. Mellette:

Q You are a white woman? A I am a white woman.
Q Did you say your age was 40? A My age is 48, in my 48th year.
Q Have you ever seen any of the Robinson family you are talking about since the time you saw them in Fort Scott? A I saw Mary Ann on the street in Fort Scott, Kansas.
Q They are colored people? A Yes sir.
Q How is it you remember the names of the children 32 years? A Because I played with them. We was children together and I played with them, I remember them distinctly.
Q Have you read the testimony given in this case since you came here, has it been read to you? A The testimony?
Q Yes, that they gave, giving the names of the children? A No sir.
Q Have you had the names called to your attention since you came here the names of these children? A I don't think I have.
Q You could remember the names of these children 32 years? A Indeed I could, every one of them.
Q You have remembered them that long? A I have remembered them that long.
Q How old were you when your father died? A I was a girl of about 15 years, 14 or 15 years.
Q And you remember the names of children 32 years you haven't seen since that time? A I do.

By Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-677, D-686, D-687, D-689, D-937, D-939, D-942 and D-1018.

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 caseand that the foregoing is a true and complete transcript of my stenographic notes thereof.

M.D.Green.

I, the undersigned, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

B. L. Rothenberger

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Will H. Hill, D 937;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 1 1902

ACTING CHAIRMAN.

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

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

In the matter of the application for the enrollment of William H. Hill et al., as Cherokee freedmen, consolidating the applications of

William H. Hill et al - - - - Cherokee Freedmen D 937
Hayes Hill et al - - - - - - Cherokee Freedmen D 939
James Hill - - - - - - - - - -Cherokee Freedmen D 942.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by William H. Hill for himself, and his brother John Hill; by Hayes Hill for himself and his minor child Ethel Hill; and by James Hill for himself. Proof of the birth of said Ethel Hill was filed with the Commission and is made a part of this record. A copy of the testimony taken at various times in the case of William H. Robinson et al., Cherokee Freedmen D 674 is made a part of the record herein.

The evidence shows that all the applicants herein were born since 1866 and are, except the said Ethel Hill, the children of Mary A. Robinson, now deceased, and one Milton Hill, now deceased, a non-citizen; that the said Ethel Hill is the daughter of said Hayes Hill and his wife Elsie Hill, a non-citizen, and that all the applicants claim right to enrollment as descendants of the said Mary A. Robinson.

The evidence further shows that the said Mary A. Robinson was a free colored person residing in the Cherokee Nation at the commencement of the rebellion; that she went to the State of Kansas during said war, but did not return to the Cherokee Nation within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of freedmen to said Nation.

The evidence further shows that said Mary A. Robinson together with her father, Rumford Robinson, and family resided continuously in the State of Kansas from the time they left the Cherokee Nation until sometime in the year 1869; that afterwards the said Mary A. Robinson resided in the State of Kansas in which State the said William H., John, Hayes and James Hill were born; that the said Mary A. Robinson died about eighteen or nineteen years ago in said State of Kansas; and that sometime after her death the said William H., John, Hayes and James Hill came to the Cherokee Nation. The said Ethel Hill was born in the Cherokee Nation, and all the applicants herein are now residents of said Nation. The names of none of the applicants herein can be found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application of William H. Hill, John Hill, Hayes Hill, Ethel Hill and James Hill for enrollment as Cherokee freedmen, should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.
Chairman.

(SIGNED) T. B. Madden
Commissioner.

(SIGNED) [illegible]
Commissioner.

(SIGNED) [illegible]
Commissioner.

Dated at Muskogee, I.T.
this MAR 5 1907.

F. D. 937

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the

.....day of.....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

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

.....day of....., 190....

.....

Attorney for applicant.

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

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

.....

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

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

SEP 21 1901
Filed.

NOTICE!

IN THE MATTER OF the application of Wm. H. Hill
for enrollment as Cherokee citizens:
Case No. D 937
To Wm. H. Hill or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 22d 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

Attorneys for the Cherokee Nation.

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of: W. H. Hill.

937

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision [illegible] to readjudicate said cases and to enroll said persons as Cherokee F[illegible]men for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

.....

.....
Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

To be filed in case
937
M. H. Hill

Statement. Ira. Blair.

ATTORNEYS:
L. B. Bell,
W. W. Hardison,
James S. Davenport.
J. C. Shaler, Sec.

OFFICE OF
ATTORNEYS FOR CHEROKEE NATION
BEFORE THE DAWES COMMISSION, CHEROKEE PRESIDENTIAL DELEGATES.

Please refer this letter with your reply or mention the Number: F. S.....

Cate-937-
W. H. Hill,

Fort. Scott. Kan.
Jan. 18th 1902

Statement
of Ira. Blair.
Fort. Scott. Kan

Says that He is 37 years of age. Was born and raised on Mill Creek. near Fort. Scott. bourbon. County. Kansas I Know Milton Hill and his Wife Mary Who Was a Robinson. I have Known them ever Since I Could remember They lived on an adjoining farm I Know their Children Harrison. James. Hays and John Harrison is the oldest James next I have Known Them ever Since I Can remember I Know the Two younger boys ever Since they were born These People lived neighbors to us from the time I first Knowed them until about 8 or nine years ago When They Went to the Territory

MDG

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

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING
Cherokee F.D-937,
D-939, D-942.

Muskogee, Indian Territory, March 16,1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5,1904, in the consolidated case of William H. Hill, et al., rejecting the applications for the enrollment of William H., John, Hayes, Ethel and James Hill, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

Enc. G-254

MD9

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

WM. O. BEALL,
Secretary

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

PLEASE REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
Docket Books 2-041.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 4, 1904.

Hastings, Bell & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, in the consolidated case of William H. Hill, et al., rejecting the applications for the enrollment of William H., John, Hayes, Ethel and James Hill as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 1, 1904.

Respectfully,

Commissioner in Charge.

G. 7D938

FILED
JUL 18 1901

ACTING CHIEF

Department of the Interior,
Commission to the Five Civilized Tribes
Muskogee, I. T. June 26th 1901.

In the matter of the enrollment of Jack Jackson for the enrollment of himself as a Cherokee Freedman by intermarriage; he being sworn by Commissioner T. B. Needles, testified as follows-

Q What is your name? A. Jack Jackson.
Q What is your age? A. 41.
Q What is your post office address? A. Tulsa.
Q In what district do you live in? A Tulsa.
Q Do you apply as a Cherokee Freedman? A. Yes sir, as a Cherokee Freedman by inter-marriage.
Q Are you married? A. Yes sir.
Q What is your wife's name? A. Mary Drew on the roll.
Q Is her name on the roll of 1880? A. Yes sir.
Q Was she a Drew when you married her? A. Yes sir.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's wife identified as follows-
Page 94 No. 910 Mary Drew, Coweesoowee district.

The applicant presents a certified copy of a Cherokee license authorizing the marriage of Jack Jackson a citizen of the United States to Mary Jane Drew a citizen of the Cherokee Nation, and a certificate showing that they were married on the 30th day of May 1891. This is filed herewith.

Q Were you ever married before that? A. No sir.
Q Was your wife ever married before that? A. Not as I know of.
Q Dont you know? A. No sir.
Q What does she say about it? A She dont say she is.
Q Have you been living with her continuously since then? A. Yes sir
Q Living with her now? A. Yes sir.

By Hastings-

Q Did she have any children when you married her? A. No sir.
Q You had never been married before yourself? A. No sir.

By Hastings:

" Comes now the representatives of the Cherokee Nation and files herwith a certified copy of the decision of the Supreme Court of the Cherokee Nation sitting as a Special Court of Commission dated June 26th 1901."

By Commission- " The same is ordered filed . "

By Comm'r Needles-

Jack Jackson applies for himself as an inter-married Cherokee freedman and makes satisfactory proof of his marriage to one Mary Jane Drew in the year 1891 and the said Mary Jane Drew is identified on the authenticated roll of 1880 according to the page and number of the roll as indicated in the testimony, and she has also been listed for enrollment by this Commission as Cherokee Freedman (Freedmen card No. 1113) he makes satisfactory proof as to his residence and he will now be listed for enrollment as a Cherokee Freedman by inter-marriage on a doubtful card awaiting the further consideration of the Commission and when the final decision is arrived at he will be notified by mail.

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

2

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

Chas. von Seida

Subscribed and sworn to before me this the 12th of July, 1901.

Commissioner.

938

COMMISSION OF THE NORTHERN MARIANA ISLANDS

FILED

AUG 1 1902

ACTING CHAIRMAN

[illegible]

[illegible] the matter of the application of [illegible] AD[illegible] [illegible] Wellman [illegible] Trustee [illegible]

[illegible] Cherokee [illegible]

[illegible]:

[illegible] applicant moves the Commission to make the certified [illegible] decree of the Court of Claims in the case [illegible] Trustee for [illegible], vs The Cherokee Nation, [illegible] filed in the Marian Hayden case E D 498, a part of the [illegible] in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

[illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court of the Northern District, Indian Territory.

[illegible]:

The applicant further moves that as to the above named [illegible] the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any or all proof of any or all of the requests other than the decree already referred to

In the case of Moses W[illegible]
in the Court of Claims [illegible] Nation is p[illegible]
[illegible] desired to do so.

W. W. [illegible]tings:

The Cherokee Nation [illegible] the allegations of this [illegible] for the reason that most of [illegible] year in which to file all [illegible] file to make out their case [illegible] was given them all by agreement in [illegible] be closed so far as testimony was [illegible] would mission of the firm of attorneys representing [illegible] the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter
Notary Public.

6 D 936

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Annie Carey, and her son Thomas Carey, as citizens of the Cherokee Nation.

SUPPLEMENTAL STATEMENT

---oOo---

On the 14th day of December, 1900, there was filed with the Commission to the Five Civilized Tribes, an "Affidavit of Mother" wherein it is shown that Thomas Carey was born on the 3rd day of December, 1897, to Annie Carey, the lawful wife of Clem Carey.

The affidavit is also accompanied by an "Affidavit of Mid-wife", who was in attendance at said birth.

The testimony shows one Silas Carey to be the husband of Annie Carey, while the affidavit recites that "Annie Carey is the lawful wife of one Clem Carey"; the difference in names as shown by the testimony and the affidavit respecting the husband is not essential in this case, for the reason that the mother being upon the 1880 roll, establishes the status of the child irrespective of paternity.

It is directed that copies of this statement be filed with the testimony in this case.

Commissioner.

Dated at Muskogee, Indian Territory,
this 8th day of March, 1908.

No. D 938

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. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

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 ....., 1901.

.....

Attorney for applicant.

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

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

.....

on the ..... day of ..... A.D. 1901

.....

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

.....

Notary Public.

Filed SEP 13 1901

SEP 14 1901

SEP 14 1901

NOTICE!

IN THE MATTER OF the application of Jack Jackson for enrollment as a Cherokee citizen:

Case No. D 938

To Jack Jackson Tulsa 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 Fort Gibson, I. T. Indian Territory, on Sept. 24th 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 on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 14th 1902.

Attorneys for the Cherokee Nation.

Chem. Fr. D-939

File with Cherokee Freedmen D- 939, Hayes Hill

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of William Henry Robinson for the enrollment of himself and seven children as Cherokee Freedmen, and for the enrollment of his wife, as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicants;
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A William Henry Robinson.
Q How old are you? A I am about 48, or 9 years old, I don't know my age exactly.
Q What is your postoffice? A Nowata.
Q What district do you live in? A Cooweescoowee.
Q You apply for enrollment as a Cherokee Freedman? A Free colored person living here at the commencement of the Rebellion.
Q Who do you desire to enroll besides yourself? A Self and seven children.
Q Give me the names of your children? A Josie Ann.
Q How old is she? A 26.
Q She will have to enroll for herself, I want the children under 21? A James Aurelius.
Q How old is he? A 18.
Q Next? A Jennette.
Q How old is Jennette? A 16.
Q Next? A Charles S.
Q How old is he? A 14.
Q Next? A Amanda Elizabeth, 12.
Q Next? A John Savannah.
Q How old is he? A 10.
Q Next one? A Ollie.
Q How old is Ollie? A 8 years old.
Q Next one? A Next is three years old, his name is William Dewey.
Q That all? A Yes sir, that's all under age.
Q Are you married? A Yes sir.
Q Is your wife a citizen? A Claimant.
Q What is your wife's name? A Millie Robinson, nee Hill.
Q You don't apply for her, you say, has she been listed for enrollment? A No sir, she has not been listed yet, I can enroll her of course, she is married, been married twenty-eight years.
Mr. Smith: Better apply for her.
Com'r: Applies for himself and wife Millie.
Q Are these children all living? A Yes sir.
Q They were all born in the Cherokee Nation? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Two, I am satisfied.
Q What rolls? A Wallace and Clifton.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;
1896 census roll of citizens of the Cherokee Nation examined and applicants not found thereon.
Kern-Clifton pay-roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
page 121 #3015 William Robinson, Cooweescoowee District.
Kern-Clifton roll examined for applicant's wife and not found.
page 121 #3016 Jim Robinson, Cooweescoowee District;
page 121 #3017 Jennette Robinson, Cooweescoowee District;
page 121 #3018 Charles Robinson, Cooweescoowee District;

Page 121 #3019 Amanda Robinson, Goweseecowee District;
page 121 #3020 John Robinson, Goweseecowee District;
page 121 #3021 Olive Robinson, Goweseecowee District.

Q Is her name Ollie or Alive? A Ollie.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

page 154 #3209 Wm. H. Robertson, Goweseecowee District.

Wallace roll examined for applicant's wife Millie, and not identified thereon.

Q Did you draw Strip money for your wife? A No sir.

Examined by Attorney Smith:

Q Where were you living when the war commenced, the Civil War?
A Best of my recollection, I was living in Delaware District, on the place they call Beatty's Prairie, in the Cherokee Nation.

Q Who was your father? A Munford Robinson.
Q Who was your mother? A Annie Robinson.
Q You were a free colored person? A Yes sir.
Q You were here at the time the war commenced? A Yes sir.
Q Did you go out? A Yes sir.
Q Where did you go? A To Ft. Scott, Kansas.
Q When did you return first to the Cherokee Nation? A In May, '66.
Q Where have you been living since that time? A In the Indian Territory.
Q What Nation? A Cherokee Nation.
Q Have you any children now older than James A.? A Yes sir.
Q Name them? A Josie Ann and Eva Ellen.
Q Is Josie Ann married? A Yes sir, her name is Josie Ann Slaughter
Q Where does she live? A At Dewey, Goweseecowee District, Cherokee Nation.
Q What is your other daughter's full name? A Eva Ellen Anderson.
Q And her husband's first name? A Arthur.
Q What is Slaughter's first name? A Charlie.
Q Have they any children, either one of them? A Slaughter has a step-child.
Q But your daughter I speak of? A Yes, one.
Q What is that child's name? A Smith. Married a second time; her first husband was Smith, second husband was Slaughter, that's the one she lives with now.
Q What is the christian name of the child? A Sadie.

Examined by Cherokee Representative, Davenport:

Q Now Robinson, you were living at what point in the Cherokee Nation when the war broke out? A I was living on the place they call Beatty's Prairie, near the neutral land in the strip, I think it is in Delaware District.
Q Who were living near where you were living at that time? A Old man named McGee is the only one.
Q Was that Jeff? A I don't know.
Q Was Joe Ward living there? A I don't know anything about that.
Q Where was Jim Yeargin's family? A I don't know.
Q How old were you when the war broke out? A Between seven and eight years old.
Q How old is your oldest child now? A 26.
Q You went out of the Nation during the war and to what point did you go? A Fort Scott.
Q How long did you stay at Ft. Scott? A During the war.
Q That's where you got acquainted with William Y. Foreman?
A First of my recollection; of course I had seen him before, but I didn't get acquainted with him.
Q You came back to the Cherokee Nation when? A In '66, May.
Q You came back before or after the Treaty was made? A After.
Q Did you come back in May? A May.
Q When you came back to what point in the Cherokee Nation did you come? A Big Cabin Creek, not very far from Lee Schrimsher's old place.
Q Who was living on the Lee Schrimsher place at that time, if any

one? A Mr. Foreman, I believe.
Q Where was Newt Schrimsher when you came back? A My recollection is he lived over east somewhere, I don't know where.
Q There was Reuben Sanders, and Solon Jones? A I don't know a thing about Solon Jones, but I remember Reuben Sanders and them, they lived on Big Creek. I don't know whether they came there after, or I think it was just about the time I moved in here.
Q William Foreman, did he live in Sequoyah or Delaware District at that time? A He lived in Sequoyah.
Q He is the same William Foreman that you and your brothers and sisters gave the one hundred and twenty-five dollars to to swear for you in the Kern-Clifton enrollment isn't he? A Same man.

By Mr. Smith:

Q What did you give him $125 dollars to swear for you for? A That's his price, he charged that, and more than that he was to follow the court in case of rebuttal he was to see that we wasn't injured, and he had to travel backwards and forwards on the railroad and pay his expenses, consequently we just volunteered to give him that amount.
Q Who is William Foreman? A A Cherokee man.
Q Was he acquainted with the facts in your case? A Yes sir.
Q Did you hire him to swear to anything that wasn't the facts? A No sir.

By Mr. Davenport:

Q You just simply hired him to represent, he your brains? A No sir.
Q Was that Mr. Blythe living there near you before the war? A No sir.

By Com'r Needles:

Q This man Foreman, he was also acting kind of attorney was he?
A Might determine it that way, children you know, our parents deceased.
Q Was anybody else included in that 125 dollar fee besides your family? A No sir.

By Mr. Smith:

Q Was Foreman an older man than you? A Yes sir indeed.
Q You say he was acquainted with the facts in your case?
A Yes sir.
Q Did he demand that much from you? A He thought it ought to be worth about that much.
Q He knew the facts in your case, were there any witnesses who did know the facts? A There was two others we had that was acquainted with them.
Q That matter of paying Foreman wasn't before this Commission?
A No sir.
Q That was at another time, when the Clifton roll was made?
A Yes sir.

LEWIS WHITMIRE, being sworn by Com'r Needles, testified:

By Mr. Smith:

Q State your name? A Lewis Whitmire.
Q Where do you live? A On Lightning Creek.
Q What is your postoffice? A Hayden.
Q What is your age? A 62 years old.
Q You know this applicant, William H. Robinson? A Yes sir.
Q How long have you known him? A I don't know exactly, I guess it has been about 38 or 9 years.
Q Did you know him before the war? A No sir, I knew him in time of the war.
Q Where was he in time of the war? A He was at Ft. Scott.
Q When did you first see him in the Cherokee Nation after the war? A First place I saw him was out here about a mile and a half south-west of Timbered Hill
Q How far from Chelsea is Timbered Hill? A I don't know how far

it is from here, the place I saw him is about [illegible] west of Vinita.

Q When did you see him first? A It was [illegible] I don't know exactly what time; it was winter, I [illegible] December or January.

Q You remember how long it was [illegible] Christmas? A No sir, I don't remember how long it was until Christmas.

By Mr. Davenport:

Q You remember whether it was before or after Christmas? A I don't remember whether it was before or after [illegible]

Q You came back to the Territory in the [illegible] of '65? A Yes sir I came back here in the summer of '65.

Q And it was sometime in the following winter you saw him? A Yes sir

Q You don't know what time? A No sir.

Q Nor what month of the year? A No sir, I don't.

By Mr. Smith:

Q Under what circumstances did you see him? A He was living with his father and mother in a old Government tent; [illegible] in the bottom on the bank of Big Cabin Creek; I was home hunting at that time.

HARRY STILL, being sworn by Com'r Meadows, testified as follows:

By Mr. Smith:

Q State your name? A Harry Still.

Q Where do you live? A Hayden.

Q You know this applicant, William H. Robinson? A Yes sir.

Q How long have you known him? A Since '62.

Q Where was he in '62? A First time I saw him was on the neutral land when we started to Kansas.

Q Who was he with when you saw him first? A His mother and father, and his brothers and sisters.

Q What was his father's name? A Old man Robinson I always called him.

Q You remember his mother's given name? A No sir, I don't remember her given name.

Q When did you first see him in the Cherokee Nation after the war?

A In the winter of '65, over here on Cabin Creek, first time, not far from the Newt Schrimsher place.

Q About what time was that? A It was along in the winter of '65, when I saw him there.

Q How many trips did you make back to the Cherokee Nation? A Three

Q When did you come back here the third time? A In the fall of '65

Q About what month? A Sometime in October I think.

Q About how long after that was it before you saw this man William H. Robinson? A Maybe I am mistaken, I went back after Aunt Nancy when she died up there at Timbered Hill and I found William and his folks up there then; it was getting kinder late in the year; near the old Schrimsher place.

Q And when was it you think? A Sometime in the winter or fall of '65, I mean the last part of '65.

Q Was it before or after Christmas? A Before.

Q Before Christmas of '65? A Yes sir.

Q Do you know where he has been living since that? A Yes sir.

Q Where? A Next time I saw him he was clearing a place after that about three miles from there, and then along in the spring of '66 he and him and his brothers worked together up here on Snow Creek, I have been knowing him ever since; we worked there awhile, and he went back over here where he started a place over here on Cabin Creek, and I have been knowing him around in the Nation, I don't know how many places he did live, I have been him up here where he is living now.

Q How long has he been living where he is living now? A I don't

Q How long has he been living where he is living now? A I don't know exactly, I have known him out on Caney awhile, living out there, and right around in the Nation here all the while, we worked together in '67.

By Gen'l Needles:

Q When you talked about the neutral land, that was a claim considered part of the Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q This is the first time you have ever testified for Robinson?
A Yes sir.
Q You was around with the Kern-Clifton Commission in 1896?
A Yes sir.
Q Mr. Robinson was there? A Yes sir.
Q You knew he applied? A Yes sir.
Q They didn't use you then, they used W. F. Foreman? A Yes sir, he had other witnesses.
Q You knew the same facts then you know now? A Yes sir.
Q And never did tell them? A Nobody never did ask me to tell them.
Q How did it happen you was on Big Creek in the latter part of '66, and saw this fellow? A Went back to get my aunt.
Q Was there a road from Big Creek down towards Neosho River at that time? A No sir.
Q How did you happen to straggle on him? A It was right on my road, right across the prairie.
Q You never lived in that neighborhood towards Big Creek where Sam Webber lived? A No sir, I lived on middle prong of Lightning Creek.
Q How far from Hayden's postoffice? A Three or four miles.
Q And you were going up to Newt Schrimsher's place to get your aunt?
A Yes sir.
Q Was Robinson grown then? A He looked big as he is now, he was a good big fellow; when we went to Kansas together he was nearly grown.
Q Just at the breaking out of the war? A Yes sir, he was a young man, the other boys wasn't as large as he was.
Q You didn't know anything of them when the war broke out? A When we started to Kansas we got with the command taking refugee negroes out here, first time I saw William was up in the Neutral Land, and we went together from there to Ft. Scott.
Q There was a whole lot of other colored people along? A Yes sir.
Q You remember him because he was nearly grown? A I remember him and his family because they was people I never forget.
Q What makes you think it was before Christmas in '66 that you saw them up there on Big Creek? A Because I am satisfied it was.
Q You have nothing on which to base your satisfaction? A I know I went after aunt Nancy and she was dead, and the result was I found them.
Q You know that was in the winter of '66? A Yes sir.
Q You know what time the applicant came back to the Cherokee Nation?
A No sir, I know I went with him, and that's what time I saw him over there.

Applicant, WILLIAM HENRY NORMAN, re-called and further examined, by Gen'l Needles:

Q Where were you born? A In the Cherokee Nation.
Q Your father and mother free? A Yes sir.

By Mr. Davenport:

Q Your parents, were they alive then? A Not that I know of.
Q You didn't reside in Arkansas in '61? A No sir, did I didn't know it.

FILMORE HICKS, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Filmore Hicks.
Q Where do you live? A In Vinita now.
Q How old are you? A 35.
Q You know William H. Robinson, this applicant? A Yes sir.
Q How long have you known him? A Ever since the winter of '67.
Q You don't know him before the war? A No sir.
Q Did you know his father before the war? A No sir.
Q Nor his mother? A No sir.
Q You don't know where they lived before the war? A No, I don't know.

By Com'r Needles:

Q Are you a Cherokee citizen by blood? A Yes sir.
Q You don't know whether this applicant was a slave before the war or not? A No sir.
Q First time you saw him was in January, '67? A Yes sir.
Q Where? A On Cabin Creek.
Q Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q What was he doing then Cap, when you saw him? A They were camped on the Creek there when I saw them.
Q You don't know where they had been during the war? A No sir.
Q Had they just come from Kansas or some other place, or just seemed to be camping there? A They seemed to have been there somewhere-
Q About a year? A No, not that long.
Q What makes you think it was January, '67? A I can tell you: Bill Foreman, I had been hired to Bill Foreman, he moved to Big Creek and from Big Creek back to Cabin Creek: I had been working for him about three months I guess, right along, and I went home about the first of December, he owned me twenty-five dollars, he told me to come back after Christmas about the first of January, he didn't have any money, and I stayed there about four or five days waiting for him.
Q Where was Bill Foreman living then? A On the John Foreman place.
Q How far from the Lee Schrimsher place? A About two or three miles; while I was waiting there for Foreman and hunting around I run across this family: hunted on the creeks there and around through the country, nothing to do but hunt around.
Q How far were they from the Lee Schrimsher or Foreman place when you run across them? A About a mile and a half.
Q Did you work for Bill Foreman around the Foreman place in '66?
A Yes sir.
Q Did you see them there during that year of '66? A No sir.
Q Were you following cattle around over the creeks? A Well, I was driving cattle for Foreman, and driving teams.
Q You had been on the creeks around where you saw them in '67?
A Not much, Foreman never left Big Creek until about December and he came to Cabin Creek, and about the first of December I went home, and about the first of January I came to get my money.
Q Were you with Foreman from May to December, '66? A He never lived there up until then.
Q Were you around the Schrimsher place from May up to '66? A I passed there twice.
Q How far did you work from the Schrimsher place during '66?
A About three or four miles down the creek.
Q Did you see this applicant or his family about the Schrimsher place at any time during the year of '66? A No.
Q How often did you say you passed the Schrimsher place? A I passed there twice. We came there as we moved over and when we came back we came back that way.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined, by Com'r Needles:

Q You present a marriage certificate certifying that you married your wife, Willie, did you ever have a license? A No sir, this is the first license I got.

Q Never had any license? A No sir, that's the first time we was married, we married only according to custom.

Q Was you ever married but once? A Yes sir, I married twice but to the same woman.

Q What did you marry twice for? A The court in a statement, they failed to respect the such some years ago, and consequently we was advised to marry according to Cherokee laws.

Q When you marry according to Cherokee law don't you have to procure a license? A There is all the license they claimed it was necessary for me to have.

By Mr. Smith:

Q Where did you marry your wife first? A In the Cherokee Nation.

Q How many years ago has that been? A 26 years ago.

Q Have you been living together as man and wife ever since that? A Yes sir.

Q Who were you married by? A Brother named Nathan Duffin, a preacher.

Q Is he living or dead? A Dead.

Q Is there anyone here who saw you married? A I guess so, Thomas Mayfield was present.

THOMAS MAYFIELD, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Thomas Mayfield.

Q Where do you live? A On Grand River.

Q In what nation? A Cherokee Nation.

Q Do you know this applicant, William H. Robinson? A Yes sir, I know him.

Q You know his wife? A Yes sir.

Q Were you present when they were married? A Yes sir.

Q Who married them? A Nathan Duffin.

Q About how long ago has that been as well as you can remember? A Might near fifteen or twenty years ago.

Q Might have been near that? A Might have been.

Q You don't know how long it has been? A No sir, I don't know exactly.

Q Was Duffin a preacher? A Yes sir.

Q Where were they married? A Married in my church house there on Grand river, Island Ford.

Davenport, Cherokee Rep've, waives examination.

APPLICANT, WILLIAM HENRY ROBINSON, re-called and further examined; by Com'r Needles:

Q When were you married the first time? A Married last day of August, '72, I believe.

Q You know the reason your name is not on the roll of 1880? A No sir.

Q Did you ever apply to have it put down? A I applied and I supposed they put it on, but it failed to show up.

Q You applied did you? A Yes sir.

Mr. Smith offers a Marriage license, and hands it to Mr. Davenport, for examination.

Mr. Davenport: The Representatives of the Cherokee Nation object to the introduction of the certificate of marriage offered, for the reason that at the time it was

cuted there was no law in force in the Cherokee Nation authorizing the issuing of marriage certificates according to Cherokee law by which anyone marrying a recognized citizen could acquire property rights in the Cherokee Nation, the law having been repealed on December 16th, 1895, and for the further reason that there was no law authorizing a clerk to issue a certificate of marriage according to the laws of the Cherokee Nation to any parties other than recognized citizens of the Cherokee Nation, and if the clerk violated his duty it would give no force to the applicant in establishing his right as to having been a free colored person at the breaking out of the war and residing in the Cherokee Nation, having returned in accordance with the Treaty.

Applicant examined by Com'r Needles:

Q You apply for your wife as an intermarried citizen? A Yes sir.

By Mr. Smith:

Q Did your wife apply for enrollment? A Her mother has a claim on file here, so I understand.

Com'r Needles: William H. Robinson applies for the enrollment of himself and wife and seven children; to-wit: James A., Jennetta, Charles S., Ollie, Amanda E., John S., and William D. Robinson; he avers that he is a free colored person, never a slave, and was a resident of the Cherokee Nation before the adoption of the treaty of 1866; he went out of the Cherokee Nation during the war between the North and the South and returned in the year 1866; he avers that he was married to one Millie Hill, a non-citizen; he however avers that his wife is an applicant or has a claim for citizenship; he presents no proof whatever as to the citizenship of his wife, and her name cannot be found upon any of the rolls of the Cherokee Nation now in the possession of this Commission; he makes verbal proof of his marriage to his wife, Millie, more particularly shown in the testimony; he also files certificate signed by Joe M. Lahay, Clerk of Goweesoowee District, certifying that he was married in accordance with the laws of the Cherokee Nation on the 10th day of March, 1897, to one Millie Robinson, nee Hill, a citizen of the United States, said certificate being recorded on page 132, book E, of marriage record of Goweesoowee District; upon examination of the rolls of the Cherokee Nation his name cannot be found upon the authenticated roll of 1880, but he is duly identified upon the Kern-Clifton and the Wallace rolls, and his children are duly identified upon said roll, with the exception of the youngest child, William D., three years of age, which makes it necessary for him to file satisfactory proof of marriage of said child; consequently, said William H. Robinson and his children as enumerated herein, will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife, Millie, will be duly listed for enrollment as Cherokee Freedman by intermarriage or by her inherent rights, as the testimony may develop; he will be duly notified by mail of the action of the Commission on his application when arrived at.

JEFFRIES re-called, supplemental examination

Mr. Smith:

Q Did you ever have any ~~law~~ case, law case tried in the Cherokee courts? A No sir.

By Com'r Needles:

Q Have vote in the Cherokee Nation? A Yes sir.

Mr. Davenport:

Q Who did you vote for? A I don't know how many.

Q Joe Lahey? A No, I guess don't know as I voted for Joe Lahey to get him to sign anything for me.

Q Who did you vote for? A I voted for the treaty, and I voted for Mr. Bannerton and I voted for you when you was running.

Q Are you sure of that now? A I know it.

By Com'r Needles:

Q Was Davenport's majority over one? A I don't know that.

Q If it wasn't over one we could throw him out, because yours was illegal, see? A (No reply)

W. D. Green, being first duly sworn, states that he stenographically took the testimony in the Five Civilized Tribes be correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Signed, M. D. Green.

Subscribed and sworn to before me this June 29, 1901.

Signed, T. B. Needles,
Commissioner.

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Supplemental Testimony.
F.B.-874.

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

Supplemental testimony in the matter of the enrollment of William H. Robinson as a Cherokee Freedman; introduced on the part of the applicant:

WILLIAM FOREMAN, being duly sworn by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Mellette & Smith, for Applicant.
Messrs. Hastings and Davenport, for Cherokee Nation.

By Mr. Smith:

Q State your name? A William Foreman.

Q Where do you live, Mr. Foreman? A Near Wagoner.

Q How long have you lived in the Cherokee Nation? A 64 years a little over.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Citizen by blood? A Yes, sir.

Q Do you know this applicant, William H. Robinson? A Yes, sir.

Q How long have you known him? A First knew him in '62.

Q Where? A Lees Country on Cabin Creek.

Q In the Cherokee Nation? A Yes, sir.

Q Who was he with at that time? A With his father and mother, they were living there working there.

Q What was his father's name? A Lunford I think.

Q What were they, Mr. Foreman, slaves or free colored persons? A My understanding is that they were free.

Q Where did you first see that family back in the Cherokee Nation before the war? A First saw this boy and his father near Lees Country in May, '66, but his father and mother I never saw since the war

Q Well, how old was William when you saw him in '66, after the war here? A He was a young man probably 16, 17 or 18, somewhere along there, a young man.

Q Did you know the wife of Lumford, did you know his mother?

A Yes, sir, I saw her at Fort Scott in '66.

Q What was her name? A I could not tell you.

Q Where did you say you saw her in '66? A I left them at Fort Scott in '65.

Q Now, were you acquainted with his mother before the war?

A No, sir, only at Lees Country in '66.

Q Where was she? A Working there.

Q And they were free colored persons you say? A Yes, sir, they claimed to be from Arkansas.

Q Well, you were acquainted with this country? A Yes, sir.

Q You know whether they belonged to anybody? A They didn't belong to anybody in this country that I knew of.

By Mr. Hastings:

Q When did you say you knew the applicant first? A I first saw him in '66 at Lee Schrimsher's.

Q Is that the first time you ever saw the applicant? A Yes sir.

Q You testified for him before the Kern-Clifton Commission? A Yes sir.

Q You testified that you saw him on Shoals Creek with Blye in '61?

A No, sir; some of that isn't correct.

Q How do you know this testimony isn't true? A I have seen it and know it is not true.

Q Where did you see a copy? A Some fellow had it there.

Q Fellow L. A. Bell? A I think so.

Q Where were you living in '61? A I was living on Poteau river about six or seven miles below Chetopa.

Q What time of the year was it you saw this fellow? A Along in the fall.

Q How long did you see him there? A I saw him there two different times, I was passing there and stayed all night at Lees country one time.

Q Do you know where this family came from? A No, sir, only what they claimed.

Q What did they claim? A Claimed to come from Arkansas.

Q You swore that they refugees from Arkansas in '64 then didn't you? A I don't know.

Q Did Lee Schrimsher live on the line? A No, sir, lived on Big Cabin Creek.

Q Well, didn't you swear before that you saw this Robinson in '61 or 2 on the neutral land? A I don't think I did.

Q Well, do you deny that now? A Yes, sir, I do.

Q You admit though that you testified for them before the Kern-Clifton Commission? A Yes, sir.

Q How how many did you see in '66 of this family?

A I could not tell, the old man and his wife and a lot of children, this boy and another he claimed to be his family.

Q I thought you said just now you never saw his father?

A I saw him at Lee Schrimsher's in '62.

Q I mean in '66? A I never saw him in '66.

Q Now, who did you see in '66? A I saw this boy and his brother.

Q Was he older or younger? A Older.

Q And you only saw this boy about in '66? A He came there to Lee Schrimsher's in May, '66.

Q How long did he stay in there? A I don't know, he come in.

Q Was Lee Schrimsher there? A No, sir.

Q Who was along with you? A A fellow named Weir, dutchman.

Q Did he settle there with them? A He did that fall.

Q Where were you being? A I was going up to the Dave Martin place.

Q Who was living there at that time? A Nobody.

Q Did you have a place there at that time? A First bought a place from Tom Hudson and I afterwards sold it to Bill Martin.
Q Was there a place made in '88? A Made before '88.
Q Was any crop in them, '88? A No, sir.
Q Did you [illegible] put any in? A No, sir, I moved out there and [illegible] to stay and they stold my cattle.
Q Did you have any family with you? A No, sir, just some work hands.
Q Well, how long after that was it before you saw this Robinson family? A The next time I saw this one was when Wallace had the Wallace Court.
Q You don't know what become of them between that and the Wallace Court? A No, sir.
Q Did you see any other members of the family in the meantime? A No, sir.
Q These two then were there alone? A Yes, sir, just the two, they claimed they was camped on Russell Creek; I don't know whether they was or not, I didn't see them.
Q How far was Lee Schrimsher's from Russell Creek? A About 25 miles.
Q Lee Schrimsher lived on Cabin Creek? A Yes, sir.
Q About how far from Vinita? A About ten miles.
Q There was nobody there in this house at that time? A No sir.
Q What were they doing down there? A They come there to see if Lee Schrimsher had some back for they wanted to get work.
Q There were five of these brothers applied before the Kern-Clifton Court? A I don't remember.
Q You charged them $125 didn't you? A I think I did.
Q To testify in that case? A Yes, sir.
Q Are you charging them anything this time? A No, sir; they paid my fare up here from Wagoner.
Q You were at Chelsea when this man applied? A No, sir; I was there three days at Chelsea and I understand he made application after I left there.
Q He was there while you were there? A Yes, sir.
Q And you saw him there? A Yes, sir.
By Mr. Smith:
Q Why did you charge him $125 before the Kern-Clifton Commission?
A I thought it was right that I should have pay for my trouble, running around tending to these courts, it cost me something to be here.
Q Where did you have to go to when you testified before the Kern-Court? A I went from Wagoner to Lightning Creek, where the Court was held.
Q Was it at Lightning Creek he made his application? A Yes, sir.
By Mr. Hastings:
Q How far is it from where you lived to Lightning Creek?
A I come around by this place, I suppose it is about 25 or 30 miles.

Applicant offers in evidence some permits issued by the authorities of the Cherokee Nation.

Counsel for Cherokee Nation objects to the introduction of said permits for the reason it is irrelevant, incompetent and immaterial.

Permits are permitted to be filed.

J. O. Benson, 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. Benson.

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

Signed, F. B. Needles, Commissioner.

Sworn to and subscribed before me this the 21st day of March, 1944.

[illegible]

Notary Public.

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UNCLASSIFIED

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Hayes Hill for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Hayes Hill, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Hayes Hill.
Q What is your age? A I don't know exactly, I suppose somewhere between 21 and 22.
Q What is your postoffice? A Talala.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Your father's name? A Milton Hill.
Q Is he alive? A Yes, sir.
Q What is your mother's name? A Mary Ann Roberson.
Q She living? A No, sir.
Mr. Smith: Where do you live now? A I live on Caney.
Q What is your postoffice? A Talala.
Q How long have you lived where you live now? A Oh I guess about 16 or 17 years, somewhere along there, I don't know exactly, I think about.
Q Which is the older, you or Will Hill? A Will Hill, who is that?
Q Is Harrison Hill's name William? A Yes, sir; I am the youngest, he is older than I am.
Q Who was your mother? A Mary Ann Roberson.
Q Do you know William H. Roberson? A Yes, sir.
Q What relation is he to you? A Uncle.
Q Is William H. Roberson got any brothers? A Yes, sir.
Q What are their names? A One named Tobe and one named Wesley Roberson.
Q Are you married? A No, sir.
Q Single man? A Yes, sir.
Q Do you know where your mother dead? A In Kansas I think.
Q About how old were you when your mother died? A I don't know, I was small, I don't know, maybe five or six, somewhere along there, a small boy.
Mr. Hastings: Where were you born? A Kansas.
Q How old are you now? A I don't know exactly, but between 21 and 22 somewhere along there.
Q And you were about five or six years old when your mother died?
A Something long there, I don't know exactly.
Q How many brothers have you? A Three besides myself.
Q When did you come to the Cherokee Nation? A Oh lets see, been about 17 or 18 years maybe.
Q You have been living here ever since then? A Ever since.
Commissioner: Your name on any of the rolls of the Cherokee Nation?
A I don't think it is, no, sir.

The tribal rolls of the Cherokee Nation in the possession of this Commission examined, and the applicant not identified thereon.

Commissioner: Hayes Hill applies for the enrollment of himself. He avers that he is the son of Milton Hill and Mary A. Roberson. He is the nephew of William H. Roberson, who was listed for enrollment on D card 674, and his attorneys ask

Hayes Hill - 2.

that a copy of the testimony taken in the case of William H. Roberson be made part of the record in the case at bar, and a copy thereof filed herewith, which will be done. For cause the attorneys for the Cherokee Nation ask that a copy of the testimony taken in the application of Harrison Hill, brother of the applicant, who is listed for enrollment on B card 99, be made part of the record in the case at bar, which will be done, and a copy of said testimony will be filed herewith. The applicant makes satisfactory proof as to residence. His name is not found upon any of the rolls of the Cherokee Nation. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card. He will be duly notified by mail of the action of the Commission in the premises.

****

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

Bruce C. Jones

Sworn to and subscribed before me this the 11th of July, 1901.

D. H. Maxey

Commissioner.

C 9 D 907

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 28 1901

ACTING CHAIRMAN

File with Hayes Hill, C. R D-838

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

In the matter of the application of William H. Hill for the enrollment of himself and his brother, John Hill as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith for the applicant-
W. W. Hastings for the Cherokee Nation-

By Com'r Needles:

Q What is your name? A William H. Hill.
Q How old are you? A I dont know exactly, about 33 or 4.
Q What is your postoffice address? A Talala.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who else do you want to have enrolled? A My brother.
Q How old is he? A 20.
Q What is his name? A John Hill.
Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A I guess so.
Q Is your name on the roll of 1880? A No sir.
Q Is it on any of the rolls? A I dont know.
Q What is your mothers name? A Mary Ann Robinson.
Q Whatis your fathers name? A Milton Hill.
Q ~~Xxxxxxxxxxx~~ Are you married? A Yes sir.
Q What is your wife's name? A Lottie Holmes when I married her
Q Do you apply for her? A Yes sir.
Q Is she a citizen? A No sir.
Q When were you married to her? A 3 years ago.
I wont let you apply for her, you married her too late and I would just have to reject her and it will only confuse the record and there is no use of it.

By Smith-

Q Where do you live? A On Caney river.
Q How long have you lived there? A 16 or 17 years.
Q Who, did you say your mother was? A Mary Ann Robinson.
Q Do you know William H. Robinson? A Yes sir.
Q In what way is your mother related to him? A His sister.
Q Has your mother any other brothers? A Yes sir.
Q What are their names? A Tobe, Wesley.
Q Robinson? A Yes sir.
Q Has she any sisters? A Yes sir, Vinsy Martin and Marguerite Hill
Q How long have you lived in the Cherokee Nation? A Off and on all my life.
Q Where were you born? A I dont know exactly.
Q What is your information as to where you were born? A In Kansas.
Q Do you know when your mother married your father? A No sir.
Q Is your father alive? A Yes sir.
Q Is your mother alive? A No sir she is dead.
Q Do you know where she died? A In Kansas, I think.
Q How old are you? A I dont know exactly, 33 or 4, somewhere along in there.
Q How long have you been living at the place where you live now?
A 15 or 16 years, somewhere along there..
Q Are you on any of the rolls? A I dont know.
The 1880, 1896, Kern-Clifton and Wallace rolls examined and the applicant not found on either of them.
Q You say you have been living off and on for 15 or 16 years where you do now? A Yes sir.
Q How old were you when you went to live where you do now? A I dont know exactly how olf I was.
Q Well about how olf? A 18 or 19 years.

Q Where had youbeen living before that? A Just off and on in the Cherokee Nation.
Q You had lived part of the time before that in the Cherokee Nation?
A Yes sir.
Q And you had been out part of the time? A Yes sir.
Q Where had you lived in the Cherokee Nation before you lived where you live now? A On Big Creek.
Q Who with? A Sam Webber.
Q How long did you live with him? A Off and on about a year.
Q That was just before you went to where you live now? A Yes sir.
Q Have you ever lived anywhere else in the Cherokee Nation except these two places? A Yes sir, about 2 or 3 miles from there, I worked for Uncle Manuel Ward at his place.
Q Was that before you went to Sam Webber's? A No sir after.
Q Where did you live before you went to Sam Webbers? A I dont know exactly.
Q What kind of work did you do that time? A Farmed.
Q Did you have a place of your own or just hired out? A My mother had one and I just worked out.
Q What kind of work did you do? A Farmed and cutting wood.
Q How long have you been married? A 3 or 4 years.
By Hastings-
Q Are you called Harrison? A Yes sir.
Q Where were you married? A On Caney.
Q Have you a brother Jim? A Yes sir.
Q And one named Hayes? A Yes sir.
Q One named John? A Yes sir.
Q There is five of your children? A Four of them.
Q These children are all younger than you? A Yes sir.
Q Where were you born in Kansas? A I dont know sir.
Q Where were your younger brothers born? A I dont know sir.
Q Weren't you there when they were born, you are the oldest? A Yes sir I am the oldest, I may have been away.
Q Wasn't you living with your mother when they were born? A Part of the time.
Q Jim is three years younger than you? A Younger than that
Q Dont you know where Jim was born? A I guess he was born in Kansas
Q Dont you know where Hayes was born? he is 8 years younger than you
A I guess he was born there too, I reckon.
Q Where was John born, he is 11 years younger than you? Was he born there too? A No sir here.
Q Your mother is dead? A Yes sir.
Q She died in Kansas? A Yes sir.
Q How long ago? A 18 or 19 years ago, I guess.
Q Were you living with her when she died? A Yes sir.
Q And up to the time she died? A Yes sir.
By the Commission-
Q Where did she die? A In Kansas.
Q Where did you marry? A On Caney.
Q In the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A 16 or 17 years; maybe longer than that.
Q Who with? A With my uncle.
Q Where has John been living? A With my father in the Cherokee Nation.
Q Did you ever live with your father? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q When did he come to the Cherokee Nation? A He come off and on all the time.
Q Where was he when your mother died? A In Kansas.
Q She never came here at all? A Yes sir she came before I was born.
Q But you were born in Kansas? A Yes sir.

By Com'r Needles: William H. Hill applies for the enrollment of himself and his brother John Hill; they are not identified on any of the rolls of the Cherokee Nation now in the possession of the Commission; he avers that he is the child of Mary Ann Robinson and that he is the nephew of William H. Robinson, the said William H. Robinson being a brother of his mother. The Commission is of the opinion that the weight of the testimony in this case will now justify the enrollment of the said William H. and John Hill, but attention is called by the attorney for the applicants to the testimony of the said William H. Robinson on Cherokee Freedman Doubtful card #674, and reference is therefore made to said case and a copy of the testimony therein will be filed herewith, and the said William H. Hill and John Hill will for the present be listed as Cherokee freedmen on a doubtful card, and when the final decision of the Commission is arrived at he will be notified thereof by mail.

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

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 13th of July, 1901.

Signed, T. B. Needles,
Commissioner.

QQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQQ

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 26th of August, 1901.

Commissioner.

To be filed in C.F.D-939.

R

C.F.D-674.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 5, 1902.

Supplemental testimony on behalf of Cherokee Nation, in the matter of the application of William H. Robinson for the enrollment of himself, wife and children as Cherokee Freedmen.

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

Elizabeth Davis, being first duly sworn, and being examined testified as follows:
By Mr. Hastings:
Q What is your name? A Elizabeth Davis.
Q What is your age, Mrs. Davis? A 57.
Q What is your post-office address? A Fort Scott, Kansas.
Q How long has Fort Scott Kansas been your post office? A Since '63.
Q You formerly lived in this country? A Yes sir.
Q Do you know a cloredman by the name of Mumford Robinson?
A Yes sir.
Q When did you learn to know him? A In 1863. He was at Fort Scott, when I left.
Q Did you continue to live there during the war? A Yes sir.
Q And after the war? A Yes sir, I lived up there right along.
Q Do you know his wife? A Yes sir.
Q What is her name? A Anna.
Q Do you know any of his children? A Yes, I knew his children.
Q You know any of their names? A Had one named Lizzie, and a boy named William and one Jim and Tobe and Wesley, and I don't know, he had awhole house full.
Q How long did you continue to know this family at Fort Scott, Kansas? A I knew him from '63 down to the winter of '69.
Q Did you know them continuously? A Yes sir, they lived right there; I was about two blocks away from them.
Q Did you have occasion to see them frequently? A Yes sir, I saw them pass, they would have to pass my house to go to town.
Q You know where they went to from there or where they were gone?
A I don't know where they went to.
Q You know whether they had a house there or not? A Yes sir, they owned their home there; they bought their house; I don't know whether they bought a lot and built the house or whether they bought the house, I couldn't say, it was just a frame building, that was there when I left; I know they owned that and sold it.
Q You positive that they lived there until the fall or winter of '69? A Yes sir, I am positive; how that is, Mrs. Runyan - her father, Mr. Anthony died in July, 1869, and they was there then, and in the fall the boys helped dig the potatoes and gather the crop; him and his son Walter Runyan both died the same month, and left the widow woman and the girls and she got these boys to gather the crop.
By Mr. Mellette:
Q Are you a white woman? A Yes sir.
Q You are of white blood? A Yes sir.
Q You are not of Cherokee blood? A No sir.
Q This W. H. Robinson you have been talking about? A W.H.Robinson is Mumford Robinson's son.
Q Where is Mumford Robinson? A I don't know.
Q Is he alive or dead? A I don't know.
Q When did you see him? A I haven't seen him since '69, or heard of him.

Q You don't know whether the applicants here are the persons you knew in Fort Scott or not do you? A I know that Mumford didn't, I know that; I don't know whether these are them or not.
Q You don't know whether the Mumford Robinson they talked about in the testimony is the Mumford Robinson you knew at Fort Scott, do you? A I don't know, no sir.
Q Were you ever married? A Yes sir.
Q Married now? A No sir, I am a widow woman.
Q Who was your husband? A S.S.Davis.
Q Ever married to any one else? A No sir.
Q Did you at one time live with a man named Alonzo Manley? A Nosir.
Q You swear you didn't? A I swear I didn't live with him in the world. Lived with Alonzo Manley, what are you talking about?
Q I just asked you that question? A Well indeed I guess I didn't.
Q Did you know him? A Yes sir, I knew him.
Q Where did you know him? A I knew him from '65 until '70, along in '70's somewheres.
Q How long has it been since you saw Mumford Robinson? A '69.
Q How long has that been? A I don't know; I haven't counted it up.
Q Well try to count it up? A 32 years or 33.
Q Now can you remember back every person that you saw in '69, 32 years ago? A Well I could remember their names and remember seeing them.
Q Can you remember when you last saw everybody that you saw in '69? A Yes, I can remember when I last saw them for I last saw them when they was gathering those potatoes; that is the last time I saw those boys.
Q You remember you saw Mumford Robinson dig potatoes in '69? A I saw the two boys and their mother I told you.
Q Did they ever dig potatoes at any other time? A Not that I know of.
Q Why do you remember that was in '69? A These girls father died in '69 and it is there in the Bible.
Q Where is the Bible? A Mrs. Anthony's house; I know they dug potatoes at that time.
Q You didn't bring the Bible with you? A No sir.
Q Maybe that is like the Bible that was not made in '67? A Probably it is, but it is there and can be produced just the same.
Q You didn't bring it with you did you? A No sir.
Q When were you first asked about this matter? A I don't know: sometime in December I guess, or January.
Q Some time last January, is that the first time that you were asked about when you saw Mumford Robinson last? A Yes sir, that is the first time.
Q You never had this matter called to your attention until then? A No sir.
Q That was nearly 32 years after you had seen him there that you were asked about it? A Yes sir.
Q And then 32 years after that you remembered back about the boys digging potatoes 32 years before? A Yes sir, I remember the family well, because when I first went to Fort Scott there wasn't very many.
Q How much did you get for coming down here? A I haven't got anything yet.

By Mr. Hastings: I object to that; it is insulting to the witness.

Q Who first asked you about this matter? A I don't know, I suppose the judge of the Cherokee Nation.
Q Who is it, what is his name? A Mr. Keyes.
Q Did he tell you he was the Judge of the Cherokee Nation? A No, he didn't tell me so.
Q What makes you call him Judge of the Cherokee Nation? A I have learned it since.

By Mr. Hastings: That is not proper cross-examination of this witness.

A I am going to tell you I knew Judge Keyes before the war; he

was in the army with my brother.
Q He is the man that came to you and asked you about them?
A. Yes sir.
Q 32 years and nobody had ever called your attention to this fact before that time had they? A No sir.
Q Then you remembered back there it was in '69 the boys dug potatoes for you? A They didn't dig for me at all, they dug for Mrs. Anthony.
Q How many cases have you been a witness here in? A -
By Mr. Hastings: I submit this is not proper cross-examination, and I object to it.
By Commisson: The objection will be noted; answer the question.
A How many have I? Three besides this I believe.
Q Who were they? A
By Mr. Hastings: I submit that that is not proper cross-examination; I object to it.
By Commisson: Objection noted; answer the question.
By Mr. Mellette: I have got the right to ask questions touching the knowledge of this witness in the matter that brings her here.
A I think it was Mrs. Nancy Thompson, Mrs. Gales and the Alonzo Manley case.
Q How old did you say you are? A 57.
Q Were you married in '69? A No sir.
Q How long after that did you marry? A I married in '70.
Q What time in '70? A In March, 1871.
Q What day of March? A 13th of March.
Q Have you ever been married any more since that time? A No sir. My husband has been dead now three years.
By Mr. Hastings: I desire to introduce a certified copy of this contract. (Hands paper to Mr. Mellette.)
By Mr. Mellette: I object to the introduction, because it does not show where Mumford Robinson lived at the time he made it, and it does not show that it is the Mumford Robinson that was mentioned in the testimony.
By Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the fact that it does say Mumford Robinson and Annie Robinson of the County of Bourbon, and State of Kansas.
By Commission: There is offered in evidence by the representative of the Cherokee Nation a Warranty Deed made by Mumford Robinson and Annie Robinson, his wife of the County of Bourbon, State of Kansas, on the 7th day of December 1869; same is filed herewith.

Minerva Runyon, being fird duly sworn and being examined testified as follows:
By Mr. Hastings:
Q What is your name? A Minerva Runyon.
Q What is your age? A 48, in my 48th year.
Q What is your post-office address? A Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A Well I lived there since 1868.
Q Do you know a coloredman up there by the name of Mumford Robinson?
A I do sir.
Q Do you know his wife? A Yes sir.
Q What was her name? A Her name was Annie.
Q Did you know any of their family? A I do.
Q Name as many of them as you can remember now? A William, James, Alonzo, Fatlette, Tobe and Wesley, that was the boys in the family, and there was Elizabeth Jane and Mary and Martha and Melvina, them was the girls.
Q Who did Melvina marry? A I don't know.
Q Did you ever know one of them married Mr. Hill? A Yes sir.

Q What was her name? A Mary Ann.
Q When did you first learn to know this family? A In '62 when I came there they was there.
Q Neighbors from '62 until '69 continuously? A Continuously, they might have been there a little longer than that, but that much any way.
Q How do you fix the date, Mrs. Runyon, that you knew them? A Well I fix the date by father's death.
Q When did your father die? A Father died July 15th, 1869.
Q Do you know they were living there then? A They were living there then; he raised a little crop and these boys helped us children gather our potatoes, as much as I can remember it was Frank and Tobe.
Q How far did the family live from you? A They lived just the next, there was one lot, a fifty foot lot between us.
Q Was that vacant or did it have a house on it? A I think there was a house partly on it; there was quite a space between their lot and our lot.
Q You are a citizen of the State of Kansas? A Yes sir.
Q Don't claim citizenship down here? A No sir.
Q You came down here by a subpoena as a witness? A I did.
Q You knew the family well I suppose? A I knew the family well.

By Mr. Mellette:

Q You are a white woman? A I am a white woman.
Q Did you say your age was 40? A My age is 48, in my 48th year.
Q Have you ever seen any of the Robinson family you are talking about since the time you saw them in Fort Scott? A I saw Mary Ann on the street in Fort Scott, Kansas.
Q They are colored people? A Yes sir.
Q How is it you remember the names of the children 32 years? A Because I played with them. We was children together and I played with them, I remember them distinctly.
Q Have you read the testimony in this case since you came here, has it been read to you? A The testimony?
Q Yes, that they gave, giving the names of the children? A No sir.
Q Have you had the names called to your attention since you came here the names of these children? A I don't think I have.
Q You could remember the names of these children 32 years? A Indeed I could, every one of them.
Q You have remembered them that long? A I have remembered them that long.
Q How old were you when your father died? A I was a girl of about 15 years, 14 or 15 years.
Q And you remember the names of children 32 years you haven't seen since that time? A I do.

By Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-677, D-686, D-887, D-889, D-937, D-939, D-942 and D-1018.

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.

I, the undersigned, do hereby certify that as stenographer to the Commission to the Five Civilized Tribes I made the foregoing copy and that the same is a true and complete copy of the original manuscript.

R. Fathenbrock

Freed D 680

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17809, filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Hayes Hill, D 980;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter
Notary Public.

F. D. 939

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of .....A. D. 190....

Given under my hand this.....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

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

.....day of SEP 23 1901, 190...

Mellott & Shirk

Attorney for applicant.

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

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

.....

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

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

Proof of Service made
and original filed with the
DAWES COMMISSION.

SEP 24 1901

NOTICE!

IN THE MATTER OF the application of Hayes Hill for enrollment as Cherokee citizens:

Case No. D 939

To Hayes Hill or Mellette & Smith his Atty-s.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 22d 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 21st 1901.

Attorneys for the Cherokee Nation.

[illegible] of

[illegible] the

[illegible] for Cherokee Freedmen

[illegible]

[illegible] & [illegible],
[illegible]ys for [illegible]cants.

[illegible]N & [illegible],
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Haynes Hill, et al.

939

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be alloved.

.....

.....

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

File with Cherokee Freedman D-

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

In the matter of the application of Lewis Martin for the enrollment of himself, his wife and one child as Cherokee Freedmen.

Lewis Martin, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your name? A Lewis Martin.
Q Who is it you want to apply for, anybody besides yourself?
A Just one child.
Q Yourself and one child? A Yes, sir.
Q Is that child under 21 years of age? A Yes, sir.
Q Is it unmarried? A Yes, sir.
Q Never been married? A No, sir.
Q How old are you? A Me, I am about 68 years old.
Q What is your postoffice? A Chelsea.
Q In what district do you live? A Cooweescoowee.
Q How long have you lived in the Cherokee Nation? A I have been living in the Cherokee Nation more or less ever since '66.
Q Where did you live before '66? A Before '66 I lived here till the breaking out of the war I went to Kansas.
Q You said you had been living in the Cherokee Nation more or less since 1866? A I was running around, I have been in the Cherokee Nation, I never lived anywhere particular, worked around, I worked in Kansas some of the time, my home has been here ever since '66.
Q Where did you live before the war broke out between the North and South? A I lived on Grand River.
Q Were you a slave in that time? A Yes, sir.
Q Were you a slave at the time the war broke out? A Yes, sir.
Q Here in the Cherokee Nation? A Yes, sir.
Q To whom did you belong? A Joe Martin.
Q Was he a Cherokee citizen? A Yes, sir.
Q Have you been duly recognized and admitted to the rolls as a Cherokee Freedman? A No, sir, I am not.
Q Give me the name of your father? A My father's name was Harry Martin, was my owner's name.
Q Is he dead? A Yes, sir.
Q Has he been dead how long? A Well, I don't know, he died during of the war.
Q Give me the name of your mother? A Celia.
Q Is she dead? A Yes, sir.
Q How long since she died? A I don't know, about ten or twelve years as near as I can remember.
Q Was she a Cherokee Freedman? A Yes, sir.
Q Was she duly recognized as a Cherokee Freedman? A No, sir, she was too old to ever get around to be recognized.
A Give me the name of your child? A Ernest Martin.
Q How old is the child? A I think, as well as I can remember, it is about 12 years old.
Q Is your child living now? A Yes, sir.
Q Give me the name of the mother of that child? A Sarah.
Q Your wife Sarah? A Yes, sir.
Q Is she dead? A No, sir.
Q She is living, is she? A Yes, sir.
Q Have you and she parted? A No, sir.
Q Why dexxx you not apply for her? A Well, because she is a non citizen, she isn't a citizen.
Q When did you marry Sarah? A I married her I think about '64.
Q Where did you marry her? A Married her in Kansas.

Q Have you and her lived together as husband and wife ever since 1864? A Yes, sir.

Q How old is your wife? A I think, as well as I can remember, she is about 54 years old.

Q What district were you living in in 1880, or were you living in the Cherokee Nation? A Yes, sir.

Q What district were you in? A I was in Cooweescoowee part of the time.

Q Are you on any of the rolls of the Cherokee Nation? A Yes, sir.

Q Have you ever drawn money? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

A I am not on that I know; I know the reason why I am not.

Q Did you draw Cherokee strip money? A Yes, sir.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Lewis Martin on page 158, No. 3916, Cooweescoowee district, as Louis Martin.

Ernest Martin on page 158, No. 3918, Cooweescoowee district.

Sarah Martin not on Kern-Clifton roll.

The Wallace roll examined and the applicant Lewis Martin identified thereon, page 131, No. 2742, Cooweescoowee district.

Q Your wife Sarah, she is not on any roll at all? A No, sir, she is not a citizen.

Q Were you ever married except to her? A Yes, sir.

Q How many times were you married before you married her? A Only once.

Q Was your wife dead when you married Sarah? A Yes, sir.

Q Was Sarah ever married except to you? A Well, no, sir, she wasn't married before she married me.

Q Hadn't she ever lived with a man as husband and wife? A No, sir.

Q Well now, how comes it you are not on the roll of 1880; didn't you apply? A The reason I didn't apply a man used to live with me and another fellow I was acquainted with, he had went to enroll and they told him they wasn't enrolling any negroes that has been in Kansas, and I knew K had been there, and didn't go.

Q How comes it you are not on the 1896 roll? A I am not on the 1896 roll; I went towards the enrolling, I didn't go for that purpose, and I asked the question, what are you doing, and a man told me they were taking a roll of the Cherokees, and I didn't pay any more attention, I just walked off, I knew I wasn't any Cherokee.

Q You were up in Kansas during the war? A Yes, sir.

Q What time did you come from Kansas? A Come back in the fall of '66.

Q How did you happen to come back in '66? A Well, the postmaster was reading the paper, and he told me, and he asked me did I live in the Cherokee Nation before the war, and I told him yes, sir, and he said you people that belong in that Cherokee Nation down there have the same rights as they have, says if you will go back, and I told him at the time I didn't care nothing about it, I was a little afraid and he says don't be afraid, they have made a treaty and if you all go back you have the same rights as they have, and I pulled up and started.

Q You came back when you heard of that treaty? A Yes, sir.

Q You came back in order to keep your being in Kansas from counting against you? A I don't understand that.

Q Did you come back so as to be within the time fixed by the treaty? A Yes, sir, that is what I aimed to do.

Q Did you understand that if you came back within a certain time that your being in Kansas wouldn't count against you? A Yes, sir, he told me if I came back in '66, he says you will be a citizen of that

country.
Q That is what you understood at the time? A That is the way I understood it.
Q Was that your object then in coming back in '66? A Yes, sir, that was my object.
Q So as to get your rights? A So as to get my rights.
Q So your being in Kansas wouldn't be counted against you? A That is what I thought.
Q How comes it when you went to enroll in 1880 you didn't go on up to be enrolled, when somebody mentioned you has been in Kansas?
A Well, I told you one reason I didn't go; I didn't have any one to g with me, I had got bushwhacked once and I as afraid to go around much, I was bushwhacked coming back from Kansas and three got ki led out of my crowd.
Q Were you still afraid of that in 1880? A Yes, sir, I was still afraid of that and I am still afraid of running about by myself.
By J. S. Davenport, Cherokee Attorney: Where were you living in 1880
A I didn't have any established home, I was working around living along with my people, with my brothers wife, Jumie, I didn't have any regular home, I didn't stationary myself at all, because I was hard up and didn't have nothing.
Q Did you have any family? A I have got a family, but my family wasn't with me.
Q Where was your family in 1880? A They were here sometimes.
Q Wasn't they living in 1880 in Kansas? A They was here part of the time in 1880, and part of the time in Kansas.
Q What part of the time in 1880? A I can't tell you just what month they were here, they were there some and some here.
Q The some they were making the roll down here they were that some up in Kansas? A No, sir, they wasn't.
Q When you came back from Kansas just after the close of the war, what year was that you came back to the Territory? A I came about '66.
Q Didn't you come back first according to your own testimony in '65? A I came back here and went to Fort Gibson driving a train in '65 or '4.
Q And you went back to Kansas after that? A Yes, sir.
Q And the next time you came back was in '67? A No, I came here in '66, I came here in '66 sure.
Q You testified before the Kern-Clifton Commission, didn't you?
A Yes, sir.
Q Didn't you testify there that you came down to the Territory in '65 and made a crop, went back to Kansas, and then came back?
A No sir.
Q (Reading) "I was bushwhacked on my way to Fort Gibson on Horse Creek, they killed three of our crowd, I came back the last time in 1867." Now did you testify to that or not before the Kern-Clifton Commission? A I did not, it was a mistake someway or other, for it was in '66 when I came back.
Q For several years you lived in Kansas and the Territory and back and forth just anywhere? A I lived in Kansas not a year since '66.
Q But you have been living there? A I have worked there, I am living anywhere where a man stops.
Q Did your wife and children live up there for quite a while after 1866? A No,,sir.
Q Did they ever live there at all? A Lived there; when she wanted to go back there, when she wanted to be confined, her mother lived there, and she would live with her.
Q Where did you first locate and make a home in the Cherokee Nation after you came back? A I didn't build any place, I just located on Pryor Creek right close to my sister, and I just kept an improvements up there, the claim.
Q What part of Pryor Creek? A I can't tell you; close where my sister lives, eight or ten miles north of Chelsea.

Q When was that? A I can't tell you, that has been 18 or 19 years ago.

Q That was the time you came back from Kansas? A No it wasn't.

Q Where did you live in the Cherokee Nation before you lived up there on Pyrer Creek? A I lived some here in Vinita around north of Vinita and south of Vinita.

Q Who was living in Vinita at the time? A Lots of people, I don't know.

Q About what year was that? A I can't tell you just what year that was either.

Q Was that before or after the railroads were built to Vinita?

A It was after the railroad was built I lived here.

Q Did you come to Vinita and locate immediately after you came from Kansas? A No, sir.

Q Where did you locate before you came to Vinita? A I tell you I stayed a while with Mose Riley before that, they are relations of mine, I stayed with them.

Q Where did Mose Riley live? A He lived out west of Chelsea, northwest of a while.

Q That is where your sister lived? A No, I have not no sister, I have one sister living, none out there, no, sir.

Q Where did you live before you went to Mose Riley's, after you came back to the Cherokee Nation? A I tell you I never had any stationary home at all, I just lived here and there, where I could get a job, I never built.

Q Where did the other people live you stayed with? A I tell you I never stayed with none, I just went around with my kin people, I stayed a while with Riley and I stayed at my sister's and I stayed at Dave Martin's on Big Creek, and another cousin of mine called Willie Wilson.

Q Who did you stay with when you were living in Vinita? A I stayed with my own people.

Q Who were your own people? A My family, they were living in Vinita then.

Q Did they have any name? A Yes, sir.

Q Why can't you tell the name? A There was my wife, and Bill my stepson.

Q Bill who? A Bill Martin they called him, and George Martin, Fred Martin, Jannette Martin.

Q They were all living here in Vinita at that time? A Yes, sir.

Q Where was that town in Kansas that that postmaster called your attention to the tregty being made? A It was in a little town they called Mapleton.

Q Was there any railroad there at that time? A No, sir.

Q How far was it to a railroad from where you lived? A I can't tell you, I don't recollect whether there was any railroad at all.

Q About how far from the Cherokee line? A I cant tell you that.

Q Was it in sight of the line? A In sight: why not that I know of.

Q How long did it take you to reach the line of the Cherokee Nation when you started? A I don't know where the line was and don't yet.

Q Where do you live now? A I live near Chelsea.

Q You have lived here since '68 you say? A Yes, sir, from time I say I was here living.

Q And you don't know where the line of the Cherokee Nation is between the Nation and Kansas? A No, I don't.

Q Have you ever been back to Kansas since '68? A Yes, sir.

Q How do you know when you got back to Kansas? A When I come to the town I know it was Kansas.

Commissioner: How many children have you altogether? A I have five I believe, as well as I can recollect.

Q What are their names: what is the name of the oldest one?

A My oldest one is named John.
Q How old is John? A I don't know just exactly, I can't tell, he is something in thirty.
Q What is the name of the next child? A George.
Q How old is George? A George I think is thirty something too.
Q The next child? A Fred.
Q How old is Fred? A He is 24 or 25, I just can't remember. their ages, I haven't got them down.
Q What is the next child after Fred? A Albert.
Q How old is Albert? A He is about 21 years old.
Q What is the next child? A He is about 12.
Q What is his name, Ernest? A Yes, sir.
Q That is the child you are applying for? A Yes, sir.
Q Where was John born? A John was born in Kansas.
Q Where was George born? A In Kansas.
Q Where was Fred born? A In Kansas.
Q Where was Albert born? A In Kansas.
Q Where was Ernest born? A Out here near Chelsea.
Q Are you keeping house in the Cherokee Nation now? A Yes, sir.
Q Where is your house? A My house is out about three miles north of Chelsea.
Q How long have you livedthere? A 13 or 14 years, as well as I can recollect.
Q Been living there in that one house? A Yes, sir.
Q Did you ever keep house before that? A No, not always.
Q Have you any other children besides these five you have named here? A Yes, there is another child there, he is a stepchild.
Q Have you any children of your own I mean, you and this wife?
A Yes, sir, I had one.
Q That one is dead? A Yes, sir.
Q What was the name of that child? A She was named Eliza.
Q How old would she be if she was living now? A I can't tell you, she was born before the war.
Q She was older than John? A Yes, sir.
Q Where was she born? A She was born here in the Territory before the war.
Q Before the war you think? A Well, I think just about the beginning of the war, or maybe before.
Q Is she the child of this woman Sarah? A No, sir.
Q Child of another woman? A Yes, sir, she is dead.
Q That is the first wife you had? A Yes, sir.
Q You say that you and your family have never kept house except in the house where you are living now? A No, never kept house, never have, I brought all my things here in '66, I never had nothing, and left them up on Spring Creek and never got them.
Q Has your wife been with you all the time in your roving backwards and forwards? A No, she wasn't with me, sometimes I would send for her and sometimes I would go myself, send her back to her mothers.
Q To Kansas? A Yes, sir, her mother lived there.
Q Sometimes you would take her? A No,,I never took her myself nary a time.
Q Well, now you told me that you had been living in the Cherokee Nation off and on, and you have been in Kansas, and to the Cherokee Nation off and on? A I have been there yes, sometimes.
Q Now all your information is of an extremely indefinite character; can't you tell me in plain, practical, common-sense way just where you and your wife and all these children have been spending your time since 1866? A Yes I can tell you.
Q Well do it? A Well, I will tell you.
Q Give me the names of the places and the times you have lived at these places; you have had too much of a family just to be a rolling stone all the time? A Well, they were not rolling all the time. Three of these biggest children has stayed with their mother,

their grandmother, the biggest part of the time.
Q I am talking about you too? A Well maybe I was here working around and sometimes I would work up there in Kansas, I would work sometimes two months or three months and I would come down here.
Q Have you had any settled abiding place at all? A No, sir, not a year at a time.
Q Have you not been stationed at one place for several years?
A No, sir, not since 1866, on up till 1880, no, sir.
Q Not been staying as much as one year at a place? A Yes, I have stayed as much as a year.
Q How many times have you stayed at ones place as much as one year?
A Many a time but once.
Q When was that? A I can't tell you the year at all, it has been some time ago.
Q Was it before 1880? A I think it was as well as I can remember.
Q Just working from pillar to post? A Just worked where I could get a job.
Q And your wife not going around on these little trips with you?
A No, sir.
Q Did you ever vote up there in Kansas? A No, sir.
Q Have you anybody here who knows that you and your wife have been married? A Yes, sir.
Q Who is there here? A Tobe Bean.

TOBE BEAN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A Tobe Bean.
Q How old are you? A About 68 years old.
Q What is your postoffice? A Vinita.
Q How long have you lived in the Cherokee Nation? A Been living here all my life.
Q Do you know this applicant here, Lewis Martin? A Yes, sir.
Q How long have you known him? A Been knowing him forty or fifty years I guess, we were boys together.
Q Do you know his wife? A Yes, sir.
Q What is her name? A Sarah.
Q Was this man ever married except to this woman? A Yes, sir.
Q How many times? A Once is all I know of.
Q Was that wife dead when he married this woman? A Yes, sir.
Q About how long have he and this woman Sarah been married?
A Must be thirty some odd years I guess.
Q Have they been living together ever since as husband and wife?
A Yes, sir, to my knowing.
Q Where did you first know his wife Sarah? A Up in Kansas at Mapleton.
Q Where is she at that time? A She is up on Panther Creek.
Q How long has she been living out there? A I don't know how long she has been living there.
Q How far is that from Vinita? A About twenty miles, out the other side of Chelsea.
Q Has she been living there long? A Yes, sir.
Q Is she keeping house out there? A Yes, sir.
Q Who lives there with her? A Mr. Martin here and his family lives there.
Q Any children living there with them? A Yes, sir.
Q You don't know how long they have been living out there?
A No, sir, I don't know exactly.
Q You think that is twenty miles or some such matter from Vinita?
A Yes, sir.
Q Have they been living there as much as five years? A Yes, sir, bigger than that I guess.

Q They have been living there as much as seven years? A Yes, sir, I reckon seven years or longer, been longer I guess, I don't know exactly when he moved there? I live out east here and he lives west out there.

Q Have you ever been to that house? A Yes, sir, been to that house.

Q You know just where it is? A Yes, sir.

Q How often have you as a generah thing seen this man Lewis Martin, say along for the last twenty years; seen him every six or eight months? A Yes, sir, sometimes about a year before I see him, we live a good piece apart to see him pretty often.

Q What do you know about his doings along from '65 down to this time, where has he been living? A Living at Vinita a while, and Pryor Creek, and I don't know where he did live.

Q A man who has got a family of children and a wife, generally every man has some kind of a living place, where has he been making his home mostly since '65 or '66, since the war closed? A Out on Pryor Creek I reckon, but he lives a good piece from me, I havent been keeping the run of him; I see him once in a while though

Q You have been seeing him every six or eight months or a year?

A Yes, sir, sometimes maybe a year.

Q And you don't know where he has been living during that time?

A No, sir.

Q Can you name any place that he has been making his home except out here on Panther Creek? A Lived here at Vinita a while.

Q How long did he live in Vinita? A I don't know exactly how long I know he made a crop or two.

Q Do you know where he had been, any other place except Panther Creek and Vinita? A I heard he was living on Pryor Creek, I never seen him when he lived down at there.

Q That is all you can say about where he has been living and all that? A Yes, sir.

Mr. Davenport: Where was he living when you first got acquainted with his wife Sarah? A In Kansas.

Q About how long has that been? A About thirty some odd years ago.

Q Do you know whether or not he moved from Kansas to this place out here north of Chelsea where he is living with his family now?

A No, sir, I don't think he did, for he lived at Vinita before he moved there.

Q Do you know whether or not his family ever lived at Vinita?

A Yes, sir.

Q Anywhere near this place out there near Rollin K. Adair's place out north from there? A I don't know, I know his place must be two or three miles northwest of Chelsea.

LEWIS MARTIN, recalled, testified:

Commissioner: The Commission has not yet decided whether a person can acquire rights as a Freedman by intermarriage, and your wife, if you have rights, may have rights as an intermarried Cherokee Freedman. So you had better include her in your applicantion. You agree to that, do you? A Yes, sir.

Commissioner: The applicant applies for the enrollment of himself, his wife and one child. The applicant is identified on the Wallace roll and on the Kern-Clifton roll. He is not identified on the roll of 1880 or on the census roll of 1896. The testimony in regard to his residence after the war will need to be carefully considered. It is not contested that he was a Cherokee slave before the breaking out of the war, and he will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

His wife is not identified on any roll, but it is shown in a satisfactory manner that they were married some thirty

four or more years ago. The applicant states that he was once previously married, but this former wife was dead when he married his present wife, and that this present wife was never married except to him. They were married in the State of Kansas. For the further consideration of her rights, she will now be listed for enrollment as a Cherokee Freedman on a doubtful card.

The child, Ernest Martin, said to be 12 years of age, and now living, is identified on the Kern-Clifton roll, but not upon the census roll of 1896. This child will now be listed with his father and mother as a Cherokee Freedman on a doubtful card.

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

Signed, Bruce C. Jones.

Sworn to and subscribed before me this the 15th of May, 1901.

Signed, T. B. Needles,
Commissioner.

Supplemental Testimony	Mellette & Smith for applicant
To be filed with C.F.D 289	W.W.Hastings for Cherokee Nation

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 6th, 1901.

GEORGE WESS VANN, called and sworn by Commissioner T. B. Needles testified as follows: for the applicant:

By Smith of counsel for applicant:

Q What is your name? A George Wess Vann.
Q Where do you live? A On Verdigris river, Cooweescoowee district.
Q In the Cherokee Nation? A Yes, sir.
Q Are you on the 1880 roll? A Yes sir.
Q Do you know Lewis Martin? A Yes, sir.
Q How far does he live from Chelsea? A I guess about three miles.
Q About how long has he lived there? A I don't know how long.
Q How long have you known of his having lived there? A Since about '79 I think.
Q Were you asked to testify in his case at Vinita? A Yes sir.
Q Did you go there for that purpose? A Yes sir but he never went into the tent to apply while I was there, I was on the jury as court and had to go back to court.
Q How long have you known this Lewis Martin? A I had seen him a time or two, he came in the same crowd I did in '66.
Q Where did you come from and where did you come to? A Come from Kansas to the Cherokee Nation.
Q When was that? A In '66.
Q Was this man Lewis Martin one of the parties that was with you?
A Yes, sir, at that Horse Creek battle.
Q What do you mean by the "Horse Creek battle?" A A fight where we had three men killed and one wounded.
Q Who did you fight with? A I don't know, the all run off.
Q Where was that fight? A On Horse Creek, in the Cherokee Nation.
Q Do you know what became of Lewis Martin after the fight? A He went with us where we lived.
Q Where? A Spring creek.

Q How long did it take you to go from Hayes Creek to where you lived on Spring Creek? A I don't know exactly, think it was about a day and a quarter.

Q How long did he stay at your place? A Week or two.

Q Where did he go from there? A He said he went to Kansas, I saw him two years after that.

Q Where? A On Grand river.

Q What was he doing there? A I just saw him there, I was at a camp meeting.

Q The next time you saw him was when? A the next time I saw him was out here in '79.

Q Where was that? A On the Verdigris.

Q Where has he been since that? A I have seen him in Cooweescoowee district off and on since.

Q Near what place? A Chelsea.

By W.W.Hastings for the Cherokee Nation:

Q How old are you? A 51 years old.

Q Where were you born? A On Spring Creek.

Q Who did you go to Kansas with? A Went with my uncle Gilbert and a whole raft of colored people, three or four hundred.

Q What point in Kansas were you when you started back home? A Franklin county, near Osawotomy.

Q Who did you say come back with you? A Well I didn't say this time - do you want me to tell all that was along?

Q Yes sir all that was in that crowd of which you have stated at other times you were captain of? A Well there was uncle Sam and Eli Vann and Gloria Chouteau; Art Bean, Walter Vann, Dave Vann, Dennis Vann, Young Gilbert Vann, old man Gilbert Vann, Susie Vann, Kate Vann, Lizzie Vann, aunt Lucy Vann, Patsy Vann, Bill Sanders, Ebbie Shaw, Jess Shaw, Jate Shaw, aunt Mary Musgrove, Jane Musgrove, Jack Bean, Wess Vann, Jess Vann, there was a colored fellow Creek fello along I can't think of his name, Martha Vann, Kate Vann, Boots Vann, Young Sam Vann, Mandy Vann, that is all I can remember just now, whole lot more and a lot of little children I dont remember.

Q You was 16 years old then? A Yes sir.

Q You testify that you were the captain of that crowd? A Yes sir.

Q And there were some of those men along who were 50 and 60 years old wasn't there? A Yes sir.

Q Who were the men that were killed in that fight? A Wess Vann, Phil Daniels and Jesse Vann, and then Tobe Bean was shot through the arm, a flesh wound.

Q About what part of Horse creek was that fight? A I dont know.

Q How far from the Kansas line? A I dont know that either.

Q How far from where it empties into Grand river? A I cant tell you that.

Q About how far, 10 or 15 miles? A I dont know, I wasn't up at the mouth.

Q About how far from where Afton is? A I don't know where that is then.

Q Did you go right on after that fight? A Yes sir.

Q They had this same question up five years ago bef re the Kern's court? A Yes sir.

Q Did you then ever testify that you were captain of that crowd and had a fight on Horse Creek? A No sir, they never asked me about it.

Q You didn't testify about it? A No sir.

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

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 12th of June, 1901, at

Chickasaw, I. T.

Signed, T. B. Needles,
Commissioner.

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Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that the same is a true and correct copy from the originals.

Bruce G. Jones

Sworn to and subscribed before me this the 22nd of August, 1901.

Commissioner.

Chairman

Commissioner.

File with Cherokee Freedman, D-940

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 18, 1901.

In the matter of the application of Julia Bean et al. for enrollment as Cherokee Freedman.

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

JESS COCHRAN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Jess Cochran.
Q What is your age? A About 53.
Q Where were you born? A Here in the Cherokee Nation.
Q Cherokee by blood? A Yes, sir.
Q Did you go out of the Nation during the war? A No, sir.
Q Where did you live in '65 and '66? A Out here on Grand River, it was known as the Johnson Thompson place.
Q A brick house there? A Yes, sir.
Q Mr. Cochran, was your father living with you in '65? A Yes, sir.
Q When did your father die? A In the fall of '66, he was killed the 22nd of October.
Q Where was he killed? A On the military road at what was known as the Bob Daniels place.
Q How far was that from the place you are living? A It is about three miles.
Q On what side of the Grand River were you living? A It would be on the west side, same side the military road was.
Q Do you know Bob Knight, who is a witness here in this case
A No, sir, not that time.
Q You didn't know him then? A No, sir.
Q Do you know him now? A Yes, sir.
Q Did you take any steps after your father's death to apprehend, to catch the people who did the killing? A Yes, sir, I went and got the sheriff and his posse, we were trying to find the man that killed him, his name is Lewis Vitteteau.
Q Where did you go? A I went up right northwest on what is known as Gabin Creek, over near the Lee Schrimsher place, and couldn't see any track of a wagon, which I thought he had gone and left in a wagon, and then I come across northeast in the direction of Horse Creek and I found the place what was known as the old Knight place, it would have been about the first of November.
Q After your father was killed? A Yes, sir.
Q Was anyone living there at that time? A No, sir, there wasn't anyone there at all.
Q You made an examination of the house at that time? A Well, we just rode around there, there wasn't a soul in there, it was open and vacant, I had been there before.
Q You made an examination and wasn't anybody living there? A No, sir.
Q Did you have occasion to pass by this same house after that?
A Yes, sir.
Q About how long after this? A It was along in about, I would say about the 10th of 15th of December.
Q Of that year? A The same year.
Q Was anybody living there at that time? A No, sir.
Q Do you know who afterwards lived in that house? A No, sir, I don't.
Q You know what place it was called, known as? A Oh yes, I know it was the old man Knight place.
Q On what creek? A It was near Horse Creek.

Q When did you move away from the Thompson place on Grand river?
A In the spring of '67.
Q Up to that time, did you hear of any fight made upon any negroes on Horse Creek in the Cherokee Nat.?
Mr. Mellette: I object to the question as not material in this case. It is pure hearsay.
Mr. Hastings: It is a circumstance that undoubtedly ought to be admitted.
Commissioner: I don't think that is a material question.
Q Did you know of any? A Only just heard of it.
Q Did you hear of it at that time? A In 1867, the fall that I went down to Cabin Creek to the store, a man by the name of Maul was selling goods there, and they told me the soldiers had just passed.
Q Don't tell what they said, the others. A That is the only way I got any information there had been a fight.
Q You hadn't heard of any fight before you went to the Knight place in '66? A No, sir.
Q Do you know this applicant, Tobe Bean? A I don't know whether I do or not; in the last few years I might have seen him a time or two; at that time I don't think I knew him.
Q How far were you living from Andy Frye and Millie Frye when your father was killed in October of 1866? A It must have been about two miles, just where the road crosses the river, might not have been that far.
Q You didn't know Tobe Bean then? A No, I knew the others that was living there.
Q You were acquainted with the other colored people who were living over there? A Yes, sir.
Q Did you ever see Tobe Bean over there in that year? A I don't remember whether I did or not.
Mr. Mellette: They had a good many f'nts around through this country along about that time, didn't they? A No, sir, there wasn't any as I know of.
Q No fights at all? A At that time there wasn't nobody killed?
A Well there was when my father got killed a month before that.
Q Where did he get killed? A On the military road.
Q Could a fight have occurred and you not heard of it? A It might have been, but I never heard of any.
Q Do you claim to have heard of every fight that occurred in this country? A That was after the war, it was people you knew.
Q Do you swear that you heard of every fight that occurred?
A Well, I would remember it if I did hear it, I don't think I heard of any.
Q Where did you say you lived along about that time? A On Grand River.
Q How old were you then? A Well, I must have been nearly 20 years old.
Q What part of Grand River did you live? A In '66, as I said where I was living on what was known as the Johnson Thompson place, a brick house.
Q Near what place on Grand River now? A I believe they call it the Ketchum place now.
Q On which side of the river were you living? A I would call it on the east side of the river.
Q You ought to know? A That is what it is.
Q Mr. Hastings has asked you something about the Knight place; what place is that he was talking to you about? A Well, that is right pretty much north from the Thompson place, right due north.
Q How far from where you lived? A From that place, the Thompson place, well it couldn't have been over 15 miles.
Q Were you well acquainted up in that country? A I was, yes, sir.

Q Up where that house stood? A Yes, sir.

Q Whose place was that? A It was known as the Knight place, it was vacant [illegible].

Q How often did you been up in that country? A Well, I can't tell you just how often I had.

Q I just want to know how often you had been up in that country? A I had been to that place three times that year.

Q Do you remember every place, do you remember for 35 years afterwards every place that was vacant at that time? A Yes, sir, I do.

Q You can remember now every place that you passed by in '66 that was vacant at that time? A Yes, sir, there wasn't but one old place between them, known as the Ben Landrum place, that was the only place there was there.

Q You just passed by these places in question? A Yes, sir.

Q Came right through that country? A Yes, sir, came on the military road.

Q Who did you say was with you? A My father when I first got acquainted with the place.

Q Who was with you the last time? A Tom Thompson and old man Johnson.

Q You rode by the place? A Yes, sir, rode right along and stopped at the spring there.

Q Were you driving or riding? A In a wagon.

Q You stopped at the spring and passed on; is that all you did? A Yes, that was about all we done.

Q How close to the house did you go? A Well, it must have been in the yard, but there wasn't any yard fence, the road ran right along by the house.

Q That was 35 years ago or 36 years ago? A I guess it was, it was in '66, in the fall, or winter.

Q How do you know it was in '66? A I know it, I had a posse with me when I came by this place.

Q There has been a good deal of talk about these people remembering '66; how do you remember it? you didn't have to get back? A No, no sir.

Q There wasn't anything to make you remember '63? A Only my father got killed on October 22, 1866.

Q You say you started out to hunt the people that killed him? A Yes, sir.

Q And Tom Johnson was with you? A No, that was the last time I was up there.

Q The last time that Tom Thompson was with you? A Yes, sir.

Q What year was it Tom Thompson was with you? A In December, as I said, about the 10th or 15th.

Q You remember now it was the 10th or 15th of December? A Yes, sir.

Q How do you happen to remember it? A Old man Johnson Thompson moved into the house we were living in, and they went on up in a wagon, and I went with them, to Mecano, to get some groceries.

Q How do you remember at this time it was the 10th of 15th of December? A Because it was Christmas coming, we had to get back before Christmas.

Q Might not it have been in November? A No, sir, it wasn't in November.

Q When did you have your attention called to this time before this; never thought of this till since this freedman court has been sitting here? A I don't know, it has been talked about for several years.

Q When was it talked about? A This matter came up about the same way at the Clifton court.

Q You never thought about it then till the Clifton Court? A They told me I was subpoenaed on that.

Q The Clifton Court is the first time you ever thought about this thing that occurred thirty years before that time, is it? A The first time I ever swore to it. I knew those facts though.

Q You testified to the same facts before the Clifton Court you testify to now? A Yes, sir, as near as I can remember.

Q What do you know about it; do you think you gave the same testimony then you do now? A I do.

Q Do you remember about Al Lynch getting shot, this colored man, a citizen of the Cherokee Nation? A Yes, sir, I know just about what time, I wasn't there to see.

Q What year was it? A It was in '66.

Q You are certain of that? A Yes, sir, I let him have the whisk-e to get drunk on.

Q Well now you know it was in '66 that Moses Bean shot Al Lynch do you, Moses Whitmire shot Al Lynch? A Yes, sir.

Q You went and notified some people that that was the time, at that time, that he had been shot? A No, sir, I hadn't nothing to do with it.

Q Didn't you go down to Dave Rowe's and tell them Moses Whitmire had shot Al Lynch? A No, sir.

Q You didn't? A No, sir.

Q You are certain of that? A Yes, I had nothing to do with it.

Q But didn't you just carry the information down there to Rowe's that Al Lynch had been shot? A No, sir, I didn't.

Q You will swear that? A Oh yes, I never carried any such news.

Q Didn't tell anybody at all? A Of course I might have said that, it was rumored, everybody knew it.

Q Hadn't you been telling it down at Rowe's, about Al Lynch having been shot? A No, sir, I don't think I did.

Q You hadn't mentioned it down there at all; you knew where Rowe lived, didn't you? A Old man Dave Rowe?

Q How close is it to you? A It is 20 or 25 miles.

Q Do you remember being down there in '66? A Not positively, I was occasionally down to Tahlequah, and it was on the road down there.

Q And you don't remember anything about that? A No, sir, it was a common thing that he got shot.

Mr. Hastings: What official positions, if any, have you held?

A Well, I have held the Solicitor and Sheriff, I was one of the Associate Supreme Court judges.

Q Delegate to Washington? A Yes, sir.

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R. D. KNIGHT, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A R. D. Knight.

Q What is your age? A 54.

Q Where do you live? A Now, I live in Vinita.

Q How long have you lived there, a number of years? A 25 years.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q Did you live in the Cherokee Nation before the war? A Yes, sir.

Q You lived in the Cherokee Nation after the war? A Yes, sir.

Q Where was the first place that you lived in the Cherokee Nation after the war? A On Hozee Creek.

Q What district is that in? A Delaware district.

Q Was there any road that run by your place at that time? A The old military road, we used to call it.

Q Were you arrested, Mr. Knight, at any time directly after your return? A Yes, it was probably in the latter part of December, yes it must have been in the latter part of December following my return in the fall.

Q Where were you taken? A Van Buren.

Q What were you charged with? A Killing some negroes that was passing down the road there.

Q Well, had some negroes passed your place prior to that time?

A Yes, prior to my arrest.

Q Did any of them get killed at your place? A Yes, there was I guess two anyway was killed there, I heard there was three, I don't know.

Q Any others wounded? A There was one, I don't know, that is only from hearsay, I saw him when he was fired at, but I didn't see he was hurt.

Q Did you see the shooting? A Yes, sir, the rest of it, the first two or three shots I didn't see.

Q Several colored people along? A Yes, looked to me like there might have been fifty in all, or more.

Q Did you ever learn, either at that time or afterwards, who composed that crowd? A Yes.

Q Well, who.

Mr. Mellette: Hold on; did he see who they was.

Q Did you know any of them? A I saw the most of them, but I didn't know the names.

Q Did you ever talk to Tobe Bean here afterwards? A I don't remember that I ever did about it; yes, I might have made some little remark some time, I don't know whether there was ever anything said between us about it.

Q Did you ever learn who composed the crowd? A Yes, sir.

Q How soon afterwards?

Mr. Mellette: I object to that; it is an improper question.

Q Did you learn that? A Yes, sir.

Q How soon afterwards? A It was early in the spring after my arrest in the winter; two of these parties that came to my house —

Mr. Mellette: I object to that, no hearsay evidence.

Q Did they talk over the fight that had occurred there prior to that A Yes, sir, they told me they were in it.

Mr. Mellette: Hold on, I object.

Q Who was that? A Who was that came to my house?

Q Yes? A A young man by the name of Lem Smith and a man named John Willis.

Mr. Mellette; I object to that, they are not parties to this case, because it would not be competent.

Q That was on Horse Creek? A That was two and a half miles south, we called it Horse Creek, that is right on the side of the Creek.

Q You saw the killing, did you, the shooting? A Yes, sir.

Q Do you know when that was? A Well, to the best of my recollection, it was in probably the first of October, or about there, in 1867, the best I can figure it out; as to saying positive, I can't do it.

Q But that is your best judgment? A That is my best judgment.

Q And you were afterwards arrested and accused of it? A Yes, sir, in the following December, the latter part of December.

Q Well, did you move back to this place when you first moved back after the war, when this shooting took place? A Yes, sir.

Q And that was on the military road, was it? A Yes, sir, on the military road.

Q About how far, Mr. Wright, was this place from where the old Johnson Thompson, or Ketchum place is, on Grand River? A Well, it is in the neighborhood of ten miles; a little more or a little less, I don't know just what we do call it.

Q The military road run right by it? A Not by the Thompson place

Q By your place I mean? A Oh yes.

Q I will ask you whether or not this man Tobe Bean has ever talked to you about being shot at that place? A Well, I am not certain but what something might have one day, I think I remember, that he said something about being in that fight, or something about being

shot up there in '66, and that he was the fellow shot in that fight in '66, and probably I remarked that if he was shot in '66 he was a different man from the one shot in that fight.

Q That is your best judgment, it was Tom Bean, the applicant?

A Yes, but I think that is the reason, I don't know, I only had a word or two at the time, I never knew about the trouble that he was one of them until that time, I knew his name, but I didn't know him, I could have pointed him out.

Mr. [illegible]: Mr. Knight, did you say that you were arrested for killing [illegible] that was killed in the Horse Creek fight? A Yes, sir.

Q Who were they, the men you were arrested for killing? A The men I was accused of killing?

Q Yes? A The only killing that ever happened there that I know of.

Q Who did the warrant say you were charged with killing? A I don't know that it specified the names at all.

Q You would not be arrested for killing a man that wasn't killed; there is somebody you were charged with killing? A I was charged with killing some negroes in the Horse Creek fight.

Q It didn't say the Horse Creek fight in the warrant? A It was the killing there at the place.

Q It didn't say that though in the warrant, it just said so and so is charged with feloniously and wilfully killing who? A I don't know who they were, I don't remember the names of them.

Q Is it possible you could be arrested and accused of killing a man and don't know the man you were charged with killing? A I don't know about it, it seems I was arrested for killing somebody, I don't know.

Q How far did you live from Timbered Hill? A Which Timbered Hill?

Q This one up here by Bluejacket? A I don't know, ten or twelve miles, neighborhood of that.

Q Were you not arrested for killing some colored men up there?

A No, sir.

Q Isn't that the case you were arrested for? A No, sir.

Q Isn't that a fact? A No, sir.

Q You remember them being killed up there? A No, never heard of it.

Q Now, Mr. Knight, it seems strange that you would be arrested for killing men and not know the names of the men you were charged with killing? A I didn't see anything strange about it.

Q I do; did the officers read the warrant to you? A Well sir, I can't even say that, I am not positive as to whether he read the warrant, he came in, it was cold weather, and had their overcoats on and buttoned up, and came to the door, and when I stepped out to wash my face for breakfast, and one with the name Holloway, he came to the door, and I saw soldiers all around the house, and he came and asked me my name.

J. C. Trott, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A J. C. Trott.

Q What is your age? A 62.

Q What is your postoffice? A Vinita.

Q Are you a citizen of the Cherokee Nation? A I am.

Q By blood? A Yes, sir.

Q How long have you lived in the Cherokee Nation, before the war?

A Yes, sir.

Q Did you go out during the war? A I did.

Q When did you come back to the Cherokee Nation after the war?

A In the spring of '66.

Q Where did you live that spring? A On Russell Creek.

Q How far is that from Chetopa, Kansas? A About four miles.
Q What direction from Russell Creek? A We lived on Russell Creek
Q Well, where did you move to that fall? A Moved to the mouth of Horse Creek.
Q Where were you living in '67? A On Horse Creek, right at the mouth of Horse Creek on Grand River.
Q Do you know the [illegible], Tom Bean? A I have seen him, I don't know as I am acquainted with him.
Q Mr. Trott, any time after the war, did or did you not hear of the circumstance of a [illegible] colored people being killed near the old Knight place on Horse Creek? A Yes, sir.
Q When did you hear of that? A It was in the fall of '67.
Q How far were you living from the Knight place at that time?
A About four miles.
Mr. Mellette: Now Mr. Trott, do you remember that you came back here in the spring of '66? A I think I do.
Q How in the world do you know it? A I was in the army and was mustered out in '65, in the fall, and the next summer we moved down here, the next spring.
Q Where did you come from? A Kansas.
Q What did you do in Kansas after you were discharged before you came down here? A I didn't do any work particularly.
Q Where did you stay? A In Woodson County.
Q Who did you live with up there? A My father and mother.
Q What time did you start back here in '66? A It was in the spring.
Q In the spring of '66; how did you come? A In wagons.
Q Travel through the country? A Yes, sir.
Q Many people living in this country at that time? A I didn't see but very few after we got in the Territory.
Q Well, where did you first strike the Cherokee Nation? A Right up there on the line mouth of Chetopa.
Q Which way did you come; come by Vinita? A We came on the Neosho River.
Q Did you come by Vinita? A No, sir.
Q How else did you come? A Came right down the Neosho River all the time till we struck the Territory line there.
Q Then how did you come? A We went up by the Creek after we struck the line, and stopped.
Q You stopped just inside the Cherokee Nation? A Yes, sir.
Q Up there on Russell Creek? A Yes, sir.
Q In the spring of '66? A Yes, sir.
Q What month? A I don't know exactly as I can name the month.
Q How long did you stop up there? A We stayed all the summer of '66.
Q What did you do in the fall? A In the fall we moved to Horse Creek.
Q What time in the fall? A Tolerably late in the fall, I don't know the exact date of it.
Q You say you heard of a fight in the fall of '67? A Yes, sir.
Q Where were you living at that time. A Living at the mouth of Horse Creek, living on Grand River.
Q How many fights did you ever hear of along about that time?
A That is the only one.
Q You never heard of anybody being killed up there except that?
A Not that year I don't think I did.
Q Now are you positive about that? A I think that is the only fight I heard of.
Q You just simply heard of it; that is all, is it? A Well, I saw the troops in there but a short time afterwards hunting the fellows that done it.
Q Where were the troops from? A Said to be from Van Buren.
Q Same they were troops come from Van Buren, did they? A That is what they said.

Arkansas? A Yes, sir.
Q Federal troops? A Yes, sir.
Q Don't you know there were not any troops at Van Buren in '67?
A I don't know anything about it.
Q You say the troops all right, did you? A I did.
Q How many? A Seemed to be like about 20 or 25.
Q White or colored? A White men.
Q Who commanded them? A I don't know that.
Q Where did you see them? A I saw them at my house on Horse Creek.
Q They told you they were from Van Buren, Arkansas, the troops did? A Yes, sir.
Q When did you first know about this fight, that it was in '67 that that fight occurred; when was that first called to your attention Mr. Trott; since this Freedman Court has been in operation?
A No, sir, I have heard of it all along.
Q I know, but have known a good many things that haven't been particularly called to your attention; when was it called to your attention after that fight occurred? A I have spoke about it a good many times, I don't know, I have heard it talked about ever since then.
Q How did it happen to come up, why did you talk about it? A I don't know, it was the general talk through the country after it was fought, after the fight.
Q That has been 36 years ago, or 35 years ago; what was there to keep it in your mind? A Well I know that I had been there on Horse Creek a year, or pretty near a year, before it happened, that is one thing that kept in in my mind, I was not there in the fall of '66 until very late in the fall, and it was the next fall.
Q What time do you say you went down on Horse Creek from Russell Creek? A Late in the fall of 1866.
Q What time? A I don't know the month, but it was way late in the fall.
Q Were you in the army? A I was.
Q In any fights? A Yes, sir.
Q Where? A Prairie Grove, Arkansas.
Q That the only fight? A That is all.
Q You remember when that was, don't you? A I don't know as I remember the exact date, I know it was in the winter of 1883.
Q '83? A Yes, sir.
Q You don't mean that? A Yes, sir; '63 I meant to say.
Q The winter of '63; was it before Christmas or after Christmas?
A I guess it must have been after Christmas.
Q Was that in '62 or '63? A '63.
Q What month in '63? A I don't recollect the month.
Q Was that in the first part of '63 or the last part of '63?
A I can't tell you exactly.
Q You can't put it in three or four or five or six or ten months when that fight took place? A It was in the winter of '63.
Q There is two pieces of winter now in the year 1863, the first part of '63 is in the winter and the last part of '63; was it the first part of '63 or the last part? A I think it is in the first part
Q You are satisfied of that? A I am not satisfied of it positively.
Q You are not as well satisfied of that as you are the Horse Creek fight was in the fall of '67? A I ~~think~~ know about that Horse Creek fight because I was living there.
Q You were in the Prairie Grove fight, and still you know more about the other one you were not in; isn't that true? A The other hasn't been quite so long.
Q There has been about three years difference.

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C. W. CLARKE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A C. W. Clarke.

Q What is your age? A My coming birthday, I will be 58.

Q A citizen of the Cherokee Nation by blood? A Yes, sir.

Q You lived in the Cherokee Nation before the war? A All my life.

Q You were in the army, were you? A I was in the northern army.

Q Where were you mustered out? A I was mustered out in Fort Gibson on the last of May, in 1865.

Q Where did you live the rest of the year of 1865? A I lived on the river.

Q Grand River? A Yes, Grand River, in the fall of '65 I came on the river the next day after I was mustered out, and I was married there eight days afterwards.

Q Where did you live in the year 1866, make a crop?

A I made a crop on what is known as the Ellis McDaniel place on the west side of the river, it is commonly known as the Adair place now.

Q Did you make a crop on the same place in '67? A No, sir, the treaty was made in July and reverted the place, I owned a confiscated place, it was sold as a southern place, and I had a place of my own in about nine miles; going around by the river made it about 15 miles.

Q Was the place you moved to farther up on Grand River than where you had been living in '66? A Yes, sir, go through and cross the river twice and it is about nine miles, and the other way is about 15 or 16 miles.

Q After the war, Mr. Clarke, did you hear of some colored people being in a fight and getting killed on Horse Creek; did you hear of the circumstances? A Yes, sir, I heard of the fight they said there was some colored people killed there, there was a young colored man passed my place and told about it, along in September, as well as I recollect; it was early in the fall.

Q Where were you living when you heard of that incident?

A I was living in the Six Mile Bottom in the fall of 1867.

Q You know Tobe Bean the applicant? A Yes, they are neighbors of mine, have been for a long time, Art Bean, very good men, too.

Mr. Smith: Judge Clarke, you don't know what fight that was you heard of in '67? A I only know they said some fellows run on some colored people and there was a fight up there, and I disremember some of them was killed in the fight.

Q You don't remember whether anybody was killed in the fight you heard about? A No, sir, it has been so long ago.

Q It was right hard to remember about a fight at that time?

A Yes, sir.

Q Have a good many? A Yes, sir, a plenty.

Q You don't know which fight that is you are telling about?

A That is what made me bring it to mind, some fellows run on some colored people up there, that was all.

Mr. Hastings: You were in the northern army? A Yes, sir, I was in the northern army.

Q Did you hear about what place on Horse Creek this fight occurred?

A I don't know as I did, it has been so long, heard it was up on Horse Creek, they were just passing going down the road is the way I understood it.

Commissioner: You don't know anything about that fight of your own knowledge at all? A No, sir, only just what I heard.

Q After you got through with your fighting it wouldn't amount to much as a fight anyhow? A No.

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T. J. MONROE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A T. J. Monroe.

Q How old are you? A 48.

Q Are you a citizen of the Cherokee Nation by blood? A Yes, sir.

Q You were born before the war? A Born in 52.

Q Where did you live before the war? A Lived on the line of the Osages and the western line of the Cherokee Nation, near the Osage lands.

Q Did you go out of the Nation during the war? A Yes, sir.

Q To what place did you return after the war? A A place known as the Boze place on the Grand River, east of Grand River, in Delaware district.

Q How far was that from Horse Creek? A It was ten or 12 miles.

Q Do you know whether the old Knight place was on Horse Creek? A Yes, sir.

Q How far did you live from that? A It was about ten or 12 miles I think.

Q How far from the Johnson Thompson place on Grand River did you live? A The Johnson Thompson place?

Q Ketchum precinct? A It is about, I would think about 15 or 16 miles, 16 or 18.

Q When did you move to that place after the war, in what year? A Sometime in February, 1866.

Q February of 1866? A Yes, sir.

Q Now after that did you hear of the circumstance of some negroes being in a fight in which some of them got killed, on Horse Creek? A Yes, sir.

Q When did you hear of that? A The next year, right sometime in the summer or fall, I don't recollect just what month.

Q What year? A Of '67, we lived then on the west side of the river on the Stand Waite farm.

Mr. Mellette: Where were you living at that time? A That I heard of this fight?

Q Yes? A On the Stand Waite place, on the west side of the Grand River.

Q How far were you living from Horse Creek? A Couldn't have been over eight or ten miles.

Q When did you move on the Stand Waite place? A Sometime during the winter of '66 or '67, it appears to me it was in January, in the year '67.

Q Was it before Christmas or after Christmas? A I think it was after Christmas.

Q That is the time you want it to stand? A Yes, sir.

Q Where did you move from? A From the west side of the river, from the Boxer place.

Q How long did you live there? A From February up until we left I think in January, sometime in the winter time.

Q What year did you move to the Boxer place? A In '66.

Q What time in the year? A I think it was in February.

Q Where did you move from? A We came from the Choctaw Nation on Red River.

Q When did you come? A I stayed a while right on the line of Missouri.

Q When did you come from the Choctaw Nation? A We left the Choctaw Nation sometime in the latter part of October, I think.

Q What time? A '65.

Q You couldn't be mistaken? A No, sir.

Q Then there is such a thing as remembering dates, I suppose? A I have something to remember by.

Q You didn't have to get back here by '66? A No, sir.

Q There wasn't anything to impress it on your mind? A If you will

let me explain, we lived right on the same place with Joel Bryant, on the same farm, he was a Major General, or something, in the Confederate army. He came home during the summer, I think in June, and took his family and started to old Mexico, and then we sold our crop in the field before we gathered it and started back to the Cherokee Nation.

Q Well, how old were you at that time? A Well, I was born in '52, I was 13 I believe in '65.

Q About 13 years old? A About 13 in '65 I think if I am not mistaken.

Q An' still you remember all these events? A I remember it perfectly well, that part of it.

Q You remember you left there in the fall of 1865 and came up here and went on to the Boser place in February, 1866? A I think it was in February, I am not positive, but I think it was.

Q How far is that from the Stand Waite place?

A Well, about six or seven miles I should think.

Q On the opposite side of the river? A Yes, sir, and down the river.

Q A good many fights along about that time, wasn't there? A I don't remember very many.

Q But you know you just heard of a fight? A Yes, sir.

Q When did you first know about it, when did you first have your attention called to the time when that occurred, since that time?

A Since that time?

Q Yes; when did anybody ask you about when that occurred; since you have been subpoenaed in this case? A I don't remember anybody ever did ask me until I came here to-day.

Q Since you came here to-day Mr. Hastings and Mr. Bell asked you what you knew about it? A Yes.

Q And then you remember what you knew of that fight in '67?

A Yes, I knew it all the time.

Q Everything that has occurred you don't keep in your mind all the time, do you? A No, sir.

Q There wasn't any particular reason for you to remember that?

A I didn't see any particular reason.

Q And when you come here 36 years afterwards you are asked about it and you say it occurred in '67; that is a long time that, a long time? A Yes, sir.

Q You had forgotten about that half a dozen times? A Of course it would go out of my mind.

Q Go out of your mind and come back? A Yes, sir.

Q All you know about this fight is 35 years ago you heard of a fight between some darkies and white people? A Allow me to tell you; that fall, or late in the summer, a man brought a mare to our house, and asked me and my brother to take care of it, and right there and then he told us about this fight, did you hear of this fight up here and a lot of them people getting killed; I remember it well, guessing about who done the killing, they didn't call any names, but referred to them as the "red face" fellows.

Q You rememer 36 years the man that brought the mare or colt to your house? A Perfectly well.

Q How many horses did you have anyhow? A I think about 15.

Q Can you rememver every time a man has brought a horse to you since '66? A No sir; I didn't have any horses then.

Q Didn't have any horses at all? A No, sir, didn't have any horses at all.

Q You had farmed one year on the Boser place? A Yes, sir.

Q What did you farm with? A A little yoke of stagg.

Mr. Hastings: What position do you hold now, if any? A Senator in the Cherokee Nation.

Q You are a senator [illegible] A Yes, sir.
Q You have been [illegible] A Yes, sir.
Q Been Sheriff of your [illegible] A Sheriff one time and senator two terms.

[illegible]

Mr. Hastings: I desire to offer this testimony in the Arthur Bean case, D-[illegible]; [illegible] Bean, D-215, Lucy Bean, D-290, Lewis Martin, D-[illegible]; and Fannie Hagot, D-207.

[illegible]

[illegible] Jones, being duly sworn, says that he is [illegible] to the Commission to the [illegible] that he has correctly [illegible] the proceedings and testimony [illegible] above cause, and the [illegible] is a true and complete transcript of his stenographic notes thereof.

Pierce B. Jones

Sworn to and subscribed before me this the 22 13th of August, 1901.

[illegible]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of William Martin for the enrollment of himself and eight children as Cherokee Freedmen.

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

William Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William Martin.
Q What is your age? A Between 37 and 38.
Q What is your postoffice? A Chelsea.
Q What district do you live in? A Goweesecowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q Well, how many? A Eight.
Q Give me the names of your children please? A Maude?.
Q How old is Maude? A 16.
Q Next? A Satah Ella
Q Well, give her age? A 14.
Q The next one? A Bendena.
Q How old is Bendena? A 12.
Q That a girl? A Yes, sir.
Q Next one? A Australia.
Q How old is she? A 9.
Q Next one? A Goldburn.
Q How old is he? A 7.
Q Next one? A Lloyd.
Q How old is Lloyd? A He is 5.
Q The next one? A Ralph.
Q How old is Ralph? A He is 3.
Q That all? A No, got one more, Eulah
Q How old is Eulah? A About four months old.
Q That is eight, that right? A Yes, sir.
Q These children all living at this time? A Yes, sir.
Q All born in the Cherokee Nation? A Yes, sir.
Mr. Smith: Where do you live now? A I lives in Goweesecowee district, Cherokee Nation.
Q What is your postoffice? A Chelsea.
Q How long have you been living there? A Been living in that neighborhood about 18 years.
Q How old is Maude? A 16.
Q She the oldest? A Yes, sir.
Q How long had you been married when Maude was born? A I was married pretty near a year, not quite.
Q Who is your father? A Lewis Martin.
Q Who is your mother? A Sarah Martin.
Q Is he the same Lewis Martin who applied for enrollment before this Commission at Vinita? A Yes, sir.
Q Have you some brothers who applied at Chelsea? A I have.
Q What are their names? A John and Fred and Albert.
Q And one who applied here? A Yes, sir.
Q What was his name? A George.
Q Since the Commission has been at Nowata? A Yes, sir.
Commissioner: Where were you born? A Born in Kansas.
Q When did you come from Kansas to the Cherokee Nation? A I don't know exactly, the first time I came.
Q Then the last time? A Well the last time I came it has been eighteen or nine teen years.

Q Where were you married? A Married on Panther Creek; not Panther, but Goose Neck Bend, Cherokee Nation

Q What is your wife's name? A Jennetta.

Q Is she a Cherokee citizen? A No, sir.

Q Jennetta what before you married her? A Jennetta Wash.

Q She your first wife? A Yes, sir.

Q Was she ever married before she married you? A No, sir.

Q Is she the mother of these children? A Yes, sir.

Q Have you any certificate of marriage? A I haven't.

Q Any proof of marriage? A No, sir, nothing more than the children.

Q Well, that is proof that your wife had them.

Mr. Smith: William, who married you? A A minister.

Q What Minister? A Prince Wright.

Q Is he alive? A No, sir.

Q Who was at your house and saw you married? A I married at the Bend at a celebration.

Q Is anybody here that was at the celebration? A I don't know, there was a thousand people there.

Q Anybody here knows you and your wife have been living together down at Chelsea there this last 17 or 18 years? A Yes, sir, there is Mr. Davis knows we lived together in Vinita six o- eight years.

Mr. Hastings: Is your wife a citizen? A No, sir.

Q What was her maiden name? A Wash, Jennetta Wash.

Q What was your mother's name? A Sarah.

Q Do you remember coming down to the Cherokee Nation yourself, the first time? A No, sir, I don't.

Q You come on the train? A I don't remember.

Q Where did you stop at when you first came down? A I don't know that.

Q When you were first old enough to remember, where were you? A I was in Kansas.

Q And you came down here when? A When did I come, I came down here about 18 years ago, and been here ever since.

Commissioner: Is your name on any of the rolls of the Cherokee Nation? A I don't know.

Q Did you ever draw any money? A Yes, sir.

Q Draw the Kern-Clifton money? A No, sir.

Q Draw the Wallace money? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants not identified thereon.

The Wallace roll examined, and the applicant, William Martin, identified thereon, page 131, No. 2747, Geowee-Coowee district.

Commissioner: William Martin applies for the enrollment of himself and eight children. His name cannot be identified upon the authenticated roll of 1880, the census roll of 1896 or the Kern-Clifton roll. He is fully identified upon the Wallace roll according to page and number of the roll as indicated in the testimony. He avers that he was married to one Jennetta Wash, a non citizen, but presents no proof or certificate of marriage. He avers that he is the child of Lewis and Sarah Martin, and his brothers are John, Albert, George, Fred and Ernest. The applicant's attorney asks that the testimony taken in the application of Lewis Martin, father of the applicant, who is listed for enrollment on D card 888, be made part of the record in the case at bar, and a copy of

William Martin - 3.

said testimony will be filed herewith. Applicant makes satisfactory proof as to residence, consequently, William Martin and his eight children as enumerated herein will be now listed for enrollment as Cherokee Freedmen upon a doubtful card. It will be necessary for him to furnish satisfactory proof of his marriage to his wife, Jennetta, and also satisfactory proof of the birth of said children, their names not appearing upon any of the rolls now in the possession of the Commission. He will be notified by mail at his postoffice address if the action of the Commission in the premises.

Mr. Hastings: Were you ever married before? A No, sir.
Q Was your wife ever married before? A No, sir.

****

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 11th of July, 1901.

Commissioner.

File with Cherokee Freedman, D940, William Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8, 1901.

In the matter of the application of Lewis Martin et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

LEWIS VANN, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Lewis Vann.

Q How old are you? A I can't tell my age at all.

Q Well, are you 60 or 65 or 70? A Well I can just guess at it, but then that would not be correct, but I think I am somewhere along about '65 or '66, I don't know.

Q What is your postoffice? A Harding, Kansas.

Q What is your occupation? A Well, when I am home I am a farmer.

Q Where did you live before the war, Mr. Vann? A I lived right on the Grand River close to Chouteau Station, raised there.

Q Did you know a colored man before the war, by the name of Lewis Martin? A Well, I heard of his name but I knew his parents all right, his father and mother, but then to say well acquainted with him, I never got well acquainted with him till he came up here to Kansas.

Q You don't mean here to Vinita? A No, sir, up in Kansas I am acquainted with him.

Mr. Hastings: Well, what was his father's name? A His name was Harry.

Q What was his mother's name? A Oslie.

Q Well that is the man I want to talk about; when did you know him in Kansas? A Well now there is something that I don't know right exactly, but I knowed him ever since I was here in Kansas, and I have been up in Kansas ever since '62, and I knowed him from then.

Q Who was he living with when you knew him then? A Why he was living with his father and mother I think, right then.

Q What was he doing? A Well now I can't tell you exactly what he was doing right then, but he learned the blacksmith trade then after that; I can't say right then, but he learned the trade of a blacksmith.

Q What place in Kansas was that? A It was just right above, about a mile from Mapleton I reckon, I don't suppose it would be any farther than a mile from Mapleton.

Q About what time did he leave Mapleton; I mean with reference to the war? A Now that is something I don't know.

Q Was it before or after the war closed? A I don't know when he left there at all; he bought a place there right close, not very far from Mapleton, and he raised one crop on it and he sold it out and went up to Ottawa.

Q Ottawa, Kansas? A Yes, sir.

Q Did he marry around Mapleton? A Yes, sir, he married right there not far from Mapleton, I knew the folks, the woman's father and mother, well the mother anyhow, I knew her well after he married her daughter.

Q Well, did you ever see him up at Ottawa after that? A I saw him there once after that.

Q Well about how long after that? A Now sir that I can't tell

how long it was that I saw him there.

Q Was your son married? A My son was married then.

Q Where was he living? A He was living with me when he got married, and then he moves up to Ottawa, and he hasn't there very long before his woman took sick and wrote for his mother to come and she went and she wasn't come back quick as I thought she ought to come back and I goes after her, and I went up there and I goes over to his house.

Q Goes to his house? A Goes to Mr. Martin's house.

Q Well, Martin living there? A Yes, sir, he was living there.

Q Did he take his family there? A Yes, sir.

Q You know what he was doing up there at Ottawa? A Well, he was a farmer there, renting.

Q Well, now how old is your boy's eldest child? A Well now sir that is something I can't tell you.

Q Well about how old is it? A That is something I don't know the age of nobody, I can guess at his age, he was born 2 years after I came to Kansas, my boy.

Q I am not talking about your boy, I am talking about his child? A Well I can't tell nothing about his child's age at all.

Q His boy grown? A He isn't grown, but then he is a good size boy, I mint seen him since he was just about as high (indicating) and come off here to the Nation.

Q You don't have no idea when the child was born; as much as 15 years old? A Well, he must be somewhere along 15 or 14, but I can't tell exactly, but he is a good sized boy, I reckon he is pretty near large as me now.

Q Now what is your best judgment as to the age of that child; have you got any judgment at all? A I have judgment, but I can't tell how old he was.

Q I am not asking you the date; what is your best judgment as to his age? A If I knew how old it was when Iwent up after my wife I could tell pretty near the child's age, but I can't.

Q Well, about how long do you think that man had been away from Mapleton, up to Ottawa, when you went up there; had it been a few days or a few months, or how long? A Well, it has been more than a few days, because he had raised one or two crops up there, and maybe more for all I know. I don't know at all, you have got me to something I don't know, but I know he lived there, that is all I can tell you.

Q And you know he was living there when you went up there? A Yes, sir, because I went to his house.

Q And that was after he was living down at Mapleton? A Yes, sir.

Q Did you ever see him back down to Mapleton after that? A No, sir, I don't recollect seeing him back there anymore at all, he might have come back on a visit, but that I don't know, but when I saw him again I saw him here.

Q When was that? A Well, it was the year that Mr. Wallace's roll was made.

Q Where did you see him? A I saw him out in the country here to a place where he farmed.

Q You know how long he had been here then? A I just know he had been here, made one crop I think.

Q Well, did he tell you that or not? A Well he took me right down and showed me his crop he made.

Q Did he say how long he had been here and where he came from? A He said he had come from up there here.

Q Did he say when he had come from Ottawa or how long he had been from Ottawa here? A He didn't say how long he had been, but he had just made one crop when he came here.

Q How do you know he made one crop? A I don't know; he said so

and showed me his crop.

Q How do you know he just made the one, is what I am trying to get at, and not made any more than one? A I don't know that, only he said his stepson made one crop while he was home where he lived, he said his stepson, he sent him down here to make a crop and then he came, he said his stepson made a crop here and then he came and made one, that is what he told me, that is all I know.

Q That was while the Wallace Court was here? A Yes, sir, first time I saw him I came down to the Wallace Court.

Q Have you any idea when Wallace made that roll, do you know anything about that year? A No, sir, I don't.

Q Don't have no idea about it at all? A No, sir, don't know a thing about it only he made that roll.

Q You know he made it? A Yes, sir, because I came and signed that roll.

Q Where were you living at the time? A I was living up there on Timber Hill, Bourboun County.

Q Kansas? A Yes, sir.

Q Near Mapleton? A Yes, sir; I know where I was living all right.

Mr. Smith: Now Lewis, all you know about it is that you know that at one time Lewis Martin lived up there in Kansas? A Yes.

Q You don't know the year? A No, sir, I don't know the year at all.

Q When did you first go to Kansas? A '66.

Q Where did you go from? A Went from the Cherokee Nation went from down here at Chouteau Station.

Q There wasn't any Chouteau Station then in '66? A No, sir, it has been put there since; I lived there, I was raised there.

Q Do you know where Lewis Martin was in the year 1866? A No, sir, I don't know the meaning of that '66 any more as a sucking baby, I don't know the meaning of '66; when that man told me that I came here in '62, that is how come I say I come here in '62; he said I come here in '62 because I came here a soldier.

Q Where were you living in 1862? A Well I give it, went up to Kansas, in that time, and lived up there close to Mapleton in '62 when this man said I came out in '62, I don't know when I came, he said it was '62 because he was down there.

Q How do you know when Lewis Martin got married? A I know he got married up there but I can't tell when.

Q Do you know whether it was before the war or after the war or during the war? A He got married, might have been about the time the war came on or maybe after, I don't know now.

Q Well, do you know where Lewis Martin was when the war closed?

A Well, when the war closed, he must have been living right there close to Mapleton.

A Not what he must have been, but what you know about it, what you saw and know yourself; do you know where he was when the war closed?

A I didn't say I know that at all, but I know he was living there when I came, when I was living there he was living there too. it must have been while the war was going on that he lived there, but after that I know he lived there and went up to Ottawa you know.

Q Do you know where he was in the fall of '66? A No, sir, it isn't any more use for you to ask me about '66, not bit more than a baby, because I don't know.

Q Do you know where he was during the year after the war closed?

A I can't tell you that neither.

Q Don't know? A No, sir.

Q You know anything about as to whether he got into a fight or killing scrape down here in the Cherokee Nation shortly after the war?

A I never heard of him getting into any fight or killing.

Q You were not in it? A No, sir.

Q When did you came down here at the Wallace Court, where was

Lewis Martin living in the Cherokee Nation, near what place? A Why I don't think it was more than a mile, maybe, or maybe more than a mile right out past this way, from Vinita.

Q A mile from Vinita? A I don't think it was over a mile, it might have been and might not, but it wasn't very far.

Q Did you go out to his place? A Yes, sir, I went out to his place.

Q How did you go, ride or walk? A I think I went in his wagon I think, I don't know for certain how I went out but I went there all right, went right to his house.

Q You don't know how many different places Lewis Martin has lived in the Cherokee Nation, do you? A Well, I don't know of him living at but that one here and then, when he left here he went out and bought a place, I understand, went out and bought a place.

Q You don't know anything about where he is living now? A No, sir.

F. D. MYRICK, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name, please? A F. D. Myrick.

Q How old are you? A I am 64 years old.

Q What is your postoffice? A Mapleton.

Q Kansas? A Yes, sir.

Q You live in Kansas? A Yes, sir.

Q What is your business? A Farming, stock raising.

Mr. Hastings: Mr. Myrick, do you know a colored man by the name of Lewis Martin? A Yes, if he is the man we located, I once knew a man by the name of Lewis Martin.

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

Q What was his name? A Harry.

Q Where did you know him? A I knew him there about Mapleton on my place.

Q Were you intimately acquainted with him, know him well? A I ought to.

Q Just tell the circumstances, all you know about him? A Yes, sir, I was intimately acquainted with him.

Q Did he work for you? A Yes, sir.

Q Now about what length of time did he work for you? A Well I think it was about a couple of years.

Q Through what period of years? A About '63 and '64.

Q What did he work for you at? A Blacksmithing.

Q He learned the blacksmith trade there? A Yes, sir, he learned that while he was quite young, he was the youngest of the family, and his oldest brother, Bill, was a blacksmith, and I was running a shop there and they were doing the work for me.

Q Do you know where Lewis was married? A Well, I wouldn't say that I do, he married there but it is kind of a dream, I am not positive; of course I was well acquainted with his wife but it has been so long and not paying any attention, I would not be positive that I know.

Q Do you know where he went from Mapleton? A To say I know I don't, but the report was that he went to Ottawa, and he told me afterwards he lived at Ottawa; that is as near as I can explain it to you.

Q About how long afterwards did you see him? A Well, it must have been five or six years afterwards that I saw him.

Q Now do you mean that that was five or six years [illegible] after he left Mapleton.

Q Now about when do you think he left there, about what year?

A Well I can't tell what year he did leave there.

Q Well, with reference to the close of the war? A [illegible] it must have been a couple of years after the close of the war [illegible] he went to Ottawa; he and his father stayed there anyhow as long as two years after the close of the war before he went to Ottawa.

Q And then you saw him five or six years after that after he went to Ottwa? A Yes, sir.
Q And he told you he was living there at that time? A At Ottawa.
Q Did you ever see him after that? A No, sir, not as I know of.
Q You live at Mapleton? A Yes, sir.
Q Now was you gone from Mapleton any time, say between '73 and '77?
A Yes, sir.
Q Where were you? A I was in the Rocky Mountains.
Q Do you remember Lewis' mother? A Lewis' mother, Celia.
Q That is what I want to know, to identify him? A Yes, sir, I was well acquainted with him for a number of years.
Q Where did you see him the five or six years after he left Mapleton that you speak of? A I saw him between my house and Mapleton and just met him on the road and merely addressed him and asked him some few questions, I don't know what, in regard to where he was; he was kind of a stranger then you know; he told me he was living at Ottawa.
Q Did he tell you what he was doing? A I don't know, I think that he was running a blacksmith shop.
Q You are not positive about that? A No, I wouldn't be positive.
Q Did you ever see him after that? A No, sir, I never saw him after that.
Q You say that during the last years of the war he worked for you in a shop? A Yes, sir.
Q What were you doing, Mr. Myrick, along the closing years of the war? A Why I was running a mill there and was making flour for the government, I sold flour to the government mostly, and I run a blacksmith shop in connection with my business there, and I had these fellows employed for the purpose of shoeing horses and doing all kind of blacksmithing, we lived right on the trail from Fort Gibson to Lebanon.
Q And Will Martin was Lewis Martin's brother and lived with him?
A Yes, sir.
Q What was Will Martin's wife named? A Neatie.
Mr. Smith: Mr. Myrick, I believe you stated it was in '63 or '4 that this man was working for you? A Yes, along about that time.
Q Well, where was he in '65? A I wouldn't be positive where he was, to the best of my knowledge he was around Mapleton there or had gone to Ottawa, I wouldn't be positive.
Q Well, you don't know then where he was in '65? A No, I can't say where he was in '65.
Q Where was he in '66? A I don't know, sir.
Q You do know what year it was that he went to Ottawa? A No, sir, I don't, to say know the year that he went to Ottawa, I don't.
Q About what year was it that you last saw Lewis Martin? A That I saw him last; last saw him?
Q Last say him at all? A After I met him coming from Ottawa, oh it must have been five or six years afterwards.
Q Five or six years after the close of the war? A Yes, sir, must have been five or six years after the war.
Q You haven't seen him in that country since? A No, sir.

SMITH EWING, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A Smith Ewing.
Q What is your age? A I am going on 81.
Q Where do you live? A Ottawa.
Q Kansas? A Yes, sir.
Q How long have you been living at Ottawa, Kansas? A Went there in '67, 1867.
Q Did you know a colored man by the name of Lewis Martin? A Yes, sir.
Q Where did you know him? A In Ottawa.

Q When did you first become acquainted with him, first see him there? A In '67.

Q What time did you go to Ottawa in '67? A Went there in March.

Q How soon after you went there was it before you saw Lewis Martin?

A April or May one, I am not certain which one: it was along in April or May.

Q A short time after you went there? A Yes, sir.

Q Mr. Ewing, do you know his wife? A Yes, sir.

Q What was her name? A Sarah.

Q Do you know any of his children? A Well, yes.

Q You remember any of their names? A Yes, sir.

Q What was their names? A One was named John, and George.

Q What was Martin doing when you knew him in Ottawa? A Blacksmithing.

Q How long did you know him there? A I knew him four or five years there, maybe longer, I don't know exactly the time that I did know him, I can't just swear to the time, but it was five or six years I was acquainted with him there.

Q Do you know where he went when he left there? A No, sir, I don't

Q You say he was a blacksmith? A Yes, sir.

Q Did he have a brother, or do you know? A No, he didn't have any brother there.

Q Did he have a father, or do you know that? A I don't know that, I wasn't acquainted with his father.

Q Were you acquainted with his mother? A No, sir, never seen her.

Q You know where he went from there? A No, I can't say where he went, I know where he said he was going.

Q Did you ever see him after that? A No, I haven't seen him since; I haven't seen him for quite a number of years.

Q Now during the four or five or six years that you saw him at Ottawa, was he there continuously during that time? A No, he was away some of the time.

Q Where was his family? A His family was out on a farm.

Q Did they live there during that time? A Yes, they lived out on the farm.

Q Well, did you see him at frequent intervals during that period of time? A Well yes, sometimes I would see him every three or four weeks, sometimes it would be longer, but then I often would see him. You know Martin was a man that didn't run around very much, anyhow.

Q You say he didn't run around? A No, sir.

Q What did you mean by saying he was away some? A There would be times that he would be gone, I don't know where he was gone.

Q For about how long at a time, how long would you miss him, any considerable time? A Sometimes I wouldn't see him for a month or so, he was out in the country, out on his farm.

Q Out of town? A Yes, out of town, I wouldn't know where he was.

Mr. Smith: Well, you don't know of your own knowledge? A No, sir.

Q Only you didn't see him? A No, I wouldn't know where he was only I didn't see him.

Q How far did he live in the country from Ottawa? A Part of the time it was two miles.

Q That was along from '67 up for four or five years after '67?

A Yes, it was after '67.

Q From that date to this you have never seen him? A No, sir, I have never seen him.

Commissioner: You say you first saw this man in '67? A Yes, sir.

Q Where did you live in '66? A I lived at Ohio City.

Q Where? A That was south of Ottawa.

Q State of Kansas? A Yes, sir.

Q You know where Martin was in '66? A No, I don't know where he was in '66.

Q What brings it to your mind that it was '67 that you saw him?

A Because I moved to Ottawa in '67.

Q You know that? A Yes, sir, and there is where I saw him.

Q [illegible] dates do you? A Yes, I recollect dates, yes.
Q [illegible] A It is 1900.
[illegible] A Yes, sir.
[illegible] I don't know whether you [illegible] I am no educated man.
Q [illegible] where you living in 1900? A Ottawa.
Q [illegible] ever since '67? A Yes, sir.
Q [illegible] A When been at home that is right where I live.
Q Your family there? A My family is all dead; well I have no [illegible]
Q [illegible] Do you know what year the war commenced? A Yes, sir [illegible]
Q [illegible] A [illegible]
Q [illegible] 1865.
Q [illegible] the war closed before you went to Ottawa?
A [illegible] I went to Ottawa in 1867.
Q I want to know how long that was after the war closed? A After it closed, way two years.

D. J. HESSONG, being duly sworn by Commissioner Needles, testifies as follows:

Mr. [illegible] What is your name? A D. J. Hessong.
Q [illegible] your age? A I am 61 years old.
Q What is your postoffice? A Mapleton.
Q Kansas? A Mapleton, Kansas, yes, sir.
Q How long have you lived there, Mr. Hessong? A I have lived there since '57, have lived there about 44 years.
Q Do you know a colored man by the name of Lewis Martin? A I did.
Q Where did you know him? A In Mapleton, Kansas.
Q What occupation, if any, was he following? A He was running a blacksmith shop when I knew him.
Q Do you know where he came from up to Mapleton? A I do not.
Q You never heard him say? A Never heard him say.
Q You don't know where he had lived before he came there? A I think he came from Ottawa, because I know he went back up there a time or two during the time that he was at Mapleton, and he said he was going on a visit.
Q Do you know about that year he came there to Mapleton? A It must have been about '76, something like that, along there.
Q About how long did he stay there? A Well, when he came back there I am pretty certain it was in '76 and in '77 I went west and when I came back I don't remember whether he was there then or not, but I know he was there a couple of years, if I remember right, two or three years, something like that, I don't remember whether he was there when I came back or not.
Q When did you come back? A I came back that fall and winter, winter of '77.
Q Did you know Martin's wife? A Yes, sir.
Q What was her name? A I believe that they called her Sarah, or something like that; there was two women stayed with him part of the time he was in Mapleton.
Q Did you know his brother? A Will?
Q That is what I am trying to find out? A Yes, I think there was another Martin named Will Martin, said they were brothers.
Q What was Will Martin's profession? A Blacksmithing.
Q Did you meet Lewis Martin's father and mother? A Don't believe I did, no.
Q Did you ever know Lewis Martin before you knew him when he came there in '76? A No, sir.
Q Well, was his family with him when you knew him there in '76?
A Yes, sir, she lived right in town.
Q He worked in a blacksmith shop? A Yes, sir, him and his brother

run a shop there in town.

Q You haven't seen him since? A I have not.

Mr. [illegible] Mr. Pendleton, you don't know where he came from when he came to Mapleton last time? A No, sir.

Q You don't know where he had been living before he came there?

A No, sir.

JOHN CROSS, being duly sworn by Commissioner Needles, testified as follows:

Mr. [illegible]: What is your name? A John Cross.

Q How old is your age, Mr. Cross? A 68.

Q Where do you live? A Mapleton.

Q Know? A Bourbon County, yes, sir.

Q How long have you lived there? A I lived there since '62.

Q Did you ever know a colored man by the name of Lewis Martin?

A Yes.

Q What was his occupation, what did he do? A He was a blacksmith.

Q When did you know him? A Well I know him in about, let's see, must have been '75 or '76, right along there sometime; of course I knew him before that, but I wasn't acquainted with him, I knew of him.

Q You knew him before that? A Yes, but I wasn't acquainted with him at all.

Q When did you meet him before that? A Well, when they first came, I don't know, probably it was along '62 or near that time there.

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

Q What was his name? A Well I don't know his name, don't recollect, he was a very old man, his father was.

Q You don't know his mother's name? A I did, but I don't remember it now; Celia? no, it wasn't Celia, I don't recollect it.

Q Well, did you know his brother? A William?

Q I am asking you? A Yes, I knew him better than I did Lewis.

Q Well, do you know how long you knew him after '62, or is your memory distinct about that? A No, you see he left there and he came back, I think it must have been '64 or '5 or '6, along sometime, and then he came back there and him and his brother run a blacksmith shop for probably a couple of years.

Q You know what became of him then? A No, I do not, in the spring of '77 I went to Colorado and I didn't get back till that fall, and he was gone.

Q Now when do you mean to say that he came back to Mapleton the last time? A Well, it must have been in '75 or '6.

Q Did he have a wife? A Yes.

Q Living with her? A Yes, sir.

Q You know whether he had any other family or not? A No, I do not.

Q Well, have you ever seen him since? A No, sir, I haven't seed him since.

Mr. Smith: So, Mr. Cross, as I understand you, you knew this man then about '62? A Why that is when they first came there, I think about that, but still I wasn't ...

Q Do you know whether he married there at Mapleton? A No, I do not, I don't know a thing about it.

Q Do you know whether he was a single man or a married man when you first become acquainted with him? A I think he was a single man when he came there.

Q Do you remember was he married in a couple of years after he came there or not? A He was married when he run a shop there, he was married and had a family.

Q That was when? A In '75 or '6.

Q But do you have any recollection as to whether he was married before the war closed? A No, I do not

Q Well, now you missed him from there along about the time the war closed, did you? A Yes.

Q Now when did you first see him back there after the time that you

missed him? A I don't recollect of seeing him till he came there and went to work in the blacksmith shop.

Q Now about what year was it that you missed him away from there?

A Well I don't recollect. I didn't pay no attention to it at all.

Q About the time the war closed? A Why I suppose, yes.

Mr. Hastinger: Do you have any distinct recollection about the first time you missed him from there? A No, I do not.

Q You wasn't well acquainted with him then? A No, I wasn't well acquainted with him.

LEWIS VANN, recalled by applicant, testified as follows:

Mr. Smith: You were on the stand this morning in this case, were you Mr. Vann? A Yes, sir.

Q Now then, did I understand you to say that you never heard of that fight that I asked you about this morning in 1866 in the Cherokee Nation, the Horse Creek fight? A No, sir, I don't know nothing about that.

Q Didn't you have a kinsman that was killed down there about that time, somebody that was kin to you? A Oh, I know that all right.

Q Who was that? A Wesley Vann.

Q Well, when was he killed? A He was killed the year after the war ceased, he went down there and got killed and that kept the balance of us from coming.

Q Were you along? A No, sir, I wasn't, but then I was going after he got there and wrote back, but then he got killed.

Q Wasn't Lewis Martin with him? A I don't know sir, that is something I don't know.

Q Who was he with, who did this manleave with, this kinsman? A He left with another brother in law of mine.

Q What was his name? A Charley Burgess.

Q Who else? A Charley Burgess and Wesley Vann, they was only ones kin to me.

Q Who else that wasn't kin to you? A Then there was some there by the name of Gilbert Vann and Gilbert Daniels.

Q Who else? A Well, there was a young man along by the name of - I can't think of his name now, he got killed too, one of my fellow servants' sons, lived on the place with me, he got killed.

Q Was George Vann along? A No, sir, he wasn't along.

Q He wasn't there at all? A No, sir.

Q Where were you when these people left Kansas to come down here?

Q When they left why I was up here in Kansas, up in Kansas, up to Mapleton, in Bourboun County.

Q Did you stay there all the time? A Yes, sir, I hadn't been five miles from that place since I landed there, I reckon more than five miles anyhow.

Q Did you stay there during the time that these people came down here that you speak of? A Yes, sir.

Q Now don't you know Lewis Martin came down here, moved back here?

A Of course he came down here.

Q When? A Well now that is something I can't tell you then, but I know he come.

Q Did he come at that time you are talking about? A Oh no, he was up there but he didn't come when the others came, because I know he was up there.

Q Didn't he come down here with Wesley Vann, didn't they leave together to come down here? A I don't know whether he came with Wesley Vann or not, I don't know anything about that.

Q You don't? A No, sir, I don't think he ever was with them.

Q Why did you say this morning that you never heard of thatfight at all? A That fight you are talking about, I didn't understand that fight, but now since I understand about the killing of my brother in law I know all about that.

Q You do? A Yes, sir, they killed him sure.

Q Did anybody that left up there come back, any of the colored people? A Now sir that is something I don't know either because I know all the balance that was with them, they went on after they got killed, they went on.

Q Did any of those that left Kansas at that time come back to Kansas? A I can't tell you not a thing about that, sir, no, sir, I can't.

Mr. Hastings: You were not in the fight? A No, sir, I was at home in Kansas and just heard about it.

Q All you know about it is just what you heard? A Yes, sir, about they killing him down there and him never coming back.

Q I believe you testified most positively you didn't know a thing about dates this morning, didn't you? A Well, I don't.

Q You didn't know a date this morning? A I don't know no dates about nothing about that but when anybody asks me about the name of anyone that I know of course I know them, but then to come to dates I don't know no more than a child.

Commissioner: Copies of this testimony will be filed with the testimony in Cherokee Freedman cases D-956, D-957, D-658, D-911, and D-940.

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

Bruce C. Jones

Sworn to and subscribed before me this the 12th of October, 1901.

Commissioner.

File with Cherokee Freedman D-940, William Martin.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 11, 1901.

In the matter of the application of Tobias Bean for enrollment as a Cherokee Freedman.

Supplemental testimony on behalf of the applicant.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Mr. Hastings: Let it go formally into the record what you desire to prove by these witnesses.

Mr. Mellette: I am going to offer some additional testimony.

Mr. Hastings: What for?

Mr. Mellette: To show the date of what is known as the Horse Creek fight, out here.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and object to the taking of any testimony as to the date of what is known as the Horse Creek fight, because that question was gone brought out in the original examination of the applicant himself, and was thoroughly gone into, and is not new matter, and the testimony then introduced by the Cherokee Nation upon this point is not new matter so that rebuttal testimony can be allowed under any rules of procedure.

Commissioner: The objection will be noted.

MARY BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Mary Brown.

Q How old are you, Mrs. Brown? A I don't know my age exactly.

Q Give an idea? A About 60.

Q Are you a Cherokee Indian by blood? A Yes, sir.

Q Recognized citizen of the Cherokee Nation? A Yes, sir, I am.

Q Where do you live? A I live at what is known as the Bowling Perry place on Grand River.

Q How long have you lived on Grand River? A About 17 years, down there.

Q When did you return to the Cherokee Nation after the war, if you left it? A We came here about three weeks before Christmas, in '65.

Q Where was your home at that time? A About one mile and a half north of Prairie City, that is the name of the place now.

Q Is that a point up here close to Fairland? A Yes, used to be just a depot up above Fairland near the road.

Q Do you remember after you came home the circumstance of hearing of a body of colored people being attacked and some of them killed, on Horse Creek? A I do.

Q How did you first learn of that? A There was some menn came to my house to stay all night.

Q Who were they? A Kinch West and a band of men.

Q Did you learn from them anything about the colored people being killed? A Yes, sir, they told us they had killed some negroes.

Q How many were in that party? A I can't tell you positive.

Q About how many, or can you give an idea? A About six, to the best of my knowledge, I never took no particular notice how many.

Q Did you hear anything further about it after they came to your house? A Yes, sir, two or three days afterwards we heard some colored people got killed.

Q Where wasf that? A Somewhere on the Military road Near Horse

Creek.

Q How far was that from your house? A About six miles.

Q Now when was that, Mrs. Brown, that Finch West and his crowd came to your house and you heard of this killing of the colored people? A Fall of '66, in the fall of the year.

Q How do you know it was in the fall of the year? A Because it was getting cold weather.

Q Why do you fix it as 1866? A Well, I came home as I saw in '65, about three weeks before Christmas, and I was in a delicate condition and the baby was born the 26th day of May, in 1866, and this was the fall following.

Mr. Hastings: Did you ever have any other children born? A Yes, sir.

Q When? A Different times.

Q Well, when was the next one born? A Next one, well I am not able to answer that.

Q Well, when was the next one born? A In 1868.

Q That was the second one after this one? A Yes, sir.

Q When was the third one born? A I can't tell you that.

Q Did you have any more since then? A Yes, sir.

Q How many children you got? A 13 in all.

Q How do you know what happens in September always after your children have been born? A No, sir.

Q Now why is it that you locate that the child was born six months before some event happened? A Because that was a peculiar time, we had all come home to our old home, and there were no neighbors and nobody there but now and then a neighbor.

Q When were you married? A I can't tell you that.

Q You heard of this question being up before the courts here five years ago didn't you? A No, sir.

Q Never heard of it? A No, sir.

Q It wasn't a matter that was discussed throughout the length and breadth of the Cherokee Nation? A I heard talk of it, but as to the date I didn't know anything about it.

Q You didn't know anything about the date? A I didn't know it was about the date.

Q You didn't hear about this last spring when we were examining the matter? A No, sir, I didn't go about the courts.

Q Where do you live now? A I live at the Bowling Ferry place.

Q What is your husband's name? A Jim Brown.

Q What was your maiden name? A Mary Miller.

Q When were you married? A I told you I didn't know the date, I don't know the date.

Q And you have got thirteen children? A I have had thirteen children.

Q Now when was your second child born? A The second one was born in '68.

Q When was the third one born? A The third one was born May 26.

Q Of what year? A In 1866.

Q When was the next one born? A I don't know that.

Q Now when was the fifty one born? A He was born in 1870.

Q When was the sixth one born? A I don't know that.

Q When was the seventh one born? A I don't know that.

Q When was the eighth one born? A I don't know that.

Q When was the nineth one? A Well, I don't know that.

Q When was the tenth one? A I told you I didn't know.

Q Eleventh one? A I don't know that.

Q Twelth one? A I don't know, I can't count them, all of them.

Q Don't know? A No, sir, I am no scholar.

Q Where was Bob Knight living at that time? A I can't tell you just exactly.

Q How far did you live from him? A I believe he lived on the old Military crossing on Horse Creek, I wouldn't say positive.

Q Well, how far did you live from there, from where that Military road crosses Horse Creek? A About 10 or 12 miles.

Q And that was the distance, was it? A About ten or twelve miles.

Q Had you ever seen Bob Knight up to that time? A No, sir.
Q You wasn't ever there at that time, the Knight place? A I had passed the road.
Q You saw these folks there? A No, sir.
Q You didn't see them? A No, sir, I can't call it.
Q You never saw any of these darkies at that time? A No, sir, I never seen them.
Q Don't know who they were? A Don't know them.
Q Don't know who was shot at that time? A No, sir.
Q Don't know where it was at? A Never was right at the place.
Q Was it over at this Knight place? A No, sir, not right at the Knight place.
Q How far was it from the Knight place? A I understand it was above the Knight place, I am not positive where the fight was.
Q Kinch West is dead, isn't he? A I suppose so.
Q You have heard it, haven't you? A Yes, sir, I have heard it.
Q Can you remember a single other name of that crowd besides Kinch West? A Yes, sir.
Q Let's have them? A John Wells.
Q Is he alive? A No, sir.
Q Well, another one? A Lem Smith.
Q Is he alive? A No, sir.
Q Who else? A Well, I can't positively say any other one.
Q Yet there was others? A Yes, there was others, but I never got acquainted with them, these I got acquainted with them afterwards, they located in that neighborhood.

Mr. Mellette: I want the testimony taken attached to Lewis Martin, D-289, and Arthur Bean, I don't know the number of that.

Commissioner: This testimony will be filed in those cases and the others to which it is applicable.

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

Bruce C. Jones

Sworn to and subscribed before me this the 25th of October, 1901.

T. B. Needles

Commissioner.

TO THE FIVE CIVILIZED TRIBES.
FILED
OCT 29 1901
ACTING CHAIRMAN.

File with Wm. Martin et al., C. F. D. 289.

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

In the matter of the application of Lewis Martin et al., C. F. D.289

SUPPLEMENTAL TESTIMONY.

Appearances:
James S. Davenport for Cherokee Nation
Mellette & Smith for applicant.

H. C. Harford, being first duly sworn by Cook T. B. Needles, testified as follows for the Cherokee Nation:
(By Davenport)
Q What is your name? A H. C. Harford.
Q How old are you? A 44.
Q What is your post office address? A Ottowa, Kansas, Franklin County
Q How long have you lived there? A Since June, '65--1865.
Q Since you have been living at Ottowa Kansas, did you become acquainted with a colored family named Martin? A Yes sir.
Q Do you know what any of their first names were? A I was acquainted with a man named Lou Martin.
Q What was his wife's name? A Sarah.
Q Did they have any children? A Yes sir, four boys, Will, George, John and Fred.
Q When did you first become acquainted with Lou Martin. A In '68 or '70.
Q Where were they living when you first became acquainted with them? A They lived in the same block I did in Ottowa, on Poplar Street.
Q How long did they live there after you began to acquainted with them? A About four years.
(By Smith)
Q What was the oldest one of his boys? A Will
Q Which is the next oldest? A John.
Q Which was the youngest? A Fred.
Q What did the old man do there? A He was a blacksmith.
Q Do you know that that is the same man that is applying for enrollment in this case? A I know that Lou Martin has applied.
Q How do you know? A From what I heard.
Q Are you swearing from what you heard or from what you know? A I have heard that he has applied.
Q I ask you if you are swearing from what you know or from what you have heard? A I dont know that he has applied positively, I just heard he had.
Q Then you dont know positively that the man you are swearing about is the man that has applied or not? A No sir I dont.
Q You didn't know him until '68 or 70? A No sir.
Q Where did he come from to Kansas? A He came from Mapleton to Ottowa.
Q Where did you come from to Ottowa? A I came from Brown County, Indiana.
Q Did you ever live in Mapleton Kansas? A No sir.
Q Was Ottowa the first place you ever lived in Kansas? A Yes sir.
Q Have you never been away since you came there? A Only for two or three months at a time.
Q You have never seen Lou Martin since '70? A No. since he left there.
Q When was that? A '75 or 6.
Q How long did you say he lived there? A I was acquainted with him four, five or six years.
Q Was he there when you got there? A No sir, three or four years after I got there he came, [illegible] years after.
Q Which was it, three or four? A [illegible] as to when he came, but it was from '68 to '70 [illegible] long there when he

come; I landed there in '85.

* * * * * * * * * * *

This will be filed in Cherokee Freedman Cases, D-289; D-656; D-657; D-658; D-911; D-940 and

* * * * * * * *

Chas. von Wise, 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 Wise

Subscribed and sworn to before me this the 24th of October, 1901.

C. R. Breckinridge

Commissioner.

File with Cherokee [illegible] B-[illegible] William [illegible].

[illegible]

Commission to the Five Civilized Tribes,
Vinita, I.T., [illegible], 1901.

In the matter of the application of [illegible] for enrollment as Cherokee [illegible].

Supplementary testimony on behalf of applicants.

Appearances:
Mellette & Smith, attorneys for applicants.
W. W. Hastings, of counsel for Cherokee Nation.

W. B. ROWE, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A. W. B. Rowe.

Q. What is your postoffice, Mr. Rowe? A. Rose.

Q. What is your age? A. 52.

Q. How long have you lived in the Cherokee Nation, Mr. Rowe? A. I have lived here all my life.

Q. Are you a Cherokee Indian by blood? A. Yes, sir.

Q. Were you out of the nation during the war? A. No, sir.

Q. Where were you, Mr. Rowe, in the year 1866? A. I was at my father's place.

Q. Where did your father live at that time? A. Lived in Saline district, Cherokee Nation.

Q. Did you know a colored man named George W. Vann? A. Yes, I know George.

Q. Which George is it you know? A. I know George Vann, lives on Spring Creek.

Q. Spring Creek George, sometimes called Spring Creek George? A. Yes, sir, Spring Creek George.

Q. Do you know, Mr. Rowe, when a fight occurred on Horse Creek soon after the close of the war? A. Well sir, there was a fight down there, to the best of my recollection it was in '66, fall of '66.

Q. Is there anything about the circumstance to make you remember the fight, was anybody killed in it? A. There was three men killed I think, to the best of my recollection.

Q. What knowledge have you that they were killed? A. What knowledge have it?

Q. Yes: did you see them? A. Yes, I saw the dead men afterwards, saw Bullet holes in them.

Q. Do you know whether they were buried or not? A. Yes, they were buried at Aunt Katie Williams place.

Q. Who were the men? A. Well I don't just recollect the names, but I think one was named Phil something, I heard the name, a fellow that I didn't know.

Q. Were they colored men? A. Yes, sir.

Q. Who helped to bury them? A. A whole lot of colored fellows buried them there.

Q. Can you think of those whose names you remember? A. There was Colbert Vann, Eli Vann, George Vann, Joe Bean, and a good many men I don't recollect.

Q. How many more do you think there were besides those you mentioned? A. I don't know, I never counted them.

Q. Do you know what was ever done about that after, whether anybody was ever arrested or not? A. No, sir, I never knew whether anybody was arrested about it.

Q. Well, was the George Vann that lived at Spring Creek or, state whether or not he was the man that you spoke of a while ago as Spring Creek George? A. Yes, Spring Creek George was there.

Q. Was he one of the men who killed [illegible]

A Yes, sir.

Mr. Hastings: You are not positive, are you Mr. Rowe, as to the year? A That is the best of my knowledge, that it was '66.

Q That is just the best of your recollection? A Yes, I am pretty tolerably certain about it, it was '66.

Q What time of the year do you think it was? A Along in September.

Q Do you know what place on Horse Creek this fight occurred that you speak of? A No, I don't know where it occurred or nothing about it.

Q Know whether it occurred at the old Knight place? A No, sir, I don't know where it occurred.

Q How old were you then? A I guess I must have been 16 or 17 years old.

Q Just a lad of a boy? A Yes, sir.

Q You hadn't been out during the war? A Out of the Cherokee Nation, no I wasn't out of it.

Q There was no date to mark your return by? A No.

Q How far did you live from Horse Creek? A I expect it must be about fifty or sixty miles.

Q You were not up there when the fight occurred? A No, sir.

Q You ever testify to these circumstances before? A No, sir.

Q You were never called upon to remember the date before? A No, sir.

Q You were not arrested for it? A No, sir.

Q Have any interest in it? A I wasn't interested any way at all.

Q You were not taken to Fort Smith for it? A No, sir.

Commissioner: This testimony will be made part of the record in the case at bar, and in D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-811, D-940, and D-641.

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

Bruce C. Jones

Sworn to and subscribed before me this the 9th of November, 1901.

Commissioner.

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

FILED
APR 14 1902

ACTING CHAIRMAN.

To be filed with C. F. D-640.
R

C.F.D.

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

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Tobias Bean for the enrollment of himself, wife and child as Cherokee citizens.

APPEARANCES:
Mr. Mellette, of Mellette & Smith, Vinita, I.T., attorneys for the applicants;
W. W. Hastings, of attorneys for the Cherokee Nation.

C.D.MARKHAM, being first duly sworn, and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah, now.
Q How long have you lived in the Cherokee Nation? A All my life except during the war; I went south on Red River.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Where were you in the fall of '66? A I was up here at Grand River, Locust Grove.
Q What were you doing? A Selling goods.
Q Who were you selling goods for? A Why I and my brother and an old man named Elliott from Kansas were interested in the store.
Q During that summer or fall did you learn anything about a fight up on Horse Creek? A Yes, sir, sometime to the best of my recollection about the last of September in 1866. That was when a young darkey came into the store and wanted to get something out of the store and said they had a fight up at Horse Creek, and there was a shot darky in the wagon, the wagon stopped one hundred and fifty yards from the store out in the road; I don't remember how many wagons there was.
Q Was there more than one? A Yes, sir, I think there was as many as three.
Q Where did he say the fight had occurred? A Up about Horse Creek somewhere.
Q After he told you about the fight up there did you hear anything more about it? A Very little, because soon after that I went to Texas, and was gone about six weeks.
Q Now that was in '66 you said? A Yes, sir, I know it was '66.
Q Now you say there was a man by the name of Elliott in the store where you were working? A Yes, sir.
Q What became of him? A Well while I was gone to Texas he was killed and robbed there two miles and a half from the store, on the Orphan Asylum road, and when I come back his son had taken the goods and gone back to Kansas; the store was broke up.
Q You went to Texas in '66? A Yes, sir, about the first of October, is my recollection, and I came back sometime in November.
Q And in the meantime this man Elliott had been killed? A Yes, sir.
Q After you came back from Texas did you hear anything further about the fight on Horse Creek? A Nothing, only just rumor.
Q That there had been a fight? A Yes, sir.
BY MR. HASTINGS:
Q You don't know any of the parties engaged in it? A No, sir, I don't remember those.
Q You don't know either about Tobe Bean being in it? A No, sir.
Q You never saw Tobe Bean at the time? A No, sir.
Q You don't know what place on Horse Creek it was? A No, sir.
Q That is all you know about it? A Yes, sir, that's all.
Q You don't know whether that is the one that Tobe Bean was in or not do you? A No, sir.

BY MR. MELLETTE:
Q You know whether George Bean was in that fight or not? A No, sir, I don't remember the darky that come in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann darkies, but I don't remember what his name was.
Q The darky that come and told you about the fight and said they had a shot man in the wagon was some one of the Vann family? A Yes, sir, but I don't remember the name.
Q When did you see George Vann after that? A I couldn't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.
BY MR. HASTINGS:
Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:
BY MR. MELLETTE:
Q What is your name? A Joshua Ross.
Q How old are you? A 69.
Q You are a Cherokee by blood? A I am.
Q Where were you in the fall of '66, and the winter of '66?
A I was at Fort Gibson, and Tahlequah.
Q Were you at any time up about Locust Grove, a store up there?
A Yes, sir.
Q What place were you? A Well, I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.
Q You mean was it in December '66 or along there in '67? A Yes, sir.
Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.
Q Was that after or before this man Elliott was killed? A It was after he was killed.
Q Now do you know George Vann? A I do.
Q Did you see him along about that time? A Yes, sir.
Q Where? A I saw him there at this time.
Q While you were taking these claims? A Yes, sir.
Q This colored man George Vann is the one I mean? A Yes, sir, that was the man.
MR. HASTINGS waives cross-examination.

S.S.STEPHENS, being first duly sworn and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A S. S. Stephens.
Q What is your age? A I am about 64 years old, 63 or 4.
Q Are you a Cherokee by blood? A Yes, sir.
Q Where were you in the year '66? A I was here in the Cherokee Nation. That is in the Cherokee Nation, near Fort Gibson.
Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.
BY MR. HASTINGS:
Q George Vann alive? A Yes, sir.
BY MR. MELLETTE:
Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I got information through George Vann.

BY MR. HASTINGS: I am going to object to that because he was not there and he gets his information through George Vann and this George Vann's alive, present and available.
BY COMMISSION: Answer the question.
A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country, and Sam Smith asked me to write him an order; I wrote an order for Sam Smith for George Vann to kill cattle.
Q What year was that? A That was '66; I wrote the order myself. I remember making the order for more, I was elected school superintendent,-
Q Now wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes, sir, when I wrote the order I gave it to Smith and Smith gave it to Vann.
Q What information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.
Q What year was that? A That was in the fall of '66 as near as I can remember.
Q And you don't know the time? A Yes, sir.
Q You wrote the order for George Vann? A For Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.
Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Mose.
Q Did you know Tobe? A Tobe, I mean, I know them well.
Q Did Art and Tobe talk to you about the fight? A Yes, sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.
BY MR. HASTINGS:
Q When did they tell you that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools only among those who were actually citizens.
BY MR. MELLETTE:
Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.
Q Did you talk to them in '66? A Yes, sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.
BY MR. HASTINGS:
Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes, sir.
Q You were around with us a good deal of that time? A Yes, sir.
Q This case of the Horse Creek fight was at that time a burning question? A Yes, sir.
Q Also a great many witnesses were introduced on both sides? A Yes, sir.
Q There was a great deal of discussion about it? A Yes, sir.
Q Did you ever go on the stand and testify at that time? A No, sir.
Q Did you ever tell me, one of the representatives of the Cherokee Nation at that time the facts you know and now testify about? A No, sir.
Q Never told any one about it? A No, sir, you requested me at

Claremore to see Tip Mayes' daughter, and I had a conversation with her and her conversation was what I told you I think.
Q You told me about it? A Yes, sir.
Q And you told me you knew it too? A You never asked me.
Q Well the daughter of Tip Mayes? A Rachel, the one that married Tuck Bryan, what they testified about it here, looking it up, you sent me over to see,- it was Sam's wife I think, she was there at Rachel's.
Q AndI sent you over there? A Yes, sir.
Q And you came back and told me it wouldn't do? A I come back and told you they thought these people were here at home when they got back.
Q You never told me anything you knew about it? A You never asked me a single thing.
Q You never was on the stand; it was your business to help us get up testimony? A You had me to do certain duties, Hastings, and I did that.
Q This question was largely discussed at that time? A Yes, sir.
Q Well, you never told me you knew those facts you testify about now? A Never did I say a word to you about it.
Q How long were you with us? A Was with you during the whole time, that is from Vinita down.
Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.
Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.
Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.
Q You saw Tobe Bean in '66? A Yes, sir.
Q Where? A Up here at Island Ford.
Q Living there? A I suppose living right there yet.
Q. He was living there? A Yes, sir.
Q Are you positive about it? A No, I wouldn't say I am positive about it; he did live there; yes he did.
Q Have you ever been tried in any courts for anything? A No, sir.
Q Never was convicted? A No, sir. What did you ask that question for? A I am asking you right square across the counter now, you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

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

(Signed) M. D. GREEN.

Arthur C. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the

original transcript.

Arthur G. Gammeyer

Subscribed and sworn to before me this 12th day of April, 1903.

Philip Ruter

Notary Public.

ACTING CHAIRMAN

Cherc. C. F. D-240.

R.
C. F. D-213.

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

Supplemental testimony and proceedings in the matter of the application of NEATIE MARTIN for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant.
W. W. Hastings, attorney for Cherokee Nation.

E. J. Clayton, being first duly sworn, and being examined, testified as follows:

Mr. Hastings: What is your name? A E. J. Clayton.
Q What is your age? A I was 58 years old the 22d day of February last.
Q What is your post office? A Walkertown, Bourbon County, Kansas, at this time.
Q When did you come to the State of Kansas?
A I got here on the 7th day of September, 1867.
Q Did you know a colored man by the name of William Martin? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A We called her Onsada.
Q When did you become acquainted with the husband and wife?
A I suppose about the 18th, I think. I put a wagon tongue in in the shop on the 18th of September, as near as I can remember.
Q What was Bill Martin doing? A Blacksmith.
Q What is your occupation? A Farming. I did some work at the wagon business for that winter. That was my occupation for that winter, and no longer.
Q You did work at the wagon trade for that winter A Yes sir.
Q The winter following September, 1867? A Yes sir. The winter and spring of 1867 and 1868.
Q It was the winter after you got the Kansas? A Yes sir.
Q How long did you continue to know this family, Martin and his wife? A I knew them until 1868, I think, I forget just now. He died there about that time, right south of me right on Roach's place.
Q Have any family? A Yes sir, had several children.
Q Know any of them? A Yes sir, but I have forgotten their names.
Q Did Bill Martin have a brother that you know of? A Yes sir, he had Lou Martin, who was a blacksmith and worked there with us at that time.
Q How long did Lou continue to live there? A Until 1876. They worked together until he went away. I seen himthere, but never knew anything about him afterwards.
Q He lived around there until 1876? A Yes sir.
Q How long after you come there before you got acquainted with him in the fall of 1867?
A Both worked together in the shop. Worked all together. He had two more brothers there.
Q What were their names?
A One was Tobe and the other was Peyt. I think he was older than Bill or Lou either one. Peyt was the next one.
Q How long did you know Tobe? A Until about 1876.
Q He was a brother to Louis and Bill Martin? A Yes sir.
Q And a brother to Peyton Martin? A Yes sir.
Q Did you know Peyton Martin? A Yes sir, knew him well.
Q How long did you continue to know Peyton Martin up there?
A I knew him from 1867. They all kind of hung together, those brothers did. I knew him from 1867 to, I think it was 1869, that some fellow tried to arrest him on some kind of a charge, stealing a horse or a cow, I forget which. J.

Q Did he run away?
A Yes, but they caught him and brought him back, but did not appear against him; when he was ready to the Cherokee Nation, and I heard that he was dead. I never knew anything about him after he left there.
Q That was in 1869? A Yes sir.
Q Did you know him continuously from 1867 to 1869.
A Yes sir, in 1867 and 1868. He worked for me in the harvest in 1868.
Q Did you know Peytie Martin? A Yes sir.
Q Did you know who he married?
A A girl by the name of Cheatie.
Q Do you know a brother of Cheatie Martin's, Jack Bean?
A Yes sir, I know him too.
Q When did you first know him?
A It could not have been later than the middle of September, 1867.
Q How long did you know Jack Bean? A He left there in 1868.
Q Was he living there when you came there in 1867?
A Yes sir, he had made a crop up there that summer.
Q He had a family? A Yes sir, he said he had, I never seen his family to know them.
Q Did you know a colored man by the name of Tobe Bean?
A Yes sir. He was a brother to this Martin's wife, he said.
Q How long did you continue to know Tobe Bean up there?
A I know him until 1868. He helped me harvest in 1868, I think. I am pretty sure he did. My brother and me was together there.
Q You and Bill Martin, the husband of Cheatie, worked together in the shop in the fall of 1867? A Yes sir.
Q Louie worked with you? A Yes sir. Both blacksmiths and good workmen, I thought.
Q Is there any peculiar circumstances that makes you remember Jack Bean, any trade that you made with him?
A He never paid me for a pistol that I brought out of the war. I sold him a pistol that I brought home. He said he wanted to kill a nigger with it, and he never paid me for it either.

Mr. Mellette: What is your name? A E. J. Clayton.
Q Did you know Tobe Bean, who is an applicant for enrollment here, in the Cherokee Nation?
A I don't know whether he is an applicant for enrollment or not.
Q How was Tobe Bean, was he a lame man? A I think so, for he had a sore foot.
Q You will swear that it was the Tobe Bean you knew?
A Yes sir, the brother of Cheatie Martin.
Q When did you know him first?
A He was there around the shop all the winter of 1867, pretty much.
Q The winter of 1866 and 1867, you mean?
A No sir, I was not here, it was 1867.
Q The winter of 1868 and 1867? A It was the fall of 1867 and the spring of 1868.
Q Don't you know that Tobe Bean, that is an applicant here for enrollment is not a lame man? A I don't know whether he is or not.
Q When did Cheatie Martin leave Kansas to come to the Cherokee Nation? A In 1877 or 1878, I don't know which.
Q She didn't come to the Cherokee Nation in 1866?
A I never heard tell of her in 1866. I was not there in 1866. I knew her in 1867.
Q You said 1877? A I said it was in 1877 when she came to the Cherokee Nation, 1877 or 1878.
Q Was she there in 1877? A She was up there in 1877 or 1878. I forgot which it was.
Q There was Cheatie Martin in 1877?
A Lived on Beach's place, right south of Mellette there.
Q She came to the Cherokee Nation in the fall of 1866?
A I was not here in 1866. A.

Q When did you move to Kansas? A Moved in 1867.
Q Was Neadie Martin in Kansas when you came there? A I think she was.
Q Do you remember her? A Yes sir.
Q How long ago has it been? Q Since 1867?
A Thirty-three or four years.
Q When were you first asked to remember back that far as to these people?
A Never asked to remember back to these people.
Q When were you first talked to about being a witness in this case?
A About two or three hours ago. You mean about this Neadie Martin case, two or three hours ago.
Q When were you first asked anything about any of these colored people up there, when you first knew them? When were you first talked to about being a witness in any of these cases?
A A week or two ago, I guess.
Q You have not seen any of these people since they left Kansas, have you? A No sir.
Q You don't know anything about them? A No sir.
Q That is a long time to remember? A I guess it is.
Q You keep in your mind clearly all the names of these different colored people, do you?
A Yes, and a whole plough more of them that live there.
Q Why do you remember their names so distinctly?
A They worked for me. This Neadie Martin washed for my wife.
Q You remember Tobe? He is a brother to Bill Martin?
A I think he was the oldest one of them.
Q What county was that in? A Bourbon County, Kansas.
Q How far from the Cherokee Line? A About 75 miles.
Q You are positive, as positive as you are of anything in this case that Tobe Bean was in Kansas in 1867, are you?
A I know that he was. That is, I know that there was a Tobe Bean there.
Q Was he a lame man? A He was lame there that winter at some time. I don't know whether it was a permanent lameness, or anything about it.
Q What time did you see him? A He was around the shop in the winter.
Q When, of 1867? A Yes sir.
Q That would throw him into the year 1868 too?
A Yes sir, I think he left there in 1868 or 1869. That is, in the winter, probably, of 1868.
Q Tobe Bean left there in 1868-9 A Yes sir, I think he did.
Q The Tobe Bean that you are talking of? A Yes sir.
Q He did not then, leave Kansas in the fall of 1866 or the fall of 1867? A I don't know what he done in 1866. I was not there in 1866.
Q He didn't leave Kansas in the fall of 1867? A Not to my knowledge.
Q Never went away? A I never missed him if he did. He was around the shop there.
Q The Tobe Bean you are talking about did not leave Kansas until about 1869? A I think it must have been.

Mr. Hastings; Do you know whether these people came down to the Cherokee Nation afterwards, these people that you are talking about?
A They said they was coming here.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases:
D-388, L-389, D-390, D-412, D-305, D-289, D-855, D-657, D-658, D-911, D-340, D-304, D-513, and in the case at bar.

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

4-

The [illegible] affidavit [illegible] that an [illegible] number to the Contract on [illegible] the above copy and [illegible] a true and [illegible] copy of the original.

E. G. Schweikhart

Subscribed and sworn to before me this 16th day of April, 1903.

Notary Public.

Fr. D 880.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellete & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of [illegible], Trustee for the Freedmen, vs The Cherokee Nation, No. [illegible] filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

William Martin, D 845;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Rauter,
Notary Public.

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Rauter
Notary Public.

C2 0941

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 28 1901

ACTING CHAIRMAN.

File with Bissie Haynes, C.F. D-941.

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

In the matter of the application of Andrew Daniels for the enrollment of himself and nine children as Cherokee Freedmen.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

ANDREW DANIELS, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Andrew Daniels.
Q How old are you? A I don't know, about 37 I guess.
Q What is your postoffice address? A Ramona.
Q Indian Territory? A Yes, sir.
Q What district do you live in? A Coweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and nine children.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Dora Daniels.
Q Is she a citizen? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes, sir
Q Is it on the roll of 1880? A I think it is, yes sir.
Q What is your father's name? A Burrell Daniels.
Q Is he living? A Yes sir.
Q What is your mother's name? A Miranda Daniels.
Q Is she living? A Yes, sir.
Q Have you got nine children under age and not married? A Yes sir.
Q Give me the name of your oldest child? A Willie.
Q How old is he? A I guess he is about 18.
Q The next one? A Lewis.
Q How old is Lewis? A I just can't tell you exactly, there is about a years difference in between them.
Q Then Lewis must be 17? A Yes sir.
Q The name of the next one? A Susie.
Q Susie then would be 16, would she? A No, sir, there was one between Lewis and Willie, and she is dead.
Q That would make Lewis then 18? A Yes, sir.
Q Then Susie would be 15, if she comes next to Lewis? A Yes, sir, but that is a little too old for her I think.
Q How old is she? A I think she is about 13 or 14.
Q Well, what is the name of the next one? A Thomas.
Q How old is Thomas? A He must be about ten I guess.
Q The next one? A Burley.
Q How old is he? A He must be, I don't know exactly just about how old, about 6 or 7 I think.
Q What is the name of the next one? A Nesie though is older than Burley.
Q How old is she? A She must be about eight or nine, and then Burley comes in next.
Q Who is after Burley? A Minnie.
Q How old is Minnie? A She must be about 5 I guess.
Q Well, the next one? A Miranda.
Q How old is Miranda? A She is a little over 2 years old I think.
Q That is the next one? A Ruth.
Q How old is Ruth? A She isn't quite a year old yet. I am not on the 1880 roll, I am on the other two rolls.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Andrew Daniels on page 181, No. 4446, Cooweescoowee district;
Willie Daniels on page 181, No. 4447, Cooweescoowee district;
Lewis Daniels on page 181, No. 4448, Cooweescoowee district, as Louis Daniels;
Susie Daniels on page 181, No. 4450, Cooweescoowee district;
Thomas Daniels on page 181, No. 4449, Cooweescoowee district, as Tom Daniels;
Essie Daniels on page 181, No. 4451, Cooweescoowee district;
Burley Daniels not on Kern-Clifton roll.
Minnie Daniels on page 181, No. 4452, Cooweescoowee district.

Q What is the matter with Burley? Burley is older than Minnie?
A I don't think he is on the roll though.
Q Why not? A He didn't get on there, they didn't enroll him.
Q Have you got any witnesses here? A My daddy.
Q Has your daddy been enrolled? A Yes, sir.

BURRELL DANIELS, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A My name is Burrell Daniels.
Q How old are you? A I expect I am nearly 80.
Q Where do you live? A Out west of Talala on Caney River.
Q How long have you been living in the Cherokee Nation? A I have lived in the Cherokee Nation all my life time until I went to Mexico; I have been back, though, ever since Mr. Bushyhead was chief.
Q Ever since Mr. Bushyhead was chief? A Yes, sir.
Q Do you know this applicant here, Andy Daniels, here first on the stand? A He is my son.
Q How old is he? A I don't know exactly, he was born just about a year before the war ended.
Q Where was he born? A He was born down hereclose to Doaksville in the Choctaw Nation.
Q Were you a slave then? A Yes, sir.
Q Who did you belong to? A I belonged to Robert Daniels, first belonged to Miss Susie Taylor, living in Tahlequah, and she gave me to her daughter.
Q Who was her daughter? A Annie Daniels, one died in Vinita here time of the Lightning Creek payment.
Q Who was your owner at the time the war commenced? A She was my owner; when the war commenced why she had me with one of her sisters that lives in Tahlequah now, Mrs. Thompson, exchanged me for a boy named Will, I belonged to Mrs. Thompson a while after the war commenced
Q Well Burrell, about what time, about how long had you been in the Choctaw Nation when this boy Andrew was born? A Well, we had been down there I reckon not quite a year, but I was with the army, backwards and forwards, in the Nation here and then out.
Q He was born in the Choctaw Nation a year after you left the Cherokee Nation? A Yes, sir.
Q Who took you out of the Cherokee Nation? A They put us with Mr. Bryant's outfit.
Q How many children did you have at the time you were in the Choctaw Nation at the time you were in the Choctaw Nation when this boy Andrew was born? A I had Lewis, Emma, Sarah and Tom.
Q Have a wife there then? A Yes, sir.
Q What was her name? A Miranda Daniels.
Q Was she a slave too? A She was the slave of Zeke Daniels.
Q Was he a Cherokee citizen? A Yes sir, my old boss' brother.
Q Was Joel Bryant a Cherokee? A He was a white man but he had a Cherokee wife.
Q Well now, from the Choctaw Nation, how did you get into Mexico?
A Mrs. Bryant carried a number of us out there, a drove of us.

Q How big a drove did he have? A I reckon he had, must have had about forty or fifty of us, little and big.

Q Was this boy taken down to Mexico at the time you were? A Yes, sir

Q What other members of your family, if any, were taken down there?

A Taken my oldest son Lewis, and a boy named Abram, a girl, out of the Choctaw Nation, named Sarah, taken Lewis and Abram and this boy was a baby.

Q Well, how long did you stay in Mexico? A I must have stayed there, I was working on a Mexican Ranch about five or six years till they relieved me down there, I stayed on the ranch yonder about five years, and come a merchant from Santa Fe named Mr. Amberg.

Q You were penned down there in Mexico were you? A Yes, sir.

Q How old was this boy Andrew when you returned to the Cherokee Nation? A I reckon he was about five or six years when I returned back to San Antonio, six or seven.

Q Then how long did it take you to make your way back to the Cherokee nation after you came to San Antonio? A I was several years on my way, I worked a year or two in San Antonio and then I came up to Fayette County and stayed there.

Q Do you know what year it was when you came back to the Cherokee Nation? A Nosir, I guess I could find out at Tahlequah when I came back; when I come back Council was up there and I worked on Arkansas River till Council commenced again.

Q That was when Mr. Bushyhead was Chief? A Yes, sir, and when Council commenced again I went and reported at the General Council.

Q About how old then was this boy when you came back to the Cherokee Nation at the time Bushyhead was chief? A I don't know, I can't tell you exactly how old he was, he was a young man I reckon when he came back here.

Q Well, can you tell us about how many years since you came back to the Cherokee Nation, can you count back that way and tell? A It must have been something over twenty years ago.

Q And you say the boy was born after the war commenced? A No, sir, he was born just before the war ended.

Q You took him down to the Choctaw Nation? A Yes, sir.

Q He was born down there before the war ended? A Yes, sir, just a year before it ended.

Q And you came back and the boy came back about twenty years ago?

A Yes, sir, I think it must have been twenty years ago, I can find out by going to Tahlequah.

Q What other children did you bring back with you twenty years ago, or whatever time it was? A I brought Robert and Lizzie and one named Mack.

Q What is Lizzie's name now? A She is married, she is named Lizzie Haines, and one of my daughters died before I got back, and left two grandchildren, and they went by the name of Mary Eaton and Lizzie Eaton, but one goes by the name of Mary Hill and Lizzie Shafter

Q They were your children, members of your family, when you brought them back here at the time you brought Andy? A Yes, sir, when I brought them little children back here they were just little kids, they have growed up here since they came back.

Q Which ones do you mean by those little children? A These here girls that are married now.

Mr. Hastings: Where was Andy married? A He was married just down here the other side of Hempster, near Wimer, Texas.

Q His wife was st'te raised? A Yes, sir.

Q Where was his first child born? A Born here in the Nation.

Q Willie? A Yes, sir.

Q Willie was born in the Nation? A Yes, sir, born down here on the Arkansas River at Mrs. Nivens.

Q Had Mr. Bushyhead been re-elected then, been elected the second time as chief, when you came? A I think he was, I think he was I will not be certain.

will not be certain.
Q About how long did you stay in Mexico, about how many years?
A I must have stayed in Mexico about six or seven, I worked on a ranch about five or six years.
Q Then after leaving Mexico you came back to Texas? A After leaving Mexico, the Government fetched us back to Texas.
Q You remained in Texas from that time until you came up here?
A Yes, sir, just one place and another on the way as I was coming.
Q But you remained in Texas the rest of your time? A Until I came up here: I traveled as far as I could.
Q That was between six and seven or eight or nine years you remained in Texas after leaving Mexico, before you reached the Territory, after the war? A Yes, sir, I stayed in Texas in places, I traveled around and then stopped maybe a year or two.
Commissioner: How old was Andy when you brought him back here?
A Andy Was ! reckon about 14 or 16 years old, he married when he was nothing but a boy.
Q He must have been over 14 years old? A The people down there was talking about having him took up for that marriage, he was nothing but a boy.
Q Married his present wife? A Yes, sir.
Q How long did he stay in Texas after he married? A He married along in the summer or spring and he came here in the fall.
Q Been here ever since? A Yes, sir.
Q You think he wasn't over 16 or 18 years old? A I don't know as he was 18 years old, he was a boy because I know they were trying to get the one that married him took up for marrying him.
Q How old is he now? A I don't know sir exactly how old he is: his age is on them rolls.
Q Who was Andrew's mother? A My wife, what used to belong to the same set of people I belonged to.
Q Did she come back with you? A Yes, sir, she is at home now.
Q You and her come back together? A Yes, sir.
Q Andrew's mother was a slave? A Yes, sir, slave of Zeke Daniels.
Q Was she with you all the time you were emigrating around through Texas and Mexico? A Yes, sir, she was the slave of Zeke Daniels and before the war ended she got to be the slave of Mrs. Thompson, at Tahlequah now.
Q Andrew is your oldest child? A No, sir, Ihave one named Tom.
Q Older than Andrew? A Yes, sir.
Q Where was Tom born? A Tom was born here in the Cherokee Nation on Grand river east of Vinita, before the war.
Q Is he living? A Yes, sir, he is here in the Nation.
Mr. Smith: Did I ask you, Burrell, when you testified in your own case about why you didn't come back to the Cherokee Nation sooner after x they left you at San Antonio? A Yes, sir.

ANDREW DANIELS, recalled, testified:
Commissioner: Are all the children for whom you apply living at this time? A Yes, sir.
Q Were all of them born in the Cherokee Nation? A No, not all of them.
Q Where was Willie born? A He was born in the Cherokee Nation.
Q Where was Lewis born? A I think I was working over in the Creek Nation then.
Q Did you live in the Creek Nation? A A while I did.
Q I thought you said you had lived in the Cherokee Nation continuously all the time? A Well, I have been.
Q Well you couldn't have been living in the Cherokee Nation and the Creek Nation at the same time? A A good while ago I used to live there.

Q How long did you live in the Creek Nation? A Several years, working around there.
Q Where was Susie born? A She was born in the Creek Nation.
Q Where was Thomas born? A I think he was born in Canadian if I am not mistaken, Cherokee Nation.
Q Canadian district? A Yes, sir.
Q Where was Burley born? A I disremember now exactly where he was born.
Q In the Cherokee Nation or the Creek Nation? A I think I was living in the Creek Nation at that time.
Q Where was Nesie born? A She was born in the Cherokee Nation; I disremember, I am not sure of it though.
Q Minnie, your five year oldchild? A Canadian I think.
Q Where was Miranda? A Born here on Caney.
Q In the Cherokee Nation? A Yes, sir.
Q And Ruth? A Yes, sir.
Q Well you appear to have lived in the Creek Nation a good deal.
A A while when I first came to the country.
Q What part of the country? A Right on the line about Muskogee, I worked through there.
Q Worked over about Muskogee? A Yes, sir.
Q These children, that is where they were born, over about Muskogee? A Some of them were.
Q Where were the others that were born in the Creek Nation born?
A There along on the line of the Cherokee Nation and the Creek.
Q Kinder along backwards and forwards? A Yes, sir, worked around in there a while.
Q They are all the children of Dora, your wife? A Yes, sir.
Q What proof have you got as of your marriage to Dora? A I haven't got any unless I send off after it.
Q Married in the State of Texas? A Yes, sir.
Q Get a license there? A Yes, sir, at LaGrange County.

Commissioner: Well, you will have to send a certified copy of your license from the record there.

Mr. Hastings: How long did you live there after you married?
A I married along in the spring and came out that fall.
Q You know what fall you got here? A No, sir, not exactly.
Q What is your best judgment about when you got here? A I never paid the strictest attention to it, I can't tell you just what fall it was.
Q You made a crop there after you married, came back in the fall after that? A Yes, sir.
Commissioner: You know how old you were when you came? A No, sir, I don't.
Q Did you ever vote in the State of Texas? A No, sir.
Q Ever vote in the Cherokee Nation? A Yes, sir.
Q How long after you came back before you ever voted in the Cherokee Nation? A It wasn't very long, I voted several times in Canadian and I voted once or twice up here.

Commissioner: Andrew Daniels applies for the enrollment of himself and nine children, as enumerated in the testimony. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he and his children, with the exception of Burley and Miranda and Ruth, are identified upon the Kern-Clifton pay-roll. He avers that he is the son of Burrell Daniels, who is listed for enrollment upon rejected card No. R-40, and the testimony taken in the case of the said Burrell Daniels will be made part of the record in the case at bar, and a copy thereof filed herewith. He makes satisfactory proof as to his residence, and avers that he was married to his wife Dora in the State of Texas. She is a non citizen. He makes no proof as of marriage. It will be necessary for him to file with this Commission satisfactory proof of his mar-

riage, or a certified copy of the records from the State of Texas. The testimony shows that his father did not return to the Cherokee Nation until about twenty years ago, and that he brought with him the applicant, his child, at that time. The testimony shows that the said Andrew was born in the Choctaw Nation during the war, the applicant's father, Burrell, at that time having been taken out of the Cherokee Nation. Because of the fact that the applicant was a minor, born after his father and mother were taken out of the Cherokee Nation, and before they lost their rights as Cherokee Freedmen, and the weight of the testimony showing that he was a minor when he returned, the applicant, Andrew Daniels, and his children as enumerated herein, will be listed upon a doubtful card, awaiting further consideration by the Commission. He will be notified by mail of the action of the Commission in the premises. The only doubtful question in the mind of the Commission is as to the rights that the said Andrew Daniels has by reason of his being a minor at the time that he was taken from the Indian Territory, and a minor when he returned, the evidence showing that his father and mother were slaves in the Cherokee Nation before the Civil war.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Andrew Daniels, et al. for enrollment as Cherokee Freedmen.

Supplemental testimony.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Burrell Daniels, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Burrell Daniels.
Q Are you the father of Andrew Daniels, who applied yesterday to be listed for enrollment? A Yes, sir.
Q You were a slave, were you? A Yes, sir.
Q Who did you belong to? A I belonged to Bob Daniels.
Q Were you taken out of the Cherokee Nation during the war? A I was taken out after the war ended.
Q Who by? A By Joel Bryant.
Q What right had he to take you; was he your owner? A When the war was coming on we were put with him to keep out of the way of the northern people and he carried us down here in the Choctaw Nation near Doakville, with all the families.
Q Whose family? A All the families, their families and colored families; and when the war ended, before he turned the darkies loose he took a drove of them and went to Mexico.
Q Took you among them? A Yes, sir.
Q Where from? A South from the Choctaw Nation.
Q Your family was in the Choctaw Nation at that time, were you?
A Yes, sir.
Q Was there where Andrew was born? A Andrew was born in the Choctaw Nation near Sampson Fulsom's
Q That near Doakville? A Yes, sir.
Q Did he take Andrew? A Yes, sir, he was just a baby.
Q Take your wife? A Yes, sir, all the whole family.
Q How old was Andrew then? A Andrew I think was something over

a year old, pretty near a year old; they made a crop there and stayed there all one winter and one season.

Q How did your wife and Andrew happen to be in the Choctaw Nation?

A My wife and Andrew, he had the whole family, my family and half a dozen others.

Q How did he happen to be there? A He took us down there.

Q Who? A Mr. Bryant.

Q Took you from the Cherokee Nation into the Choctaw Nation?

A Yes, sir, first to Fort Smith and from Fort Smith to Van Buren and then to the Choctaw Nation.

Q There is where Andrew was born? A He stayed there one winter and made a crop that fall, made a crop, and along in coming December I suppose he moved us all over to Texas.

Q Was that after the war? A Yes, sir, everybody was going home, peace was declared.

Q Didn't you know you were free then? A Yes, sir, he had his battalion outfit with him.

Q Was he a soldier? A He had the soldiers with him.

Q Was Bryant a Confederate or a Federal? A He was a Confederate.

Q Was he an officer? A He was a colonel.

Q And he took you along when he took his soldiers back; when he took his soldiers he took you folks?, A Yes, sir.

Q Did you try to get away from him? A No, sir, he didn't ask us anything, just told us we had to go with him and said we would come back when everything got quiet.

Q I understand Andrew was born in the Cherokee Nation? A No, sir, he was born in the Choctaw Nation.

Q After ~~xx~~ this man took you down there? A Yes, sir.

Q And took your wife there? A Yes, sir.

Mr. Smith: At the time Andrew was born and the time you speak of being in the Choctaw Nation and going over into Texas to cut wheat, the war wasn't ended then was it? A No, sir, it wasn't ended then.

Q That was while the war was going on? A Yes, sir; when the war ended why he moved us from Mr. Sampson Fulsom's to a place below Doakville, between Doakville and old Mr. Jones' farm.

Commissioner: You stayed at Sampson Fulsom's until the war ended?

A Yes, sir.

Q He took you there before the war ended? A Yes, sir.

Q He had the families all there, and there is where Andrew was born? A Yes, sir.

Q Then Andrew was taken on down into Texas? A Yes, carried down into Texas, went down to Waco, from Waco to Austin, and met some people and they said the Yankee army was in Austin, and he took us then across the plains.

Q And there Andrew stayed until he was married? A Yes, sir; he took us to Mexico.

Q Took Andrew to Mexico? A Yes, sir, and he married the same year I was working our way back.

Q He married in Texas? A Yes, sir.

Q And after he married he came back to the Nation? A Yes, sir.

Mr. Hastings: You stayed six or seven years in Mexico? A Yes, sir.

Q That was six or seven years after the war? A Yes, sir.

Q Then you came back here you say after Mr. Bushyhead was elected chief the second time; that was after '83? A I came back from Mexico to San Antonio and worked there a while and I moved from there and came to Fayette County and worked there a while.

Mr. Hastings: Mr. Smith, can we agree that Mr. Bushyhead was elected chief the second time beginning the first Monday in November, 1883; that is a historical fact?

Mr. Smith: Yes, I will agree to that.

Mr. Hastings: You lived five or six years in Mexico? A Yes, sir.

Q And the rest of the time you were working your way back here?

A Yes, sir.

-8-

Commissioner: What did you stay so long in Mexico for? A He taken us to Mexico and deceived us.

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 original application and in the matter of the supplemental testimony in the above case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 20th day of August, 1901.

Commissioner.

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FIVE CANALIZED TRIBES

FILED
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ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 22, 1901.

In the matter of the application of Lizzie Haynes for the enrollment of herself and one child as Cherokee Freedman.

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

Lizzie Haynes, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lizzie Haynes.
Q How old are you? A 26 I guess.
Q What is your postoffice address? A Salsia.
Q What district do you live in? A Goweseeowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A The baby.
Q What is its name? A Edward Haynes.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Tinker Haynes.
Q Is he a citizen? A No, sir.
Q What is your father's name? A Burrell Daniels.
Q What is your mother's name? A Mary Daniels.
Q How old is this baby of yourself? A A year and eight months.
Mr. Smith: You are a daughter of Burrell Daniels? A Yes, sir.
Q Have you some brothers and sisters? A Yes, sir.
Q Name a few of them? A I haven't many a sister alive.
Q Name some of your brothers? A Burley and Andrew.
Q Who else? A And Robert.
Q Is Andy Daniels the son of Burrell, a brother of yours? A Yes, sir
Q Where do you live now? A On Caney.
Q In the Cherokee Nation? A Yes, sir.
Q How long have you been living there? A About five years I guess.
Q Where did you come from to that place? A From down in the Creek Nation; in the Cherokee Nation.
Q What part of the Cherokee Nation? A Canadian I guess.
Q Canadian district? A Yes, sir.
Q Did you live in the Creek Nation a while? A Yes, sir.
Q How long did you, live in the Creek Nation? A About five or six years.
Q Have you been living all the time up here on Caney since you came there five years ago, or not? A Yes, sir.
Mr. Hastings: Where were you born? A In Texas.
Q How old were you when you came up to the Creek Nation? A I don't know.
Q Don't you have any idea how old you were when you left Texas?
A No.
Q How long did you live in the Creek Nation? A Five or six years.
Q How long have you lived in the Cherokee Nation since then? A Since I been up here?
Q Since you left the Creek Nation altogether? A About six years.
Q The rest of the time then you lived in Texas; that a fact?
A Yes, sir.
Commissioner: Where were you married? A On Caney.
Q In the Cherokee Nation? A Yes, sir.
Q Is this little child, Edward, living at this time? A Yes, sir.
Q You living with your husband now? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir.
Q What rolls? A Wallace and Clifton.

Lizzie Haynes - 2.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicant, Lizzie Haynes, identified thereon, page 161, No. 4456, Creek Nation, as Lizzie Daniels.

The Wallace roll examined and the applicant, Lizzie Haynes, identified thereon, Page 108, No. 2518, Creek Nation, as Lizzie Daniels.

Q Did you ever draw any money in the Creek Nation? A Yes, sir.
Q From the Creek Nation you did? A Yes, sir.
Q You are sure of that? A Yes, sir.
Q Did you ever apply to be enrolled by the Creek? A No.
Q Was your mother a Creek citizen? A No, sir.
Q Nor your father? A No, sir.
Q What part of the Creek Nation did you live in? A Lived about fifteen miles from Muskogee, I don't know what district it was.
Q Did you marry in the Creek Nation? A No, sir.
Q Who did you live with in the Creek Nation? A My mother and father.

Commissioner: Lizzie Haynes applies for the enrollment of herself. She cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. She is identified upon the Kern-Clifton and the Wallace rolls, as a resident of the Creek Nation, by her maiden name, Lizzie Daniels. She avers that she is the child of Burrell and Mary Daniels. She is now married to one Tinker Haynes, by whom she has one child, Edward, a year and eight months of age. Applicant's attorney and the attorney for the Cherokee Nation request that the testimony taken in the matter of the enrollment of Burrell Daniels, who is enrolled upon R card 40, and his son, Andrew Daniels, who has been listed for enrollment on D card 861, be made part of the record in the case at bar, and a copy of the testimony taken in the case of said Andrew and Burrell Daniels will be filed herewith. Now the said Lizzie Haynes and her child Edward will be listed for enrollment as Cherokee Freedmen upon a doubtful card. It will be necessary for her to file satisfactory proof of the birth of her child, Edward, its name not appearing upon any of the rolls of the Cherokee Nation. She will be notified by mail of the action of the Commission when the same is arrived at.

****

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

Bruce C. Jones

Sworn to and subscribed before me this the 11th of July, 1902.

D. C. Travis

Commissioner.

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

FILED

SEP 23 1901

ACTING CHAIRMAN

R C.F. D-941. Lizzie Haynes.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 18, 1901.

In the matter of the application of Burrell Daniels et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicant:

Appearances:

Mellette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

GEORGE O. BUTLER, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Mellette: First state your name and residence? A George O. Butler, Tahlequah, Cherokee Nation.

Q What is your age, Mr. Butler? A 39.

Q Are you a Cherokee Indian by blood, a recognized citizen of the Cherokee Nation? A Yes, sir, Cherokee by blood, recognized.

Q Do you know the applicant, Burrell Daniels? A Yes, sir.

Q How long have you known him? A I have known him for about 25 years, or 20; well 23 years I guess, since 1882, that is when he first came up there, second year after Bushyhead was inaugurated.

Mr. Hastings: The second time? A Yes, second time of his election.

Q I want to correct you; he was inaugurated in 1883, and the next year would be 1884. A Well 1884 then.

Mr. Mellette: Where did you see Burrell Daniels first? A I saw him in Tahlequah.

Q About what year was that? A That was in 1884, in November, during the Council.

Q What was he doing there at that time? A He came there to be recommitted to citizenship, to see about his rights he said.

Q Do you know if he presented an application to council for re-admission? A Yes, sir, I wrote it out; had the member from Tahlequah to introduce it in the Senate.

Mr. Hastings: There comes in a matter of redord, I am going to object to further examination along that line.

Commission: I will have to note the objection and let it go on.

Mr. Hastings: I don't think Mr. Mellette will insist on going on.

Mr. Mellette: I think the fact of his filing his application is competent; I don't care to go on.

Q Did you know Burrell Daniels before he left the Indian Territory at the beginning of the war? A No, sir, I didn't know him, I was too young then.

Commission: This testimony will be filed in the following cases: R-40, D-881, D-916, D-917, and D-941.

****

Bruce J. 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 J. Jones

Sworn to and subscribed before me this the 20th of September, 1901.

M. D. Price
Notary Public.

To be filed with C. P. 2-[illegible].

C.M.D.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 5, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF APPLICANTS, in the matter of the application of Tobias Bean for the enrollment of himself, wife and child as Cherokee citizens.

APPEARANCES:
Mr. Mellette, of Mellette & Smith, Vinita, I.T., attorneys for the applicants;
W. W. Hastings, of attorneys for the Cherokee Nation.

C.D.MARKHAM, being first duly sworn, and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah, now.
Q How long have you lived in the Cherokee Nation? A All my life except during the war; I went south on Red River.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Where were you in the fall of '66? A I was up here at Grand River, Locust Grove.
Q What were you doing? A Selling goods.
Q Who were you selling goods for? A Why I and my brother and an old man named Elliott from Kansas were interested in the store.
Q During that summer or fall did you learn anything about a fight up on Horse Creek? A Yes, sir, sometime to the best of my recollection about the last of September in 1866. That was when a young darkey came into the store and wanted to get something out of the store and said they had a fight up at Horse Creek, and there was a shot darky in the wagon, the wagon stopped one hundred and fifty yards from the store out in the road; I don't remember how many wagons there was.
Q Was there more than one? A Yes, sir, I think there was as many as three.
Q Where did he say the fight had occurred? A Up about Horse Creek somewhere.
Q After he told you about the fight up there did you hear anything more about it? A Very little, because soon after that I went to Texas, and was gone about six weeks.
Q Now that was in '66 you said? A Yes, sir, I know it was '66.
Q Now you say there was a man by the name of Elliott in the store where you were working? A Yes, sir.
Q What became of him? A Well while I was gone to Texas he was killed and robbed there two miles and a half from the store, on the Orphan Asylum road, and when I come back his son had taken the goods and gone back to Kansas; the store was broke up.
Q You went to Texas in '66? A Yes, sir, about the first of October, is my recollection, and I came back sometime in November.
Q And in the meantime this man Elliott had been killed? A Yes, sir.
Q After you came back from Texas did you hear anything further about the fight on Horse Creek? A Nothing, only just rumor.
Q That there had been a fight? A Yes, sir.
BY MR. HASTINGS:
Q You don't know any of the parties engaged in it? A No, sir, I don't remember those.
Q You don't know either about Tobe Bean being in it? A No, sir.
Q You never saw Tobe Bean at the time? A No, sir.
Q You don't know what place on Horse Creek it was? A No, sir.
Q That is all you know about it? A Yes, sir, that's all.
Q You don't know whether that is the one that Tobe Bean was in or not do you? A No, sir.

BY MR. MELLETTE:
Q You know whether George Bean was in that fight or not? A No, sir, I don't remember the darky that come in and told me, it was a young darky that I knew at the time, but that was 7 or 8 old Joe Vann had of my age and I don't remember, it was some of the Vann darkies, but I don't remember what his name was.
Q The darky that come and told you about the fight and said they had a shot man in the wagon was some one of the Vann family? A Yes, sir, but I don't remember the name.
Q When did you see George Vann after that? A I couldn't swear that I ever saw George Vann until '67 or '68; maybe he might have been there, I don't know.
BY MR. HASTINGS:
Q How far did you live from Spring Creek, this store? A The store was about 4 or 5 miles.

JOSHUA ROSS, being first duly sworn and being examined, testified as follows:
BY MR. MELLETTE:
Q What is your name? A Joshua Ross.
Q How old are you? A 69.
Q You are a Cherokee by blood? A I am.
Q Where were you in the fall of '66, and the winter of '66?
A I was at Fort Gibson, and Tahlequah.
Q Were you at any time up about Locust Grove, a store up there?
A Yes, sir.
Q What place were you? A Well, I was there at a store there, had been kept there by a man by the name of Elliott, that was in the last of December or along towards the first of January, 1867.
Q You mean was it in December '66 or along there in '67? A Yes, sir.
Q What were you doing there? A I was clerk of a Commission making out a list of property claims against the Government of the United States.
Q Was that after or before this man Elliott was killed? A It was after he was killed.
Q Now do you know George Vann? A I do.
Q Did you see him along about that time? A Yes, sir.
Q Where? A I saw him there at this time.
Q While you were taking these claims? A Yes, sir.
Q This colored man George Vann is the one I mean? A Yes, sir, that was the man.
MR. HASTINGS waives cross-examination.

S.S.STEPHENS, being first duly sworn and being examined testified as follows:
BY MR. MELLETTE:
Q What is your name? A S. S. Stephens.
Q What is your age? A I am about 64 years old, 63 or 4.
Q Are you a Cherokee by blood? A Yes, sir.
Q Where were you in the year '66? A I was here in the Cherokee Nation. That is in the Cherokee Nation, near Fort Gibson.
Q Do you know about a fight that has occurred up on Horse Creek between some colored people that were coming back from Kansas and some other parties? A I heard of a fight up there, through George Vann.
BY MR. HASTINGS:
Q George Vann alive? A Yes, sir.
BY MR. MELLETTE:
Q Is that him standing there? (Pointing to colored man.) A That's George Vann; I can tell you how I get information through George Vann.

BY MR. HASTINGS: I am going to object to that because he was not there and he gets his information through George Vann and this George Vann's alive, present and available.

BY COMMISSION: Answer the question.

A I met George Vann in Saline District after this fight, and there was an order, kind of an ordinance, passed by our Council, that allowed the Cherokees to kill cattle wherever they would find them, in the country, and Sam Smith asked me to write him an order; I wrote an order for Sam Smith for George Vann to kill cattle.

Q What year was that? A That was '66; I wrote the order myself. I remember making the order for more, I was elected school superintendent,-

Q Now wait a minute, did you present the order to George Vann or did you talk to George Vann about that time? A Yes, sir, when I wrote the order I gave it to Smith and Smith gave it to Vann.

Q What information did you get from George Vann about the fight on Horse Creek? A He said they had a fight up there, and there was certain of the number was killed.

Q What year was that? A That was in the fall of '66 as near as I can remember.

Q And you don't know the time? A Yes, sir.

Q You wrote the order for George Vann? A For Sam Smith, for George Vann to kill cattle and he was there, there was quite a number of colored people in that neighborhood around Dave Rowe at that time, and it was then they were killing cattle all over the country, that is now, wild cattle, and in point of fact they carried it a little further.

Q Did you ever hear from any other source except George Vann the fact of there having been a fight up there? A Art Bean told me, they had a fight up there, and Art Bean's brother I think his name is Mose.

Q Did you know Tobe? A Tobe, I mean, I know them well.

Q Did Art and Tobe talk to you about the fight? A Yes, sir, they told me frequently they were in the fight, and Gilbert Vann told me that he was in the party.

BY MR. HASTINGS:

Q When did they tell you that? A In '66, when they first come down in the Nation; I was school superintendent and locating schools in that neighborhood and made Gilbert Vann one of the directors and I was instructed to locate no schools only among those who were actually citizens.

BY MR. MELLETTE:

Q Then Art and Tobe Bean were here in '66? A I don't know, but they told me they were in that fight.

Q Did you talk to them in '66? A Yes, sir, I have known Art Bean ever since I was a boy; he belonged to old Washington Adair, Art Bean did.

BY MR. HASTINGS:

Q You were clerk for the representatives of the Cherokee Nation in 1896 before the Kern Clifton Commission? A Yes, sir.

Q You were around with us a good deal of that time? A Yes, sir.

Q This case of the Horse Creek fight was at that time a burning question? A Yes, sir.

Q Also a great many witnesses were introduced on both sides? A Yes, sir.

Q There was a great deal of discussion about it? A Yes, sir.

Q Did you ever go on the stand and testify at that time? A No, sir.

Q Did you ever tell me, one of the representatives of the Cherokee Nation at that time the facts you know and now testify about? A No, sir.

Q Never told any one about it? A No, sir, you requested me at

Claremore to see Tip Mayes' daughter, and I had a conversation with her and her conversation was what I told you I think.
Q You told me about it? A Yes, sir.
Q And you told me you knew it too? A You never asked me.
Q Well the daughter of Tip Mayes? A Rachel, the one that married Tuck Bryan, what they testified about it here, looking it up, you sent me over to see,- it was Sam's wife I think, she was there at Rachel's.
Q AndI sent you over there? A Yes, sir.
Q And you came back and told me it wouldn't do? A I come back and told you they thought these people were here at home when they got back.
Q You never told me anything you knew about it? A You never asked me a single thing.
Q You never was on the stand; it was your business to help us get up testimony? A You had me to do certain duties, Hastings, and I did that.
Q This question was largely discussed at that time? A Yes, sir.
Q Well, you never told me you knew those facts you testify about now? A Never did I say a word to you about it.
Q How long were you with us? A Was with you during the whole time, that is from Vinita down.
Q Don't you know Sam Mayes' wife was in the Choctaw Nation when we was making that roll? A No I don't know she was in the Choctaw Nation at that time.
Q Didn't you know she was in the Choctaw Nation in '66? A I expect she was in '66.
Q Then she would not have been up here and known it? A Well like a great many of the rest of you, a great many of you were not here in '67 so far as that is concerned.
Q You saw Tobe Bean in '66? A Yes, sir.
Q Where? A Up here at Island Ford.
Q Living there? A I suppose living right there yet.
Q. He was living there? A Yes, sir.
Q Are you positive about it? A No, I wouldn't say I am positive about it; he did live there; yes he did.
Q Have you ever been tried in any courts for anything? A No, sir.
Q Never was convicted? A No, sir. What did you ask that question for? A I am asking you right square across the counter now, you know.

BY COMMISSION: This testimony will be filed and made part of the record in the following Cherokee Freedmen cases: D-212, D-215, D-290, D-207, D-289, D-656, D-657, D-658, D-911, D-940, D-641.

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

(Signed) M. D. GREEN.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is a true and complete copy of the

original transcript.

Arthur G. Conroyer

Subscribed and sworn to before me this 12th day of April, 1903.

Winfield G. Ritter

Notary Public.

DEPARTMENT OF THE
COMMISSION TO THE FIVE
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File with Cherokee Freedman, D-941, Lizzie Haynes

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 10th, 1901.

In the matter of the application of Burrel Daniels for the enrollment of himself and wife and one child as Cherokee Freedmen; He being sworn by Commissioner R. P. Meadows, testified as follows:

Q What is your name? A Burrle Daniels.
Q What is your age? A About 70.
Q What is your postoffice address? A Talala.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized as a Cherokee Freedman by the Cherokee authorities? A (No response)
Q Is your name on any of the Cherokee rolls? A Yes sir.
Q Who is it that you desire to have enrolled besides yourself?
A My wife, and children.
Q What is your wifes name? A Maranda.
Q How many children have you under twentyone? A One.
Q What is the name of this child? A Robert.
Q How old is he? A 20.
Q About how old is your wife? A About one year older than I am.
Q Is your name on the roll of 1880? A No sir, but it is on the Wallace roll and the Clifton roll and the roll the Cherokees taken for the payment.
Q Where were you at the beginning of hostilities between the United States and the Confederacy? A On Grand river west of Vinita.
Q Were you a slave? A Yes sir.
Q What was your owners name? A Robert Daniels.
Q Was he a Cherokee citizen? A Yes sir.
Q Where were you at the close of the war? A In the Choctaw Nation.
Q When did you return from the Choctaw Nation to the Cherokee Nation
A They taken a bunch of us and went to Mexico.
Q How long did you stay there? A Five or six years, in Mexico on a ranche and one year with a Jew from New York cooking.
Q After that where did you come to? A Went back to Texas and staid at San Antonio several years.
Q How long did you stay in Texas before you came to the Cherokee Nation? A I dont know how long, I was working my way back from place to place, didnt have any means of getting back and had yo work my way.
Q When did you get back to the Cherokee Nation? A I dont remember exactly the date, but I got back here when Mr. Bushyhead was chief. I got back when Cherokee Council was in session and Iapplied to the Council to have my rights reinstated.
Q What did the Cherokee Council do for you? A They made speeches and talked about it and Guss Ivy and some others took it up and it passed all the council excepting the full bloods and they all decided that as I had been run out of the jurisdiction of the United States that I was entitled to citizenship and it passed all the Council excepting the full bloods and they did not wait for them and Council adjourned and they said that they would make me a citizen anyhow as I was not in the jurisdiction of the United States at the time of the treaty but had been taken out and did not get a chance to come back as the treaty said I had to.
Q Where was your wife all this time? A She was with me.
Q Where did you marry her? A In the Cherokee Nation.
Q And all during the war and during the time that you were in Texas and Mexico she was with you was she? A Yes sir.
Q Did she come back with you? A Yes sir.

Q Where was Robert born? A He was born in San Antonio.
Q How old was he when he came to the Cherokee Nation? A Dont know exactly, he was just a little bit of a kid though.
Q Was he with you all the time? A Yes sir.
Q Did he come back with you? A Yes sir.

Edgar Smith, attorney for applicant, continues examination:

Q State just how you happened to be taken to Mexico at the close of the war instead of coming back to the Cherokee Nation?

A Well it was just this way: when the war ended and we were going to come back here, General Cooper ordered Col. Bryant to turn over all his teams and he refused to do it and he then gathered up a bunch of us colored people and started south with them and we got in to Texas and there were camped on the plains and rounded up a bunch of about fifteen hundred head of cattle and went on to the Rio Grande river, and before we crossed over into Mexico he made us all get into line and wanted us to promise him that when we got into Mexico that we would pay him and some of us spoke up and said that we would not pay him as the slaves was set free did not owe their old masters anything: but he drewed it up in writing and made us all sign it and then we went into Mexico and there the Mexican government didnt have any law as old "Maxemillian" was in power then, and they had a law called the Peon law and the peoned me out to a Mexican. The Mexican governor ---------- gave $113.00for me and I worked for him on a ranch for several years until a Jew fellow who had come from New York come around there and said that his wife was used to colored people and wanted one for a cook and he said that he would give the Mexican enough money to pay me out and I could work for him and he was living in Chihauhau and I was taken there and cooked for him for a year. The Governor of Chihauhau who was named Don Terasse was the man who had me peoned and the Jew paid us out from him. They taken us to Chihauhau the place where this Jew was in business and there I cooked for him for twelve months and then General Grant sent two officers down there to relieve us. When we got there there was some trouble about us paying Col. Bryant and there was some people there who taken our part and put it into court and we staid in court a week but the Mexicans had no law there anymore as old "Maximillian" was there and in power and they said that if we had been there sooner that it would have been all right because it was jurisdictioned that no colored people owed their old masters anything, but under the law there then we was all peoned to pay that claim. Well I was there several years and when Gen. Grant sent them two offers down there in regard to relieving us and they took us away and they went from Chihauahu to San Antonio, and we went with the soldiers and would go so many miles and then we would camp and while we were camping I would chase so many mules for them and when they go to a certain place across the Rio Grande called ---------- they left us and I went on to San Antonio. When the troops left us I asked them how much I owed them for bringing me and my family that far and the officers said that we did not owe them nothing but that they owed us something for the work they had had us do and he handed my $20.00and then I went on to San Antonio with my family.

Q And the officers brought you into Texas and turned you lose and you went on to San Antonio? A Yes sir.

Q And you say you worked in San Antonio several years before coming on to the Cherokee Nation? A Yes sir.

Q You then state that the reason that you did not come back to the Cherokee Nation right after the war was because you were taken to Mexico and there peoned out as you call it, and could not come back until the officers were sent there to relieve you, and that then you had no money and had to work your way to the Cherokee Nation? A Yes sir, I was taken down there by Col Bryant and peoned out to Don Lewis Terasso the Governor of Chihauhau.

Q And that is the reason that you did not come back to the Territory? A Yes sir.

Q Were you a slave during the war, or before the war? A Yes sir, I was before the war, and during the war was a teamster and cook in the Confederate army.

Q So it was some years after the surrender that you got back to the Indian Territory? A Yes sir. I found my mother here on the River when I got back. I came back when Bushyhead was chief.

By W. W. Hastings, Cherokee Representative:

Q About what year was it that you came from Mexico to San Antonio? A I dont know.

Q You stated that you staid in San Antonio several years? A Yes sir

Q How many? A Five or six, years on a ranch in Mexico.

Q Then you were in Mexico after the war for five or six years? A Yes sir.

Q I believe that you testified that you came back to the Cherokee Nation when Mr. Bushyhead was chief? A Yes sir.

Q Then for five or six years after the war you were in Mexico and then you went to Texas and staid there several years before coming on back here? A Yes sir I worked in San Antonio several years before I came back here.

By Edgar Smith:

Q State more fully at what time you were taken to Mexico and by whom that was done. A When we got there in Mexico he (Q Who) A Col. Bryan) was camped about a mile from the city of Chihauhau and was selling off the colored people to pay what he said we owed him. He was little girls go for $30.00 each and when I saw it I walked away and went into the city and he had my arrested and there were some people there who taken out part and took it into court and we staid in court about a week, and at that time old "Maximillian" and his French was in power and the Mexican Government had no laws and they pooned us all out to pay that claim and the Governor of the State of Chihauhau said that he would pay $113.00 for me and he paid it to him. (Q Who paid it to who? A The Mexican governor to Col. Bryan) Col. Bryant said that me and my family owed him $500.00 and the Governor of Chihauhau paid him $113.00 and we worked on his ranch.

Q Did you owe him anything? A No a cent.

Q But you were sold to the Mexican Governor for $113.00 and worked for him on his reach? A Yes sir.

Q How long did you work on that ranch? A Five or six years.

Q You say Gen Grant took you out? A Yes sir sent two officers to take us out.

Q How much money did you have when you left Mexico? A Didnt have any.

Q Why didnt you come back to the Indian Territory right away after you left Mexico? A Well I got to San Antonio and had to work there to get on as I did not have any money and had a large family.

By Commissioner Needles:

Q How long did you stay in Texas? A Dont know how long, worked in San Antonio several years.

The Kerns-Clifton roll of the citizens of the Cherokee Nation examined and the applicants identified thereon as follows:
Page 181, No. 4453, Drurgall Daniels, Creek Nation.
Page 181, No. 4457, Robert Daniels, Creek Nation.

By Com'r Needles: The name of Burrel Daniels is not found on the authenticated roll of 1880 or the census roll of 1886, but his name is on the Kerns-Clifton pay roll of 1894; the name of his wife Maranda is not found on any of the rolls

in the possession of the commission. The name of his son, Robert is found on the Kilpatrick roll of 1894. They are all duly identified, and from the facts shown in the testimony his application for enrollment as a Cherokee Freedman and that of his wife and son, will be refused and they will be rejected.

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

Signed, Chas. von Weise.

Subscribed and sworn to before me this the 10th of April, 1901, at Fort Gibson, I.T.

Signed, T. B. Needles,
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 20th of August, 1901.

Commissioner.

To be filed with D-941-Lizzie Haynes.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T. May 17, 1902.

In the matter of the application of Burrell Daniels for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO R-40.

APPEARANCES:
Mellette, Smith & Cravens,
W. W. Hastings for Cherokee Nation.

COMMISSION: There is offered in evidence by the attorney for the applicant a certificate which purports to be a true and correct copy of so much of the Wallace roll made by J. W. Wallace as shows the enrollment of J.M. Andrew Daniels and family as Cherokee Freedmen and as beneficiaries of the per capita fund of seventy-five thousand dollars appropriated by the act of Congress approved October 19, 1888. Also certified copy of that part of the J. W. Wallace roll as showsthe enrollment of Burrell Daniels and family as Cherokee Freedmemand beneficiaries of the per capita fund of seventy five thousand dollars appropriated by the act of Congress approved October 19, 1888.

MR. CRAVENS: Applicant offers to file the affidavits of Andrew Daniels taken on the 22nd day of November, 1888, and the affidavit of Burrell Daniels, taken on the 4th day of October, 1889, and the supporting affidavits of L. D. Daniels, Lester Foreman, and Ben Grimmett, taken before John W. Wallace on the 4th day of October, 1889, being copies of affidavits on file in the office of the Secretary of the Interior as shown by the certificates attached.

MR. HASTINGS: The Cherokee Nation objects to the filing of these affidavits and because Burrell Daniels and Andrew Daniels are alive and have testified before the Commission in their cases heretofore, and because L. D. Daniels and Ben Grimmett are alive and have testified in their cases before the Commission in numerous cases, and they can be gotten so as to be brought before the Commission and there examined and cross-examined so as to ascertain their knowledge and means of knowledge.

COMMISSION: The objection of the Cherokee Nation will be sustained.

COMMISSION: These proceedings will be filedwith and made a part of the record in the case of Andrew Daniels et al, D-861, Lizzie Shafer, D-916, Mary Hill et al, D-917, Lizzie Haynes, D-941, Mack Daniels, D-1089, Thomas Daniels, D-1100, Burrell H. Daniels, D-1101, and Burrell Daniels, R-40, the same being the case at bar. It appears from the records of the Commission that all of these applicants are represented by Mellette, Smith & Cravens.

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

(Signed) Arthur G. Creninger.

Subscribed and sworn to before me this 6th day of June, 1902.

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

(SEAL)

I, the undersigned, being duly sworn, as Stenographer to the Commission to the Five Civilized Tribes do hereby swear that I made the above and foregoing copy and that the same is a true and complete copy of the original transcript.

Subscribed to and sworn to before me this 8th day of August, 1902.

COMMISSION TO THE FIVE CIVILIZED TRIBES
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman;

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F. D. 495, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Lizzie Hayden, H 941;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in such individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cher.Fr.D-942

File with Cherokee Freedman D- 942, James Hill

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of William Henry Robinson for the enrollment of himself and seven children as Cherokee Freedmen, and for the enrollment of his wife, as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicants;
Mr. Davenport, for the Cherokee Nation.

Q What is your name? A William Henry Robinson.
Q How old are you? A I am about 48, or 9 years old, I don't know my age exactly.
Q What is your postoffice? A Nowata.
Q What district do you live in? A Coowescoowee.
Q You apply for enrollment as a Cherokee Freedman? A Free colored person living here at the commencement of the Rebellion.
Q Who do you desire to enroll besides yourself? A Self and seven children.
Q Give me the names of your children? A Josie Ann.
Q How old is she? A 26.
Q She will have to enroll for herself, I want the children under 21? A James Aurelius.
Q How old is he? A 18.
Q Next? A Jennetta.
Q How old is Jennetta? A 16.
Q Next? A Charles S.
Q How old is he? A 14.
Q Next? A Amanda Elizabeth, 12.
Q Next? A John Savannah.
Q How old is he? A 10.
Q Next one? A Ollie.
Q How old is Ollie? A 8 years old.
Q Next one? A Next is three years old, his name is William Dewey.
Q That all? A Yes sir, that's all under age.
Q Are you married? A Yes sir.
Q Is your wife a citizen? A Claimant.
Q What is your wife's name? A Millie Robinson, nee Hill.
Q You don't apply for her, you say, has she been listed for enrollment? A No sir, she has not been listed yet, I can enroll her of course, she is married, been married twenty-eight years.
Mr. Smith: Better apply for her.
Com'r: Applies for himself and wife Millie.
Q Are these children all living? A Yes sir.
Q They were all born in the Cherokee Nation? A Yes sir.
Q Is your name on any of the rolls of the Cherokee Nation? A Two, I am satisfied.
Q What rolls? A Wallace and Clifton.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon;
1896 census roll of citizens of the Cherokee Nation examined and applicants not found thereon.
Kern-Clifton pay-roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:
Page 121 #3013 William Robinson, Coowescoowee District.
Kern-Clifton roll examined for applicant's wife and not found.
Page 121 #3016 Jim Robinson, Coowescoowee District;
Page 121 #3017 Jeannette Robinson, Coowescoowee District;
Page 121 #3018 Charles Robinson, Coowescoowee District;

Page 121 #3019 Amanda Robinson, Cooweescoowee District;
page 121 #3020 John Robinson, Cooweescoowee District.
page 121 #3021 Olive Robinson, Cooweescoowee District.

Q Is her name Ollie or Alive? A Ollie.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:

page 154 #2208 Wm. H. Roberson, Cooweescoowee District.

Wallace roll examined for applicant's wife Millie, and not identified thereon.

Q Did you draw Strip money for your wife? A No sir.

Examined by Attorney Smith:

Q Where were you living when the war commenced, the Civil War?

A Best of my recollection, I was living in Delaware District, on the place they call Beatty's Prairie, in the Cherokee Nation.

Q Who was your father? A Munford Robinson.

Q Who was your mother? A Annie Robinson.

Q You were a free colored person? A Yes sir.

Q You were here at the time the war commenced? A Yes sir.

Q Did you go out? A Yes sir.

Q Where did you go? A To Ft.Scott, Kansas.

Q When did you return first to the Cherokee Nation? A In May, '66.

Q Where have you been living since that time? A In the Indian Territory.

Q What Nation? A Cherokee Nation.

Q Have you any children now older than James A.? A Yes sir.

Q Name them? A Josie Ann and Eva Ellen.

Q Is Josie Ann married? A Yes sir, her name is Josie Ann Slaughter

Q Where does she live? A At Dewey, Cooweescoowee District, Cherokee Nation.

Q What is your other daughter's full name? A Eva Ellen Anderson.

Q Tell her husband's first name? A Arthur.

Q What is Slaughter's first name? A Charlie.

Q Have they any children, either one of them? A Slaughter has a step-child.

Q But your daughter I speak of? A Yes, one.

Q What is that child's name? A Smith. Married a second time; her first husband was Smith, second husband was Slaughter, that's the one she lives with now.

Q What is the christian name of the child? A Sadie.

Examined by Cherokee Representative, Davenport:

Q Now Robinson, you were living at what point in the Cherokee Nation when the war broke out? A I was living on the place they call Beatty's Prairie, near the neutral land in the strip, I think it is in Delaware District.

Q Who were living near where you were living at that time? A Old man named McGee is the only one.

Q Was that Jeff? A I don't know.

Q Was Joe Ward living there? A I don't know anything about that.

Q Where was Jim Yeargin's family? A I don't know.

Q How old were you when the war broke out? A Between seven and eight years old.

Q How old is your oldest child now? A 26.

Q You went out of the Nation during the war and to what point did you go? A Fort Scott.

Q How long did you stay at Ft.Scott? A During the war.

Q That's where you got acquainted with William Y. Foreman?

A First of my recollection; of course I had seen him before, but I didn't get acquainted with him.

Q You came back to the Cherokee Nation when? A In '66, May.

Q You came back before or after the Treaty was made? A After.

Q Did you come back in May? A May.

Q When you came back to what point in the Cherokee Nation did you come? A Big Cabin Creek, not very far from Lee Schrimsher's old place.

Q Who was living on the Lee Schrimsher place at that time, if any

ong? A Mr. Foreman, I believe,

Q Where was Newt Schrimsher when you came back? A My recollection is he lived over east somewhere, I don't know where.

Q Where was Reuben Sanders, and Solon James? A I don't know a thing about Solon James, but I remember Reuben Sanders and them, they lived on Big Creek. I don't know whether they came there after, or I think it was just about the time I moved in here.

Q William Foreman, did he live in Cooweescoowee or Delaware District at that time? A He lived in Cooweescoowee.

Q He is the same William Foreman that you and your brothers and sisters gave the one hundred and twenty-five dollars to to swear for you in the Keen-Clifton enrollment isn't he? A Same man.

By Mr. Smith:

Q What did you give him $125 dollars to swear for you for? A That's his price, he charged that, and more than that he was to follow the court in case of rebuttal he was to see that we wasn't injured, and he had to travel backwards and forward on the railroad and pay his expense, consequently we just volunteered to give him that amount.

Q Who is William Foreman? A A Cherokee man.

Q Was he acquainted with the facts in your case? A Yes sir.

Q Did you hire him to swear to anything that wasn't the facts? A No sir.

By Mr. Davenport:

Q You just simply hired him to represent, be your brains? A No sir.

Q Was that Mr. Blythe living there near you before the war? A No sir.

By Com'r Needles:

Q This man Foreman, he was also acting kind of attorney was he?

A Might determine it that way, children you know, our parents deceased.

Q Was anybody else included in that 125 dollar fee besides your family? A No sir.

By Mr. Smith:

Q Was Foreman an older man than you? A Yes sir indeed.

Q You say he was acquainted with the facts in your case?

A Yes sir.

Q Did he demand that much from you? A He thought it ought to be worth about that much.

Q He knew the facts in your case, were there any witnesses who did know the facts? A There was two others we had that was acquainted with them.

Q That matter of paying Foreman wasn't before this Commission?

A No sir.

Q That was at another time, when the Clifton roll was made?

A Yes sir.

LEWIS WHITMIRE, being sworn by Com'r Needles, testified:

By Mr. Smith:

Q State your name? A Lewis Whitmire.

Q Where do you live? A On Lightning Creek.

Q What is your postoffice? A Hayder.

Q What is your age? A 62 years old.

Q You know this applicant, William H. Robinson? A Yes sir.

Q How long have you known him? A I don't know exactly, I guess it has been about 56 or 8 years.

Q Did you know him before the war? A No sir, I knew him in time of the war.

Q Where was he in time of the war? A He was at Ft. Scott.

Q When did you first see him in the Cherokee Nation after the war? A First place I saw him was out here about a mile and a half south-west of Timbered Hill

Q How far from Chelsea is Timbered Hill? A I don't know how far

it is from here, the place I saw him is about eight miles northwest of Vinita.

Q When did you see him first? A It was the winter of '66, I don't know exactly what time; it was winter, I don't know whether it was December of January.

Q You remember how long it was from Christmas? A No sir, I don't remember how long it was until Christmas.

By Mr. Davenport:

Q You remember whether it was before or after Christmas? A I don't remember whether it was before or after Christmas.

Q You came back to the Territory in the summer of '66? A Yes sir I came back here in the summer of '66.

Q And it was sometime in the following winter you saw him? A Yes sir.

Q You don't know what time? A No sir.

Q Not what month of the year? A No sir, I don't.

By Mr. Smith:

Q Under what circumstances did you see him? A He was living with his father and mother in a old Government tent; camped right down in the bottom on the bank of Big Cabin Creek; I was horse hunting at that time.

HARRY STILL, being sworn by Com'r Meadies, testified as follows:

By Mr. Smith:

Q State your name? A Harry Still.

Q Where do you live? A Hayden.

Q You know this applicant, William H. Robinson? A Yes sir.

Q How long have you known him? A Since '68.

Q Where was he in '68? A First time I saw him was on the neutral land when we started to Kansas.

Q Who was he with when you saw him first? A His mother and father, and his brothers and sisters.

Q What was his father's name? A Old man Robinson I always called him.

Q You remember his mother's given name? A No sir, I don't remember her given name.

Q When did you first see him in the Cherokee Nation after the war? A In the winter of '66, over here on Cabin Creek, first time, not far from the Newt Schrimsher place.

Q About what time was that? A It was along in the winter of '66 when I saw him there.

Q How many trips did you make back to the Cherokee Nation? A Three

Q When did you come back here the third time? A In the fall of '66

Q About what month? A Sometime in October I think.

Q About how long after that was it before you saw this man William H. Robinson. A Maybe I am mistaken, I went back after Aunt Nancy when she died up there at Timbered Hill and I found William and his folks up there then; it was getting kinder late in the year; near the old Schrimsher place.

Q And when was it you think? A Sometime in the winter or fall of '66, I mean the last part of '66.

Q Was it before or after Christmas? A Before.

Q Before Christmas of '66? A Yes sir.

Q Do you know where he has been living since that? A Yes sir.

Q Where? A Next time I saw him he was clearing a place after that about three miles from there, and then along in the summer of '66 me and him and his brothers worked together up here on Snow Creek, I have been knowing him ever since; we worked there awhile, and he went back over here where he started a place over here on Cabin Creek, and I have been knowing him around in the Nation. I don't know how many places he did live, I have been him up here where he is living now.

Q How long has he been living where he is living now? A I don't

Q How long has he been living where he is living now? A I don't know exactly, I have knowed him out on Caney awhile, living out there, and right around in the Nation here all the while, we worked together in '67.

By Com'r Needles:

Q When you talked about the neutral land, that was a claim considered part of the Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q This is the first time you have ever testified for Robinson?
A Yes sir.
Q You was around with the Kern-Clifton Commission in 1896?
A Yes sir.
Q Mr. Robinson was there? A Yes sir.
Q You knew he applied? A Yes sir.
Q They didn't use you then, they used W. Y. Foreman? A Yes sir, he had other witnesses.
Q You knew the same facts then you know now? A Yes sir.
Q And never did tell them? A Nobody never did ask me to tell them.
Q How did it happen you was on Big Creek in the latter part of '66, and saw this fellow? A Went back to get my aunt.
Q Was there a road from Big Creek down towards Neosho River at that time? A No sir.
Q How did you happen to straggle on him? A It was right on my road, right across the prairie.
Q You never lived in that neighborhood towards Big Creek where Sam Webber lived? A No sir, I lived on middle prong of Lightning Creek.
Q How far from Hayden's postoffice? A Three or four miles.
Q And you were going up to Newt Schrimsher's place to get your aunt?
A Yes sir.
Q Was Robinson grown then? A He looked big as he is now, he was a good big fellow; when we went to Kansas together he was nearly grown.
Q Just at the breaking out of the war? A Yes sir, he was a young man, the other boys wasn't as large as he was.
Q You didn't know anything of them when the war broke out? A When we started to Kansas we got with the command taking refugee negroes out here, first time I saw William was up in the Neutral Land, and we went together from there to Ft. Scott.
Q There was a whole lot of other colored people along? A Yes sir.
Q You remember him because he was nearly grown? A I remember him and his family because they was people I never forget.
Q What makes you think it was before Christmas in '66 that you saw them up there on Big Creek? A Because I am satisfied it was.
Q You have nothing on which to base your satisfaction? A I know I went after aunt Nancy and she was dead, and the result was I found them.
Q You know that was in the winter of '66? A Yes sir.
Q You know what time the applicant came back to the Cherokee Nation?
A No sir, I know I went with him, and that's what time I saw him over there.

Applicant, WILLIAM HENRY FOREMAN, re-called and further examined, by Com'r Needles:

Q Where were you born? A In the Cherokee Nation.
Q Your father and mother free? A Yes sir.

By Mr. Davenport:

Q Your parents, were they alive then? A Not that I know of.
Q You didn't reside in Arkansas in '61? A No sir, ~~xxxxxxx~~ did I didn't know it.

FILMORE HICKS, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Filmore Hicks.
Q Where do you live? A In Vinita now.
Q How old are you? A 55.
Q You know William H. Robinson, this applicant? A Yes sir.
Q How long have you known him? A Ever since the winter of '67.
Q You didn't know him before the war? A No sir.
Q Did you know his father before the war? A No sir.
Q Nor his mother? A No sir.
Q You don't know where they lived before the war? A No, I don't know.

By Com'r Needles:

Q Are you a Cherokee citizen by blood? A Yes sir.
Q You don't know whether this applicant was a slave before the war or not? A No sir.
Q First time you saw him was in January, '67? A Yes sir.
Q Where? A On Cabin Creek.
Q Cherokee Nation? A Yes sir.

By Mr. Davenport:

Q What was he doing then Cap, when you saw him? A They were camped on the Creek there when I saw them.
Q You don't know where they had been during the war? A No sir.
Q Had they just come from Kansas or some other place, or just seemed to be camping there? A They seemed to have been there somewhere-
Q About a year? A No, not that long.
Q What makes you think it was January, '67? A I can tell you; Bill Foreman, I had been hired to Bill Foreman, he moved to Big Creek and from Big Creek back to Cabin Creek; I had been working for him about three months I guess, right along, and I went home about the first of December, he owned me twenty-five dollars, he told me to come back after Christmas about the first of January, he didn't have any money, and I stayed there about four or five days waiting for him.
Q Where was Bill Foreman living then? A On the John Foreman place.
Q How far from the Lee Schrimsher place? A About two or three miles; while I was waiting there for Foreman and hunting around I run across this family; hunted on the creeks there and around through the country, nothing to do but hunt around.
Q How far were they from the Lee Schrimsher or Foreman place when you run across them? A About a mile and a half.
Q Did you work for Bill Foreman around the Foreman place in '66?
A Yes sir.
Q Did you see them there during that year of '66? A No sir.
Q Were you following cattle around over the creeks? A Well, I was driving cattle for Foreman, and driving teams.
Q You had been on the creeks around where you saw them in '67?
A Not much. Foreman never left Big Creek until about December and he come to Cabin Creek, and about the first of December I went home, and about the first of January I come to get my money.
Q Were you with Foreman from May to December, '66? A He never lived there up until then.
Q Were you around the Schrimsher place from May up to '66? A I passed there twice.
Q How far did you work from the Schrimsher place during '66?
A About three or four miles down the creek.
Q Did you see this applicant or his family about the Schrimsher place at any time during the year of '66? A No.
Q How often did you say you passed the Schrimsher place? A I passed there twice. We came there as we moved over and when we come back we come back that way.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined, by Com'r Needles:

Q You present a marriage certificate certifying that you married your wife, Willie, did you ever have a license? A No sir, that is the first license I got.

Q Never had any license? A No sir, that's the first time we was married, we married only according to customs.

Q Was you ever married but once? A Yes sir, I married twice, was to the same woman.

Q What did you marry twice for? A The one in as a claimant, they refused to recognize him each some [illegible], and consequently we was assumed to marry according to [illegible].

Q When you marry according to Cherokee Law don't you have to procure a license? A That is all the license they claimed it was necessary for us to have.

By Mr. Smith:

Q Where did you marry your wife first? A In the Cherokee Nation.

Q How many years ago has that been? A 28 years ago.

Q Have you been living together as man and wife ever since that? A Yes sir.

Q Who were you married by? A Brother named Nathan Durrin, a preacher.

Q Is he living or dead? A Dead.

Q Is there anyone here who saw you married? A I guess no, Thomas Mayfield was present.

THOMAS MAYFIELD, being sworn by Com'r Needles, testified as follows:

By Mr. Smith:

Q State your name? A Thomas Mayfield.

Q Where do you live? A On Grand River.

Q In what nation? A Cherokee Nation.

Q Do you know this applicant, William H. Robinson? A Yes sir, I know him.

Q You know his wife? A Yes sir.

Q Were you present when they were married? A Yes sir.

Q Who married them? A Nathan Duffin.

Q About how long ago has that been as well as you can remember? A Right near fifteen or twenty years ago.

Q Might have been near that? A Might have been.

Q You don't know how long it has been? A No sir, I don't know exactly.

Q Was Duffin a preacher? A Yes sir.

Q Where were they married? A Married in my church house there on Grand river, Island Ford.

Davenport, Cherokee Rep've, waives examination.

Applicant, WILLIAM HENRY ROBINSON, re-called and further examined, by Com'r Needles:

Q When were you married the first time? A Married last day of August, '72, I believe.

Q You know the reason your name is not on the roll of 1880? A No sir.

Q Did you ever apply to have it put down? A I applied and I supposed they put it on, but it failed to show up.

Q You applied did you? A Yes sir.

Mr. Smith offers a marriage license, and hands it to Mr. Davenport, for examination.

Mr. Davenport: The Representative of the Cherokee Nation object to the introduction of the certificate of marriage offered, for the reason that at the time it was ex-

ated there was no law in force in the Cherokee Nation authorizing the issuing of marriage certificates according to Cherokee law by which anyone [illegible] a recognized citizen could secure property rights in the Cherokee Nation, the law having been repealed on December 16th, 1896, and for the further reason that there was no law [illegible] a clerk to issue a certificate of marriage [illegible] to the laws of the Cherokee Nation to any person [illegible] recognized citizens of the Cherokee Nation, and if the clerk violated his duty it would give no force to the [illegible] in establishing his right to having been a free colored person at the breaking out of the war and residing in the Cherokee Nation, having returned in accordance with the treaty.

Applicant examined by Com'r Needles:

Q Was a duly for your wife as an intermarried citizen? A Was sworn by Mr. Smith:

Q Did your wife apply for enrollment? A Her mother has a claim on file here, so I understand.

Com'r Needles: William H. Robinson applies for the enrollment of himself and wife and seven children; to-wit: James A., Jennetta, Charles E., Alice, Amanda E., John H., and William D. Robinson; he avers that he is a free colored person, never a slave, and was a resident of the Cherokee Nation before the adoption of the treaty of 1866; he went out of the Cherokee Nation during the war between the North and the South and returned in the year 1866; he avers that he was married to one Millie Hall, a non-citizen; he however avers that his wife is an applicant or has a claim for citizenship; he presents no proof whatever as to the citizenship of his wife, and her name cannot be found upon any of the rolls of the Cherokee Nation now in the possession of this Commission; he makes verbal proof of his marriage to his wife, Millie, more particularly shown in the testimony; he also files certificate signed by Joe M. Lahey, Clerk of Cooweescoowee District, certifying that he was married in accordance with the laws of the Cherokee Nation on the 10th day of March, 1897, to one Millie Robinson, nee Hall, a citizen of the United States, said certificate being recorded on page 128, book H, of marriage record of Cooweescoowee District; upon examination of the rolls of the Cherokee Nation his name cannot be found upon the authenticated roll of 1880, but he is duly identified upon the Kern-Clifton and the Wallace rolls, and his children are duly identified upon said roll, with the exception of the youngest child, William H., three years of age, which makes it necessary for him to file satisfactory proof of marriage of said child; consequently, said William H. Robinson and his children as enumerated herein, will be duly listed for enrollment as Cherokee Freedmen upon a doubtful card, and his wife, Millie, will be duly listed for enrollment as Cherokee Freedman by intermarriage or by her inherent rights, as the testimony may develop; he will be duly notified by mail of the action of the Commission on his application when arrived at.

APPLICANT re-called, supplemental examination

Mr. Smith:

Q Did you ever have any law case, law case tried in the Cherokee Nation? A No sir.

By Com'r Needles:

Q Ever vote in the Cherokee Nation? A Yes sir.

Mr. Davenport:

Q Who did you vote for? A I don't know how many.

Q Joe Lahey? A No, I statute don't know as I voted for Joe Lahey to get him to sign anything for me.

Q Who did you vote for? A I voted for the treaty, and I voted for Mr. Buffington and I voted for you when you was running.

Q Are you sure of that now? A I know it.

By Com'r Needles:

Q Was Davenport's majority over one? A I don't know that.

Q If it wasn't over one we could throw him out, because yours was illegal, eh? A (No reply)

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

Signed, M. D. Green.

Subscribed and sworn to before me this June 28, 1901.

Signed, T. B. Needles,
Commissioner.

Supplemental Testimony.
F.D. #374.

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

Supplemental testimony in the matter of the enrollment of William H. Robinson as a Cherokee Freedman; introduced on the part of the applicant:

WILLIAM FOREMAN, being duly sworn by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Mellette & Smith, for Applicant.
Messrs. Hastings and Davenport, for Cherokee Nation.

By Mr. Smith:

Q State your name? A William Foreman.

Q Where do you live, Mr. Foreman? A Near Wagoner.

Q How long have you lived in the Cherokee Nation? A 64 years a little over.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Citizen by blood? A Yes, sir.

Q Do you know this applicant, William H. Robinson? A Yes, sir.

Q How long have you known him? A First knew him in '62.

Q Where? A Lees Country on Cabin Creek.

Q In the Cherokee Nation? A Yes, sir.

Q Who was he with at that time? A With his father and mother, they were living there working there.

Q What was his father's name? A Lumford I think.

Q What were they, Mr. Foreman, slaves or free colored persons?

A My understanding is that they were free.

Q Where did you first see that family back in the Cherokee Nation after the war? A First saw this boy and his mother near Lees Country in May, '66, but his father and mother I never saw since the war

Q Well, how old was William when you saw him in '66, after the war here? A He was a young man probably 18, 17 or 18, somewhere along there, a young man.

Q Did you know the wife of Lumford, did you know his mother?

A Yes, sir, I saw her at Fort Scott in '64.

Q What was her name? A I could not tell you.

Q Where did you say you saw her in '66? A I left them at Fort Scott in '65.

Q Now, were you acquainted with his mother before the war?

A No, sir, only at Lees Country in '62.

Q Where was she? A Working there.

Q And they were free colored persons you say? A Yes, sir, they claimed to be from Arkansas.

Q Well, you were acquainted with this country? A Yes, sir.

Q You know whether they belonged to anybody? A They didn't belong to anybody in this country that I knew of.

By Mr. Hastings:

Q When did you say you knew the applicant first? A I first saw him in '62 at Lee Schrimsher's.

Q Is that the first time you ever saw the applicant? A Yes sir.

Q You testified for him before the Kern-Clifton Commission? A Yes sir.

Q You testified that you saw him on Shoals Creek with Blye in '61?

A No, sir; some of that isn't correct.

Q How do you know this testimony isn't true? A I have seen it and know it is not true.

Q Where did you see a copy? A Some fellow had it there.

Q Fellow L. A. Bell? A I think so.

Q Where were you living in '61? A I was living on Poteau river about six or seven miles below Chetopa.

Q What time of the year was it you saw this fellow? A Along in the fall.

Q How long did you see him there? A I saw him there two different times, I was passing there and stayed all night at Lees country one time.

Q Do you know where this family came from? A No, sir, only what they claimed.

Q What did they claim? A Claimed to come from Arkansas.

Q You swore that they refugees from Arkansas in '64 then didn't you? A I don't know.

Q Did Lee Schrimsher live on the line? A No, sir, lived on Big Cabin Creek.

Q Well, didn't you swear before that you saw this Robinson in '61 or 2 on the neutral land? A I don't think I did.

Q Well, do you deny that now? A Yes, sir, I do.

Q You admit though that you testified for them before the Kern-Clifton Commission? A Yes, sir.

Q Now how many did you see in '66 of this family?

A I could not tell, the old man and his wife and a lot of children, this boy and another he claimed to be his family.

Q I thought you said just now you never saw his father?

A I saw him at Lee Schrimsher's in '62.

Q I mean in '66? A I never saw him in '66.

Q Now, who did you see in '66? A I saw this boy and his brother.

Q Was he older or younger? A Older.

Q And you only saw this boy about in '66? A He came there to Lee Schrimsher's in May, '66.

Q How long did he stay in there? A I don't know, he come in.

Q Was Lee Schrimsher there? A No, sir.

Q Who was along with you? A A fellow named Wolf, dutchman.

Q Did he settle there with them? A He did that fall.

Q Where were you going? A I was going up to the Dave Martin place.

Q Who was living there at that time? A Nobody.

Q Did you have a place there at that time? A First bought a place from Tom Hudson and I afterwards sold it to Bill Martin.

Q Was there a place made in '66? A Made before '66.

Q Was any crop in then, '66? A No, sir.

Q Did you put any in? A No, sir, I moved out there and intended to stay and they stold my cattle.

Q Did you have any family with you? A No, sir, just some work hands.

Q Well, how long after that was it before you saw this Robinson family? A The next time I saw this one was when Wallace had the Wallace Court.

Q You don't know what became of them between that and the Wallace Court? A No, sir.

Q Did you see any other members of the family in the meantime? A No, sir.

Q These two men were there alone? A Yes, sir, just the two, they claimed they was camped on Russell Creek; I don't know whether they was or not, I didn't see them.

Q How far was Lee Schrimsher's from Russell Creek? A About 25 miles.

Q Lee Schrimsher lived on Cabin Creek? A Yes, sir.

Q About how far from Vinita? A About ten miles.

Q There was nobody there in this house at that time? A No sir.

Q What were they doing down there? A They come there to see if Lee Schrimsher had come back for they wanted to get work.

Q There were five of these brothers applied before the Kern-Clifton Court? A I don't remember.

Q You charged them $125 didn't you? A I think I did.

Q To testify in that case? A Yes, sir.

Q Are you charging them anything this time? A No, sir; they paid my fare up here from Wagoner.

Q You were at Chelsea when this man applied? A No, sir; I was there three days at Chelsea and I understand he made application after I left there.

Q He was there while you were there? A Yes, sir.

Q And you saw him there? A Yes, sir.

By Mr. Smith:

Q Why did you charge him $125 before the Kern-Clifton Commission?

A I thought it was right that I should have pay for my trouble running around tending to these courts, it cost me something to be here.

Q Where did you have to go to when you testified before the Kern-Court? A I went from Wagoner to Lightning Creek, where the Court was held.

Q Was it at Lightning Creek he made his application? A Yes, sir.

By Mr. Hastings:

Q How far is it from where you lived to Lightning Creek?

A I come around by this place, I suppose it is about 25 or 30 miles.

Applicant offers in evidence some permits issued by the authorities of the Cherokee Nation.

Counsel for Cherokee Nation objects to the introduction of said permits for the reason it is irrelevent, incompetent and immaterial.

Permits are permitted to be filed.

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 15th day of July, 1901.

Signed, T. B. Needles, Commissioner

[redacted]

[redacted] this 3rd day of August 1951.

[redacted]

[redacted]

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File with James Hill, C.F. D-942.

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

In the matter of the application of William H.Hill for the enrollment of himself and his brother John Hill as Cherokee freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

Mellette & Smith for the applicant-
W. W. Hastings for the Cherokee Nation-

By Com'r Needles-

Q What is your name? A William H. Hill.
Q How old are you? A I dont know exactly, about ~~xx~~ 33 or 4.
Q What is your postoffice address? A Talala.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes sir.
Q Who else do you want to have enrolled? A My brother.
Q How old is he? A 20.
Q What is his name? A John Hill.
Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A I guess so.
Q Is your name on the roll of 1880? A No sir.
QQ Is it on any of the rolls? A I dont know.
Q What is your mothers name? A Mary Ann Robinson.
Q What is your fathers name? A Milton Hill.
Q Are you married? A Yes sir.
Q What is your wife's name? A Lottie Holmes when I married her.
Q Do you apply for her? A Yes sir.
Q Is she a citizen? A No sir.
Q When were you married to her? A 3 years ago.
I wont let you apply for her, you married her too late and I would just have to reject her and it will only confuse the record and there is no use of it.

By Smith-

Q Where do you live? A On Caney river.
Q How long have you lived there? A 16 or 17 years.
Q Who did you say your mother was? A Mary Ann Robinson.
Q Do you know William H. Robinson? A Yes sir.
Q In what way is your mother related to him? A His sister.
Q Have your mother any other brothers? A Yes sir.
Q What are their names? A Tobe, Wesley.
Q Robinson? A Yes sir.
Q Has she any sisters? A Yes sir, Viney Martin and Marguerite Hill.
Q How long have you lived in the Cherokee Nation? A Off and on all my life.
Q Where were you born? A I dont know exactly.
Q What is your information as to where you were born? A In Kansas
Q Do you know when your mother married your father? A No sir.
Q Is your father alive? A Yes sir.
Q Is your mother alive? A No sir she is dead.
Q Do you know where she died? A In Kansas, I think.
Q How old are you? A I dont know exactly, 33 or 4 somewhere along in there.
Q How long have you lived at the place where you live now? A 15 or 16 years, somewhere along there.
Q Are you on any of the rolls? A I dont know.
The 1880, 1896, Kern Clifton and Wallace rolls examined and the applicant not found on either of them.
Q You say you have been living off and on for 15 or 16 years where you do now? A Yes sir.
Q How old were you when you went to live where you do now? A I dont know exactly how old I was.
Q Well about how old? A 18 or 19 years.
Q Where had you been living before that? A Just off and on in the

Cherokee Nation.

Q You had lived part of the time before that in the Cherokee Nation?
A Yes sir.
Q And you had been out part of the time? A Yes sir.
Q Where had you lived in the Cherokee Nation before you lived where you live now? A On Big Creek.
Q Who with? A Sam Webber.
Q How long did you live with him? A Off and on about a year.
Q That was just before you went to where you live now? A Yes sir
Q Have you ever lived anywhere else in the Cherokee Nation except these two places? A Yes sir, about 2 or 3 miles from there, I worked for Uncle Manuel Ward at his place.
Q Was that before you went to Sam Webbers? A No sir after.
Q Where did you live before you went to Sam Webbers? A I dont know exactly.
Q What kind of work did you do that time? A Farmed
Q Did you have a place of your own or just hired out? A My mother had one and I just worked out.
Q What kind of work did you do? A Farmed and cutting wood.
Q How long have you been married? A 3 or 4 years.

By Hastings-

Q Are you called Harrison? A Yes sir.
Q Where were you married? A On Caney.
Q Have you a brother Jim? A Yes sir.
Q And one named Hayes? A Yes sir.
Q And one named John? A Yes sir.
Q There is five of your children? A Four of them.
Q These children are all younger than you? A Yes sir.
Q Where were you born in Kansas? A I dont know sir.
Q Where were your younger brothers born? A I dont know sir.
Q Weren't you there when they were born, you are the oldest? A Yes sir I am the oldest, I may have been away.
Q Wasn't you living with your mother when they were born? A Part of the time.
Q Jim is three years younger than you? A Younger than that.
Q Dont you know where Jim was born? A I guess he was born in Kansas
Q Dont you know where Hayes was born, he is 8 years younger than you? A I guess he was born there too, I reckon.
Q Where was John born, he is 11 years younger than you? Was he born there too? A No sir here.
Q Your mother is dead? A Yes sir.
Q She died in Kansas? A Yes sir.
Q How long ago? A 18 or 19 years ago, I guess.
Q Were you living with her when she died? A Yes sir.
Q And up to the time she died? A Yes sir.

By the Commission-

Q Where did she die? A In Kansas.
Q Where did you marry? A On Caney.
Q In the Cherokee Nation? A Yes sir.
Q How long have you lived in the Cherokee Nation? A 16 or 17 years; maybe longer than that.
Q Who with? A With my uncle.
Q Where has John been living? A With my father in the Cherokee Nation.
Q Did you ever live with your father? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q When did he come to the Cherokee Nation? A He come off and on all the time.
Q Where was he when your mother died? A In Kansas.
Q She never came here at all? A Yes sir she came before I was born.
Q But you were born in Kansas? A Yes sir.

By Com'r Meadlos,- William H. Hill applies for the en-

rollment of himself and his brother John Hill; they are not identified on any of the rolls of the Cherokee Nation now in the possession of the Commission; he avers that he is the child of Mary Ann Robinson and that he is the nephew of William H. Robinson, the said William H. Robinson being a brother of his mother. The Commission is of the opinion that the weight of the testimony in this case will now justify the enrollment of the said William H. and John Hill, but attention is called by the attorney for the applicants to the testimony of the said William H. Robinson on Cherokee Freedman Doubtful card #874, and reference is therefore made to said case and a copy of the testimony therein will be filed herewith, and the said William H. Hill and John Hill will for the present be listed as Cherokee Freedmen on a doubtful card, and when the final decision of the Commission is arrived at they will be notified thereof by mail.

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

Signed, Chas. von Weise.

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

Signed, T. B. Needles,
Commissioner.

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Arthur G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that the same is a true and correct copy from the original.

Sworn to and subscribed before me this the 26th of August, 1902.

Commissioner.

DEPARTMENT OF [illegible]
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application of James Hill for enrollment as a Cherokee Freedman.

Appearances:
Mallette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

James Hill, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A James Hill.
Q How old are you? A About 27 I guess, 28, something like that.
Q What is your postoffice address? A Talala.
Q What district do you live in? A Goweseecowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you desire to enroll besides yourself? A No one but myself.
Q Your name appear upon any of the rolls of the Cherokee Nation?
A I don't know, I don't think it is.
Q What was your father's name? A Milton Hill.
Q Is he living? A Yes, sir.
Q What was your mother's name? A Mary Ann Roberson.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Mr. Smith: Mr. Hill, where do you live now? A Live on Caney.
Q In the Cherokee Nation? A Yes, sir.
Q What is your postoffice? A Talala.
Q How long have you lived there? A About 17 or 18 years I guess.
Q Are you a brother of Hayes Hill, who just applied here a few minutes ago? A Yes, sir.
Q Are you a brother of William Harrison Hill, who applied this morning? A Yes, sir.
Q You say your mother was named Mary Ann Roberson [illegible] before she married your father?
A Yes, sir.
Q Do you know William H. Roberson? A Yes, sir.
Q Is he the same William H. Roberson who applied here for enrollment for himself, here at Chelsea? A I guess so.
Q Has he any brothers? A Yes, sir.
Q What are their names? A Tobe and Wesley Roberson.
Q What are Wesley's initials, do you know? A No, I don't know.
Q Called Wesley, isn't he? A Yes, sir.
Q What relation are they to you? A They are my uncles.
Q You were born in Kansas? A Yes, sir.
Q When did you move to the Cherokee Nation? A Oh about, I guess about 17 or 18 years ago.
Q Been living here ever since that time? A Yes, sir.
Q Never married? A No, sir.

The rolls of Cherokee Freedmen in the possession of the Commission examined, and the applicant not identified on any roll.

Commissioner: James Hill applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, or upon any of the rolls of the Cherokee Nation now in the possession of the Commission. He avers that he is the child of Milton Hill and Mary A. Roberson. Reference is made to the testimony taken in the matter of the enrollment of William H. Roberson and Harrison Hill, who are listed for enrollment on B cards 874 and 387 respectively, and said testimony will be made part of the record in the case at bar, and a copy of the testimony in each case

will be filed herewith. He will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and will be notified by mail of the decision of the Commission in the premises.

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

Bruce G. Jones

Sworn to and subscribed before me this the 11th of July, 1921.

Commissioner.

To be filed in C.F.D-942.

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C.F.D-874

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 24 1903.

Supplemental testimony on behalf of Cherokee Nation, in the matter of the application of William H. Robinson for the enrollment of himself, wife and children as Cherokee Freedmen.

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

Elizabeth Davis, being first duly sworn, and being examined testified as follows:
By Mr. Hastings:
Q What is your name? A Elizabeth Davis.
Q What is your age, Mrs. Davis? A 57.
Q What is your post-office address? A Fort Scott, Kansas.
Q How long has Fort Scott been your post office? A Since '63.
Q You formerly lived in this country? A Yes sir.
Q Do you know a colored man by the name of Mumford Robinson? A Yes sir.
Q When did you learn to know him? A In 1863. He was at Fort Scott, when I left.
Q Did you continue to live there during the war? A Yes sir.
Q And after the war? A Yes sir, I lived up there right along.
Q Do you know his wife? A Yes sir.
Q What is her name? A Anna.
Q Do you know any of his children? A Yes, I know his children.
Q You know any of their names? A Had one named Lizzie, and a boy named William and one Jim and Tobe and Wesley, and I dont know, he had a whole house full.
Q How long did you continue to know this family at Fort Scott, Kansas? A I knew him from '63 down to the winter of '69.
Q Did you know them continuously? A Yes sir, they lived right there; I was about two blocks away from them.
Q Did you have occasion to see them frequently? A Yes sir, I saw them pass, they would have to pass my house to go to town.
Q You know where they went to from there or where they were gone? A I don't know where they went to.
Q You know whether they had a house there or not? A Yes sir, they owned their home there; they bought their house; I don't know whether they bought a lot and built the house or whether they bought the house, I couldn't say, it was just a frame building, that was there when I left; I know they owned that and sold it.
Q You positive that they lived there until the fall or winter of '69? A Yes sir, I am positive; how that is, Mrs. Runyan - her father, Mr. Anthony died in July, 1869, and they was there then, and in the fall the boys helped dig the potatoes and gather the crop: him and his son Walter Runyan both died the same month, and left the widow woman and the girls and she got these boys to gather the crop.
By Mr. Mellette:
Q Are you a white woman? A Yes sir.
Q You are of white blood? A Yes sir.
Q You are not of Cherokee blood? A No sir.
Q This W. H. Robinson you have been talking about? A W.H.Robinson is Mumford's Robinson's son.
Q Where is Mumford Robinson? A I don't know.
Q Is he alive or dead? A I don't know.
Q When did you see him? A I haven't seen him since '69, or heard of him.

Q You don't know whether the applicants here are the persons you knew in Fort Scott or not do you? A I know that Mumford didn't, I know that; I don't know whether these are them, or not.
Q You don't know whether the Mumford Robinson they talked about in the testimony is the Mumford Robinson you knew at Fort Scott, do you? A I don't know, no sir.
Q Were you ever married? A Yes sir.
Q Married now? A No sir, I am a widow woman.
Q Who was your husband? A B. S. Davis.
Q Ever married to any one else? A No sir.
Q Did you at one time live with a man named Alonzo Manley? A No sir.
Q You swear you didn't? A I swear I didn't live with him in the world. Lived with Alonzo Manley, what are you talking about?
Q I just asked you that question? A Well indeed I guess I didn't.
Q Did you know him? A Yes sir, I knew him.
Q Where did you know him? A I knew him from '65 until '70, along in '70's somewheres.
Q How long has it been since you saw Mumford Robinson? A '69.
Q How long has that been? A I don't know; I haven't counted it up.
Q Well try to count it up? A 32 years or 35.
Q Now can you remember back every person that you saw in '69, 32 years ago? A Well I could remember their names and remember seeing them.
Q Can you remember when you last saw everybody that you saw in '69? A Yes, I can remember when I last saw them for I last saw them when they was gathering those potatoes; that is the last time I saw those boys.
Q You remember you saw Mumford Robinson dig potatoes in '69? A I saw the two boys and their mother I told you.
Q Did they ever dig potatoes at any other time? A Not that I know of.
Q Why do you remember that was in '69? A These girls father died in '69 and it is there in the Bible.
Q Where is the Bible? A Mrs. Anthony's house; I know they dug potatoes at that time.
Q You didn't bring the Bible with you? A No sir.
Q Maybe that is like the Bible that was not made in '67? A Probably it is, but it is there and can be produced just the same.
Q You didn't bring it with you did you? A No sir.
Q When were you first asked about this matter? A I don't know; sometime in December I guess, or January.
Q Some time last January, is that the first time that you were asked about when you saw Mumford Robinson last? A Yes sir, that is the first time.
Q You never had this matter called to your attention until then? A No sir.
Q That was nearly 32 years after you had seen him there that you were asked about it? A Yes sir.
Q And then 32 years after that you remembered back about the boys digging potatoes 32 years before? A Yes sir, I remember the family well, because when I first went to Fort Scott there wasn't very many.
Q How much did you get for coming down here? A I haven't got anything yet.

By Mr. Hastings: I object to that; it is insulting to the witness.

Q Who first asked you about this matter? A I don't know, I suppose the judge of the Cherokee Nation.
Q Who is it, what is his name? A Mr. Keyes.
Q Did he tell you he was the Judge of the Cherokee Nation? A No, he didn't tell me so.
Q What makes you call him Judge of the Cherokee Nation? A I have learned it since.

By Mr. Hastings: That is not proper cross-examination of this witness.

A I am going to tell you I knew Judge Keyes before the war; he

was in the army with my brother.
Q He is the man that came to you and asked you about them? A Yes sir.
Q 38 years and nobody had ever called your attention to this fact before that time had they? A No sir.
Q Then you remember back there it was in '69 the boys dug potatoes for you? A They didn't dig for me at all, they dug for Mrs. Anthony.
Q How many cases have you been a witness here in? A -
By Mr. Hastings: I submit this is not proper cross-examination, and I object to it.
By Commission: The objection will be noted: answer the question.
Q How many have I? Three besides this I believe.
Q Who were they?
By Mr. Hastings: I submit that that is not proper cross-examination; I object to it.
By Commission: Objection noted; answer the question.
By Mr. Mellette: I have got the right to ask questions touching the knowledge of this witness in the matter that brings her here.
A I think it was Mrs. Nancy Thompson, Mrs. Gales and the Alonzo Manley case.
Q How old did you say you are? A 57.
Q Were you married in '69? A No sir.
Q How long after that did you marry? A I married in '70.
Q What time in '70? A In March, 1871.
Q What day of March? A 15th of March.
Q Have you ever been married any more since that time? A No sir. My husband has been dead now three years.
By Mr. Hastings: I desire to introduce a certified copy of this contract. (Hands paper to Mr. Mellette.)
By Mr. Mellette: I object to the introduction, because it does not show where Mumford Robinson lived at the time he made it, and it does not show that it is the Mumford Robinson that was mentioned in the testimony.
By Mr. Hastings: The representatives of the Cherokee Nation desire to call attention to the fact that it does say Mumford Robinson and Annie Robinson of the County of Bourbon, and State of Kansas.
By Commission: There is offered in evidence by the representative of the Cherokee Nation a Warranty Deed made by Mumford Robinson and Annie Robinson, his wife of the County of Bourbon, State of Kansas, on the 7th day of December 1869; same is filed herewith.

Minerva Runyon, being fird duly sworn and being examined testified as follows:
By Mr. Hastings:
Q What is your name? A Minerva Runyon.
Q What is your age? A 48, in my 48th year.
Q What is your postoffice address? A Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A Well I lived there since 1862.
Q Do you know a coloredman up there by the name of Mumford Robinson?
A I do sir.
Q Do you know his wife? A Yes sir.
Q What was her name? A Her name was Annie.
Q Did you know any of their family? A I do.
Q Name as many of them as you can remember now? A William, James, Alonzo, Patotie, Tobe and Wesley, that was the boys in the family, and there was Elizabeth Jane and Mary and Martha and Melvina, these was the girls.
Q Who did Melvina marry? A I don't know.

Q Did you ever know one of them married Mr. Hill? A Yes sir.
Q What was her name? A Mary Ann.
Q When did you first learn to know this family? A In '62 when I came there they was there.
Q Neighbors from '62 until '69 continuously? A Continuously, they might have been there a little longer than that, but that much any way.
Q How do you fix the date, Mrs. Runyon, that you know them? A Well I fix the date by father's death.
Q When did your father die? A Father died July 15th, 1869.
Q Do you know they were living there then? A They were living there then; he raised a little crop and these boys helped us children gather our potatoes, as much as I can remember it was Frank and Tobe.
Q How far did the family live from you? A They lived just the next, there was one lot, a fifty foot lot between us.
Q Was that vacant or did it have a house on it? A I think there was a house partly on it; there was quite a space between their lot and our lot.
Q You are a citizen of the State of Kansas? A Yes sir.
Q Don't claim citizenship down here? A No sir.
Q You came down here by a subpoena as a witness? A I did.
Q You knew the family well I suppose? A I knew the family well.

By Mr. Mellette:

Q You are a white woman? A I am a white woman.
Q Did you say your age was 40? A My age is 48, in my 48th year.
Q Have you ever seen any of the Robinson family you are talking about since the time you saw them in Fort Scott? A I saw Mary Ann on the street in Fort Scott, Kansas.
Q They are colored people? A Yes sir.
Q How is it you remember the names of the children 32 years? A Because I played with them. We was children together and I played with them. I remember them distinctly.
Q Have you read the testimony given in this case since you came here, has it been read to you? A The testimony?
Q Yes, that they gave, giving the names of the children? A No sir.
Q Have you had the names called to your attention since you came here the names of these children? A I don't think I have.
Q You could remember the names of those children 32 years? A Indeed I could, every one of them.
Q You have remembered them that long? A I have remembered them that long.
Q How old were you when your father died? A I was a girl of about 15 years, 14 or 15 years.
Q And you remember the names of children 32 years you haven't seen since that time? A I do.

By Commission: This testimony will be filed and made a part of the record in the following Cherokee Freedmen cases: D-677, D-686, D-887, D-888, D-937, D-939, D-942 and D-1018.

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.

I, the undersigned stenographer to the Commission to the Five Civilized Tribes, do hereby certify that I ~~[illegible]~~ made the foregoing copy and that the same is a true and complete copy of the original manuscript.

E. L. Rothenberger

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
AUG 1 1902

ACTING CHAIRMAN

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 494, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

James Hill, D 942;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

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

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath states that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter
Notary Public.

F. D. 942

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of .....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

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

.....day of SEP 23 1901....., 190...

Malcolm J. Smith

Attorney for applicant.

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

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

.....

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

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

Proof of Service made
and original filed with the
DAWES COMMISSION.

SEP 24 1901

NOTICE!

IN THE MATTER OF the application of James Hill
for enrollment as Cherokee citizens:

Case No. D 942

To James Hill or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 22d 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept 21st 1901.

C. Bell

M. W. Harding

Attorneys for the Cherokee Nation.

MOTION

[illegible] view of Decision of [illegible]sion denying the [illegible]cation for enroll-[illegible] as Cherokee Freedmen [illegible]

BLUE & BULGER,
Attorneys for Applicants.

McCOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

James Hill.

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MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

.....

.....

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

Cher FD 943

F. D. 943

IAN TERRITORY,
EROKEE NATION.
hereby certify that I served the with-
otice on.....
.....
elivering a true copy thereof on the
.....day of.....A. D. 190....
Given under my hand this.....
of.....A. D. 190....
.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
in named applicant, hereby accept
ice of the within notice on this the
SEP 23 1901
.....day of.....190....
Attorney for applicant.

TED STATES OF AMERICA,
IAN TERRITORY,
THERN DISTRICT. } S. S.
I do solemnly swear that I delivered a
copy of the within notice to .....
.....
the.....day of.....A. D. 190....
.....
Subscribed and sworn to before me
.....
.....
Notary Public.

Proof of Service made
and original filed with the
DAWES COMMISSION.

SEP 24 1901 SEP 26 1901

NOTICE!

IN THE MATTER OF the application of Birt Henderson for enrollment as Cherokee Freedmen:

Case No. F. D 943

To Birt Henderson or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 11th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

N 35943

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

FILED
JUL 13 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application of Birt Henderson for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Birt Henderson, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Birt Henderson.
Q How old are you? A 21.
Q What is your post office address? A Lenapah.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides your self? A Not anyone.
Q What is your father's name? A Henderson.
Q Is that all the name he has got? A Ed Henderson.
Q What is your mother's name? A Rachel Webber.
Q Your mother living? A No, sir.
Q Your father living? A I don't know.
Q Are you a recognized citizen of the Cherokee Nation? A I guess so.
Q Your name on any of the rolls of the Cherokee Nation? A On the Wallace roll.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Wallace roll examined and the applicant identified thereon page 187, No. 3455, district not given, as Bertie Henderson.

The Kern-Clifton roll examined and the applicant not identified thereon.

Q You say you are a brother to Russ Henderson? A Yes, sir.
Q Where were you born? A Cherokee Nation.
Q Lived in the Cherokee Nation all your life? A Yes, sir.
Q Are you married? A No, sir.
Mr. Hastings: What place in the Cherokee Nation were you born?
A On Cedar Creek.
Q Have you lived on Cedar Creek all the time since? A Yes, sir, nearabout.
Q Have you been up in Kansas any? A No, sir.
Q Ever work up there? A No, sir.
Q Never did spend any time in Kansas? A Not any farther than Coffeyville.
Q You have always been in the Cherokee Nation ever since?
A Yes, sir.

William Webber, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A William Webber.
Q Do you know this applicant on the stand here? A Yes, sir.
Q What is his name? A Birt Henderson.
Q Is he any kin to Russ Henderson? A He is a brother.
Q Did you testify this afternoon in the application of Russ Henderson? A I did.
Q Did you make the application for Russ Henderson? A I did, yes, sir.
Q Who was the mother of this boy that is on the stand here?
A Rachel Henderson is her right name, sometimes she goes by Rachel Webber.
Q Who was the father? A Ed Henderson.

[illegible]

Q [illegible] A No, sir, I don't [illegible]

Q [illegible]

Q [illegible]? A I [illegible]

Q [illegible] A [illegible]

Q How [illegible]? A I [illegible]

Q [illegible]? A I don't [illegible]

Q [illegible]? A [illegible]

Q Where did you see him? A [illegible]

Q How far do you live from where he lives? A I [illegible] about twenty miles.

Q [illegible] whether he had ever been up in Kansas [illegible]? A [illegible] I [illegible] and then back home, [illegible]

Dick Henderson, recalled, testified:

[illegible]: Did you say you were born in the Cherokee Nation?
A Yes, sir.

Commissioner: Dick Henderson applies for the enrollment of [illegible]

Mr. [illegible]: Are you positive of the place you were born?
A No, sir, I am not.

Q What is your [illegible] information as to where you were born? A On [illegible]

Q [illegible] A Yes, sir.

Q [illegible] where you were born? A [illegible]

Q [illegible] you were born? A Yes, sir.

Q [illegible] you were in the Cherokee Nation? A [illegible]

Q [illegible] before the [illegible] were you [illegible]? A [illegible]

Q [illegible] A [illegible]

Q [illegible] years old [illegible]? A No.

File with Sirt Henderson, Cherokee Freedman, D-[illegible]

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 20th, 1901.

In the matter of the application of William Webber for the enrollment of his cousin, RUSSELL HENDERSON, as a Cherokee Freedman; said Webber being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Mellette & Smith for Applicant.
Mr. W. W. Hastings for Cherokee Nation.

Q What is your name? A William Webber.
Q How old are you? A About 51.
Q What is your postoffice? A Dewey.
Q What district do you live in? A Coowescoowee.
Q Whom do you apply for now? A Rus Henderson.
Q How old is he? A About 30 years of age.
Q What is his postoffice address? A It was Lenapah before he was taken up, he is in jail at Muskogee charged with murder.
Q What district? A Coowescoowee.
Q What is the reason he is at Muskogee? A Incarcerated.
By Mr. Hastings:
Q Has he got a family? A He has got a wife and child.
By Comr Needles:
Q Do you want to enroll them? A No, sir.
Q You say the reason he does not apply in person is that he is incarcerated in prison and is not able? A Yes, sir.
Q What is his father's name? A Ed Henderson.
Q Is his father living? A No I think he is dead.
Q What is his mother's name? A Rachel Webber, she is dead now.
Q Is Rus Henderson on the roll of 1880? A I could not tell you.
Q Is his name on any of the rolls of the Cherokee Nation?
A I can't say.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of Russell Henderson not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 187, #3434, Russell Henderson, no district given.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

By Mr. Smith:
Q Mr. Webber, do you know Rus Henderson for whom you apply?
A Yes, sir.
Q How long have you known him? A I have knowed him for about twenty years.
Q Did you know his mother? A Yes, sir.
Q Who is his mother? A Rachel Webber is her name.
Q Rachel Webber? A That is the name she bore at the time she died; that is the name she went by I suppose her right name would be Henderson.
Q Was she married to a man named Henderson? A Yes, sir.
Q Well, do you know whether Rachel was a slave or not?
A Yes, sir.
Q To whom did she belong? A Robert Webber and after her daughter died he gave her over to his daughter, Robert Webber.
Q Whose daughter? A Robert Webber's.
Q Is she a citizen of the Cherokee Nation? A Yes, sir.
Q Where was Rachel Webber before the war? A Here in the Nation.
Q Did she go out? A Yes, sir.
Q When did she come back? A She come back with us, in the same crowd; she was the youngest aunt of mine.

Q How long did she stay with you after you came back to the Cherokee Nation? A She didn't stay very long, she was single and she worked around and finally got scattered and I could not tell you.
Q You can state about how long you all stayed together before she went off to work? A Not long.
Q Was she single at the time she left you? A Yes, sir.
Q Do you know where she went to work? A No, sir, I could not say where she went.
Q Do you know where Rus was born? A No, sir, I could not say.
Q Well, how long has Rus been in jail in Muskogee?
A Been there a little over a year.
Q Where was he living before he was placed in jail? A Living up here by Lenapah.
Q How far from Lenapah? A About three or four miles.
Q How long had he been living there? A A little better than a year.
Q Where had he been living before he moved there? A Lived with me three years before he married.
Q When did his mother die? A I don't know, I wasnt at her death; I could not tell you just the time, sometime before he come to live with me.
Q Do you know where she died? A I think she died at Dave French's on the Verdigris.
Q In the Cherokee Nation? A Yes, sir.
By Mr. Hastings:
Q How long after you came down here until Rus' mother married?
A I don't know just when she did marry; she was away from us.
Q Do you know where she married? A No, sir, her witnesses would know better than I do.
Q Who are her witnesses? A Sam Webber is a witness; and George Meigs he was living in their neighborhood.
Q They know more about that? A Yes, sir; when she went away from us I didn't stay with the family much.
Q She lived with you on Spring Creek after the war? A Yes sir.
Q Up to that time she had no children? A No, sir.
Q Never been married? A No, sir.
Q Was she your mother's sister? A Yes, sir.

SAM WEBBER, being duly sworn by Commissioner Needles, testified as follows: By Mr. Smith:
Q State your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A About two miles west of here.
Q West of Nowata? A Yes sir.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q Do you know Rus Henderson? A Yes, sir.
~~Q Are you a citizen of the Cherokee Nation? A Yes, sir.~~
Q When did you last him? A I saw him a week before last down here to Wagoner.
Q What was the circumstance of your seeing him in Wagoner?
A He was a prisoner.
Q Do you kow who his mother was? A Rachel Webber.
Q Do you know who his father was? A I didn't know his father, didn't know him to be his father.
Q Who was he? A Henderson.
Q Do you know whether Rus Henderson's mother, Rachel, was ever a slave or not? A Yes, sir.
Q To whom did she belong? A Robert Webber.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Lived in the Cherokee Nation? A Yes, sir.
Q Where was he living at the time the war commenced?

A Tahlequah, on Caney.
Q And where was Rachel at that time? A She was down there too.
Q Do you know when Rachel came back to the Cherokee Nation after the war? A She come with this crowd, French and them, with French and William Webber here.
Q Well, William Webber and who else was along? A His mother, her sister and their sister, was Lucinda French and sister of Rachel Webber?
Q The Henderson? A Yes, sir.
Q Where did you see Rachel and when first after the war?
A The first trip we come to the Nation and she went back and came with her sister and them.
Q She came with you? A Rachel, about the first of July or August that I landed on Big Creek she was with her.
Q When? A '86.
Q Big Creek, Cherokee Nation? A Yes, sir.
Q Now, you say when you went back did she come with you?
A No, sir.
Q How did she get back? A I met her with French and them with this boy and them on Horse Creek; she come with William and her sister, Ginda and Linda and them.
Q What relation was Lucinda to Rachel? A They was; do you mean Ginda French?
Q Yes, sir? A Yes, sir; sisters.
Q Do you know whether Rachel was ever enrolled on the 1880 roll or not? A I don't know.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's mother not found thereon.

By Mr. Hastings:
Q Who was Rus Henderson's father? A His name was Ed Henderson they tell me.
Q Did you know that they were married? A No, sir; I don't know for certain who is the father of this child, only what she said.
Q Well, when did you next see her after you said you saw her up here on Horse Creek? A I saw her at Uncle Billy Foreman's on Big Creek.
Q How long after that? A I don't know.
Q Well, about how many years? A It has been three or four years.
Q Was Rus born when you next saw her? A No, sir, he was born at Uncle Billy's.
Q Has Rus ever been out to Kansas any? A Not as I ever knowed of.
Q Well, has she since he was born? A Not as I know of.
Q How far did she live from you after he was born?
A Well, from there to French's on Cedar Creek, and the next time I saw her was across the river at Lenapah and the next time I saw her at Nowata and she died there.
Q When did she die? A She died at the Big Delaware payment, and she sent for her son, Rus, to come over here and after that he was about here.
Q Did she ever live here and have a separate home or not?
A I don't know whether that was her home there at Lenapah, I saw her there in the house, keeping house.
Q Did she occupy a house with Henderson's father? A I don't know.
Q Did you ever know him? A I have seen him.
Q Where did he die? A I could not tell you where he lived.

Com'r Needles: William Webber applies for the enrollment of his cousin, Russell Henderson and he avers that said Russell Henderson is now incarcerated in prison so that he cannot be present in person. The name of Russell Henderson cannot be found upon the authenticated roll of 1880, the census roll of 1890 or Kern-Clifton roll, but is identi-

filed upon the Wallace roll. He avers that he is a child of Rachel Webber, a sister of Lucinda Webber, the mother of applicant, William Webber. He is duly identified and makes satisfactory proof as to residence. The attorney for the applicant asks that the testimony taken in the matter of the enrollment of William Webber, who is listed for enrollment upon doubtful card 7888, said testimony will be made a part of the record in the case at bar and copy thereof ~~xxxxxx~~ filed herewith. The said Russell Henderson will now be listed for enrollment as a Cherokee Freedman upon a doubtful card.

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

Signed, J. O. Rosson

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

Signed, T. B. Needles,
Commissioner.

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

In the matter of the application of William Webber for enrollment as a Cherokee Freedman; said Webber being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:
Messrs. Mellette & Smith, for Applicant.
Mr. W. W. Hastings, for Cherokee Nation.

Q What is your name? A William Webber.
Q How old are you? A About 51.
Q What is your postoffice? A Dewey.
Q What district do you live in? A Coweescoowee.
QQ Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself only.

By Mr. Smith:

Q Mr. Webber, where do you live? A Dewey.
Q How long have you lived in the Cherokee Nation? A I have lived here since '66.
Q Were you a slave? A Yes, sir.
Q Whom did you belong to? A Robert Webber.
Q Was Robert Webber a Cherokee Indian? A Yes, sir.
Q Was he a recognized citizen of the Cherokee Nation? A Yes sir.
Q Where did he live? A Lived in Flint District, at Webber's old sawmill.
Q In the Cherokee Nation? A Yes, sir.
Q Was he living there at the time the war commenced? A Yes, sir.
Q Where were you living at the time the war commenced? A I was there at home with him.
Q Were you taken out or did you go out of the Cherokee Nation during the war? A I went out a little while, about two or three years.
Q Where did you go to? A Went up into Kansas.
Q When did you return to the Cherokee Nation? A I returned in 1866.
Q What time in 1866? A Along about the middle of the summer.
Q Where did you come to, what part of the Cherokee Nation?
A Up there about Chetopa, Kansas, first.
Q What place did you come to after you got into the Cherokee Nation?

A We just stopped along one place and another. The next place I stopped was on Pryor's Creek and we finally worked on down to Spring Creek.

Q Where do you live now? A Up about Dewey.

Q After you come down herein '66 how long did you stay about that place? A I stayed two or three years down about Spring Creek.

Q Then did you come up in this part of the country? close about Dewey? A I think it was '74.

Q Where have you been living since '74? A Right there where I am now.

By Mr. Hastings:

Q Who returned with you after the war? A My mother and all had children and step-father.

Q Dave French? A Yes, sir.

Q He is the man that brought you down? A Yes, sir.

Q Now, what brothers did you have? A Had Andy Webber and James Webber and got two younger brothers, half brothers, Eli French.

Q Dave French's child? A Yes, sir.

Q What is your mother's name? A Lucinda French.

Q And you say you stopped a while on Timbered Hill?

A Yes, sir, and finally went on and next stopped here at Pryor's Creek.

Q How long did you stop at Timbered Hill? A I don't remember; about a month.

Q Anybody living up there at that time? A I didn't see anybody.

Q You just camped around there did you? A Yes, sir, and made next stop on Pryor's Creek.

Q About what time of the year was that? A Along latter part of the summer or fall.

Q How many wagons did you have? A We only had one of our own.

Q How long had you known Mr. French at that time? A I just got acquainted with him there at Gibson in '63.

Q Did he go out with you up there? A He might have went with the family, I didn't go with the family, I was teaming backwards and forwards and went by myself.

Q How long had he been with your mother and family before you come down here? A He was up there off and on.

Q How long had you been with the family? A About three years I stayed up there.

Q Was he up there during that time? A He was up there backwards and forwards.

Q How long had he been there immediately before he came down here? A He was backwards and forwards down here in the territory.

Q Now, where did you go to when you come down here after you left Timbered Hill? A Went to Pryors Creek.

Q At whose house? A Didn't go to anybody's house.

Q Just stopped on the prairie? A Camped on the Creek.

Q Dave French was along with you? A No, sir, he was not with us at that time.

Q Where had he left you? A I don't remember him being there at the time.

Q Did he move down with you? A He started with me.

Q Where did he quit you? A I don't remember where it was.

Q He was your mother's husband at that time wasn't he?

A Yes, sir, but he had another wagon and some other folks.

Q Do you remember who they were? A No, sir.

Q Didn't know them? A No, sir.

Q Did he camp with you out at Timbered Hill? A He was there a while, we wasn't with him all the time.

Q You came through Chetopa as you came down? A Yes, sir.

Q Wasn't any railroad there then? A No, sir, wasn't any town nothing but a little log but there was all the house I seen had the name and just one house.

Q You remember it then? A I remember the log hut.
Q Do you remember who was living there? A Yes, sir.
Q It was the name at that time? A Had the name Chetopa.
Q Did you buy any goods there? A No, sir.
Q Did they have goods for sale there? A I don't think there was a family living in the house at that time.
Q Where did you settle down and live here? A We stayed on Spring Creek the first settlement we made.
Q When was that? A It was along late in the fall.
Q When did you see L. D. Daniels first after you come back?
A I saw Daniels.
Q At Gibson, didn't you? A Yes, sir, horse racing.
Q Issuing out rations? A No, sir.
Q You didn't apply to him for rations? A No, sir.
Q Did you see him standing on the bank of the river as you crossed the river? A No, sir.
Q Where did you see him? A In town.
Q Anybody's house? A No, sir, just in town.
Q What time of the year; how long had you been down to Spring Creek? A We hadn't been there but a little while.
Q How old are you now? A 51 years old.
Q What were you doing down at Fort Gibson? A I was just knocking around wherever I could get work.
Q At whose place did you stay there? A With old man Vann, kept a boarding house there.
Q Ervin Vann? A Yes, sir.
Q Polly Ross wasn't cooking there at that hotel, Polly Vivent?
A I didn't see her.
Q How long did you see L. D. Daniels down there? A I saw him there in '63.
Q I mean this last time after you come back? A I saw him there several times around there.
Q When did you see Sam Webber after you got back?
A I met him on the road.
Q Where did you meet him? A Horse Creek, we was camped there.
Q Which way was he going? A I think he was going North.
Q You didn't introduce either Sam Webber or L. D. Daniels before, did you? A No, sir, used French.
Q Used Dave French? A Yes, sir.
Q Where did you marry? A I married up there where I am now.
Q When? A In '80, spring of '80.

SAM WEBBER, being duly sworn by Commissioner Needles, testified as follows: By Mr. Smith:
Q State your name? A Sam Webber.
Q How old are you? A About 56.
Q Where do you live? A Two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you known him? A Ever since we could remember one another.
Q Was he a slave? A Yes, sir.
Q Whom did he belong to? A Rob Webber.
Q Was he a citizen of the Cherokee Nation? A Yes sir
Q Where was he living when the War commenced?
A Little creek called Caney out west of where we lived.
Q Where was this applicant, William Webber, living at that time?
A Living there with him.
Q Do you know whether William Webber was out of the Cherokee Nation during the war? A Yes, sir.

Q Do you know when he returned to the Cherokee Nation during the war? A The first I noticed of him, I noticed him the latter part of August, '66, up there on Horse Creek.

Q Did you see him once or more than once there? A Only once there.

Q When did you see him next after that? A I saw him; it was either a year or two years after that down on Prayers Creek.

Q Where is he living now? A I was never at his house, he tells me he lives out west of here.

By Mr. Hastings:

Q You don't remember seeing him on Horse Creek five years ago did you, Sam? A I wasn't his witness, I would have remembered it if I had been his witness.

Q You are the man that went down to Fort Gibson in 1865? A Yes, sir.

Q And your father and some other people went up to see Chief Downing? A Yes, sir.

Q And you are the man that got some wood and came up here and spent the winter of '65 and 6? A Yes, sir.

Q You didn't have occasion to tell that before the Kern-Clifton Commission before? A No, sir.

Q You had been down here when you met this man? A Yes, sir.

Q Were you on your way back? A Yes, sir.

Q Who was with you? A When I was going back?

Q Yes. A The crowd that built over there on the Creek.

Q What time of the year was it? A Along in August, some time in the latter part as well as I can remember.

Q You met them on Horse Creek? A Yes, sir.

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

Q What other brother? A Andy Webber.

Q Did he have a sister? A Yes, sir.

Q Older or younger? A Older.

Q Who else? A His mother.

Q Who else? A Man by the name of Dave French.

Q Well, was anybody else along? A His aunts.

Q What were their names? A Rachel and one, Linda

Q Rachel what? A Rachel Webber.

Q And Linda Webber? A Yes, sir.

Q That was all that was in that crowd? A His sister, his sister.

Q Well, just what you mentioned? A Yes, sir.

Q Were they camped there? A They was in the wagons.

Q You passed them in the wagons? A Stopped and talked to him.

Q How long did you stop? A Might have stopped an hour or so.

Q How many wagons did they have? A Inever noticed but one.

L. D. DANIELS, being duly sworn by Commissioner Needles, testified as follows: By Mr. Smith:

Q What is your name? A L. D. Daniels.

Q Where do you live? A Claremore.

Q How old are you? A 56.

Q Do you know this applicant, William Webber?, A Yes, sir.

Q How long have you known him? A I have been knowing him a good while.

Q Did you know him before the war? A No, I got acquainted with him to Fort Gibson.

Q When did you first get acquainted with him? A I think it was in September or October, '66.

Q Did you see him once or more than once at Fort Gibson?

A I saw him there more than one time; the first time I met him, he was on the race track and I met him with Rabe Still on the race track.

Q When did you next see him after that time? A I think it was in '71.

Q Where did you see him then? A At Timbered Hill, with Rabe

Still, 17 miles southeast of Claremore.
Q When did you see him next after that? A I have been seeing him frequently after '76 up here I live up here.
Q How far does he live from you? A About 18 miles I guess.
Q How long had he been living there? A About 35 years or more.
Q Who was his mother? A Linda Webber.
By Mr. Hastings:
Q You never saw him before the war? A Not of my knowledge.
Q How old was he when you saw him about Fort Gibson?
A I can't know, looked like a young man.
Q About grown? A A young man.
Q By himself? A Yes, sir; he was with Rube Still on the race track.
Q That is the first time you ever saw him? A Yes, sir.
Q Big crowd of people there? A Yes, sir.
Q And for 35 years you have retained it in your memory that you saw him up there? A Yes, sir.
Q You remember every one you saw then? A When L. D. lays eyes on them he pretty near knows them.
Q You are willing now to swear that you saw him 35 years ago?
A Yes, sir.
Q Were you issuing rations at that time?
A I wasn't at that time, I was betting money on the race track.
Q You had a lay off? A We wasn't at that time.
Q You saw him there at that one time? A I saw him there several times.
Q He stayed with Rube Still all the time? A No, he was around there with another man, Steve Smith.

WILLIAM WEBBER, the applicant, recalled. By Mr. Smith:
Q Do you know whether your name is on the roll of 1880 or not?
A It was put on there and afterwards it never could be found.
Q What was your mother's name? A Lucinda Webber, and she married French and went by his name.
Q Do you know whether Lucinda French's name is on that '80 roll or not? A Yes, sir, I think it is.
Q Was she a slave? A Yes, sir.
Q Whose slave was she? A Robert Webber.
Q Same man that owned you? A Yes, sir.
Q Now when did she come back to the Cherokee Nation?
A When I did.
Q Now, you say you think her name is on the roll of 1880?
A I know it is.
Q Who was Lucinda French's husband? A Dave French.
Q David French? A Yes, sir.
The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's mother found thereon page 106, #1192, Linda French, Goweesecowee District.
Q Now where were you living in 1880? A I was living right where I am now.
Q Did you know another Linda or Lucinda French? A No, sir; that is the only one I know of, I have an Aunt Malinda Webber.
Q Was any other David French married to Lucinda French?
A Not that I know of.
Q You have now in Goweesecowee District? A Yes, sir, I do.

L. D. DANIELS, recalled: By Mr. Smith:
Q Mr. Daniels, what did you say the name of this applicant, William Webber's, mother was? A Lucinda.
Q Lucinda what? A Webber.
Q Did she ever have any other name besides Webber.
A Not that I know of.

Q Do you know who she was married to? A French.
Q Well, did she go by the name of Lucinda French? A Yes, sir.
Q When was she married to French? A I don't know, long time.
Q Do you know whether the Lucinda French, who is the mother of this applicant, was ever enrolled upon the roll of 1880 or not?
A I think so.
Q Well, do you know whether this man ever made any effort or whether he applied to be placed upon the 1880 roll, William Webber?
A He was at my house and I counted them up and have them registered; the census takers stayed at my house three days and sent me out to get the neighbors to come in register and in going to get the neighbors I told him and told him to tell his mother.
Q Do you know of your own knowledge whether this man was ever taken or not? A yes, they was all in the house, they would go in the house one by one.

By Mr. Hastings:

Q Where did this man live then in 1880? A Living out on Coon Creek.
Q Was he married then? A I don't know whether he was or not.
Q Was he living separate and apart off to himself? A He was working over on Coon Creek and then he would come in home to his mothers every once in a while.
Q Who was he working for? A For Delawares he told me.
Q Where did you see him? A At Geesenack bend, below Geesenack Bend.
Q What time of the year? A In the Spring.
Q Where did you see his mother at that time? A She lived in three miles of me.

WILLIAM WEBBER, the applicant, recalled; By Mr. Smith:

Q Mr. Webber, did you ever have any business in the Cherokee Courts? A No, sir, I never had any since I have been back in the Cherokee Nation, never had any occasion.
Q I will ask you if you ever had any trouble with Harry Still?
A Yes, sir, I did.
Q What kind of trouble? A Me and him got into a shooting scrape and he shot me and wounded me.
Q Do you know whether the Cherokee Courts tried Harry for shooting you? A No, sir, they never done anything about it.
Q Do you know whether any action was taken? A No, sir.

Mr. Hastings: The records ought to show that.

Com'r Needles: We have thrown away the records a long time ago.

Q Can you state as to whether any complaint was ever made in the Cherokee Courts against Harry Still for shooting you? A I don't think there was, not as I know of; I never heard of any.

By Mr. Hastings:

Q Your mother married Dave French who was a recognized citizen?
A Yes, sir.
Q She was living with him in 1880? A Yes, sir.
Q And he did the enrolling for his family? A Yes, sir, guess so.

By Com'r Needles:

Q Is your name on any of the rolls of the Cherokee Nation?
A On the Wallace roll and Clifton Roll.

By Mr. Smith:

Q How old were you when you came back here after the war?
A I don't remember, I was about 16 years old I reckon.
Q When you came back here after the war? A Yes, sir.
Q Came back here with your mother? A Yes, sir.
Q Been living here ever since? A Yes, sir.

The 1880 Authenticated Roll and 1896 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 164, #4664, William Webber, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 150, #3131, Wm. Webber Cooweescoowee District; "Child of Linda French, #5 Cooweescoowee District."

Com'r Needles: William Webber applies for the enrollment of himself. He avers that he is the son of Lucinda Webber who married one David French. He was a slave of Robert Webber and taken to Kansas during the war and returned in 1866. He cannot be identified upon the authenticated roll of 1880 or census roll of 1896, but he is fully identified upon the Clifton and Wallace rolls. He avers that he returned to the Cherokee Nation with his mother and at that time was 16 years of age. The name of his mother, Lucinda French, is found upon the authenticated roll of 1880 and identified as the mother of the applicant. He avers that he has been living in the Cherokee Nation ever since. It appears to the Commissioner that the testimony is plain and conclusive that the said William Webber is entitled to be listed for enrollment as a Cherokee Freedman but because of the protest of the Cherokee Nation, he will now be listed for enrollment as a Cherokee Freedman upon a doubtful card.

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

Signed, J. O. Rosson,

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

Signed, T. B. Needles,
Commissioner.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the originals.

Bruce C. Jones

Sworn to and subscribed before me this the 29th of July, 1901.

M. D. Green
~~Commissioner.~~
Notary Public

File with C. F. D. #943.

Supl.-C.F.D.#929.

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

[redacted] in the matter of the enrollment of [redacted] as a Cherokee Freedman, introduced on part of the Cherokee Nation:

Appearances:
Mellette & Smith, Vinita, I.T., Attys. for Applicant;
W. W. Hastings, Cherokee Representative.

ELIZABETH DAVIS, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A Elizabeth Davis.
Q What is your age, Mrs. Davis? A 57.
Q What is your post office? A Fort Scott, Kansas.
Q How long has that been your post office? A Since '63.
Q Did you know a colored woman up there by the name of Rachel Webber? A Yes, sir.
Q When did you learn to know her? A I knew her in '60, about '68 along until seventies.
Q Did she every marry? A She married a man by the name of Ed Henderson.
Q How long did she live with him? A I don't know how long she lived with him; she had two children.
Q You don't remember the names of those children? A No, sir; I just know of them and that is all.
Q What did Ed Henderson do there? A He was a barber; he was a barber there when I went there, the only barber there was in the town
Q Did he move away from there? A No, sir; he lived there until he was put in the penitentiary.
Q Is he in the penitentiary now? A Yes, sir; he died in the penitentiary.
Q Did you see this Rachel Webber there like you did other people? A Yes, sir; I have seen her passing around.
Q You know of her marrying Ed Henderson? A Yes, sir; having those babies, two of them and knew of them separating, but I don't know the dates; I never paid enough attention to it to know about that.
Q That was after the war? A That was in the seventies.
Q When they separated? A Yes, sir.

MR. MELLETTE:

Q What year did you last see Rachel Webber? A I don't know what year I saw her last, but it was in the seventies.
Q How do you know that? A Because I know that she was married to Ed Henderson in the seventies.
Q Now, what time in the seventies, you know the seventies extend over a period of ten years? A It was in '71.
Q Do you swear it was in '71? (No response.)
Q Are you positive about that? A I am positive it was in '69 or '70.
Q Where were you first spoken to and asked what you knew about this witness Webber? A I was first spoken to about it yesterday.
Q Yesterday; now then it ha been 30 years since you first saw her hasn't it? A No, sir; it hasn't been 30 years, I don't think.
Q How long has it been since you saw her? A I saw her in '75, or '6, somewhere along there
Q Now which was it '75 or '76? A Well, it was either one of the other.

Q Now, you don't know which one, do you? A No, sir.
Q That has been 25 years ago; is there any particular reason y?u had to know this woman? A No, sir; only I read in the papers of the separation.
Q She was a colered woman? A Yes, sir.
Q You didn't pretend to keep track of where, her whereabouts All th time, did you? A No, sir.
Q Where was she in the year '67? A I don't know.
Q Do you remember of seeing her in that year? A No.
Q Where was she in the year '66? A I don't know where she was; she was there though.
Q As a matter offact it is impossible for you to remember bac, 30 years and know a particular year when you did or did not see this woman? A I know that they were there; and that they lived there in the sixties and seventies.
Q Well, now, the sixties and seventies e xtend over a period of 20 years; you mean a portion of that time they were there?
A Yes, sir; I mean that they were there and lived there and had their residence there.
Q You don't pretend to say that this woman didn't come down to the Cherokee Nation during that time, do you? A No, sir.
Q You don't know what she did do; you said a while ago you saw her passing and repassing? A Yes, sir; and I say I know of her marrying Ed Henderson.
Q Well, did you have a personal intimate acquaintance?
A No, sir; I don't know as I ever spoke to this woman.
Q You don't know that you ever spoke to this woman; 30 years now you go back and say-? A Yes, sir, I know of this woman and know of her marrying Ed Henderson and separating and having two babies; you know these things was in the papers.
Q Do you know Ed Henderson was her husband? A Yes, sir.
Q I will ask you if Rus Henderson was not her husband?
A No, he was not.
Q You are certain of that? A Yes, I am certain of that.
Q What makes you remember that; you had never spoken to this particular woman? A I had never heard tell of Rus Hendersen.
Q Now, do you say that this woman Rachel Webber is that one you have been talking about? A Yes, sir.
Q Do you swear that she married Ed Henderson? A I swear that she pretended that they was; what they said, that she married him.
Q When did you hear that? A I heard it in I suppose in about '69.
Q Well, do you remember that it was in '69? A I can't keep the dates.
Q Did you know Ed Henderson? A Yes, sir; I knew of him, I seen him in his barber shop every day.
Q Were you acquainted with him? A No, sir. Only that he was Ed Henderson and kept a barber shop there.
Q Why should you remember it was in 1869 they married?
A I don't know why I should remember, O do though.
Q You swear they married in 1869? A It was somewhere in '68, '69 or '70.
Q Then you allow yourself a considerably wide ~~[illegible]~~ range?
A Yes, sir.
Q This is the third case you have testified in since yesterday, isn't it; identfying freedmen as living in Fort Scott, Kansas?
A Yes, sir, and they lived there too.
Q And you are trying to identify a woman here with this woman you never saw there?

Mr. Hastings: You have got the right to cross-examine the witness; you have got no right to argue the case with her.

Q Did you know anything about Martha Gales, a colered woman, that lived up there? A Yes, sir.

Q I will ask you if Martha Gales didn't marry Ed Henderson?
A Yes, sir, he lived with Martha Gales quite a while.
Q When? A He lived with Martha Gales in the sixties, from '65 I guess until '68 or '9.
Q I will ask you if he was not married to her when he was sent to the penitentiary? A No, he was not.

MR. HASTINGS:

Q You remember knowing this man when he lived with Martha Gales?
A Yes, sir.
Q And after their separation he lived with this woman?
A I knew him, very well acquainted with hi m, when he lived with Martha Gales; she was a hair dresser.
Q And then after the separation he married this woman?
A Yes, sir; he married Rachel Webber.
Q Did you ever miss Mrs. Rachel Webber from there until 1869 or '70? A No, sir; I never knew of her coming away after the separation.

MR. MOLLETTE:

Q You don't know whether she came away or not do you? A No, sir; I don't know when she came away; I know they separated, I read that in the papers.
Q Where is Henderson? A He is dead; I heard the other day.
Q When did you hear that? A The other day.
Q How long ago? A A week or two ago.
Q You swore when you were here before he was living? A No, I swore he was at Fort Scott; I didn't then know he was in the penitentiary.
Q Didn't you swear on the 17th day of February, in the case of Martha Gales, that this man Henderson was living at that time?
A No, I didn't swear he was living, because I didn't know; they asked me where he was and I said in Fort Scottthe last I knew of him; since I went there I heard he died in the penitentiary.
Q Now, say if you give this testimony in the case of Martha Gales: what became of Henderson? He is there yet? did you swear that in the Martha Gales case? A I guess I did; because I thought he was there.
Q Are you swearing what you know or what you think? A How do you know it unless you think?
Q What made you swear he was there if he was not there? A Because I supposed he was there.
Q Are you swearing by what you know or by what you suppose?
A He was there the last of what I know.
Q You said he died in the penitentiary? A Yes.
Q You didn't know when you swore that Ed Henderson was up there whether he was or not? A No, I could not swear that my boy was up there.
Q You hadn't seen Ed Henderson there had you? A Yes, I seen him not over three months ago
Q Didn't you swear just now in this case that he died in the penitentiary? A Yes, sir; he was sent up there last fall and I heard since I was here before that he was dead, and I read that in the paper, x that is the only thing I know about that.
Q You say: Henderson is living up there yet? Yes, sir?
A Yes, what I supposed too.
Q I will ask you if a matter of fact he has not been dead three years? A I don't know.
Q You know, Mrs. Davis, whether he has or not; if you seen Ed Henderson in the past three years? A Just let me think whether I have or not; I don't know. Ed Henderson was there on the corner, I never knowed anything about his going away.
Q Just answer my question, have you seen Ed Henderson within the past three years?

A I can't say; I don't know.
Q Did you say you saw him about three months ago? A I know he ain't been dead three years.
Q Did not you swear a while ago that you saw him just before you came down here on the other case? A No, sir; I didn't.
Q And didn't you swear in that Martha Gales case that Ed Henderson was living up there yet? A Yes, sir, because I supposed he lived there yet.
Q You were swearing by what you suppose? A That is the way everybody swears, of course.
Q How many cases have you been a witness in down here?
A I guess three or four.
Q How many did you witness in when you came here the first time, 17th of February? A Two I guess.
Q Then you have been a witness in three this time, haven't you?
A Yes.

MR. HASTINGS:

Q Mrs. Davis, you knew Ed Henderson? A Yes, sir.
Q And when you were down here before you hadn't missed him?
A No, sir, I didn't know he was gone.
Q Your attention was not especially directed to the last two or three years? A No, sir.
Q When you wnt back you made inquiries and found out he went to the penitentiary? A Yes, sir.

MR. MELLETTE:

Q You hadn't missed him? A No, sir.
Q If he has been dead three years you don't know? A No, sir.

MINERVA RUNYAN, being duly sworn, testified as follows on part of the Cherokee Nation:

MR. HASTINGS:

Q What is your name? A Minerva Runyan.
Q What is your post office? A Fort Scott, Kansas.
Q What is your age? A 49.
Q Did you know a colored woman by the name of Rachel Webber who married Ed Henderson? A Yes, sir.
Q Did you know Ed Henderson? A I did.
About when did you learn to know Rachel Webber? A Well, it has been about seventy something or another, I just could not say.
Q After the war? A Yes, sir; it was after the war.
Q Where did you know her? A In Fort Scott.
Q When did you know Ed Henderson? A Well I knew him, it must have been in the '60x. I knew him before I did her.
Q Did they live together as husband and wife? A Yes, sir.
Q You remember about how long they lived together up there as husband and wife? A No, sir, I could not say.
Q Do you know whether they had any children or not? A I know they had one.
Q Do you k now the name? A No, sir.
Q Born up there? A Yes, sir.
Q Do you know whether they continued to live together or whether they separated? A Well at the best of my knowlege they separated.
Q What did Ed Henderson do up there? A He was a barber.
Q Now, how long did you continue to know Ed around there?
A Well, I could not say just what time in the sixties.
Q You mean further on up the other way? A Well until his death.
Q You understood he died? A Yes, sir; I understood he died; I could not say positive for that; it was just through the paper. I could not swear to that for I didn't see it.

MR. MELLETTE:

Q When did he die, Ed Henderson? A Well, now, I could not just tell that.
Q Well, how long ago, Mrs. Runyan? A If I remember rightly, it was in the fall; in the fall or latter part of the summer.
Q What year? A In 1901 I think.
Q Do you swear to that positively? A No, I don't swear to that positively.
Q Yousaw it in the paper? A Yes, sir.
Q Well, now, Mrs. Runyan, if you can't fix the time when Ed Henderson died, how can you go back 30 years and locate a colored woman with whom you weren't well acquainted? A Because they lived right there in the town where we did.
Q I know, if you can't tell within a year when Ed Henderson died, how can you remember the time away back yonder in the sixties?
A I don't believe he married in the sixties.
Q When did you first see Rachel Webber? A When I first saw Rachel Webber, in the seventies.
Q What year? A I can't tell the year; best of my recollection it must have been about '73; I know it was a few years before I was married.
Q What makes you think it was in '73, that has been about 30 years ago now? A Now one thing that I can go by, my sister and I were passing her house once about three years before I was married and we was crossing a little stream, crossing that stream the plank broke and I went in her house and wrung the water from my clothes, and there was one child there at that time; there is where I got the one child from.
Q Well, now, there is three years before you were married you were passing Rachel Webbers house and fell in the water? A Yes, sir.
Q And that was about three years before you were married?
A Yes, sir.
Q And how long ago have you been married? A 26 years.
Q And that was about 29 years ago? A Yes, sir.
Q Is that the Rachel Webber that is concerned in this case?
A Well, that is a Rachel Webber.
Q I ask you the question? A Yes.
Q Answer it; I asked you if that was the Rachel Webber that is concerned in this case? A Well, I don't know.
Q How many cases have you been to witness here yesterday and today? A Three.
Q You have identified certain freedmen that were living in the town of Fort Scott thirty years ago? A Yes, sir.
Q How old were you in 1870? A In 1870?
Q Yes. A I was about 18 years.
Q Were you acquainted with Rachel Webber ? A Well, not personally acquainted with her, no.
Q Ever speak to her? A Yes, sir.
Q Well, now, when did you first see her; when did you first remember seeing her, what year? A I don't know.
Q Where was she in 1866? A I don't know.
Q Where was she in 1867? A I don't know.
Q Where was she in 1868? A I don't know.

MR. HASTINGS:

Q You know about three years before you were married you stopped in there and she had one child? A Yes, sir.
Q That is the same Rachel Webber that had Ed Henderson for a husband? A Yes, sir.

F. D. 391.

To be filed with F. D. 943.

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

In the matter of the application of Elizabeth Meigs for the enrollment of herself as a Cherokee Freedman.

Cherokee Nation appears by W. W. Hastings.
Applicant appears by L. T. Brown.

MRS. LYDIA BARTON, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A Mrs. Lydia Barton.
Q What is your postoffice? A Fort Scott, Kansas.
Q Do you hold any official position at the present time? A Yes, sir.
Q What is it? A County Clerk.
Q Of the county in which Fort Scott is located? A Yes, sir.
Q Have you an official paper? A Yes, sir.
Q What is it? A Our official paper at the present time is the Republican, but that changes you know from time to time.
Q Do you know what your official paper was in December, 1866, and up to and including March of 1867? A Yes, sir.
Q What was it? A The Fort Scott Monitor.
Q Are you required to keep files of this paper in your office? A Yes sir.
Q Have you a file of the official paper including December, 22, 1866, up to and including March of 1867? A Yes, sir. (Here presents files.)
MR. HASTINGS: The Cherokee Nation offers in evidence the account found in the Fort Scott Monitor of date Wednesday, December, 26, 1866, found on the second column of the editorial page, headed "Another Murder."
MR. BROWN: Comes now the agent for the applicant and objects to the introduction of these newspaper accounts for the reason that they are incompetent, irrelevant and immaterial, and purely hearsay.
COMMISSION: The objection will be noted and the newspaper accounts introduced in evidence and considered for what they are worth.

"Another Murder.
Shooting of D. Hayford.
Testimony given before the coroner.

On Saturday night, the 22nd. inst., after dark, Mr. Dyer Hayford of this city was found murdered. A colored man, named Eli Mackey, has been arrested, and is in jail, charged with the crime. There would not seem to be much, if any, doubt of his guilt. Mr. Hayford, has been a resident of Fort Scott for several years, has kept a grocery and provision store on the corner of Williams and Bigler Streets, and was a very quiet and inoffensive man. The facts of his murder as we learn them, are these.

On Saturday, about dark, the sack of flour which Mr. Hayford had placed on a box, outside the door of his store, was stolen. Being missed almost immediately, and learning that Mackey had taken it, and was then on his way home with it, (Mackey resides near Fort Scot mills,) Mr. Hayford jumped on a horse and started towards the mill. He had not been gone more than twenty or thirty minutes before several shots were fired, on the road between the city and the mills where Mr. Hayford was found on the ground, in the last agonies of death. He had received four shots from a weapon, evidently a revolver.

Suspicion was at once directed to Mackey and he was arrested. As the news spread through the city, the excitement and the indignation was great, and many threats of lynching Mackey were made: but wiser and better counsels prevailed, and there was no disturbance.

On Sunday, Justice Margrave was called on to hold a coroner's inquest. A jury was empanelled, consisting of Messrs. C. F. Drake, Joseph Ray, Frank Clough, Porter Williams, Jos. Warden, and R. L. Phillips. The body of Mr. Hayford having removed to his late residence, the jury proceeded to inquire into the cause of his death. We give the principal part of the testimony given before the jury.

Drs. J. S. Redfield and E. F. Hepler made a post-mortem examination, and testified that they found four pistol or gun-shot wounds on the body and face of Dyer Hayford, then lying dead before them. One shot entered the region of the stomach which came out over the liver, in the side of the back. This wound bears evidence that the pistol was held close to the body when discharged. Two other wounds found on the body were about two inches above the left nipple and about an inch and a half apart - one ball passing through, coming out below the left shoulder, the other hanging downward, and was found close to the spinal column, a few inches below the lower ribs on the left side of the body. The fourth ball entered the upper part of the chin, not fracturing the bone, and lodged in the right shoulder, (evidently fired, we think, after he was on the ground.) The surgeons testified that any of the three wounds found on his body would have been mortal.

Alonzo Cullin, (colored) sworn - Was at Hayford's Saturday evening, just after six o'clock, came on horseback, left my horse at the door, went in and found Hayford alone and coming toward the door; Eli Mackey, colored, was standing on the walk when I went into Hayfords; a sack of flour was standing on the box at the door when I went in; Hayford came out and the flour was gone; he asked me who was there when I came in, and I told him; asked me to get on my horse and follow Mackey and see if he had the flour; did so; rode very fast and overtook Mackey at the hill, going toward the mill; he had stopped and the sack of flour was on the ground beside him; his coat was off and thrown over the flour but the end of the sack was in sight; I rode close to him; he put his hands up to his sides and was blowing right smart; I inquired if he had seen a steer with a rope on his neck; he said no; I rode back toward Hayford's and told him Mackey had the flour and where it was; Hayford said he would go and get the flour, and asked me for my pony; he got on and rode down the road; he had been gone a good while before I heard the firing; he had been gone long enough to ride to the mill and back to the place where he was shot, before I heard the firing. When I saw Mackey at Hayford's he had on a soldier's coat; it was off when I found him with the flour. Didn't notice that at any time whether Mackey had any arms or weapons with him; saw him again after he was arrested, a short time after Hayford was killed; he then had a different coat. He asked what he was arrested for; he was told, for stealing flour; he asked who had seen him with the flour; he was then told he had shot Hayford, and he said he had nothing to shoot with. I know that he generally carried a revolver; when I saw him with the flour I didn't notice whether he had one or not. When Hayford started from the store, he said he would go and get Mr. Myers to go with him to get the flour; from the place where I saw Mackey with the flour to that where Hayford was shot, is about one hundred yards. I heard three shots distinctly.

Harry Lender, (colored) sworn - Saturday evening heard several shots fired. Was at home, lived near the mill close by Eli Mackey. About twenty minutes after the shots were fired Mackey came to my door; asked me if his wife was there; told him no. He seemed to be in a hurry. He had on a black soldier's coat; the shooting sounded as if it was south from my house, and about the place where Hayford was found; someone rode down to Mackey's and returned about fifteen minutes, before the shots were fired. Saw the coat which Mackey wore when he came to my house, at his house afterward. - Do not know whether he had any revolver then or not, he usually carries one, have seen him have one several times. I did not notice any flour on his coat. It was a navy revolver which Mackey usually carried. He also owns a gun; didn't see that at his house that night. When Mackey left my house he went to his house, and soon afterward heard him going back to town whistling. Mr. Jones found the sack of flour at the edge of the creek; looked as if thrown down the bank. Was found about twenty yards from Mackey's house. Saw Mackey have a revolver on Friday the day before Hayford was killed.

E. C. H. Myers, sworn - I live about 100 yards west of Eli Mackey's. Saturday night was at home sick abed; a man came to my house and inquired for me; I heard him and knew by his voice that it was Mr. Hayford; have known him several years. He left and my wife said he rode in a northerly direction, that is the way from my house to Mackey's. About five minutes after he left I heard four distinct shots. From the sound thought they were about 150 yards off and southwest from my house. After the firing heard someone walking past, whistling; he was going towards town.

Stephen Looney, (col.) sworn - After dark Saturday night I saw Eli Mackey at Smith's saloon. He asked me to play cards with him that night. He went out and I told him not to stay long. I waited a good bit and Mackey didn't come back and I went out and called him; he didn't answer; I then went over to Hayford's and learned that a sack of flour had been stolen. Didn't notice whether Hayford was there or not. Alonzo Cullin told me he saw Mackey on the road towards home, and that Mackey heard he call, but wouldn't answer. Didn't see Mackey again until Mr. Jones had arrested him, and brought him up to town. When I saw Mackey at Smith's he had on a soldier's frock coat; he had a revolver on him then; it was a big navy revolver. When I saw him after he was arrested, I think he had on a different coat.

Daniel O'Neil, sworn - Saturday night I was at Kirby's and heard a shot fired, and soon after heard a man halloa; run out and another shot was fired before I got out; immediately after heard another shot and saw the flash of a pistol down in the bottom toward the mill. Alex Harris, Westly Dickey and myself run down the road. We found a man lying on his side; his face was turned downward; he was alive but could not speak. From the sound I knew it was a pistol that was fired. Came to town to find Mr. Jones, Deputy Marshal.

The coroner's jury returned to the justice their inquisition, stating that Dyer Hayford came to his death by gun-shot wounds received at the hands of Eli Mackey; they also found that Mackey had feloniously and wilfully fired the revolver at Mr. Hayford with intent to kill him.

Mackey will have his examination soon, before Justice Hargrave, and will no doubt be committed for trial at the next April term of the district court. Mackey is said to be a very dangerous man; he was raised in the Cherokee Nation, and is said to be part Cherokee. He is also accused of having assassinated two men in the Nation, before he came to Fort Scott,

and he was once before arrested here, for shooting a man, but before his trial came off the prosecuting witness left for parts unknown, and Mackey was discharged without trial. Let him be tried for the offence with which he now stands charged, and if guilty he should expiate his crime on the gallows."

MR. HASTINGS: I desire to introduce an editorial from the Fort Scott Monitor of date February, 27, 1867, as follows:

"Eli Mackey, colored, accused of the murder of Dyer Hayford, confined in our jail, to await his trial at the next term of the District Court, for murder in the first degree, escaped last evening, and up to the time of going to press this morning, has not been heard of. A reward of two hundred dollars is offered for his apprehension."

MR. HASTINGS: The Cherokee Nation offers in evidence the following from the Fort Scott Monitor of Wednesday, March 27, 1867:

"A Chapter of Horrors.
Murderer of Hayford Captured and Hung.
Tragical events connected with the affair.

The history of our community for the past week is replete with horrors, such as will, for long days to come, overshadow the hearts of our citizens with gloom.

A few weeks ago, we published an account of the escape of Eli Mackey, the black fiend, who last winter murdered Dyer Hayford. Ever since that time the officers of justice have been on the alert with a view of his recapture, and on Wednesday, the 27th inst., Deputy Sheriff Wheaton, having learned that the murderer was concealed in his brother's house, about five miles northeast of this city, started, in Company with his son, Charles T. Wheaton, Edward Coe - who were on police duty in this city - and Benj. Files, forthe purpose of capturing him.

On arriving at the house, Messrs. Coe and Wheaton, Jr., approached and ordered the wretch to surrender. In return he fired several shots through the partially open door, and then ran out of the house into the open prairie. Coe, being nearest, received the first shots that were fired. He stepped to the corner of the house, sat down and expired in about fifteen minutes. Immediately after Charley Wheaton received a ball in the right side and fell to the ground. For some time no hope was entertained for his recovery; but at the present writing his condition is improved, and his friends entertain some hopes that he will live.

In the mean time a number of the neighbors had gone around and headed by Capt. Curtis Johnson, Mr. Files and Mr. Dickinson started in pursuit. The murderer, with a gun and revolver in his hands, ran fleetly across the prairie, firing at his pursuers as he ran, and dropping down to load as fast as his weapon became empty. Finally, when nearly dead from the wounds he received from his pursuers, he signified his readiness to surrender; but even afterthey approached him his bloodthirsty spirit was not satisfied, and he fired the two remaining shots in his revolver at the crowd. Fortunately, no one was injured, though Mr. Dickinson had part of his coat shot off. After the murderer was secured he was taken back to the house from which he had fled and hung by the neck until he was dead. Before his death he tried to implicate an innocent negro in the murder of Mr. Hayford, but having been caught in the falsehood, he confessed to having committed the deed himself. He also confessed to having killed five other men, and also to having shot at Maggie Hayford last winter. - All reports indicate that he has a [illegible] character with scarcely a parallel in the annals of [illegible] nation

and bloodthirstiness. - We are informed that at one time, in the Cherokee Nation, 25 men attempted to arrest him but failed on account of his desperation. The colored people, who knew him, were terrible afraid of him. History has seldom presented a character so utterly lost even to every sentiment of humanity.

As a general rule, we have always depreciated the taking of life except by due process of law, as dangerous to the peace and quiet of the community and to the best interests of society. We have always found that nothing but the most extreme necessity would justify it, but we believe in this instance that necessity existed; for every moment this desperado was allowed to live, endangered the lives of good citizens. We learn that the house he occupied was since burned to the ground. The sufferers from their attempt to arrest him, were among the best of our young men. As members of the police force of this city they have performed their duties faithfully. Generous and brave to a fault, the death of one and the danger to the other creates a spirit of sadness that cannot soon be eradicated.

The body of Mr. Coe was brought into the city, and of Friday after a funeral sermon by Mr. Irwin was escorted by a large procession, headed by the members of the Grand Army of the Republic, to the cemetary where it was interred.

Sequel.

On Thursday night a crowd of about fifty men, still laboring under the excitement growing out of the tragedy of Wednesday, entered the jail and having possessed themselves of the keys took Jackson Mackey and Harry Vann - on the brother who harbored the murderer and the other charged with furnishing provisions and aiding in his concealment, to the ravine near the poorhouse and hung them to a tree where their lifeless bodies were found next morning. So quietly was this done that few in the city except those who participated knew of it until the next morning."

Benjamin Files, being first duly sworn, testified as follows:

MR. HASTINGS: What's your name? A Benjamin Files.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q Were you living there at the close of the war? A Yes, sir.
Q Were you living there in '66, December? A I have lived there ever since '62.
Q Did you know Dyer Hayford? A Yes, sir.
Q Had you known him before December '66. A Yes sir, I had known him in the neighborhood of two years before that and knew him up until that time.
Q Was he killed? A He was killed at Fort Scott.
Q Was he killed in the town? A He was killed just at the brink of the hill along in the mouth: yes, sir he was killed in the city just about the brink of the hill.
Q About what time of the day was he killed? A He was killed just after dark, just dark.
Q Do you know who killed him, who was said to have killed him, who was accused of killing him? A Yes, sir.
Q Who? A Eli Mackey.
Q Was he a colored man? A Yes sir, he was.
Q Did you assist in his arrest? Yes, sir.
Q Who arrested him? Myself and a man we called Deacon James.

Q That this other man here with you? A Yes, sir.
Q About how long after this reported killing? A I heard the shots fired, then run down there and run over him; I lit a match and this man drew his breath twice. from the time the shots fired I wouldn't it was more than twenty minutes.
Q Twenty Minutes? A Yes, sir.
Q Had it become generally known at the time of the arrest? A No, sir.
Q There was no time for the public to know? A Only a few people knew; I heard the shots fired myself and run down there.
Q And a few people knew that the killing had taken place before he was arrested? A Yes, sir.
Q And the excitement then, was that after that? A Yes, sir, they didn't have time to know it.
Q Was he put in jail? A Yes, sir.
Q You remember how long he remained in jail? A Till about the twentieth, sometim in February, 26th I think it was.
Q Of February following, of '67? A Yes, sir.
Q Well did he make his escape? A Hd got away.
Q He got away? A Yes, sir, he got past the turnkey, Ed Coe.
Q Ed Coe was the turnkey was he? A Yes, sir.
Q I will ask you then if there was any searching parties out for this man? Yes, sir.
Q For how long? I think he was killed on the 20th of March.
Q From then about the 26th of February until the 20th of March people looked for him, a reward offered for him? Yes, sir, some three hundred dollars I believe.
Q Well were there quite a number of people out searching for him?
A Yes, sir.
Q Considerable excitement at that time? A Yes, sir.
Q Did people go out in the country looking for him? A Yes, sir, and searched houses and searched lands, they looked around for him, but failed to find him.
Q Up until that time? Yes, sir.
Q You say that was for about three weeks? A Yes, sir, something over three weeks.
Q From the 26th of February up until about the 20th of March? A Yes, sir.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee darkey or not? A Yes, sir, he was.
Q I believe there was a newspaper account to the effect that when he was captured he was hung up there? A He was killed, yes, sir.
Q What I want to get particularly from you was whether there was any search made for him at the time he was killed or whether search was made for him after his escape, after the 26th of February? A There was no search made for Mackey until he broke jail.
Q No houses searched, nor no wagons, nor no nothing when he was first captured? A He was in jail. I don't think it was much over a half an hour, I don't think it was any; he was in jail in not much over half an hour after he shot Hayford; I heard the shot that killed Hayford.
Q And you helped to arrest him? Yes, sir, I got to Hayford befre he died, but he was too far gone; I lit a match and he was too far gone to speak.
Q You had known Hayford prior to that time? A Yes, sir, hir and me was friends.
Q You was a friend of his? A Yes, sir.

H. C. Jones, being first duly sworn, testified as follows:

MR. HASTINGS: What is your name? A H. C. Jones.
Q What is your postoffice? A Fort Scott.
Q Kansas? A Kansas, yes, sir.
Q What is your age, please sir? A 66.
Q Were you holding any office in the town of Fort Scott, Kansas, in December of '66? A I was.
Q Well were you holding any office at the time a man by the name of Hayford was killed by Eli Mackey? A I was.
Q What office was that? A City marshal, called town constable.
Q You was a city policeman? A Yes, sir.
Q Did you assist in his first arrest? A I did.
Q Who assisted you in the arrest? A Mr. Benjamin Files.
Q This man that's present here? A Yes, sir.
Q Did you hear the shots that killed Hayford? A I did.
Q How soon after Hayford was killed was Mackey arrested, Eli Mackey?
A 20 or 25 minutes, inside of a half hour at most.
Q Very short time? A Yes, sir.
Q Had any houses or wagons or anything of that kind been searched in the mean time? A No, sir, there was no knowledge.
Q People didn't generally know it up to that time? A No, sir.
Q Put in jail then? A He was taken right to the jail as soon as he was arrested, he was hurried off to jail for fear of any mob violence.
Q Well how long did he remain in jail, do you remember? A Why I think something like six weeks or more.
Q Well the Fort Scott Monitor puts it about February 26th? A I presume that was right, it was correct. It was hard for me to remember exactly.
Q Well he remained in jail up to that time? A Up till that time, he was not out of jail except while he was under guard.
Q He made his escape then? A He made his escape, yes, sir, at the time.
Q You know how long he was at large? A Well I put it something like three weeks.
Q I will ask you if there was any searches at that time made for him?
A You mean after?
Q When he got away after February 26th? A Oh yes, sir, there was considerable hunt for him at that time.
Q Reward offered for him? A Yes, sir, reward offered.
Q People searched around in the country for him? A There was quite a number of both officials and independent searches, they would search for him for the first couple of weeks of his escape from there.
Q He was afterwards captured was he? A Yes, sir, he was located afterwards, he hadn't been out of a radius of probably ten miles from there after he got away, he was captured.
Q Do you know whether this Eli Mackey was reputed to be a Cherokee colored man? A He was called a Cherokee refugee, yes, sir, had the reputation, that is his name, of being a Cherokee nigger.

COMMISSION: You are positive about these dates? A To the best of my knowledge now, I would have put it, that is, a week before the holidays, and I knew it was only a few days before Christmas when the killing was done

Q '66? A In '66 the killing was done.
Q Few days before Christmas of '66? A Yes, sir.

[illegible] Nation [illegible] that all the testimony introduced in the case of [illegible] D-[illegible], with reference to the return of the [illegible] and made a part of the record in this case.

[illegible] you as agent for the applicant and above the Commission [illegible] all the testimony taken on this day, for the reason that it is incompetent, irrelevant, and immaterial and not the best evidence, being purely hearsay. [illegible] the request of the representative of the Cherokee Nation [illegible] the testimony filed.

This testimony is to be filed with and made a part of the record in the following Cherokee Freedmen cases: No. D-394, D-396, D-398, D-401, D-403, D-404, D-407, D-[illegible], and in D-391, the same being the case at bar.

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

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 14th day of May, 1908.

(Seal) (Signed) Philip G. Porter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and perfect copy of the original now on file with the Commission as the same was made by me.

Arthur G. Evans

Subscribed and sworn to before me this 23rd day of July, 1908.

P. G. Porter
Notary Public.

[illegible]

The Cherokee Nation most certainly strenuously objects to the allowance of this commission or to the granting of this request for the reason that most of these applicants have had more than a [illegible] to prove all their rights, that they were given time to make out their case before the Commission and they were given time all by agreement in which case, if at the bars would be closed so far as testimony was concerned, with certain [illegible] notice of the time of attorneys representing these applicants, on the 21st day of July, 1902, and that with [illegible] day of May, 1902, we say that under the orders of the Commission, that under the agreement between the attorneys, and the testimony in all these cases to close and should be closed in the Commission and that no testimony should be granted in any case and no case reopened unless there be some proper and particular reason shown either by the Cherokee Nation on the one side or the applicant or the other by an extension of time [illegible] necessary or desired.

The Commission [illegible]

The law provides that the roll of Cherokee freedmen shall be made up [illegible] in the decree of the [illegible] of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court [illegible] such additional time to [illegible] for the hearing of the said Court is denied.

[illegible]

The undersigned, being duly sworn, states that he is attorney for the Commission to the Five Civilized Tribes, he correctly reported the proceedings in the above case, and that the foregoing is a true and correct transcript of the stenographic notes thereof.

Signed: R. G. Hutchinson.

Subscribed and sworn to before me this 14th day of June, 1902.

(Seal) (Signed) P. D. Foster, Notary Public.

I, R. G. Sowell, a stenographer in the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

[illegible]

[illegible] sworn to before me this July 23, 1902.

Notary Public.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Melissa A. Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs. The Cherokee Nation, No. 17,209, filed in the Mariah Hayden case F. D 4[illegible], a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Bert Henderson, D 945;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because: First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove any issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February. 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

To be filed with 940 943.

Birt Henderson.

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

In the matter of the application of Joseph Smith et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-626.

APPEARANCES:
Mellette & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that all the testimony taken by the Cherokee Nation in the case of F. D-818, also the testimony in Freedman Doubtful 216, also the testimony of Reuben Sanders, together with the testimony taken on the part of the Cherokee Nation in the case of Freedman Doubtful 391, be introduced and made a part of the record in this case.

MR. SMITH: The applicant objects to the introduction of the above offered matter for the reason that the same is not the best evidence, and that it is incompetent, irrelevant and immaterial, and does not tend to prove any issue in this case, and because no foundation was laid for the offer of impeaching or contradicting evidence by asking witnesses when upon the stand in this case whether they had made such statements, and because the same is not the best evidence, and because the same is hearsay, and because it was not taken under the rules and regulations of this Commission with reference to notice and opportunity for cross-examination so far as it applies to this case.

COMMISSION: This testimony will be filed with and made a part of the record in the following freedmen cases: Becky Webber, D-435; Lewis Webber, Sr., D-554; Russell Henderson, D-929; William Webber, D-928; Birt Henderson, D-943, and in the case at bar, being that of Joseph Smith, D-626. It appears that the applicants in the above cases are represented by Mellette & Smith.

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

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 7th day of July, 1902.
(SEAL) (signed) P. G. Reuter.

I, A. R. Cheever, being duly sworn, state that as stenograpger to the Commission to the Five Civilized Tribes I correctly copied the original proceedings had in this case, and that the forgoing is a correct copy thereof.

A. R. Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

Bruce G. Jones
Notary Public.

Appl. C. D. #818. Freedmen.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of EDWARD WRIGHT as a Cherokee freedman, introduced on part of the Cherokee Nation.

The Cherokee Nation by its representative makes satisfactory proof of service on B. B. Larson, the attorney for the applicant in this case, that testimony would be introduced by the

representatives of the Cherokee Nation tending to disprove the right of said applicant, Edward Wright to citizenship in the Cherokee Nation at the offices of the Commission in Muskogee, Indian Territory, on the 3rd day of March, 1903, and from day to day thereafter until a decision could be heard by the Commission during the usual business hours.

Cherokee Nation present by its representative, L. B. Bell.

C. V. Rogers, being duly sworn, testified as follows on part of the Cherokee Nation.

MR. BELL:

Q Tell him your name? A C. V. Rogers.
Q Age? A 63 years old.
Q Place of residence? A Clarksburg.
Q Are you a citizen of the Cherokee Nation? A Yes, sir.
Q How long have you been such? A All my life, a little over 63 years.
Q Did you go out of the country during the war? A Yes, sir.
Q When did you return? A '66.
Q Where did you come to? A Come to Fort Gibson.
Q And stayed there did you? A Yes, sir.
Q Well what was your business? A After I come back?
Q Yes? A I followed freighting for something over three years.
Q Where and between what places? A Sedalia and Pleasant Hill and Kansas City to Fort Gibson.
Q Were you ever acquainted with a freedman by the name of Moses Whitmire? A Yes, I know him.
Q Where did he belong before the war? A He belonged in Going Snake District.
Q Do you know what particular Whitmire he belonged?
A I don't remember whether he belonged to George Whitmire or Lee Whitmire.
Q If you did see him when did you first see Moses Whitmire after the war, after your return to the CherokeeNation?
A As well as I can remember it was in February, '68; I met him just on this side of the Neosho River, as they were moving back to this country from Kansas. There was between 24, from 24 to 28 wagons and I met them right on this side of the Neosho River; Dick Whitmire, Moses Whitmire and Aaron Whitmire and old Major Wright is all I know in the outfit.
Q Did you have any conversation with them, stop and talk with them?
A Yes, sir, and Col. Bill Ross passed while I was talking to them going to Fort Scott
Q Did you ask them where they was going to? A They said they was moving back.
Q Well this 28 or more wagons was loaded with people?
A Yes, mostly every one had household goods in them.
Q Colony of Cherokee Freedmen? A Yes, sir, coming back to the Cherokee Nation.
Q Well now that was; where you say it was? A It was right on this side of the Neosho River; between the old Hudson place and Neosho River.
Q How far from the Neosho River? A I suppose half a mile.

Q How far from the north line of the Cherokee Nation?
A I think the river is the line, about half a mile.
Q And how far is that from the Kansas line? A The Neosho is the line, way I understand it.
Q You had reference to where the Military road crosses the Neosho river? A Yes, sir.
Q At Jack McLain's ferry? A They called it Hudson ferry at that time.
Q Hudson lived there? A Yes, sir, in about a half mile.
Q And this Moses Whitmire you met and talked with is the same one you knew in Going Snake and belonged to the Whitmire family there?
A Yes, sir.
Q About how old a man was he when you met him? A He is an older man I think than I am.
Q And you saw other with him you knew? A I think Aaron Whitmire and Moses Whitmire and old Major Wright is the old ones I knew.
Q And you talked with him there? A Oh, I guess I talked with him ten or 15, 20 minutes and while I was talking to him Col. Ross passed going to Fort Scott.
Q Do you know where this man Whitmire lives now, Moses Whitmire you met?
A No, I don't know where he lives.

MR. HASTINGS, Cherokee Representative:

Q Don't you know he lives on Salt Creek near Hayden? A No, I don't know for certain I heard he lived on Big Creek. I don't know thought where he lives. I have saw him ever since I have been here. I dont think I ever was at his house.

----oooOOOooo----

I hereby certify upon my official oath as stenographer to the Commission to the Five Civilized Tribes that I correctly recorded the testimony and proceedings had in this case on the above date, and that the foregoing is a true and complete transcript of my stenographic notes thereof.

(Signed) J. O. Rosson.

Stenographer.

F. D. 818.

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

In the matter of the application of Edward Wright for the enrollment of himself as a Cherokee freedman.

APPEARANCES:
Ben J. Scoville, representing E. B. Lawson, for applicant.
W. W. Hastings, for Cherokee Nation.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorney that it would, on the 20th day of May, 1908 introduce testimony tending to disprove the right of the said Edward Wright to enrollment as a Cherokee freedman. The applicant this day appears by his attorney, E. B. Lawson, who is represented by Ben J. Scoville, Nowata, Indian Territory.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Chambers Commission on Citizenship as found on page 55 of a book taken from the records of the Executive Department of the Cherokee Nation entitled, "Docket of the Chambers com'n on Citizenship," as follows

"No. 85 Edward Wright (Ex. 7th of June.
vs (Answer filed.
Cherokee Nation.

Judgment against claimant June 27, 1879."

The Cherokee Nation also offers in evidence from the same record as above page 57 of the same, the following:

"No. 89. Major Wright
vs (Ex. June 7th. Statement filed
Cherokee Nation. on the 26 of June.
1st July set, 1st Aug.
set for trial.

Judgment against claimant June 27th, 1879."

The Cherokee Nation offers in evidence the application made for citizenship in the Cherokee Nation by Lewis Whitmire on the 26th day of June, 1878, as found on pages 184 and 5 of book B, entitled, "Citizenship record 1874," as follows:

"Before the Commission sitting at Tahlequah to rey claims to Cherokee citizenship.

The undersigned claimant in the case of.
Lewis Whitmire
vs
Cherokee Nation
respectfully presents the following statement of his claim according to the requirement of the Commission.

Claimant claims under classification five of claimants in the law creating this Commission, that is, as a colored person formerly a slave owned by a citizen and resident of the Nation at the

beginning of the late war, freed by law and made a citizen of this Nation by provision of the treaty of 1866. For

Claimant was at the time and place above said owned by George Whitmire, a Cherokee citizen, left the country during the war and returned in the summer of 1866 to select and prepare a home for his family (they then being without one) and again the following year prosecuting the work as his circumstances and the condition of the country at that time prevented and leaving his family in the intervals of time when they would subsist without discomfort and exposure and until a removal of them was practicable which removal of claimants finally was accomplished to the point of the Nation settled by claimants for theirs and his home in the spring of 1867.

Claimants rights have been called in question by competent authority, and he therefore presents them to the important examination of this Commission as are authorised so to do by law.

This June 26, 1878.

Lewis Whitmire,
By W. P. Boudinot, Atty."

The Cheroke Nation offers the following from the same book and continuing on the same page, the application of Moses Whitmire as follows:

"Before the Honorable Commission sitting at Tahlequah to try rights to Cherokee Citizenship.

In case of Moses Whitmire
vs
Cherokee Nation,
claiming Cherokee citizenship.

Claimant claims under the fifth specification of the classes of claimants to citizenship as found in the law creating this Commission, to wit as a colored person formerly a slave owned by one George Whitmire, Cherokee citizen, resident of this Nation, at the beginning of the late war, and freed by law and made a citizen by provision of the treaty of 1866. Claimant respectfully refers to the statement by claimant Lewis Whitmire as embracing the facts which the present claimant would submit to the Commission as the grounds of his claim.

Respectfully submitted,
Moses Whitmire.
June 26, 1878. By W. P. Boudinot, Atty."

The Cheroke Nation offers in evidence from a book taken from the Executive Department of the Cheroke Nation entitled, "Register of evidence before court of Commission Chambers Court, Book A." page 239, case No. 60, as follows:

"Case 60.

Aaron Whitmire)
vs)
Cheroke Nation.)

Tahlequah,
July 3, 1878.

Mike Fields a witness for claimant called and sworn.

I am I think I am about 47 years old. I live in Illinois District, C. N. Am a citizen of the Nation. I have been on the doubtful roll but had my rights proven up before the Supreme Court.

As a citizen under the treaty of 1866. I went north to the state of Kansas in '62. I returned in August -- 31st or 32nd, 1866. I left my family in Fort Scott when I came. I came down to get me a claim. I staid about three weeks that time, and then returned to Fort Scott. After I returned to Fort Scott there were others who started down, the Whitmires were of that number. The claimant was one of them. They came down in Decr. 1866. They returned to Fort Scott before I left there. I left Kansas about the 3rd week in January, 1867 and got to the crossing of the Neosho river about the last of January. When I first come down there was about 15 in the party. They left their families in Kansas when they came down here. There was some of party come with the Whitmires who piloted the Whitmire party and my party were Sam Webber, Mike Daniels, Sam Webber, Jr., Aaron Webber, Reubin Sanders, Tuck Sanders.

The Whitmire proper were Aaron, Lewis, Moso, Dennis and Nelson Whitmire and others that I do not recollect. The object of this party coming was for the purpose of erecting homes. When I moved with my family I stopped on Pryors Creek at Mrs. Alberty's and remained about two weeks. The reason we left that part of the country was because that part of the country was too sparsely settled and bare of subsistance. As I was coming down the first time we were overtaken by the Cherokee Delegation. They were some who come here were authorized by others to locate claims for them, one was by McKey requesting Abe Fields to locate for him. The original request filed.

Cross Examined.

I can not remember the date I arrived here the first time from Kansas. The claim we made I got three sets of house logs, hauled them and piled them up, and some of the men put up houses, I did not put up a house. I started back to Kansas about the middle of September. When I first left the country it was in February, 1863. I was a slave before the war and was owned by Sam Taylor when the war broke out. He was living on Greenleaf near Bushy Mountain on this side of Arks. River. When the Whitmires returned to Fort Scott I do not know when they left there to come to this country as I left them there when I left. It was reported when they returned to the Nation that the Whitmire party had built houses. But I do not know this myself as I was not along. I only heard they had. The War closed in 1865 I think. I did not know it myself but people told me who could read.

I do not know myself that it was the month of Aug. When I come here first, but I was told it was that time.

Re Direct.

It was the December following the time I first came down that the Whitmires come down first to select and improve claims.

Mick x Fields.
his mark.

Aaron Whitmire)
vs) August 1, 1878.
Cherokee Nation.) Bluford Alberty, witness for claimant, called and sworn.

I reside in Coweescoowee District, C. N. I am a native Cherokee citizen. I left the Nation during the war. I returned to the Nation on the west side of Grand River Coweescoowee District

on the 3rd of September, 1866. I had occasion some time in the last of Oct., or the first of Nov. or probably it might have been as late as the middle of November, to go to the Vinefrie. While out there I fell in with a party of seven or eight persons who were carried with others near Sam Crawfords. I did not go to the camp. They were colored people. I knew most of them. The white men were old man Webber, Aaron Whitmire, and a younger brother and Lewis Whitmire.

There was another person whom I was told was a Leonard. I do not recollect any of the others and can not identify them. The Whitmires were Johnson and George Whitmire, Aaron, Lewis and his brother belonged to George. In conversation with Sam Webber he asked me if I knew anything about the treaty and if Jim McDaniel had got here. I told him I had not seen the treaty but had heard rumors about it. He told me they had come to pick themselves homes or take claims and that he was the leader of the company and the reason why Major Wright did not come was that he was an old man, but that he had sent his son down to work for him and take him a claim. He then asked what chances there was to get provisions over on the river; I told him there was none there, but that there was a lot of condemned flour at Gibson and if they would go there they could get some.

He also represented that they had come down to make claims for others who had remained in Kansas, to build them homes and so fourth. They also stated that they were notified to come, and that they had accordingly come to make claims for themselves and the others that they left behind in Kansas. As near as I can recollect it was some time in October or November that I saw these parties. I was not very cold weather at the time. I recollect as I camped out at night. Did not see any of these parties after this fro, May, 1867. There was no provisions to be had in this country at that time. Provisions were very scarce. It was my understanding that they had come to prepare homes for themselves and families. They told me so at least. Major Wright belonged to Cornelius Wright before the war.

Cross Examined.

I heard after this some of them went back to Kansas. At the time I met them I do not know whether their families were with them. I think I saw Dennis Whitmire with this party, but am not certain of seeing Dennis or Nelson. I know there was four of the Whitmire boys. They were owned in the Nation and resided here up to the breaking out of the war

H. W. Alberty.

Aaron Whitmire
vs
Cherokee Nation.

I know Melissa Rutiff. She was twelve or thirteen years old at the close of the war.

She was living with me then and still lives in my family. Jack Landrum was one of the band above referred to, also Ransom Daniels. I learned from our leaders Uncle Mike and Sam Webber that the Cherokee delegation advised us to settle in a compact body on unoccupied lands. We crossed the Neosho in coming down at Nolans's Ferry in 1866. The chief ferryman who crossed us was Bill Martin.

While on Lightning Creek in 1866 I saw Mr. Alberty but had no conversation with him, but Sam Webber had in my presence.

Cross Examined.

I am a claimant before this court for citizenship. I am a half-brother of Aaron Whitmire, Louis, Dennis and Nelson are also my brothers. Mariah Whitmire is my sister. Major Wright is my stepfather. The names of the party that came with me to the Nation are as follows: Mike Sanders, Sam Webber, Peter Reigs, Bill Foreman, Tuck Sanders, Ransom Daniels, Sam Webber, Jr., Louis Whitmire, Nelson Whitmire, Dennis Whitmire, Aaron Whitmire, is all I can recollect now. Witness and my brother were authorized to make claims for others still back in Kansas. Dennis made a claim for Major Wright. I can't name any any others. Witness was a man of family in 1866 when we came on from Kansas. My family was at Fort Scott. Melissa Ratliff, Ed Wright, and my wife and myself composed my family. Louis had no family. Aaron and Nelson did. Major, Ann, Nelson and Allen were Aaron's children and his wife, Sarah. They were left, the wife and children in Fort Scott when we came in 1866. Eliza Sanders, Thos. Sanders were Nelson's family and back at Fort Scott. We went back 1st January 1868 to Kansas after coming to the Nation. When witness returned in 1867 to the Nation Aaron, Louis, Nelson, Dennis, Ransom Daniels, Tuck Sanders, Peter Reigs and the families of those who had families all come as I did besides others not particularly remembered. This was the first time any of our families had been to the Nation, at least mine, Aaron's and Nelson's.

The first time Mariah Whitmire was in the Nation after the war closed was after our parties returned in families in 1867.

The first time Major Wright returned was on our first trip in 1867. Melissa Ratliff was owned by one Alec Ratliff at breaking out of war. She first came in March 1867. Jack Landrum was along in 1866. He was a slave at the beginning of the war. I was present during the examination of Mr. Alberty as a witness in this case.

Re Direct.

Mariah's family at the close of the war was a separate family. Harry Whitmire, her son, represented his mother on the first trip in 1866. Witness is about 55 yrs. old. Major Wright was an old man at the close of the war. Louis Whitmire had been back to the Nation before 1868.

Attest

D. L. Nicholson,
Clerk.

his
Moses Whitmire.
mark.

Case 63.

Aaron Whitmire & family)
vs) Claiming citizenship.
Cherokee Nation.)

Now comes claimant by Atty before the Commission sitting at Tahlequah to try certain claims for citizenship in the Cherokee Nation and makes this his statement of his grounds for said claim to wit-

Claimant is a colored person and claims as aforesaid under privilege of the fifth specification of the classes of claims preferred by law to the Commission to examine and decide rights by competent authority having been denied citizens.

Claimant belonged to Geo. Whitmire a Cherokee citizen at the commencement of the war of the rebellion and was then living in this

Nation. After the beginning of said war claimant moved to or the vicinity of Fort Scott with his family at which location he resided until the summer of 1866 when he returned to this Nation and proceeded to select and improve a home on the Virdigris River for himself and family's permanent residence.
While he was thus making preparations for the removal of his family by providing for their habitation and subsistance at the place mentioned they his family remained where they had been sojourning during the war.

Claimant was compelled by unfavorable circumstances and the attention he was obliged to bestow upon his family to remit his work upon his improvement on Virdigris River from the early fall of 1866 to the early winter of the same year, which he resumed labor upon his improvement, after which he removed his family as soon as practicable to wit in the spring of the year of 1867.

Claimant claims to have returned to this Nation in his own person and as representative of his family within the time provided for by treaty, in that having no residence to come to as other former citizens he did everything possible to constitute a return consistant with the duty he owed to his family by laboring as far as his means allowed to provide a home in this Nation.

Respectfully submitted,
Aaron Whitmire,
By Atty Wm. P. Boudinot.

Aaron Whitmire
vs
Cherokee Nation.

August 1st, 1878.

Wm. Martin, witness for claimant, called and sworn.

I live on Big Creek, Cooweescoowee, C. N. Am a citizen of the Nation. From August up to Christmas 1866 I was at the ferry on the Neosho River on the old Military road leading from Fort Scott, Kansas to Fort Gibson, C. N. Am acquainted with claimant and his brother, Lewis, never knew Aaron until I meet him at the river. Lewis I knew prior to that time. While I was in charge of the ferry I recollect having meet claimant and Mose, Lewis, Dennis and Nelson, Whitmire, Peter Meige, Mike Sanders, Sam Webber, and Young Sam, Bill Foreman and others but Idd not recollect anything about them. They were traveling. They stated they were coming from Fort Scott, Kans, they were traveling from the direction of Fort Scott. I crossed them from the Shawnee side of the River into the Cherokee Nation, they inquired the road to Big Creek. McLean gave them the directions to the head of Big Creek. They stated the reason why they were coming was that the Cherokee Delegation had invitedthem to come back under the treaty. They mentioned Jim McDonald as the principal one who had invited them and they were then on their way to select themselves homes.

It was after the Delegation returned that I meet claimant and the others spoken of it was pretty cold weather when I crossed them. It was as near as I can recollect about the last of October, 1866. I am positive it was before Christmas at I left them at Christmas or probably a few days before Christmas.

Cross Examined.

I was not acquainted with the claimant nor any of the others named previous to the war.

I do not know who owned befor the war. I do not know whether they had lived in the Nation previous to the war. I do not recollect of seeing any of the families of the parties named at the time,

I crossed them over the river. I met some of their men [illegible] over the river a short time after they had come in, [illegible] and Dennis Wilkins and little Sam Webber and I think they were [illegible] and Grayson [illegible] but I am not sure of that now. I learned the [illegible] of the [illegible] conversation with them, but did not [illegible] particularly [illegible] with their [illegible] at that time. [illegible] I was not with the party, I think Wm. Webber [illegible] I would not be right positive that there was [illegible] along or not. I was positive there was no [illegible] as I never seen any. They had camped there long enough that if there had been any women and children I would have known it. The next time I saw [illegible] was in the fall of 1867 on Big Creek. I learned from them that they had got there in March 1867. I know this from having heard it generally talked amongst themselves.

No Direct.

At the present time the distance between our two settlements is about 8 miles. I recognize the claimant and the other parties spoken of. I have been there frequently since that time. I got them over the river. When I saw them in the fall of 1867 they had their families with them then. The means of subsistance at the time I crossed in the country at that time was short.

William Martin.

Aaron Whitmire
Vs
Cherokee Nation.

July 4th 1873.

Wm. McCracken for Claimant.

Witness met claimant near Fort Gibson in Novr. or Decr. 1866. Met him at the ferryboat on Grand River.

Witness had a conversation with claimant at the ferry in which claimant said he was on his way to Going Snake his former home in the Nation and seven of claimant's brothers were behind on the road.

Witness is a citizen of this Nation and knew claimant before the war.

Attest:
D. L. Nicholson, Clerk.

Wm. McCracken.

Aaron Whitmire
vs
Cherokee Nation.

Bluford Alberty.

George Whitmire before the war lived in Going Snake Dist. This Dist. borders on the line of the state of Ark.

Claimant now resides near the western line of the Cherokee Nation. The settlement before the war was [illegible] where claimant now resides. I would say the distance from [illegible] Whitmire's residence prior to the war, and claimant's present residence is 80 or 100 miles. Witness states that he had a conversation [illegible] Webber in which Webber assigned as a reason for settling where he had was that Agent Jones advised the colored people after their freedom to settle in colonies or as thickly as it was convenient to do in an unoccupied part of the country.

This was thought best for the colored man as they could have their own schools &c until matters were more regulated in the country.

The first conversation was in the fall of 1866. The second conversation was in the spring of 1867. I saw several of their families in May, 1867 on Big Creek or Lightning Creek in the Nation.

The [illegible] so that at the time mentioned [illegible] I saw Claimant and other colored men [illegible] to [illegible] old fields in that neighborhood for the purpose [illegible] following [illegible] Empire Plains. The [illegible] on the two fields [illegible] work [illegible] better character [illegible] much as [illegible] farms all [illegible] and good.

Witness was [illegible] a party of six gentlemen [illegible] 1866 and this colored [illegible] the neighborhood for [illegible] their homes. Several [illegible] colored party and they had [illegible] the party above indicated.

Agent Jones was at the time [illegible] party. A Delegation for the Cherokee Nation [illegible] There were parties as witness learned from one of them who wished to expel or drive off from their claims the colored party at the time they were inspecting the country. This was advised against by witness and it was not done or carried out. Witness' party except of above was composed of Cherokee citizens except one colored man. I am the sole survivor of this party except the colored man and possibly one other. Occupation of witness [illegible] farming and [illegible] cattle. I travelled a good deal in that neighborhood at that time spoken of.

Continued on page 223.

Aaron Vaturiro et al } July 16th 1878.
vs }
Cherokee Nation. } John Riley.

Sworn as witness for Deft. I live in Cooweescoowee Dist. I first moved there in 1867 and have continued to reside there except in time of war. I came back in the month of August 1865 to the Nation. I knew Aaron Vaturiro. He returned or came to the Verdigris River to live in the month of March 1867. Also came at the same time Pete Hoige, Mike Sanders, Sam Feiber, Billy Foreman, with their families and others whom I don't recollect. Claimant made a crop that spring in 1867 on an old place of Aaron Lucinna. He had settled no other place before that.

Cross Examined.

I don't know of any colored heads of families coming in to the Nation in the month of Dec. 1866 to locate homes but I know of some who came in Sept. 1867 for that purpose. I knew where Aaron Vaturiro lived at this time. I was [illegible] family's [illegible] in Dec. 1867. I live on the west side of the river. Claimant lived and settled on the east side of the river. If any heads of families came in Dec. 1866 I never heard of them. I never knew of Bluford Liberty being in the part of the [illegible] in 1866 in the party who came down in Sept. 1867. Aaron Vaturiro was not along but Mike Sanders, Sam Feiber, Colbert & [illegible] Foreman. Hosea was not along. Dennis was not along and I [illegible] nor Major Wright nor Nelson Vaturiro that I knew of. [illegible] had come down in Dec. 1867 I think seriously I would [illegible] them.

John Riley.

Randolph Riley. (page 223)

About the middle of May 1867 I first saw this party with their families at their new homes. Claimant and others of this Colored party told witness that they returned in March 1867 to the Nation.

Re Direct

I learned from John Coker that most of this colored party returned to Kansas after their families had a few remained. I was at General Convention of the Colored People in 1866. It was witness' understanding that the purpose of said convention was to ratify the treaty of 1866. I think the object of the convention was to ratify amendments to the Constitution under the treaty and to ratify the treaty. The treaty was concluded the 9th of Aug. 1866 in my information. It might have been July 19, 1866.

Witness went south during the war. J. B. Jones was not at the time herein mentioned U. S. Agent but was a Delegate and was Agent afterwards.

B. F. Alberty.

Attest

D. B. Nicholson,
Clerk.

Aaron Whitmire)
vs) Tahlequah May 16, 1878.
Cherokee Nation.)

This day comes John F. Lyons Atty for Cherokee Nation and denies all and singular the allegations of claimant contained in the above named case.

John F. Lyons,
Atty for C. N."

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

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 2nd day of June, 1902.

(SEAL) (Signed) F. G. Reuter,
Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the above and foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

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

Bruce G. Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9, 1901.

In the matter of the application of Aaron Webber for enrollment as a Cherokee Freedman.

Aaron Webber, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Aaron Webber.
Q How old are you? A 36 I think.
Q What is your post office address? A Wymer, Cherokee Nation.
Q What district do you live in? A Cooweescoowee district.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A Just myself.
Q Have you ever applied to be enrolled by any other tribe or Nation besides the Cherokee Nation? A Yes, sir, the Clifton Court and the Wallace Court.
Q The you apply to any other Nation, the Creeks? A No, sir.
Q Never drew any money from any other Nation? A No, sir, I didn't.
Q Have you been recognized by the Cherokee authorities as a Cherokee citizen? A Yes, sir.
Q Is your name on the roll of 1880? A It is on this roll here Mr. Bledsoe has got here; I came come with my brother Sam Webber,
Q Is your name on the roll of 1880? A No, sir.
Q Did you ever drew your strip payment money? A Yes, sir.
Q How much did you draw? A $15.50, and then I drew this other payment, this last payment, I drew it.
Q You drow the last payment? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kerns-Clifton roll examined, and the applicant identified thereon, page 126, No.315, Cooweescoowee district.

Q Were you a slave before the war? A Yes, sir.
Q Who did you belong to? A Takie Webber.
Q Was she a Cherokee citizen? A Yes, sir.
Q Where did you go during the war? A Went to Kansas.
Q When did you come back from Kansas? A Came back in 1866.
Q You been living here ever since? A Yes, sir.
Q Are you married? A No, sir.
Q Ever been married? A No, sir.
Q Got no children then? A No, sir, I haven't.
Q You are certain you came back in 1866? A Yes, sir, I did.
Q Who did you come back with? A Sam Webber and my father.
Q Why is your name not on the roll of 1880? A Why I can't tell you about that.
Q Did you ever try to have it put on? A Yes, sir.
Q They refused to do it? A Yes, sir, must have, for it aint there.

Mr. W. W. Hastings; attorney for Cherokee Nation: You say you returned with your brother Sam? A Yes, sir, I did.
Q Did you come the first time he came out here? A Yes, sir, I did.
Q What time of the year was it? A '66.
Q What time in the year '66? A Well you see I can't read and I can't write, I didn't keep no count of the days and the months because my owner's didn't give me time to get my education.

Commissioner: Was it in the sall or summer? A It was along in March when I came back in 1866.

Mr. Hastings: Was it the March after the treaty was made? A Yes, sir
Q You are certain of that? A Yes, sir, I am.
Q And you came back with him at that time? A Yes, sir.
Q Did he bring his family along then? A Yes, sir.
Q His wife and children? A Yes, sir.
Q He had already been out there and put up a house? A Yes, sir, I had come out before that and I come with him, and we put up a house and I came back with him in '66.

Q The first time you came back was in March after the treaty was made? A Yes,sir, that is when we moved there.
Q How long before that was it when you came out? A I can't give the days of the months, how long it was we came out, but we came and put up a house one fall and went back and came right on down.
Q About how long did you stay out here when you had put up the building? A We stayed three or four days and then went right back and moved down.
Q What kind of buildings did you put up? A We put up a log cabin.
Q Out on Big Creek? A Yes,sir.
Q How far from where Sam Now lives? A Sam lives on the north side of Nowata and we live up there on Big Creek, I can't tell you exactly how many miles, but he lives at Nowata and we live up there on Big Creek.
Q What old citizen lives near where you first located, where you first located when you first moved out? A There isn't anybody lives there now.
Q Name some old citizen who lives at the place now where you located then? A Sam Webber.
Q Does Sam Webber live at that place now? A He did live there but he don't live there now.
Q Who lives at the place Sam and you came to? A The Meigs and Whitmires and Sanders, and a whole lot of them.
Q You have lived there ever since? A Yes,sir.
Q You came out in wagons the first time? A Yes,sir, because Sam Webber drove the ox wagon and I drove the horse wagon.
Q Do you know anything about dates? A I know when they say the year is out, and this year is in.
Q What year is this? A If I am not mistaken I think this is May.
Q The year though? A I can't tell you exactly what year it is, because I am not educated like you smart men.
Q You are satisfied in '56 you came here in March? A Yes,sir.
Commissioner: Do you know when the treaty was adopted, know what month it was adopted in, the treaty; you told Mr. Hastings you came here the march after the treaty was adopted; you don't know what month in 1866 the treaty was adopted? A No,sir, I don't.
Q Have you got any witnesses? A Yes,sir, Sam Webber, and Abe Hare.

Sam Webber, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Sam Webber.
Q What is your age? A About 58, somewheres nearabout that.
Q What is your post office address? A Nowata.
Q Are you a recognized citizen of the Cherokee Nation? A Yes,sir.
Q Your name on the 1880 roll? A Yes,sir.
Q Do you know Aaron Webber? A Yes,sir.
Q Is he any relation to you? A He is my brother.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Was she a Cherokee citizen? A Yes,sir.
Q By blood? A Yes,sir.
Q Where was he during the war? A He was with us in Kansas.
Q When did he come back? A He came with us when we came back in July.
Q You came in July from Kansas and he came with you? A Yes,sir.
Q What year was that in? A In 1866.
Q He was a slave the same as you? A Yes,sir, same as me, with the same owners.
Q Ought to be entitled to the same rights you have got? A Yes,sir, have just the same right, belonged to the same parties too.
Mr. Hastings: Q What time of the year was it you say you brought him back? A We came in July and built houses and went back and moved down.
Q You had heard of the treaty passed? A We came right in the same month the treaty was made in because we overtook the delegates

at Fort Scott.
Q You had heard of the treaty before you left there? A As soon as we arrived at Fort Scott and talked to them, and they told us they had made a good treaty.
Q And you came on down and he came with you? A Yes,sir.
Q Did you bring your families at that time? A I didn't have any family then.
Q The rest of the people, they come along? A Yes,sir, I was small myself, I was with father, we came and built and went and moved some of them after that.
Q How long did you stay down there at this time? A I didn't stay long, I couldn't tell you just how long we really stayed, we didn't stay only long enough to find claims and cut logs and build shanties.
Q Who lives up there at the place that you located, now? A Reuben Sanders lives right where I built my house, he is living there to-day
Mr. Bell: Where did you start from when you started from Kansas down to Big Creek? A Started from a little creek six miles south of Mound, said to be about twenty miles north of Fort Scott.
Q Had you started to the Cherokee Nation when you came across these delegates at Fort Scott? A Yes,sir.
Q What was your notion about starting? A I had been down here and looked through the country and went back and told them the war was over here as well as everywhere else, and let's come home.
Q You hadn't started then with a view to saving your rights here under the treaty? A We didn't know nothing about the treaty, it wasn't made when we started as we knowed of, until we got to Fort Scott, and we saw the delegates.
Q What time was that? A Along in the last part of July, the last week in July, as near as I can remember.
Commissioner: When Aaron says he came in March he is mistaken? A He is mistaken, he don't know dates; he is notbright enough to know dates.

Abraham Hare, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Abraham Hare.
Q How old are you? A About 70.
Q What is your post office? A Wymer.
Q Are you a Cherokee Freedman? A Yes,sir, claim to be.
Q Your name is not on the roll of 1880, is it? A No,sir.
Q Were you a slave? A Yes,sir.
Q What was your owner's name? A Arlie Hare.
Q Do you know Aaron Webber? A Yes,sir.
Q Was he a slave? A Yes,sir.
Q To whom did he belong? A Takie Webber.
Q Well, did you know Aaron Webber before the war? A Yes,sir.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Did you go out? A Yes,sir.
Q What made you colored people go out during the war? A We couldn't stay here.
Q Thought it was safer to go out? A Yes,sir, I had to go out.
Q Why couldn't you stay here? A They wouldn't let us.
Q Who wouldn't let you? A The Rebels and the Yankees neither one.
Q Where was Aaron Webber during the war? A He was with his father up in Kansas.
Q When did he come back? A He come back in the fall of '66.
Q How do you know? A I come with him.
Q And you came at that time? A Yes,sir.
Q Have you known Aaron Webber since that time? A Yes,sir.
Q Has he always lived in the Cherokee Nation? A Yes,sir, lives right by me now.
Mr. Hastings: Your rights are disputed? A Yes,sir, same as his.
Q You were in here this morning; your case was presented?
A Yes,sir.

Commissioner: Aaron Webber applies for the enrollment of himself as a Cherokee Freedman. His name does not appear upon the authenticated roll of 1880, but does appear upon the Kerns-Clifton pay-roll. By reason of the protest of the Cherokee Nation the name of Aaron Webber will be placed upon a doubtful card awaiting further consideration of the Commission.

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

Bruce G. Jones.

Sworn to and subscribed before me this the 10th of May, 1901.

C. R. Breckinridge,

.....Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C. F. D. 380.

Appearances:
W. W. Hastings for the Cherokee Nation.
Melletha A. Smith for the applicants:

DOUGLAS WALKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows for the Cherokee Nation.
(By the Commission)
Q Give me your full name? A Douglas Walker.
Q How old are you? A 50.
Q What is your post office? A Mound City, Kansas.

(By Hastings)
Q How long have you lived in Mound City, Kansas? A Since May 1857.
Q What was your father's name? A James Walker.
Q What was your mother's name? A Miana Walker.
Q Was your father and mother here the first of the month? A Yes sir
Q They testified in this matter at that time did they? A Yes,sir.
Q Do you know Samuel Webber? A Yes sir.
Q Did you know his son Samuel Webber? A Yes sir.
Q Where did you know them? A Near Mound City, Kansas; in the neighborhood where I live.
Q Do you know the applicant here, Joe Ross? A I know him as Joe Webber.
Q Is the the same fellow? (pointing) A Yes,sir.
Q Where was he living at the time? A He lived with the older Sam Webber at the time.
Q You know this applicant here is the same party? A Yes sir.
Q Did you know a woman named Chlora? A Yes sir.
Q What relation was she to Joe Ross? A Sister.
Q Did you know Aaron Webber a little duck legged fellow? A Yes sir.
Q Where did you know him? A In the same family in Mound City, Kansas, Linn County.
Q Whose farm did Samuel Webber live on, if you know? A He lived on a farm that belonged to a man named Jeff Flemmings.
Q I mean in the year 1866? A My father bought the farm.
Q Of whom did he purchase the farm? A Of Flemmings.
Q Do you know where young Sam Webber was married? A He was married there in Linn County, near Mound City, in the neighborhood there, where I was living.
Q Did he marry before or after he moved from that country? A Before he moved.
Q Mr. Walker, have you looked up the date of when your father purchased that farm? A Yes sir.
Q The date of the deed? A Yes sir.
Q What was that date? A The date of the deed is October '66.
(By Mr. Smith) Object to that if you have not the deed.
(By Mr. Hastings) Have you looked up the date? A Yes sir, but have forgotten the exact date as to days.
Q At that time, where was Sam Webber living? A On this farm that father purchased.
Q Where was young Sam living at the time he married? A On this farm on the same place.
Q What is your best judgment as to the time Sam Webber, including Joe Ross, Chlora Grayson and Aaron Webber left that country with their women folks and come to this country? A According to my best recollection it was the latter part of February or early in March of '67, I can't state exactly the month; early in the spring of '67 though.
Q Did they all move down at the same time? A All started together.
Q Left there together? A Yes sir.
(By Mr. Smith)
Q You say you know that this applicant in this case is the same man that you knew at that time in Kansas as Joe Webber? A Yes sir.
Q How did you know it? A I recognized his countenance as one man knows another.
Q How? A Well I saw him.
Q When? A To day.
Q Where? A On the street.
Q And you knew him as Joe Webber? A Yes sir, the name Joe Ross was not used much.
Q When did you first become acquainted wirh old man Sam Webber? A In '63 he moved on that farm.
Q Which farm? A The farm my father bought in the neighborhood where I lived, the old Flemming farm.
Q When did your father buy that farm? A In the fall of '66, I have forgotten the exact day, in October or September.

Q Was that after the time that he brought the hides there? A It was that trip that he left there for the purpose of building some houses that he brought the hides when he returned.
Q Dont you remember of them leaving there to come to the Territory for the purpose of building houses? A Well that was wither in the spring or winter, in the latter part of February or early in March I have not given the matter any considerable study.
Q How do you fix the dates you have given? A I remember them and then by the dates I have looked up.
Q What dates have you looked up? A The purchasing of this land.
Q Are you testifying from the date of the purchase of that land? A Father bought the place in the spring of '66 on condition and paid $80 down, or traded cattle, as a forfeit, and in the fall he got some money and got full possession of the place; Webber had possession until the first of March, that is the Kansas law, from the first of March one year until the first of March the next year; they had possession of it until March first 1867.
Q Mr. Walker, when you had occasion to investigate this matter, you had forgotten all about it practically hadn't you? A No sir, but it was something I had not thought much of.
Q You couldn't have told on the moment what year Sam Webber left there could you? A I would have had to look at the dates.
Q Then you are not testifying from your recollection, but from the dates that you have looked up since? A Part of it is from recollection and part of it is from looking up the dates.
Q How long has it been since you thought of the time Sam Webber left that country before you made this investigation? A I was asked the question as to when they moved and I hadn't given the matter any thought till then.
Q You didn't know then did you? A Yes sir after I thought it over.
Q How long did it take you to think it over? A I dont exactly remember.
Q Can't you give us some idea of it? A 2 or 3 weeks.
Q Were you here when your father testified in this case? A Yes sir
Q Did you know as much about it then as you do now? A No sir.
Q How long was that from the time you had first been spoked to about the date? A I had not expected then to give testimony in this case and had not thought much about it.
Q What were you doing here then? A I was subpoenaedx in another case.
Q You had been talking about this case then? A Not much.
Q How much? A A word or two.
Q And you were here all the time your father and mother were her and yet didn't testify in this case? A Yes sir.
Q You went back to Kansas? A Yes sir.
Q And came back here again to testify? A Yes sir.
(By Hastings)
Q You were subpoenaed by the Cherokee Nation? A Yes sir.
(Continued by Stenographer J. O. Resson)

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

Chas. von Weise.

Subscribed and sworn to before me this the 9th of November, 1901.

T. B. Needles,

Commissioner.

The undersigned, [illegible]
to the [illegible] and [illegible] ing
copy [illegible] the same [illegible] true and complete copy of [illegible] al.

[illegible]

Subscribed and sworn to before me [illegible] 14th day of August, 1902.

[illegible]
[illegible]

Joe Ross (sup'l) 5 (Continued from Stenographer Chas. von Weise.

Before Commissioner Breckinridge, at Tahlequah, I.T., Supplemental C.F.D.-350, Joe Ross.

(By Stenographer: This following testimony was originally taken down by stenographer J.O.Rosson, and afterwards dictated by him to stenographer M.D.Green.)

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

Q Give me your full name? A Henry C. Short.
Q How old are you, Mr. Short? A 48.
Q What is your post office? A Mound City.
Q In the Cherokee Nation? A In Kansas.
BY MR. HASTINGS:
Q How long, Mr. Short, have you lived in and about Mound City, Kansas? A Well ever since the spring of 1857.
Q What was your father's name? A John Short.
Q Were you living there in the years '66 and '67? A Yes sir.
Q Were you living in town or in the country? A Living in the country.
Q Do you know Douglass Walker that left the stand? A Yes sir.
Q Did you know a colored man by the name of Sam Webber up there? A Yes sir.
Q Do you know that young Sam Webber, his son? A Yes sir.
Q Do you know Joe Ross? A Yes sir.
Q This is the man there? (Pointing to the applicant.) A I wouldn't have known him unless he had been pointed to me. They always called him Joe; I don't remember about him being called Joe Ross up there.
Q Have you talked to him? A Just spoke to him.
Q Did he recognize you as being the man? A He recognized me as being Short by telling him who I was and where I was from; he claimed that he was one of the boys.
Q Do you know Aaron Webber, a little duck legged fellow? A Yes sir
Q Where did you live in the spring of '66? A In Linn County, on Elk Creek, in Kansas.
Q Did you live on the same place in the fall of '66? A Yes sir.
Q Did you live in the same house? A I lived in the same house now that I moved into in the fall of '66.
Q Well now what time in the fall did you move into it? A Well now it was the last of October or the first of November, I wont say which; along about in them times I moved, that is my folks moved; of course I was small, I moved there after that from the west part of the place to the east part of the place.
Q Do you know where Sam Webber was at that time? A They lived then at that time in the fall of '66 they lived on the place known as the Fleming place, adjoing farms of ours.
Q Were they living there when you moved? A That fall?
Q Yes sir? A They were living there then.
Q I will ask you what is your best judgment as to the time they moved with their families and left that country? A Well I could not say just how, for I have got nothing to fix them dates. The best of my judgment they left there in February.
Q February now of what year? A Of '67, I would say that, but now I aint certain, I aint got no opinion about what time they left.
MR.SMITH: Now I move to strike out the testimony to that effect, because the witness says that is his opinion.
Commission: We will take it for what it is worth and let the Commission pass on it.
BY MR. HASTINGS:
Q That is your best judgement? A Yes, sir.
Q That is your best recollection? A (No response.)

Q You said I believe you knew [illegible] sir, that is all I can state positively, [illegible] they were there.
Q You know that by your move? A Yes sir, that is the one thing I have got you know.
Q Do you know Joe's sister, Chlora? A Yes sir, there was a girl there called Chlora, I supposed it was Joe's sister.
BY MR. SMITH:
Q Mr. Short, how old were you in '66? A About 13 years old, September 6, 1866.
Q Now when were you first asked as to the time when Sam Webber left that country? A When was I asked first?
Q Yes? A I think it was last Sunday.
Q Well you didn't know did you? A No, I don't know yet what day he left there at all.
Q Did you have that opinion then? A Yes, I have the same opinion I got now; it was the best of my opinion they left in the spring; I got nothing to say they did or did not.
Q Where was Sam Webber, Jr., in February 1866? A I don't know.
Q Where was he in October, 1866? A He was on the creek.
Q Did you see him? A Yes, he was there; he hadn't moved; he come down here and went back again in the fall; and the whole family was all there in the fall.
Q What was in the fall of 1866 was it? A Fall of 1866.
Q I am talking about 1865? A Well they was there too.
Q Did you see him? A Yes, of course they was there.
Q Of course, well how do you know, did you see him? A Yes I saw him.
Q Where did you see Sam Webber in the fall of 1865? A Oh I don't know; he worked some for us.
Q Did he work for you in the fall of 1865? A Worked for my grandfather some.
Q That young Sam Webber? A Yes, sir.
Q You say you knew young Sam Webber, the youngest of the two? A Yes, sir; I knowed young Sam and old Sam too.
Q Did you know young Sam Webber, called Sam Webber, Jr? A Yes sir, of course it has been a long time from the time I saw him, from the time he left there until I come down here; saw him the first time we been as I moved there.
Q What did you say about his being a boy? A I suppose he was a young man; I couldn't say as to that.
Q What about Joe Ross, was he a boy? A Yes sir, Joe was younger than me if I am not mistaken. Wasn't much difference in the ages, but I think he was younger than me.
Q Now is it not a fact that Sam Webber and his father old Sam Webber and Aaron Webber came to the Cherokee Nation in the fall of 1865? A I think not, I don't think they did; they was there in 1865 but they was going and coming all the time; they come down in 1866 and located.
Q They came in 1866 and located? A Yes sir, but they came back and got their family.
Q Now you know only that they were there in 1866? A I know they were there in '66.
Q You don't know what time in '65 they were there? A They were there before '66.
Q Well I am talking about '65; were they there in the spring of '65? A I couldn't say what time of the year; I think they were there all the time.
Q You don't know whether they were there all the time in 1865 or not? A No sir, I couldn't say that they was.
Q Do you remember Sam Webber Sr. and Sam Webber Jr. and Aaron Webber coming down to the Cherokee Nation at any time? A They came down in the summer of '66 I think, I really after crops was made; they came down here and they went back up there together in the fall.

Q Well did they ever come back to stay? A I don't know whether they did or not. Aaron didn't come back. I don't [illegible]

What about Sam Webber, did he come down with his father? A No sir, I don't know whether Aaron came back our part I know Sam and the old man came back and got the family.

Do you know that they came back together? A Yes, I am pretty sure that they came back, I know I met them afterwards.

Do you remember of Sam Webber Jr. ever bringing a wife into the country? A No sir, I don't remember; I remember Sam telling me he got married.

When did he tell you he had his batch on? A In the fall of '66. He had been down here in the fall of 1865 and had built a cabin? A Yes sir, he told me he had his cabin built.

And now that final move when they took all the people out you think was in what time? I don't know, but it runs in my mind February or March; I won't say anything about that.

What year? A '67.

You say you won't say anything about that? A I don't know whether it was or not.

You don't know whether it was or not? A No sir, that is a secret, but it runs in my mind it was.

There was Sam Webber during the winter of 1865 and '66, the winter that commenced with December, 1865 and ended with February [illegible]? A I think he was there.

Well, did you see him there? A Yes, I think he was there pretty much all the time.

Well do you know it? A I got no way to fix it, that's my mind he was there.

You won't state it positively that he was or was not? A I know he was there and I believe he was too.

You don't state that positively? A No sir, not unless I got something to fix the date.

You won't say that? A No sir.

Now can you remember about Sam Webber coming up there in the spring of 1866 and bringing some boys hither? A No sir, I don't remember of anybody coming in a long time ago; how I have got those dates fixed in my head that way in the fall of '66 I was moving from one place to the other, and that was in the fall.

You don't go by that? A No sir, just moved from the west to the east side.

And you were a boy about 15 years old? A Yes sir.

What is there in that to fix the date in your mind it was in 1866 or more than 1865 you moved? A I know we moved from the thicket (?) the family of a young man that was here, I know it was 1866.

But aside that now about the deaths in the family? A There was a young man died in the family in '66, a year or two after we moved from the house, but he didn't move in his house at all.

You don't seem to be positive about any of these dates you gave? A Now I do, when the family moved every remember that fact.

Do you know Webber's movements? A They was all there in the fall of '66; they was all there in October or November one of the two months, because we moved then.

[illegible]

Did you never attend the 4th there in 1866 did you? A No sir.

[illegible] I suggest that it is not important whether he [illegible] or not.

Did you ever hear that we held the county seat? A No sir, [illegible] recollection of [illegible] there [illegible]

Is your [illegible] recollection of that is very? A Yes, sir.

[illegible] Rice, being duly sworn and examined by Commissioner [illegible] identified as follows:

Q Give me your name, please? A Mary A. Hicks in the [illegible] Presbyterian church.
Q How old are you? A If I live to the 21st of next month I will be 67 years old.
Q What is your post-office? A Manley.
Q Is that in Kansas? A Yes sir.
BY MR. HASTINGS:
Q How far do you live from Kansas City, Kansas, Mrs. Hicks? A I live six miles.
Q How long have you lived in that neighborhood? A Ever since the spring of 1857.
Q You were living there then after the war? A Living there in the time of the war.
Q Do you know Mr. Walker, Douglass Walker, that has been on the stand? A Yes sir.
Q Do you know Mr. Short that left the stand here? A Yes sir.
Q Mrs. Hicks, did you know of a man up there by the name of Sam Webber? A Yes sir.
Q How far did you live from him just after the war? A Well I think it was about 175 steps; they used water out of my well.
Q Did you know his son, young Sam Webber? A Yes sir.
Q Well did you know a little short one called Aaron Webber? A Yes sir.
Q Did you know a boy called Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A Why I met Joe Ross down there; he said he knew me and come up and shook hands with me and I saw Sam Webber.
Q I will ask you to look if this is the same parties now? A Well I tell you Ross don't favor himself so much, but Joe he is just like his father and I knowed him because he is just like his father; well old uncle Sam was older than Sam is of course.
Q I will ask you if you had any deaths in your own family in the fall of '56? A Yes sir.
Q What was the date of it? A The date of the death?
Q Yes, madam? A Well it was October.
Q Did you make any record of it in your Bible? A Yes sir.
Q Is this your Bible? A I reckon it is; if you will let me look I will tell you.
Q Look at it and see if this is your Bible? A I think it is, but I can't read it, I haven't got my specs.
Q You haven't got your specs? A No sir.
Q Well of the family record here of births and deaths appear this: Franklin Hicks, was born November 7, 1844.? A Yes sir.
Q And under the column of deaths appears: "Died October 23, 1856".? A That is correct.
Q Who was Franklin Hicks? A He was my son.
Q Do you know where Sam Webber was when your son Franklin died? A No sir, I could not tell you.
Q Don't know? A No I don't; you mean this Sam?
Q That man? A Oh, the old gentleman; he lived up there by me I think; I am most positively he lived there then.
Q Do you know where his wife was? A Her wife died there.
Q Well do you know whether she was dead at the date of your son's death? A Yes sir, she died I think before he died; there was an old lady, they called her old aunt Rhoda, living.
Q She was living? A Yes sir.
Q Was she a member of this family? A Yes sir, she lived there with them.
Q Well do you know whether she was there during the sickness of your child? A Yes sir, she sat up with me several times, and if it was a bad night and she saw no one come in she would come and sit up with me.
Q Did you know a sister of Joe's called Chlora? A Yes sir.
Q Now I would like to have your best judgment Mrs. Hicks as to the time Old Sam Webber moved with his family and children from that country? A -

MR. SMITH: The applicant objects to the witness giving her opinion as to the time when this sickness took place, because it is not the subject of their expert or opinion evidence.
COMMISSION: I understand the question to be her best recollection.
A It has been a long time you know.
Q Well, answer the question? A About him being there?
Q I want to know, the question is, what is your best recollection as to the time Sam Webber and his family, when he left Kansas with his family? A --
OBJECTED to by applicant.
A Well my best recollection was that, I would not be positive of course, but I think it was in February or March, one or the other. The best of my recollection, because the old lady, old aunt Rhoda and uncle Cy, that was her husband, they both was old and feeble and I think old uncle Sam stayed there on that account more than anything as long as he did.
Q Well now that would be February of that year? A It would be '67 wouldn't it?
Q You lived then about 175 yards of them? A Yes, sir, I could hear them sing over there and hear them laugh and talk to my house.
Q On whose place were they living? A Well they was living on Mr. Walker's place then.
Q Had he recently purchased it? A Yes sir.
Q Do you remember who he purchased it of? A I think it was a man by the name of Fleming; I think it was Flemings owned it.
BY MR. SMITH:
Q About how long, Mrs. Hicks, had Mr. Walker owned this place at the time these people lived there? A Well I couldn't answer that question
Q Well you could tell whether it had been a few months or whether it had been a year or two? A It was, I suppose it may be quite a while, I couldn't tell you.
Q You remember that Mr. Walker owned a place there? A Of course I know he had charge of the land; I think Mr. Walker bought it from Mr. Fleming if I aint mistaken.
Q And you know these Webbers were living on the Walker place?
A Yes sir.
Q Well now what is your best recollection as to how long Mr. Walker had owned that place? A I don't know; I wont pretend to say anything I don't know; I dont want to meddle with, I didn't come down here to criticise or anything about it; I want to tell the truth as far as I can.
Q Where was young Sam Webber in December, 1866, and up until January or February of 1866? A I could not tell you where he was, I think Sam worked out some around; I couldn't tell you whether he was at home all the time or not; I could not tell you.
Q Where was young Sam Webber at the time your child died? A I couldn't tell you that; this one?
Q Yes? A I don't know.
Q He was not there was he? A I don't know, I couldn't say as to that.
Q Do you remember old man Sam Webber and young Sam Webber and Andy Webber and others leaving; Aaron Webber and others leaving that community in 1866 and coming down to the Cherokee Nation? A I recollect only Sam coming down here, I don't know, I wont be positive, I guess though it was in '66.
Q Well about how long was it ago, your best recollection, before this date in the fall that you have spoken of? A I don't know.
Q Don't know? A No I don't; but I recollect about it, he brought me back spice wood and sassafras root.
Q Do you remember young Sam bringing some aides to the community?
A No sir, I didn't charge my mind with anything like that.

[illegible]

Q [illegible] don't know whether it was fall weather or [illegible]? A No sir, I don't.

Q Well how is it [illegible] no further [illegible] of this very time [illegible] you mean [illegible] have of the first time? A I know he was there [illegible] or who died.

Q And you don't know how long after that? A No; they went along the latter part of the winter, but I don't know what time; I think it was in February or March.

Q You couldn't be positive whether it was February or after Christmas could you? A I don't think it was before Christmas.

Q You don't think that was? A No I don't, for several facts.

Q You can't state positively whether it was before or after Christmas, you can't answer it? A I wouldn't want to swear it either way

Q Where did you move from this place, that you live? A Where did I move from.

Q How long have you been living at this place now where you lived when your child died? A I have been living on the place ever since the spring of '57.

Q About how long did you remain on the place? A I stay there yet, when I am at home; my husband is dead.

Q Do you know how many trips Sam Webber made to the Cherokee Nation before this time that he came away from there the last time? A No sir, I don't.

Q You know of his coming one time? I know him and his father and I think Aaron, and I don't know whether Joe was along or not.

Q Well in this Joe? A Well of course, oh that one, Joe Webber, that one sitting there?

Q Yes? A I think it is.

Q Which one of them don't look familiar? A That one, he was nothing but a boy when I knew him.

Q Which one, the one right here, the black one? A Yes sir.

Q What is his name? A Joe we always called him.

Q And what is this man right here? A Sam, that is the way we always called him.

Q You think that is the man you knew up there in Kansas? A This Joe? A I don't know, he says it is; he was nothing but a boy when I saw him.

Q You don't recognize him then? A Hardly, I wouldn't know; he says he is the man; I used to think he was a very good boy when they lived there, but then he has growed out of my knowledge.

Q You don't know where old man Sam Webber was in July '66 do you? A No sir.

Q You remember anything about young Sam Webber coming for the old man and the family in July 1866? A Well he might have come after them but they didn't come down here in July.

Q You don't know when they did come? A Why I think they came sometime in the latter part of the winter, but I say I would not be certain what month it was, in February or March.

Q You want be certain it was either of them? A I say they left, I was there and saw them start.

Q You would be certain it was either February or March? A I think they did.

Q You think so? A Yes sir.

BY MR. MASTINE:

Q I was going to ask you if you knew about young Sam Webber marrying? A They said he married; I didn't see it done.

Q Did you hear of his marrying up there? A Yes sir.

Q Was that before or after he left? A It was before they left.

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

Q Give me your full name? A Jane Spears.
Q How old are you? A I am 46 years old.
Q What is your post office? A Mound City.
Q In the State of Kansas? A Yes sir, Mound City, Kansas.

BY MR. HASTINGS:

Q Mrs. Spears, was Mrs. Hicks who left the stand your mother?
A Yes sir.
Q How long have you lived in and about Mound City, Kansas, I mean in the neighborhood? A Well I came there when I was about a year old.
Q And you have lived there ever since? A Yes sir, well since I have been married I have just moved one mile north.
Q You moved a mile north of your mother? A Yes sir.
Q Do you know Douglass Walker? A Yes sir.
Q Do you know Henry C. Short? A Yes sir.
Q Do you remember at an early date just before the war some colored people that lived up there; one of them by the name of Sam Webber?
A Yes sir.
Q Do you remember his son Sam? A Yes sir, I know him.
Q Were you living with your mother at that time? A Yes sir.
Q Did you know Joe, that was living with them, Joe Ross? A Yes sir.
Q Have you seen any of these parties since you have been here this time? A I met them to-day.
Q Talked with them some? A Well I just spoke to Joe; Sam I did not.
Q Did he recognize you? A Well he let on as though he did; I dont know that he did; I suppose he heard we were here.
Q I will ask you if this is your mother's family Bible? A Yes sir.
Q That is the family record of the births and deaths? A Yes sir.
Q I will ask you if you had a brother by the name of Franklin Hicks?
A Yes sir.
Q Do you remember the date of his death? A Yes sir, October 23, 1866.
Q I will ask you if you know where the Webber family was living at the time he died? A Yes sir, they were living there.
Q About how far from your mother's? A About 175 steps I suppose, in a cabin.
Q Short distance? A Yes sir.
Q Did you know Aaron Webber, a little short legged duck legged fellow? A Yes sir.
Q I would like to know from you Mrs. Spears your best recollection as to the time old man Sam Webber left that country permanently with his family? A

BY MR. SMITH: The counsel for the applicant objects to that question, because it is incompetent and calls for the opinion of the witness.

COMMISSION: The Counsel for the applicant has put a number of questions in the same form and asked as to their best recollection that exists; it is entirely competent to give the best recollection and belief in regard to the facts.

Q My best recollection is that it was in the spring of '67, either February or March.
Q Did you know whether or not young Sam Webber married up there?
A Yes sir.
Q Did you know whether that was before or after they left there?
A That was before they left there.

BY MR. SMITH:

Q Mrs. Spears, did you know of Sam Webber, Sr., leaving that country and coming to the Cherokee Nation, or leaving that country for the Cherokee Nation before the time you mention? A He came in the fall I think, or summer sometime and got a claim I think.

Q Fall of what year? A '66, and then came back.
Q How do you remember young Sam Webber [illegible] back with reference to the time Sam Webber Sr. came, was [illegible] when they returned from this trip looking for claims you spoke of? A They came together
Q Are you sure of that? A Yes sir.
Q Where was Aaron Webber, did he come with them? A I don't remember very much about him.
Q You don't remember whether he did or not? A No, I wont be positive whether he came with them or not when they came after their c claims.
Q Do you know whether the elder Sam Webber made the first trip to the Cherokee Nation after the war? A Well it was in the fall of '66 I guess, about that time, either summer or fall.
Q Either summer or fall? A Yes sir, sometime alongin the summer or fall.
Q Might not it have been the late spring? A No, it was not, because he made his crop there and then came afterwards.
Q Made a crop in '66? A '66.
Q What did he do with that crop? A I suppose he put it up here, disposed of it.
Q Do you know whether he sold it or not? A No i don't know whether he sold it or not. I think they fed it to their stock before they left.
Q Where was Sam Webber Jr. in December 1865? A I don't know where he was at.
Q Where was he in January and February of '66? A January or February of '66, I can't say.
Q Where was he in July of '66? A I don't know where.
Q Do you have any recollection of Sam Webber Jr. coming there after his father in July '66? A No sir.
Q Do you have any recollection of Sam Webber coming there at any time with any hides, beef hides or any kind of hides? A No sir.
Q There was the old man Webber living in the year of 1865? A He was there living close to my mother's farm I speak of.
Q In 175 steps of you? A Yes sir.
Q And you don't remember of his coming there at any time off of a trip except the time he came back with his father? A He went to Fort Scott I guess, I never tried to keep any trace of his whereabouts
Q Now what makes you think it was in February of March '67 that these people left there? A Well I have all reasons to believe that circumstances about it; well the old darkey had a cane patch and the darkey boys trapped on the land that [illegible]
Q Who did? A These darkey boys, the Webber boys.
Q Did what? A Trapped for game that winter on the patch of cane where we had left the seed on the corn.
Q That the winter that commences December and ends February, December, '66 and February '67? A It was all in that winter of course.
Q Well the winter is pretty well over by the last day of January isn't it? A Not always it aint.
Q Well the bigger part of it; two months is gone isn't it? A No sir, not in our country.
Q How many months do you have in the winter there? A Some winters we have pretty hard and some winters we don't have much.
Q So that as a matter of fact the fact that they trapped there on your place during the winter would not of itself load you to believe that they didn't leave there until February or March? A Well it was along toward spring they left, that is the best of my knowledge.
Q Now in what way do you fix the date, you speak of your people there, is that the way you fix the date, by that? A No sir, I fix it by memory, of course that is the way by the people, of this child's death, they were then; that is, the family were, I don't re-

member so much about the men; there was an old lady that moved down here with the men that sat up with my brother in his sickness.
Q Do you remember Sam Webber bringing you any sassafras and spice switch up there? A Yes sir.
Q When was that? A That was the first time they came down.
Q When was it? A That was in '66..
Q What month? A I don't know.
Q Can you state within two months of the time? A No I don't know as I could.
Q Can you remember that as well as you could the other time? A (No response).
Q You know that they were gone from there before the spring of '67, and it must have been in '66 they brought the sassafras? A Yes sir.
Q What was it, sassafras roots? A Yes sir.
Q That must have been in the spring? A I don't know.
Q Well they don't make sassafras in the fall? A We used it for tea
Q It was not in the spring at all Sam Webber brought the sassafras? A No sir, it was not; he didn't bring it at all; the old gentleman brought it.
Q Well now as a matter of fact do you remember any one of these people being there at the time your brother was sick and died except the old woman Rhoda? A Well this family was there on the place; I don't remember them being there.
Q Well if they were you tell me who you saw except Rhoda the old woman? A Well I don't know as I remember. There was Johnson's wife, of course I don't just remember who was there, I was just a child then; there was a great many of the neighbors in, but I remember the old lady, sitting up with my brother at the time he was sick.
Q Now isn't it a fact that the old lady Rhoda is the only one you remember being there at the time? A No sir.
Q Now who else was there? A Chlora was there.
Q Well now name some other one, all you know that was there? A I don't know, I don't remember them, there was hardly any day but what they was there, some of them.
Q Well now what I want to know, who was there except this woman, Thoda? A I don't know anything about that.
Q You don't know? A No sir.
Q How many trips did the Webbers make down here to this country, do you know? A They came once and got claims and came back and went again.
Q All you know of? A Yes sir.
Q If they made others you don't know it? A No sir, I don't know anything about any more trips they made.
Q Now when was this entry in this Bible, the date of your brother's death, made, was that made at the time? A Just when he died?
Q Yes? A I don't know as it was, I suppose about the time.
Q Well about when, do you know who wrote that? A I know who wrote that?
Q That is what I am talking about? A This was drawn off from another Bible.
Q You don't think that this entry, "Lizzie Bell Lewis, born September 1st, 1868" is in the same handwriting that this is do you? A No sir.
Q You don't know that this is in the same handwriting? A No sir, it is not.
Q Now who wrote that date, October 23, 1866? A Park Nichols.
Q Well now can you tell me how nearly at the time of your brother's death that entry was made? A No sir, I could not.

BY MR. HASTINGS:

Q How long has this Bible been in your mother's possession? A I can't tell.
Q Has this entry been in here a long time to your knowledge? A Yes sir, it has been several years.
Q It was in there long before any investigation came up wasn't it?

A Yes sir.
BY MR. SMITH:
Q Didn't Sam Webber and his father come down here in '65? A If they did I never missed them from home.
Q If they came here you didn't miss them? A No sir.

MARY A HICKS, re-called for additional cross examination.
BY. MR. SMITH:
Q Mrs. Hicks, when was the entry upon this Bible you have with regard to the date of the death of your child made with reference to his death? A Well I don't just remember when it was; it was not long.
Q Was it put there at or about the time he died? A Why it was not long after he died.
Q Well give us your best judgment as to how long? A Well he died that fall and I don't know just how long it was.
Q Well was it as much as a month? A I wont say sir.
Q You can give some idea? A Well I tell you now, I wont say anything when I don't know anything.
Q I thought probably you might know better than I dog, as I know nothing about it? A If I knew when I set it down I would recollect it; I have had a good deal of trouble about it.
Q I don't want to cause you any trouble about it, but I would like to know, it is some importance in this case? A There was a young man working for us that set it down.
Q What was his name? A His name was Nichols.
Q Do you remember how long after your child died before Nichols went to work for you? A No sir.
Q Well when it was set down what was it set down from, your recollection? A Why I had a husband then and all of us recollected it, who wouldn't recollect it?
Q I am asking you how long it was before this entry was made, if you can tell me? A I don't know when.
Q Do you think it was as much as two years? A No sir.
Q It was not? A No sir, if I should guess at anything about it I should think it was along in the summer sometime, I should think now; afterwards this young man was breaking prairie and of course he broke it in the winter.
Q Was this the first place it was made where it was made here in this Bible? A Yes sir.
MR. SMITH: If the Court please, I want to show by the title page of the Bible that it was not published until in 1869.
COMMISSION: The title page has been examined and it shows that the edition of the Bible in evidence was published in Philadelphia in the year 1869.
BY. MR. HASTINGS:
Q Do you remember, independent of the Bible, of the dates of your son's death? A Yes sir.
Q You didn't attempt to give distinctly when that entry was made in your Bible? A No sir.
Q You so stated? A Yes sir.
BY MR. SMITH: I object to that; it is leading.
BY Mr. HASTINGS:
The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, recalled, in the case of Jefferson Ross and others, Freedman D-872, be made a part of the record in this case.
COMMISSION: It is ordered that the testimony just taken be filed as supplemental testimony in Cherokee Freedmen Doubtful case 496, the same being the case of Chlora Grayson, and it will likewise be filed in Cherokee Freedman Doubtful case 216, the case of Aaron Webber, and in Cherokee Freedman doubtful case 350, the same being the case of Joe Ross.
It is further ordered that a set of all the testimony

given by Sam Webber in Cherokee Freedman Doubtful case 872, the same being the case of Jefferson Rose, to file an case Cherokee Freedman D-[illegible], of Joe Rose, and in Cherokee Freedman D-[illegible], of Calora Grayson, and in Cherokee Freedman D-215, of Aaron Webber.

M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in this case, as dictated to him from the stenographic notes of J. W. O. Rosson, by said Rosson, 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 16th, 1901.

J. C. Starr,

Notary Public.

SEAL.

To be filed with _____.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 29th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Joe Ross C.F.D. 350.

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

BY MR. HASTINGS: The Representatives of the Cherokee Nation ask that the testimony of Sam Webber, re-called, in the case of Jefferson Ross, and others, Freedmen D 972, be made a part of the record in this case.

COMMISSION - - - It is further ordered that a set of all the testimony given by Sam Webber in Cherokee Freedmen Doubtful case 872, the same being the case of Jefferson Ross be filed in the case Cherokee Freedman D 350, of Joe Ross, and in Cherokee Freedmen D 496, of Chlora Greyson and in Cherokee Freedmen D 216, of Aaron Webber.

--so--

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 26, 1901.

In the matter of the application of Jefferson Ross for the enrollment of himself and four children as Cherokee Freedmen.

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

Sam Webber, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Where do you live? A I live about two miles west of here.
Q How long have you lived in the Cherokee Nation? A I was born and raised here, and after the war came back.
Q Do you know this applicant, Jefferson Ross? A Yes, sir.
Q Were you acquainted with him before the war? A No, sir, I wasn't acquainted with him before the war.
Q When did you first know him? A I got acquainted with him just after the war.
Q Where? A Here in the Nation.
Q About what part of the Nation? A He came to my house thereoon Big Creek in the Nation.
Q What time? A Along in the spring of '67.
Q Do you know of your own knowledge when he first came back to the Territory after the war? A No, sir, I don't know of my own knowledge.
Q Do you know where he was living at the time he came to your house? A He had been working on Snow Creek he claimed and he was on his way hunting his sister.
Q Did you ever see him after you saw him that time? A I put him on the trail down to his sister's and I never saw him for quite a little bit from that; when I saw him he was there on Lightening Creek.
Q Did you see him then after that at his sister's? A I saw him then often and on for near about two years I guess.
Q Where? A There at Lightening Creek.

Q In the Cherokee Nation? A Yes, sir.
Q Was he a married or a single man at that time? A He was a single man to my knowledge.
Q Do you know where he is living now? A No, sir, I don't.
Mr. Hastings: You saw him around here for about two years?
A Yes, sir.
Q When how long was it till you saw him again, Sam? A I remember after that of seeing him on Big Creek again.
Q How long after that? A Must have been six months or a year after that I met him again there.
Q You know where he was married? A No, sir, I can't tell you.
Q Was he married at that time? A If he was I didn't know it.
Q Did you know his wife? A No, sir, I don't know his wife.
Q Did you ever see his wife? A Not to know it was her.
Q Has this man ever kept house to your knowing? A When I saw him he was to his sister's.
Q What was her name? A Katie Thornton.
Q You never saw him in a separate, independent house, keeping house with his family? A No, sir, never did.
Q What is his occupation? A I can't tell you.
Q Did you ever see him making a crop anywhere? A I never saw him farming, I have seen him working for people around here.
Q He never made a crop to your knowledge? A No, sir, not to my knowledge.
Q Has he got any special occupation like a carpenter? A Not as I know of.
Q What is Katie Thornton's husband named? A Henry Thornton.
Q Was that her husband at that time? A Yes, sir.
Q With whom does this man stay now? A I don't know that.
Q You never saw him anywhere except to his sister's? A That is all I have noticed him.
Q Did he have any children when you saw him? A I never seen them if he did.
Q You don't know where his family were, if he had any? A No, sir.

Sam Webber, re-called, testified as follows:
Mr. Hastings: Mr. Webber, when were you first married? A When I first married, I married just a short while after the war, I disremember what year.
Q Before you came down here? A After I came down here.
Q Well, about how many years after you came down here? A It wasn't a year I guess after I came here.
Q Well, you know what time of the year you were married? A I was married along in the winter.
Q Was that the same winter you came, or the winter of '67? A It was along about, it throwed in '67, it was after Christmas.
Q You mean in January of '67 or the last part of '67? A It was along after Christmas, I don't remember the date.
Q What was your wife named? A My wife at that time was Rinda Martin.
Q When did you commence keeping house? A I went in my house when I first came here.
Q You and your wife keeping house separate and apart? A I was keeping house when I was single, I built me a little house, and was living in there.
Q What time in the year did you and your wife move into that house?
A We moved right in the house after we were married.
Q And you don't remember when that was, what time of the year?
A Along after Christmas; I was already in the house.

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

(signed) M. D. Green.

Subscribed and sworn to before me this November 16, 1901.

(Signed) J. C. Starr,
Notary Public.

(SEAL)

I, A. R. Chesser, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I made the forgoing copy and that the same is a true and complete copy of a certified copy of the original transcript.

A R Chesser

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

Bruce B Jones
Notary Public.

File with Cherokee Freedman D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22d 1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman; she being sworn by Commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Elizabeth Meigs.
Q How old are you? A I dont know my age.
Q About how old are you? A I was four years old when we came here with the old settlers.
Q Was that when the Cherokees first moved to this country from the old nation? A Yes sir.
Q That would make you about 71 years old now wouldn't it? A Yes sir I guess so.
Q What is your post office? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir, I do.
Q Who do you want to have enrolled besides yourself? A My children.
Q Have you any children under twenty-one years old? A No sir.
Q They will have to apply for themselves then. A (No response).
Q Have you a husband? A No sir he is dead.
Q Then you only apply for yourself? A Yes sir.
Q Have you lived here ever since you came with the Cherokees in 1837? A Yes sir.
Q How long have you been called Meigs? A Ever since I was nothing but a girl.
Q Were you married to a man named Meigs? A Peter Meigs.
Q Is he dead? A Yes sir, five years ago in September.
Q Was he a Cherokee Freedman? A Yes sir.
Q Were you a slave in the Cherokee Nation before the war? A Yes sir.
Q To whom did you belong? A Reuben Daniel.

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

Q Are any of your family on that roll that you know of? A Yes sir, Alice Sanders is on it, she is a daughter of mine, Alice is.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's daughter identified thereon as follows:
Page 175, No. 2658, Alice Sanders, Cooweescoowee district.

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

Q Did you draw your Cherokee strip money? A Yes sir.

The Kerns-Clifton roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 100 No. 2612, Eliza Meigs, Cooweescoowee district.

Q Did you ever go by the name of Daniel? A Yes sir them was my owners.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:
Page 132, No., 40, Elizabeth Daniel.
NOTE Wife of Peter Keigs.

Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon again as follows:
Page 131, No. 2746, Elizabeth Keigs, Goweesoowee district.

Q Where were you during the Civil war, did they take you out of the Cherokee Nation? A I was at Fort Scott during the war.
Q When did you come back? A In the winter of '66.
Q What time in the winter? A Well it was in the winter.
Q Was it before Christmas, or after Christmas? A My husband was down here in the Christmas.
Q When did he bring you down? A In the winter after he went from here on Big Creek.
Q He came ahead of you then? A Yes sir.
Q What time did he leave Kansas? A I cannot tell you when he first came.
Q Did he leave Kansas before Christmas? A Yes sir he came here in the winter of '66.
Q Did he leave Kansas in the winter? A Yes sir.
Q Was he down here when Christmas came? A Yes sir.
Q Do you know how long it was before Christmas before he started to come here first? A No sir I dont.
Q How long was it after Christmas before he got back to you in Kansas? A Directly after Christmas.
Q How long after Christmas before you and he started down here together? A Directly after.
Q He spent Christmas that year in the Cherokee Nation by himself?
A Yes sir my husband did.
Q What members of your family came down with you and your husband?
A These children.
Q Did you bring your child Alice Sanders with you? A Yes sir.
Q All the children? A Yes sir.
Q Can you explain why you are not on the roll of 1880? A No sir.
Q Do you know why you are not on that roll? A No sir I dont know nothing about the rolls.

By W. W. Hastings, Cherokee Representative:

Q Auntie, what provisions did your husband make after he had been to the Cherokee Nation, to come down here with his family? Did he sell off what you had in Kansas? A Yes sir what little we had, we never had much to sell.
Q Where were you living in Kansas than? A Fort Scott.
Q About how long did it take him to get ready to come to the Cherokee Nation after he went back up there? A No time after he got back till we all come here.
Q Was it as much as a couple or three weeks? A Yes sir I guess so.
Q And then you started down here? A Yes sir.
Q Was it in the spring of the year when you reached here? A No sir in the winter.
Q The leaves were not budding out then on the trees when you and your husband and children got here? A No sir there warent no buds nor nothing on the trees, it was winter I tells you.
Q You all came in wagons did you? A Yes sir.
Q Who came with your husband down here when he first came? A Old man Mike Sanders.
Q Who else? A Reuben Sanders.
Q Who else? A Daniel Sanders.

Q Any one else that you remember? A There was little Sam Webber and old man Sam Webber.
Q Any other Webber's? A Aaron Webber.
Q Did any one else come down? A I dont remember any one else now,
Q Were you there when they started down? A We all come together I am a telling you.
Q But I mean when your husband come on in advance of you. Who come with him then? Did these parties that you have named come with your husband when he first came down? A Yes sir.
Q You were at Fort Scott then? A Yes sir.
Q And they all started together? A Yes sir.
Q These that you have named are all the you can think of at the present time? A Yes sir.
Q Did they come in wagons or on horse-back that time? A They come in wagons when they first come.
Q And after Christmas you all came down did you? A Yes sir.
Q Did you come in wagons then? A Yes sir.
Q Did you come by a little place called Chetopa? A Yes sir.
Q Where did you come to in the Cherokee Nation? A I come right where I am living yet when I come to the Cherokee Nation.
Q And you are living there yet? A Yes sir, that old house was built in '66.
Q What house? A That one we is living in.
Q And you are living at the same old place? A Yes sir, in the same old house.
Q On what creek is that? A Big Creek.
Q Was any one living on Big Creek when you came there besides your own crowd? A No sir, down on Verdigris there was some living.
Q You were the advance family or crowd that came to Big Creek were you? A Yes sir, we was the advance guard.
Q Did you see any one from Chetopa along the road through the Nation to Big Creek when you came there? A No sir.
Q Did these people who first came down with you husband return with him and then come down again when your family all came after Christmas? A Yes sir.
Q You all came back together? A Yes sir.
Q Now Auntie, did any additional people--any other families come down with you? A I dont know who all come down, I am just a telling you what I know.
Q There was Daniel Sanders, and Reuben Sanders and there was Mike Sanders, and Sam Webber, old and little Sam, they all came with you? A Yes sir.
Q Did Aaron Webber come? A Yes sir.
Q And your family? A Yes sir.
Q Are there any that I missed? A That is all that I gave you.
Q Is that all that come? A Aaron Wright come with us.
Q Who else? A (No response).
Q Were there any others at all? A I am a telling you all that I can think of now, it has been a long time for an old woman like me to remember all that come.
Q You come to the place that you are living at now did you? A Yes sir and has lived there ever since.
Q Have you any Cherokee neighbors there now that were old residents? A No sir, there was some lived on Verdigris when we come there.
Q Who? A Lunie Riley was there on Verdigris, but not where we was living.
Q How far from where you settled? A I dont know how far.
Q Was it as much as 4 or 5 miles? A As much as ten miles if you guess at it right.
Q Were they the closest residents to you at that time? A Yes sir.
Q Were there any Delaware Indians there when you come there? A No sir I never saw none.

Q Any Osages? A No sir, never saw none
Q You didn't see any body on Big Creek, neither white or black, except those that came with you? A That is all.
Q And you have been there ever since? A Yes sir, ever since we moved there.
Q You say your husband Peter Meigs built a house there? A There a log house there and he bought the house and we moved to it.
Q Who built the house if you know? A Henry Harold.
Q Was he a colored man? A Yes sir.
Q Is he living? A I dont know if he is or not.
Q Some 3 or 4 years after you came down here your husband went to Tahlequah before the court, didn't he, to see about his citizenship? A Yes sir.
Q They didn't admit him then did they? A I don't know sir.
Q You know he was disputed? A I dont know nothing about it, I never paid any attention to any such things as them then.

By the Commission:

Q Were you ever admitted by the Cherokee or United States court for Commission? A I dont understand what you say.
Q Did you ever have your right to be enrolled as a Cherokee citizen before any kind of a court? A Yes sir my man enrolled us before he died.
Q I mean in Court? A That is what I am a telling you.
Q You know what a court is dont you? A Yes sir.
Q What court do you know? A Kerns Clifton court.
Q Any other court that you knew of? A I know of the Wallace court.
Q Any other? A No sir.
Q Did he ever have anything done about his case by the Cherokee Connoil? A I dont know what was done, my man went there every year or two but I dont know what was done there.
Q How long did it take you and these people to come from Kansas to the Cherokee Nation? A I dont know how long we were on the road.
Q Have you any witnesses with you that you want to introduce?
A Yes sir.

RUBEN SANDERS, called and sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the applicant. (Examined by the Commission).

Q What is your name? A Ruben Sanders.
Q How old are you? A I suppose I am about 50.
Q What is your post office? A Centralia.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a slave in the Cherokee Nation when the Civil war broke out? A Yes sir.
Q Who did you belong to? A James Sanders.
Q Were you taken to Kansas during the war? A Yes sir.
Q You have a wife named Alice have you? A Yes sir.
Q How long have you and she been married? A About 50 years perhaps more.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant's son-in-law identified thereon as follows:
Page 175, No. 2657, Reuben Sanders, Ceowee-ceowee District.

Q Did you ever have to carry the question of your citizenship before any court? A Yes sir.
Q What court? A The Chambers court.
Q Is that the only one? A Yes sir that is the only one; I was admitted by the Chambers Court.

Q Where was it sitting? A At Tahlequah.
Q In what year was that? A I cannot tell what year it was
Q Your citizenship had been disputed has it? A Yes sir.
Q When was your right to citizenship first disputed? A It was during the time that Thompson McIntosh was chief.
Q That time before the 1880 roll was made? A Yes sir.
Q Did the court decide in your favor? A Yes sir.
Q Was there any dispute made then about your being put on the 1880 roll? A No sir.
Q Were you required to show a copy of the decision of the court in your favor when you went to enroll in 1880? A No sir.
Q Did they ask you any questions when you went to be enrolled in 1880? A No sir.
Q Where did they take your name? A I was in Gooseneck Bend, at the time.
Q Do you know the applicant Elizabeth Meigs? A Yes sir.
Q Your wife is her daughter? A Yes sir.

By W. W. Hastings:

Q Peter Meigs' citizenship was disputed the same time yours was? A Yes sir.
Q Did he go before the court at the same time? A No sir, I think not.
Q His wife's citizenship was also disputed? A I judge so.
Q Did she go down before that court? A Not to my knowledge.
Q Did he go down to Tahlequah to the court before that time? A Yes sir I think he went down to the Bob Daniels court, think he went with my father.
Q Was Bob Daniels Chief Justice of that court? A Yes sir.
Q Just a few years after the war? A Yes sir.
Q In 1871 wasn't it? A Yes sir.
Q Was any action taken in that court? A I dont know.
Q You were not there yourself? A No sir.
Q You were about 15 or 16 years old when you come back? A Yes sir I guess so, I dont exactly know how old I was.
Q You were not married then? A No sir.
Q How long long after you got back before you married?
A Not very long after I got back.
Q Did you marry on your old down home? A No sir.
Q How long had you been here before you married? A I have been married twice.
Q How long had you been here before you married the first time? A.
A Not very long.
Q As much as a year? A May be so.
Q Is that your best judgment? A My best judgment is perhaps that it was that long.
Q When were you married to your present wife? A Upwards of 30 years, or so.
Q How long did Bob live with your first wife? A Not very long, she died.
Q A year? A Perhaps it was, maybe a little longer.
Q Then you married your present wife? A Yes sir.
Q When you came to the Cherokee Nation how did you come the first time? A It was on.
Q The first time? A Yes sir.
Q Who came with you? A Several were on horse-back; it is beyond my knowledge how many there.
Q Tell us how you came? A We made a trip in August and one in October and [illegible] in the winter.
Q [illegible] A [illegible]
Q Who came with you? A Some of this family, Peter Meigs and get his place; the heads of these families.

Q Who else came with you? A My brother Dan and the Whitmires.
Q Which ones? A Several.
Q Which ones? A Rose and Bennie, and the Webbers.
Q Name them? A Old man Sam and younger Sam and little Aaron, and a man named Abe Thurman, and Abe Hair, and I dont know who else, I don't know who all came.
Q Who came then you come in October? A I dont know who all came then, some of that same crowd and some more came in October.
Q Do you remember any additional persons? A To the best of my knowledge the Smith family.
Q What was his first name? A Old man Ceasar Smith.
Q You come in both of the detachments yourself? A No sir.
Q Which one did you come in? A I came in August.
Q You didn't come in October then? Yes sir, I come when we first come; we brought some of our farming utensils when we come in August and left the on the creek.
Q On Big Creek? A Yes sir.
Q Where Mrs Meigs lives? A Yes sir.
Q And you returned in October, how long did you stay in October.
Q We all didn't return in October, we didn't all go back, some staid in August, some staid and some came back; some of us brought our things with us and some came to look out homes, we all come with the intention of making our homes here.
Q When did you afterwards move here the last time? A In the winter of '66 is when we come down here the last time.
Q What time in the winter? A Long in January.
Q You mean in '67.
Q No in the winter of '66.
Q If you came here in the August and October of '66 and then returned for your families and came back here in the following winter, in the following January or February, that would be in '67? A I dont understand you; we came here in the winter of 66 is what I said, in January after we had first been here in August and october, we came right to where Mrs. Meigs is living now.

By the Commission:

Q You say you first came here in August of '66? A Yes sir.
Q That was your first coming was it? A Yes sir.

By Hastings:

Q When you moved here permanently, tell all that you possible can remember of who came with you in the January or February following? A This family is one, her, the Meigs family, Peter Meigs, Elizabeth Meigs, Mary Meigs, George Meigs, Sarah Meigs, Harriett Meigs, Perry Meigs, that is all that I can remember of that family.
Q I dont mean only of that family, there were other families were there not? A Old man Billie Forman.
Q Who else? A He had several children.
Q The heads of families I mean? A Bennie Sanders; I dont recollect them all; I dont know as I can call the names of all of them.
Q Were any of the Webbers along? A Yes sir.
Q Old man Sam and young Sam? A Yes sir; I would not pretend to call them all over as I had forgotten then Webbers and so I cant remember for if I had forgotten then I dont think I can remember any of the others.

By the Commission:

Q Did old man Sam Webber come? A Yes sir.
Q Did his son Sam come? A Yes sir.

By W. W. Hastings:

Q Dont you remember any one else? A Rachel Vepoe.
Q Do you think of any one else? A No sir.
Q You knew that it was a mooted question before the Kerns Clifton Commission as to who came at this time and as to when you come? A. I havent been interested as to anyone except for myself.
Q You know that there is a question about who came dont you? A Yes sir I guess I do.
Q You say you come to Big Creek? A Yes sir.
Q Did you come by the way of Chetopa? A Yes sir I guess that we did, I dont know that they called it Chetopa then, there was a house or so there.
Q Did you cross the river there? A That river.
Q Neosho? A No sir.
Q You didn't cross at the Gilstrap ferry? A No sir we crossed 20 or 30 miles from there.
Q You came through what is Chetopa and came on west through the prairie? A We may have.
Q You were in Wagons? A Yes sir.
Q Were there any persons living on any of that country from Chetopa west, out to Big Creek except your own people who had come in August or October before that? A I have no knowledge of any one living there before that.
Q Were there any houses there except those that your crowd built? A I dont know of any houses, but there were foundations for them on Big Creek.
Q Then the houses were not built before you moved there with your families? A Yes sir some were, there there were logs on some up 8 or 10 logs high.
Q Then there were none really completed until you moved there with your families? A No sir.
Q Did you make a crop there the first year that you moved there? A Yes sir as near as we could with one horse plows and hoes.
Q Do you know Jim Martin? A Yes sir.
Q How far does he live from you now? A 4, 5 or 6 miles.
Q Was he living there when you people moved there? A No sir.
Q He had a brother names William Martin? A Yes sir.
Q Was he living out there then? A No sir.
Q There was an old man by the name of Carter living out there then, wasn't there? A No sir; there was an old man named Carter living 20 miles perhaps from there quite a while after we come there.
Q Was his name Dick Carter? A I think it was.
Q You say he lived some 20 miles from there? A Yes sir 20 miles below, on the Verdigris river. He come some time after.
Q Do you know if that ferry that you crossed the Neosho river was called Gilstrap ferry? A No sir we never crossed on Gillstrap ferry.
Q There were no farms made there when you passed through--no citizens had farms up there? A No sir none that I saw.

By the Commission:

Q You stated, I believe, that the first time that you come to the Cherokee Nation after the Civil war closed was in August of '66? A Yes sir.
Q For what purpose did you come back then? A To make it our home; the proclamation had told us to come home, that it was open for us to come.
Q You didn't bring your families with you then? A Only part of them and some things that we had.
Q Part came with their families and part came to prepare for their families? A Yes sir.

Q What men were with you on that first trip? A This family, the Meigs family, not all of that man's boys, but the old man Meigs, Peter Meigs.
Q You didn't bring your family with you at that time did you? A No sir.
Q Did Peter Meigs bring any of his family then? A No sir.
Q Did you go back to Kansas after that? A Yes sir.
Q When did you bring your family? A Our family came in October.
Q When did Peter Meigs go back to Kansas? A I think with my father

Q You came yourself in August? A Yes sir with my father.
Q You went back to Kansas after that? A Yes sir my father went there and I went with him.
Q When did Peter Meigs go back? A He went with the crowd.
Q Did he go with you and your father? A Yes sir.
Q Then you returned to the Cherokee Nation again in October? A Yes sir.
Q Did your father come with you? A Yes sir.
Q Did all the members of your own family come with you? A No sir, not all of them come in October.
Q Where was Peter Meigs in October? A He come with us at each trip
Q Did he go back to Kansas with you? A Yes sir.
Q And then you came back here to the Cherokee Nation in October? A Yes sir.
Q Did Peter Meigs come back with you to the Cherokee Nation in October? A Yes sir.
Q That made the second time that Peter Meigs had been here? A. Yes sir.
Q Where was Peter Meigs in Christmas of '66, do you know? A No sir I dont exactly know where he was in Christmas of '66.
Q When Peter Meigs got back to the Cherokee Nation with his family did he settle in the Cherokee Nation near your family? A Yes sir.
Q How far apart? A Two or three hundred yards apart.
Q Did he then go back to Kansas for his family after he made that October trip with you? A No sir he went back after something to eat.
Q You stated that he brought his family the last time in February, when did he go back after his family? A The third time he brought his family.
Q You stay here then? A Yes sir.
Q When did you come? A In the winter.
Q Was it in February? A Must have been in December.
Q What about that February trip you spoke of? A It was in the winter some time. Snow on the ground.
Q Did your father come at that trip? A Yes sir.
Q Your mother? A Yes sir.
Q Peter Meigs? A Yes sir.
Q His wife? A Yes sir.
Q That was your third trip? A Yes sir.
Q Was that your last trip? A Yes sir.
Q When did your wife Alice come? A Come then.
Q On that third trip? A Yes sir.
Q You say Peter made all three trips with you? A Yes sir.
Q Every time you came he came? A Yes sir.
Q Every time you went back to Kansas he went back? A Yes sir, that is to the best of my knowledge.
Q Did he go there by himself? A No sir.
Q Do you remember distinctly that you came here in August the first time? A Yes sir.
Q Do you remember distinctly that Peter came with you in August and October? A Yes sir.
Q Do you remember distinctly that he come with his family when you made your fifth and last trip? A Yes sir.
Q With his family? A Yes sir.

By Com'r Breckinridge,-

The applicant states that she was a slave in the Cherokee Nation from the time the Cherokees moved to the Indian Territory in 1837 until she was liberated by the Civil war. She is identified on the Kerns-Clifton roll and on the Wallace roll, but not on the 1880 roll or upon the roll of 1896. The testimony indicated that her husband first returned to the Cherokee Nation after the war, coming from Kansas in August of 1866, that he came at that time to prepare for the bringing of his family back to the Cherokee Nation. He is now deceased, but he and the applicant were married at that time and had several children. The testimony further indicated that the applicant's husband made a trip back to Kansas in October, but not with a view of relinquishing his purpose to bring his family to the Cherokee Nation, but apparently to get provisions. It further appears that he returned to the Cherokee Nation with his wife and children in the following month of February. There is some conflict of testimony in regard to this matter, but so far that is the weight of the testimony. It also appears that proceedings may have been had by some Cherokee Court, either a citizenship court or the Cherokee Supreme Court, prior to the date of the Chambers Court, affecting the citizenship of this applicant and her husband and all those who may claim through them. It will be necessary to make further inquiry upon this point, and if possible to get an official copy of the record. Under these conditions, the applicant will now be listed for enrollment on a doubtful card and the final decision of the Commission will be made known to her at her post office address.

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

Chas. von Weise.

Subscribed and sworn to before me this the 29th of May, 1901 at Chelsea, I. T.

T. B. Needles,

Commissioner.

SUPPLEMENTAL:

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 22,1901.

In the matter of the application of Elizabeth Meigs for enrollment as a Cherokee Freedman;
REUBEN SANDERS, having been before sworn by Commissioner Breckinridge, testified as follows:

Q Give your name? A Reuben Sanders.
Q How old are you? A I am only about 50 past.
Q You gave testimony just now in the case of Elizabeth Meigs?
A Yes sir.
Q And you want to correct a statement you made there? A Yes sir, I wish to make the statement that it was in January,1867 when we made the last move, about the first of the month; it was the following August in 1866; we had been here in August you know, in '66 and in October, and we made the last move in '67, January, and I put it down February I think; I wanted to say January.
Q How do you find out now it was January instead of February?
A It was just after Christmas that we was on the road coming down.
Q How long after Christmas? A Perhaps a week after Christmas; my reason for staing this is this, along Christmas- a few days before Christmas there was a man got killed named Hayford, and there was a gentleman killed him, a colored man killed that man Hayford, a man by the name of Mackey, and we started then right shortly after that killing was, and the parties followed us, thinking he was with us, in our crowd, that was just the following- a few days after Christmas, a week, or after Christmas.

Examined by Cherokee Representative, W. W. Hastings:

Q How old are you? A Well I just don't know my age exactly, I suppose that I am about 50 years old; something in that line.
Q Where did you say that killing took place? A In Kansas.
Q Fort Scott? A Yes sir.
Q And the man that was accused of the killing was named what? A Named Mackey.
Q You remember his first name? A No.
Q You remember the man who was killed, you get his first name? A No sir I dox not.
Q Did you ever learn afterwards whether or not that man was caught, do you know? A It seems to me like I learned afterwards that the man was caught. No I don't know nothing about that part of it.
Q You know what county Ft. Scott is in? A No sir.
Q Who called your attention to this ~~xxxxx~~ error? A I thought so myself; I called my own attention to it; I was studying over it, I did.
Q You know now it was only a few days after Christmas? A Yes sir, a few days after Christmas.

Com'r Breckinridge: This statement will be filed as supplemental in the Elizabeth Meigs case, to be considered in connection with the former statement of the witness, and the other evidence relating to the date in question.

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 [illegible] complete transcript of his stenographic notes thereof.

M. D. Green

Subscribed and sworn to before me this May 23,1901.

C. R. Breckinridge,
Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs

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

In the matter of the application of Elizabeth Meigs et al. for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
L. T. Brown, agent for the applicant;
J. S. Davenport, of counsel for Cherokee Nation.

L. T. Brown: I would like to have the record show that sometime next week the applicant intends to introduce as witnesses in this case, Aaron Wright, Reuben Sanders, Dan Sanders, and Sam Webber, for the purpose of showing that all the applicants in this case returned to the Cherokee Nation during the time prescribed by the Nineth Article of the Treaty of 1866.

Commissioner Needles: Hasn't that already been shown?

L. T. Brown: And that they have had a continuous residence in this country since that year.

Commissioner: Well, that is all right.

ROBERT MEIGS, being duly sworn by Commissioner Needles, testified as follows.

Mr. Davenport: What is your name? A Robert Meigs.
Q Where do you live? A I live five miles southwest of Tahlequah.
Q What is your postoffice? A Park Hill is my postoffice.
Q How old are you? A I am 56 my next birthday.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life except a little while time of the war, from '64 to '65.
Q Did your people own any slaves before the war? A Yes sir.
Q Do you know whether they owned a woman by the name of Elizabeth?
A No sir.
Q Do you know whether or not they owned her mother, or anybody of the family? A Elizabeth, no, sir.
Q Well, did you know Peter Meigs? A Yes sir.
Q Do you know what his wife's name was when the war broke out?
A Betsy they called her.
Q Well, was she living, Betsy, at the time the war broke out?
A Yes, sir.
Q Well, did you ever know her by any other name than Betsy?
A Bettie.
Q Where was Peter Meigs and his family at the breaking out of the war? A Well Peter was with us at home at the breaking out, but he and his wife was up there somewhere near the Dutch Mills on the Arkansas line.
Q Well I wish you would look at that woman there and see if she is the woman you knew as Betsy or Bettie or whatever you knew her by (indicating applicant)? A Yes, I think that is the one, I have never seen her but once.
Q That is since the war? A I just saw her once in my life and that was time of the war, after the war.
Q Did you ever see Peter Meigs and his family after the war? A Yes sir, saw Uncle Peter.
Q What year was that? A Sometime after '71.
Q What were the circumstances as to your seeing him or meeting him?
A Why he had to come down to Council to see about fixing up his rights, and he came down to visit my brother John, we were right together, and I went up there to see him.

Q Did you have a conversation with him or did he have a conversation with your brother John in your hearing where he and his wife were present in regard to his right or when he returned? A Yes sir.
Q Give that conversation as near as you can.

L. T. Brown: The applicant objects to this witness relating any conversation he might have had with Peter Meigs, for the reason that Peter Meigs is dead and cannot affirm or deny this statement.

Commissioner: The objection will be noted and the witness will answer.

Q Go ahead and state what the conversation was between you? A He was talking about returning, he said he came down here in the fall of '66 and started to make him a place somewhere on Big Creek and his family wasn't with him, and afterwards when he returned why it was too late when he brought his family.
Q Did you ever see any other members of his family excepting he and his wife at the time you speak of? A No, sir, just him and his wife is all, I wasn't acquainted with the children.
Q Do you know where he was living at that time? A He said he was living on Big Creek somewhere.
Q That was in what year? A This was after '71 sometime, I don't know just what time it was.
By L. T. Brown: Now what did you say that conversation was, Mr. Meigs? A Why he said that he had come down to make him a place somewhere up here on the Verdigris, or Big Creek, and he started to make him a cabin, and put up the wall, and then went back for the family.
Q He told you that he came down and started him a little cabin with the intention of making him a m hime in the fall of '66? A He said he came down and started to make him a home.
Q In the fall of '66? A Yes, in the fall of '66.
Mr. Davenport: Well, what did he do after he started that home, did he say, after he started that cabin? A Went back after his family.
Q And he stayed up there till when he came back down here it was too late, is that what he told you? A Yes, sir.
L. T. Brown: How long did he tell you he stayed up there in Kansas after he made the first trip? A He didn't state, I believe he gave but one date.

Commissioner: This testimony will be made part of the record in the case at bar, and also part of the record in D case 394, D-396, D-398, D-404, D-402, D-401, D-407, and D-775, and the sub-references.

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

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,

Commissioner.

File with Cherokee Freedman D-391, Elizabeth Meigs.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19, 1901.

In the matter of the application of Elizabeth Meigs et al for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicant.

Appearances:

L. T. Brown, agent for applicants;
L. D. Bell, of counsel for Cherokee Nation.

DANIEL SANDERS, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Daniel Sanders.
Q What is your age? A About 59.
Q What is your postoffice address? A Centralia.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q Does your name appear upon the authonticated roll of 1880?
A I think it does.
Q You know Elizabeth Meigs and George Meigs? A Yes, sir.
Q What relation is George Meigs to Elizabeth Meigs? A Her son.
Q Did you know Peter Meigs during his life time? A Yes, sir.
Q Do you know whether Peter Meigs, Elizabeth Meigs, and George Meigs were out of the Cherokee Nation during the war? A Yes, sir.
Q When did they return to the Cherokee Nation? A They came in '66.
Q With whom did they return? A They came with me and my father and the Webbers.
Q Have they had a continuous residence in the Cherokee Nation ever since? A Yes, sir.

Mr. Bell: When did you come to the Cherokee Nation yourself after the war? A In '66.
Q What time of the year? A First of December.
Q That was the first time? A Yes, sir.
Q When did you make your second trip? A Along in first part of January.
Q That was January, 1867? A Yes, sir.
Q Now which one of these trips was it that Peter and his family came with you? A They came both times.
Q Came both times? A Yes, sir, the old man came the first time and then the last time the family came.
Q Peter came with you alone the first time? A Yes, sir.
Q Then the second time he brought his family? A Yes, sir.
Q What did his family consist of? A Mary, George, Alice, Harry, Simon, and Perry.
Q Them was his children? A Them was his children.
Q Well he had his wife Elizabeth with him, didn't he? A Yes, sir.

Commissioner: This testimony will be filed and made part of the record in the case at bar and part of the record in D-394, D-396, D-398, D-401, D-402, D-404, D-407, D-775.

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

Bruce C. Jones.

Sworn to and subscribed before me this the 7th of November, 1901.

T. B. Needles,
Commissioner.

The undersigned, 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 complete copy of the original.

Roy Palmer

Subscribed and sworn to before me this the 8th day of August, 1902.

Notary Public.

Supl.-C.F.D.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAMUEL BECK as a Cherokee freedman; introduced on part of the Cherokee Nation:

Appearances:
L. T. Brown, Vinita, I. T., Agent for Applicant;
J.S.Davenport, Cherokee representative.

L.B.BELL, being duly sworn, testified as follows on part of the Cherokee Nation:
MR. DAVENPORT:

Q What is your name? A L. B. Bell.
Q Where do you live, Mr. Bell? A Vinita, Indian Territory.
Q How long have you lived in and near Vinita? A Oh, since '67, including most of '67.
Q Was there any railroad running near through Vinita when you first moved into that community? A No, sir.
Q When did the railroad first come through that country, Mr. Bell? A In 1871.
Q You know this applicant, Sam Beck? A No, I don't know him.
Q Don't know anything about him? A No, sir.
Q Was you living in that country before the railroad started from Kansas through the Indian Territory; that is, the M. K. & T.?
A Well, I will tell you what I know about the railroad; The railroad come through the country in 1870, and on the application of the Cherokee Nation, a complaint to the Secretary of the Interior, they stopped building and during the session after 1870 of the National Council of the Cherokee Nation, they passed an Act there, it is dated the 14th of December, 1870, authorizing the furnishing of cross-ties to the railroad, and agreeing that the railroad could go through. The secretary hadn't determined which had the right-of-way. They had begun it in 1870 and the M. K. & T. got the right-of-way, and then they authorized the selling of cross-ties, and I went to Chetopa and made a contract with the Company for cross-ties enough to build from the Kansas line to Pryor Creek and sublet it. Mr. Martin was one I sublet to, that was in 1870 that contract was made, I don't recollect the exact date. Well, just a few days following that we began getting cross-ties and then worked on down to the Creek Nation. That was the first railroad built in the country and the first cross-ties was cut on the railroad in this country.
Q You don't know anything about the wife of Beck or anything about them? A No, I don't.

C. D. MARKHAM, being duly sworn, testified as follows on part of the Cherokee Nation:
MR DAVENPORT:

Q What is your name? A C. D. Markham.
Q Where do you live? A At Tahlequah.
Q How long have you lived in the Cherokee Nation?
A I was born and raised here; never was out except during the war.

Q. Where did you live before moving at Tahlequah? A. Lived on Grand river east of Chouteau about ten miles.
Q. Do you know Sarah Beck, the applicant in this case, or his family? A. No, sir.
Q. Where were you living along the latter part of the sixties or early part of the seventies? A. On the Grand river.
Q. Do you know about the year the M. K. & T. railroad built from Chetopa, Kansas, down through the Territory? A. It must have been the latter part of '71 or '2.
Q. Had you any connection with it any way that makes you remember it? A. Yes, sir, I had a contract on the road, beginning at Bryant's lake, down this way.
Q. And that was in what years it built down there? A. The ties was put in there in the spring, latter part; it was in the spring of '71.

BY ATTORNEY BROWN:

Q. You don't know the applicant, Mr. Markham? A. No, sir, I don't.
Q. You don't know to whom he belonged before the war or when he returned to the Cherokee Nation? A. No, sir.

Commission: This testimony will also be filed in and made a part of the record in Cherokee freedman case No. D.391.

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

(signed) J. O. Rosson.

Subscribed and sworn to before me this February 27, 1902.

(signed) T. B. Needles,
Commissioner.

...

I, A. R. Cheever, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, I correctly copied the original of this case, and that the forgoing is a correct copy thereof.

A R Cheever

Sworn to and subscribed before me this 7th day of August, 1902.

[illegible]
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1903.

In the matter of the application of Sarah Nelson for the enrollment of herself and one child as Cherokee Freedman.

Sarah Martin, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sarah Nelson.
Q What is your age? A 65.
Q What is your postoffice address? A Fort Gibson.
Q What district do you live in? A Illinois.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My son.
Q What is your son's name? A Willie Nelson.
Q How old is he? A He is 19.
Q Are you a recognized citizen of the Cherokee Nation, a Freedman; is your name on any of the rolls of the Cherokee Nation? AA II don't know sir, it ought to be, I applied at every Court.
Q Are you married? A Yes, sir.
Q What is your husband's name? A William Nelson.
Q Is he living? A Yes, sir.
Q Is he a citizen? A No, sir.
Q How long have you lived in the Cherokee Nation? A Well, I was raised in the Cherokee Nation.
Q Were you born a slave? A Yes, sir.
Q Who did you belong to? A I belonged to Henry Nave.
Q Was he a Cherokee citizen? A His wife was.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where? A I went to Lawrence,
Q Lawrence, Kansas? A Yes, sir.
Q When did you come back? A I came back in '66.
Q Have you got any witnesses here? A Yes, sir.
Q Who are they? A Polly Nivens and Easter Grimmett.
Q You say you returned in the year '68? A Yes, sir.
Q Where have you been living since that time? A I have been living in Fort Gibson about 27 years.
Q You have been living you say in the Cherokee Nation eversince '66?
A Yes, sir.
Q Why isn't your name on the roll of 1880? A I can't tell you.
Q You don't know? A No, sir, I don't; all my people is on the 1880 roll but me.
Q What was your mother's name? A My mother's name was Maria Nave
Q Is she living? A No, sir, she has been dead about 34 years.
Q Did you know your father? A No, sir.
Q Don't know who he was? A No, sir, I don't know.
Q Were you ever married before you married William Nelson?
A Yes, sir, before the war, my husband got killed.
Q What was his name? A Named Nelson Ross.
Q Is he living? A No, sir, he got killed in the year '61.
Q After that you married Nelson? A Yes, sir.
Q Been living with Nelson ever since? A Yes, sir, living with him ever since.
Q You got only one child? A Just one child.
Q Did you draw what is known as the strip money? A No, sir, I never has drawed.
Q Never drew any money? A No, sir.
Q For yourself nor your children either? A No, sir.
Q Didn't even draw the Wallace money? A No, sir, I want to be honest because you had me to raise my hand up to tell the truth and nothing but the truth, but of course I know I am a citizen.
Mr. W.W.Hastings, Cherokee attorney:
Q Did you apply to the Kern-Clifton Commissioner? A Yes, sir.

Q Where did you apply? A At Fort Gibson.
Q Under what name? A Sarah Nelson, and I told who I lived with, Henry Nave, and when his daughter married Cunningham I lived with her at Park Hill; sometimes they call me Sarah Cunningham.
Q Who did you have as your witnesses down at Fort Gibson? A I had Daniel Vann and Bob Thompson but they didn't call them in.
Q Where were you married to Nelson? A I was married to him in Kansas; I came back in '66, and I stayed two years, and then I went back to Kansas, putting on style, and then I stayed there two months after I married and I came back to the Cherokee Nation and have been here ever since; I have been to every Court.
Q And they never would enroll you? A And I have been down to Tahlequah to the Court House, I did get my name once, John Bullett give it to me.
Commissioner: Where was your boy Willie born? A He was born in Fort Gibson.
Q Who took you to Kansas? A I went to Kansas with my master, John Cunningham, and Riley Keys.
Q Was John Cunningham your master? A Yes, sir, that was my second master, he married my boss' daughter.
Q Married Nave's daughter? A Yes, sir, Frances Nave.
Q He took you up there? A Yes, sir.
Q What part of Kansas? A I went to Lawrence.
Q You brought you back? A George Haselrig.
Q About how old were you when you came back? A I can't tell.
Q You had been married? A Yes, sir, I married when I was quite young.
Q You were not married when you came back? A No, I had been married when I came back.
Q You had been married before? A Yes, sir, I had been married before.
Q You were a widow when you came back? A Yes, sir, I went by the name of Sarah Ross.
Q And after you came back you married Will Nelson? A Yes, sir.
Q You say he is living? A Yes, sir, he is living.
Q You and him living together? A No, sir, we are not, we haven't been living together for four years.
Mr. Hastings: Now who did you come back to Fort Gibson with?
A Well, I came with Uncle Russell Vann and a whole lot of us, and the man I hired to bring us was named George Haselrig; I came in his wagon.
Q What time of the year was that? A It wasn't very cold weather, but it was in the fall.
Q You swore before you came back in August, didn't you? A In August; well I said it wasn't cold weather; a heap of times I am kinder forgetful, you will have to make allowance, I have been sick so much.
Q Who did you say you were a slave of before the war? A Susie Nave, Henry Nave's wife.
Q Where did she live? A Kinder east of Tahlequah, about two miles and a half, on the Illinois.
Q There is where you lived? A There is where I was raised.
Q What was Susie Nave's maiden name? A She was a sister of old John Ross.
Q And who took you out to Kansas? A Mr. Cunningham, the man I lived with after he married Frances Nave, he came back and got me, I lived with them.
Q How long was that before the war when he took you toKansas?
A War was going on.
Q How long did you stay in Fort Gibson when you first came back?
A I didn't stay in Fort Gibson but very little while, I went out on Four Mile Branch to my sister, old man Jess Lowrey, my brother in

law. xxxxx

Q How long did you stay in Fort Gibson before you went out there, a week or two? A I stayed there two or three weeks.

Q Before you went out to Lowrey's? A Yes, sir.

Q That was Nels Lowrey's father? A Yes, sir.

Q Nels was there? A Yes, sir, he was a little bit of a boy.

Q And he remembers it? A Of course he ought to remember it.

Q Tell me how far they were living from Fort Gibson? A Four miles.

Q What sort of a house were they living in? A A little old log house.

Q How long did you stay out there? A I stayed there about a week or so and went to Tahlequah to Jack Pack's, Frank Pack's father, to my sister.

Q And they will remember it, Frank was born? A Yes, sir, Frank was a good big boy.

Q That was in the fall was it? A Yes, sir.

Q How long did you stay there? A I stayed there, went to my sister Tildy Green, and I stayed there all the winter, just living about among them, Uncle Isaac Ross and Granny Phyllis Ross, and Uncle Edmund.

Q Then where did you go to from there? A I came back to Gibson.

Q How long then did you stay at Gibson? A Stayed there until I got ready to marry.

Q And then you went back to Kansas to marry, did you? A Yes, sir.

Q You had already been engaged and you went back to see your man? A Putting on style, I thought I was putting on style, and I stayed there about two months, and I came back, and I haven't been there since.

Q You went up to Kansas to marry? A Yes, sir.

Q You married your husband up there? A Yes, sir.

Q You go up there before Christmas? A No, sir, I didn't go there before Christmas, when I went up there I went in the spring, and just stayed up there a little while and came back.

Q Did you make a crop up there that next year? A Oh no.

Q Then when did you come back? A I said we came back just in a little while; we stayed up there about two months, and went on down to Eufaula and cooked at the old mission, that has been burned down twice since I was there.

Q There was a mission school then going on at Eufaula? A Yes.

Q Did you go down there on the train? A No, there wasn't no train then.

Q How did you go down there? A In a wagon.

Q You went straight from Kansas to Eufaula? A No, sir, I came to Gibson.

Q How long did you stay there? A I stayed just long enough to get the appointment; my husband was a cook, and he cooked and I worked

Q How long did you cook and work down there at Eufaula? A Stayed about six or seven months; we stayed two terms.

Q Then where did you go from there? A Came on back to Gibson and been living there ever since, and built and lived near by Bill Hudson.

Q Was Bill Hudson living there when you came back? A Yes, he married my niece and was living there.

Q What year was that? A You know I can't tell, Mr. Hastings.

Q About how long after you had first been there, at Fort Gibson? A I don't know, guess it must have been about two years maybe; I didn't know you see; if I had known I would have been more careful; I was unthoughtful.

Q It was about, your best judgment, after your running about to Tahlequah and back to Kansas and down to Eufaula, after that, it was about two years until you moved back to Fort Gibson when you built? A Yes, sir, Polly Nivens say me, Polly knows all about me.

Q Bill Hudson was living there? A Yes, sir, Bill Hudson always lived there.
Q And he was married to your niece at that time? A Yes, sir.
Q That is when you came back? A Yes, when I came back.
Q Did you see Bill Hudson for first time you went down there after the war? A No, I don't know, I wasn't particular, I don't know.
Q You don't remember? A Let me see, when I first went down there Bill Hudson wasn't married, my niece had that Mose Mackey, and he died before she was married the second time.
Q When you came back? A Yes, sir.
Q Did she have any children? A No, sir, didn't have none; had Frank after I came there.
Q About how long after you came there from Eufaula? A Oh Frank was born in December I think; I was there when he was born.
Q And you have been living right there by Bill Hudson ever since? A Yes, sir, I think nearabout, must be about 25 years.
Q You have been living right in town by Bill Hudson ever since? A Yes, sir, my house is right there.
Q Why didn't you apply to this Commission at Fort Gibson? A I wasn't down there when they were at Fort Gibson.
Q Where were you? A I was up here sick, I came up here on the xxxxxxx Verdigris and I took sick and couldn't get down there.
Q You have never been in Kansas since you went to Eufaula? A No Indeed I haven't.
Q You have lived all the time at Fort Gibson? A Indeed I have.
Q Did you ever see Polly Nivens before the war? A No, sir, she didn't live close by us you know.
Q When did you first see her after the war? A I saw her when I get to Gibson in '66, she was cooking xx in a double log house and gave me something to eat.
Q Did you have your children with you then? A No, sir.
Q You didn't have any children by your first husband? I had two but they died before he was killed, both of them.
Q Did you see Easter Grimmett down there when you came back after the war? A I saw her at Tahlequah.
Q At whose house did you meet her? A She was over there to Uncle Edmond's.
Q Uncle Edmond who? A Edmond Ross.
Q Edmond Ross was living there at that time? A Yes, sir, and Harriett and Uncle Isaac, they were all living then.
Commissioner: That the first time you saw Easter Grimmett when you saw her at Tahlequah? A I saw Easter before the war, we were young toge her, I knowed her.

Easter Grimmett, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A Easter ~~Grimmetx~~ Williams.
Q Sometimes known as Easter Grimmett? A Yes, sir.
Q How old are you? A I am about 50, I don't know how much over.
Q What is your post office? A Ruby.
Q You a Cherokee Freedman? A Yes, sir.
Q You know Sarah Nelson, the applicant? A Yes, sir.
Q How long have you known her? A Ever since slavery.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A Belonged to Mrs. Cunningham, lived at Park Hill.
Q Do you know whether she went out of the Cherokee Nation during the Civil War or not? A I don't know sir.
Q Where did you first see her after the war? A I saw her at Tahlequah.

Q What year was that? A It was a good while aftr the war.

Q That is the first time you saw her? A Yes, sir.

Q You have seen her since that time? A Yes, sir, I have seen her since then.

Q Where has she been living since then? A She has been living up here on Snow Creek with her brother.

Q Has she ever lived in Fort Gibson? A Yes, sir.

Q She has got a place there in Fort Gibson and is living there now? A I guess she lived with her brother way up here, here is where I found her, Snow Creek.

Q When did you see her before you saw her here? A I saw her at Gibson about five years ago.

Q Was she living down there then? A Yes, sir, she was at Fort Gibson then.

Q But she lives up here now? A She is here with her brother, staying with her brother, at Snow Creek.

Q Who is her mother? A Mr. Murrell.

Q How far did you live from her before the war? A I lived in Flint and they lived on Park Hill.

Q How old were you when the war came up? A I was big enough to take care of my mistress' children.

Q About how old? A I don't knowjust about how old, I always was with them at council time, you know I must have been pretty old.

Q Were you 15? A I don't recollect it, I don't know.

Q Were you at her place before the war? A Yes, sir, I have been at Park Hill, right over to Murrells.

Q And you know she lived there? A Yes, sir.

Q Did she live there when the war came up? A Yes, sir, her mistress was Miss Frances Nave.

Q A good while after the war before you saw her? A Yes, sir, saw her at Tahlequah when I saw her.

Q About how many years after the war was it; a good while after the war? A Yes, sir, a good while after the war.

Q Ten or twelve or fifteen or twenty years? A Yes, sir, longer than that I guess

Q Longer than twenty? A No, not longer then twenty.

Q About twenty is your recollection? A About my judgment.

Q Did she say where she was from then? A She said she was from Barren Forks.

Q You know where Barren Forks is? A It is right ~~south~~ straight down from Tahlequah.

Q East? A It is just like you go into Flint.

Q It runs through Going Snake and down to the Illinois River in Tahlequah? A Well, Going Snake isn't there on Caney; Going Snake would be away up above Flint, according to my recollection.

Q At whose house did you see her? A I saw her at that place, I saw her at Tahlequah.

Q At whose house? A I saw her there at her uncle's, old man Ross there.

Q Was anyone with her? A a whole lot of ~~Cherokees~~ folks there.

Q Have any children with her? A She had one.

Q What was his name? A His name was Willie; she is a slave nigger of the Cherokees all right.

Commissioner: You don't know where she was in the year '66?
A No, sir.

Polly Nivens, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Polly Nivens.

Q How old are you? A 66.

Q What is your post office? A Fort Gibson.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir, always have been.

Q Do you know the applicant, Sarah Nelson? A Yes, sir.

Q How long have you known her? A Pretty near all my life.

Q Was she a slave? A Yes, sir.

Q Who did she belong to? A Mrs. Nave.

Q Where did she live? A They lived up on Barren Forks somewhere. I don't know exactly where about.

Q Do you know whether she was taken out of the country during the civil war? A No, sir, I don't know whether she was or not.

Q Where did you first see her after the war? A After peace was made?

Q Yes? A I first saw her in Fort Gibson at Caroline Foreman's.

Q What year was that? A It was just when peace was made, the first year after peace was made.

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

Q Where has she been living ever since? A Why she stayed there to Mrs. Foreman's pretty near a year.

Q Was she married? A No, sir, she wasn't married when I saw her.

Q Have any children when you saw her? A No, sir, she didn't have any children.

Q How many times did you see her since you saw her at Fort Gibson right after peace? A I saw her once or twice and then she left there.

Q You are certain she was a slave? A Oh yes sir.

Q And belonged to Nave? A Yes, sir, and then Mr. Cunningham married one of Nave's daughters and then we called her Sarah Cunningham then a while, but they were all Cherokees at last.

Mr. Hastings: Were you at her house before the war? Was I where she lived, no sir, I saw her when her owners came to my folks house.

Q Where did you live? A Right over here to Joe Nivens, right at the ferry.

Q What was her owner's name? A The owner she was with then was Nace.

Q How long was that before the war? A It wasn't so very long before the war.

Q A year? A I reckon about a year.

Q You know that she lived up on Barren Forks? A Yes, sir, said they lived on Barren Forks, I never was to their house, but they had her along as a waiter, she came over to see our folks, and of course she lived with us in our quarters and I was asking her about her owners, if they were good, and she said yes.

Q You remember her quite well before the war? A Yes, sir, I remember her then, bound to.

Q You saw her after the war? A Yes, sir, I saw her after the war.

Q Who did she come down there with? A At Gibson?

Q Yes? A I don't know who she came with; I asked her if she had come back, and she said yes, aint you glad, and I was glad to see her, they were all coming back refugeeing there, you could look out in the morning and see a hundred negroes coming back every morning.

Q And you can remember them all? A No, sir; I can remember them that I knowed because I was glad to see them coming here.

Q You don't remember who she came with? A No, sir, I didn't ask her who she came back with.

Q You don't know whether she came from the north or south? A No, sir, she stayed with a man, George Barnwell, and I asked her if he was her husband, and she said no, I can do better than that.

Q You saw her at Caroline Foreman's? A Yes, sir.

Q And she lived there with Mrs. Foreman? A I don't know how long she stayed there, she stayed there all fall and along in the winter and she said, I am going to hunt up my people and coming back, and she went and stayed a while, but she wasn't gone a longtime, she

went on Four Mile Branch, and Yahlogah, and all around and came back to Caroline Foreman's again.

Q Did she tell you about seeing Hester Grimmett when she came back?

A Yes, sir, she knew Hester too.

Q You were asking about seeing those people you knew? A Yes, sir, we would be inquiring of all that we knew when we came back, you know that was a great time with the Cherokees then.

Q Did she settle down and stay there at Fort Gibson then? A No, sir, I don't know whether she did or not, she said she was going to hunt up her people.

Q After she hunted up her people and came back? A I don't remember whether she did or not, I can't tell xx you that.

Q What became of her? A She said she was coming up here to hunt up a brother.

Q And she has been up here ever since? A No, she went back to Gibson down there, she hasn't been here ever since, she lived in Gibson after she married Nelson.

Q Where did she marry him? A I don't know.

Q Wasn't you at the wedding? A No, sir, but she called him her husband.

QQ About how long after that until you saw her with her husband Nelson? A I don't xx remember how long it was.

Q Don't remember how long that was after the war? A It was a good while after the war before she marriedNelson.

Q About how many years? A I can't tell you exactly about how many years, but I saw her a long time after that because I kept asking her, are you married, and she said no, I haven't found anybody good enough yet, and they kept come at Gibson.

Q After she married Nelson? A Yes, sir.

Q About how long? A I don't know hardly.

Q Your ~~judg~~ best judgment? A I can't tell.

Q Two or three or xxx four years? A Longer than that, a long time.

Q About when did she leave down there? A I don't know when she left; You know I wasn't staying in Gibson, I was living out from Gibson and whenever they would have anything in town I would go in there and start a restaurant.

Q About how many years before you last saw her? A Well, I haven't idea, I can't tell you.

Q Have you seen her there for twenty years, the last twenty?

A Oh yes sir, I have seen her.

Q Have you seen her in ten yearsN A Yes, sir, seen her there in ten years.

Q Has she lived there in the last ten years? A Yes, sir, longer than that, she was living with Mr. Nelson there that long.

Q About how long? A I guess about ten or twelve years as near as I can tell you.

Q You mean it was about ten or twelve years ago, or that she lived there ten or twelve years? A Yes, sir, she lived there for ten or twelve years at Fort Gibson.

Q About how many years ago was it since she left that place? A That is what I am telling you now, maybe ten or twelve years or maybe longer.

Q You don't know where she has lived since that time? A No,sir, she has lived first one place and another, I can't keep the record, she is up here now.

Commissioner: You live in Gibson? A Yes, sir, I live close to Gibson, about two miles from town.

Q She don't live there now? A Mrs. Nelson, yes, sir, I think she lives there, I don't know where she is staying, she is staying up withher brother; her things are there.

Q Her things are there; has she got a house there?

A I don't know whether she sold her house there or not.

Sarah Nelson - 8.

Q Did she have a house there? A Yes, sir, she had a good home, good orchard and everything.

Q You don't know but what her property is there yet? A No, sir, I never asked her the particulars about it at all.

Q You don't know whether she lives at Fort Gibson there now or not? A I asked her, and she said- - -

Q If you are living there, wouldn't you know it? A Yes, sir; when they were enrolling in Gibson I saw her.

Q Aren't you in Gibson there? A No, sir, but usual[illegible]

Q [illegible] Fort Gibson? A About two miles from Fort Gibson, in the edge; I only run a business once in a while when there is something going on there, I go there and feed people.

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Taking of testimony continued by Stenographer M. D. Green.

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

Bruce C. Jones

Sworn to and subscribed before me this the 1st of July, 1901.

Commissioner.

CONTINUED, former portion taken by stenographer, Bruce C. Jones.

SARAH NELSON et al, 2

BENJAMIN NAVE, being sworn by Commissioner Needles, and examined by him, testified as follows:

Q What is your name? A Benjamin Nave.
Q How old are you? A 37.
Q What is your post-office? A Vinita.
Q Are you a recognized Cherokee Freedman? A Yes sir.
Q You know the applicant? A Yes sir, she is my aunt.
Q How long have you known her? A Ever since I was a small boy.
Q Where has she been living since you knew her? A Mt. Gibson.
Q She lives at Mt. Gibson now? A I don't know whether she is now or not.
Q She is your aunt? A Yes sir.
Q You don't recollect as late back as '66 do you? A No sir.
Q Ever since you knew her she has been living in Mt. Gibson?
A No, not ever since I knew her, she has been living there.
Q Is she married? A Yes sir.
Q What is her husband's name? A William Nelson.
Q Is he living there? A He was, he don't now, he lives out here about Sapulpa.
Q You know who she belonged to before the war? A No sir, I don't know when she went out.
Q Or when she returned? A No sir.
Q Too young to know that? A Yes sir.

Com'r Needles: Sarah Nelson applies for the enrollment of herself and son, William, 19 years of age; her name cannot be found upon the authenticated rolls of the Cherokee Nation now in the possession of the Commission; she avers that she is a slave of John Cunningham or Henry Nave; her mother was a slave of Mariah Nave; she was taken out of the Nation during the war by John Cunningham, her owner, and returned in '66; she was taken to Kansas by her owner; she makes satisfactory proof as to residence since that date; she avers that Willie is her child and now living. By reason of the fact that her name does not appear upon the authenticated roll of 1880, said Sarah Nelson, her child Willie, will now be listed for enrollment as Cherokee Freedmen on a doubtful card; it will be necessary for her to make satisfactory proof as to birth of her son Willie; she will be notified by the Commission of its action in the premises.

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

M D Green

Subscribed and sworn to before me this July 12, 1901.

Commissioner.

C.F. D-944.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 25, 1902.

In the matter of the application of Sarah Nelson for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:
Applicant not present or represented;
W. W. Hastings, of counsel for Cherokee Nation.

Commissioner: Proof of notice to applicant faled. Sarah Nelson, being called, comes not in person or anyone for her.

REGGIE HUDSON, being duly sworn by Commissioner Needles, testified as follows

Mr. Hastings: What is your name? A Reggie Hudson.
Q What is your age? A 51.
Q What was your maiden name? A Peggie Pack.
Q What is your postoffice address? A Fort Gibson.
Q How long has that been your postoffice? A Well about, oh it has been thirty years I guess, ever since the war, pretty near.
Q Where were you in '66 and '7? A Fort Gibson.
Q And the next few years following, '68 and '9, were you here? A I was here pretty much ever since peace, I stayed from here about a year I guess.
Q Your maiden name was Pack, I believe you stated? A Yes, sir, Pack.
Q You know Sarah Nelson? A Yes, sir.
Q An old lady 63 years of age, whose postoffice is here at this place? A Yes, sir.
Q What relation, if any, is she to you? A She is my aunt, my mother's sister.
Q When did you first see her after the war? A '67.
Q The next year after the war? A Well, that is what I told you a while ago, it was in '67 when I saw her; in '74 the first time.
Q You saw her first in '74? A Yes, sir, in '74.
Q After the war, that is the first time you saw her? A Yes, sir.
Q Why do you connect that date, do you remember it for anything else? A For the reason I know my son was born in that year and she came along about that time; my oldest son.
Q Well, how long did she remain here when she first came? A I don't know just how long she was here after she came back to the country.,
Q Where did she go? A I think when she went back she went to Fort Scott.
Q Was she married when she first came down? A No, sir, she was a widow.
Q Well, was she married when she came the second time? A Yes, sir, she was married when she came the second time.
Q You know how she came the second time? A Well, my husband said he had her brought from Gibson Station; it has been so long I have forgotten it.
Commissioner: You don't know yourself? A I am not positive, it has been so long.
Q You say the first time you saw her after the war it was in 1874?
A In 1874.
Q Well do you know where she had been before that? A Fort Scott.
Q How do you know it? A Well when she went from here she went to Fort Scott.
Q When did she go from here, you know? A Yes, sir.
Q How do you know she went there? A I don't know she went there.
Q When did she first come back from Fort Scott? A In '74.
Q How do you know that? A That is the first time I knew her here.

Q If she came back here before that you don't know it? A No, sir.
Mr. Hastings: Was she your aunt? A Yes, sir.
Q And you lived at Fort Gibson? A Yes, sir.

MARIA CHASE, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A Maria Chase.
Q What is your age? A 51.
Q What was your maiden name? A Maria Lowrey.
Q What was your father's name? A Jess Lowery.
Q Where did your father live at the close of the war? A At the close of the war, well he lived right here in Gibson, he soldiered a while in Fort Smith.
Q I mean just after the war, in '65 and '66? A He lived right around in Gibson up here on the bayou among the indians where he always stayed.
Q How long did he stay here in Fort Gibson? A I can't tell you, he lived here for a number of years.
A I mean in town? A I can't tell you that either, we lived in town here, my mother died, until the year of the cholera, we lived here from the time peace was declared until the year after the cholera we moved out on Four Mile Branch, and then we moved from there on a little branch two or three miles from here and settled up on a hill and there he died.
Q Do you know Sarah Nelson? A Yes, sir.
Q What relation, if any, is she to you? A An aunt of mine, my mother's suster.
Q When did you first see her after the war? A Well as near as I can remember it, it was after the cholera when we lived out in the country.
Q Did you see her while your folks lived here in town? A I don't remember ever seeing her.
Q You don't remember the exact date? A No, sir, I can't keep count of the year at all, I knew it was the year after the cholera, you can count from that and see what time it was, you know the year the cholera was.
Q Where were your folks living at that time when you saw her first here? A Out here on this little creek between here and the Four Mile Branch.
Q You were not living in town? A No, sir.
Q And that was after the cholera? A Yes, sir, that was when I remember seeing her.
Commissioner: Was Sarah Nelson a slave? A Yes, sir.
Q Who did she belong to? A She belonged to some of the Naves.
Q Do you know whether she went out of the Cherokee Nation during the war or not? A Yes, sir, I think she went out with a man by the name of Cunningham, I suppose that was the one that owned her.
Q Do you know when she came back? A No, sir, I don't know only what I have told you.

NELSON LOWREY, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: What is your name? A Nelson Lowrey.
Q How old are you? A 40.
Q Where were you living when you were first old enough to remember? A I was living out here on the Fourt Mile Branch.
Q What was your father's name? A Jess Lowrey.
Q Have you got an aunt by the name of Sarah Nelson? A Yes, sir.
Q A colored woman who is a claimant for citizenship? A Yes, sir.
Q Do you remember the circumstances of her coming to your father's house? A Yes, sir, I remember when she came.

Q Now tell the Commission about that, about when that was? A It was in '73 or '4, I think '74, I am not positive, somewhere along there.

Q Was she your mother's sister? A Yes, sir.

Q You know where she was from? A She said she was from Fort Scott.

Q Well, did she remain there, or where did she go? A Well she stayed there I reckon a week or such a matter and then went from there up to her other sister's on Barren Forks.

Q What was her other sister's name? A Martha Pack.

Q Did you go with them? A Yes, sir.

Q How long did she stay around there? A Well I really don't know, she must have stayed there something over a year I reckon, I don't remember just how long she stayed.

Q Where did she go? A Went back up to Fort Scott, said she was going to Fort Scott.

Q Was she married when she was here the first time after the war?

A No, sir.

Q When she came back was she married? A Yes, sir.

Q About how long was she gone before she returned? A She must have been gone a couple of years or more, I was living at Tahlequah when she came back the second time.

Q Mr. Lowrey, by what do you fix the date that she was here at that time? A The first time?

Q Yes? A Why it was in '74, just about a year before my mother died, and my mother died in April, 1875.

Q Was this woman here when your mother died? A No, sir.

Q She had come and gone? A Yes, sir.

Q You know her well? A Well after I saw her that first time I knew her, I don't remember seeing her before that.

Commissioner: The first time you ever saw Sarah Nelson to know her was in '74? A Yes, sir.

Q How old was you then? A I must have been 12 or 13 years old, somewhere along there.

Q She was your aunt? A Yes, sir.

Q Was she a slave? A I don't know whether she was or not.

Q Where did she come from when she came in 1874? A She said she came from Fort Scott.

Q She told you so, you heard her say so? A She was talking to my father and mother.

Q Do you know when she was in the Cherokee Nation before that?

A No, sir, I don't remember.

Q Do you know know whether she was ever in the Cherokee Nation before or not? A No, sir, not to my knowledge.

Q That was the first time you ever saw her and got acquainted with her? A Yes, sir.

Commissioner: This testimony will be filed.

****

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

Bruce C. Jones

Sworn to and subscribed before me this the 7th of October, 1901.

Commissioner.

A

Cherokee Freedmen D 944.

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

In the matter of the application of Sarah Nelson for the enrollment of herself and her minor son, Willie Nelson, as Cherokee Freedmen.

D E C I S I O N.

The record in this case shows that on June 28, 1901, Sarah Nelson appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself and her minor son, Willie Nelson, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, September 25, 1901.

The evidence shows that the said Sarah Nelson was a slave of a Cherokee citizen at the commencement of the rebellion; that she went to Kansas during the rebellion, and did not return to the Cherokee Nation within the time specified, in the decree of the Court of Claims rendered February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. The Cherokee Nation, et al., for the return of freedmen to said Nation.

The minor applicant, Willie Nelson, is a descendant of said Sarah Nelson, born since 1866, and has no right to enrollment except such as he may have derived through her. Neither of the applicants are identified on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sarah Nelson and Willie Nelson as Cherokee Freedmen should be denied under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). Tams Bixby.
Chairman.

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

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

Muskogee, Indian Territory,
this JUL 29 1904

Commissioner.

No. D 944

[illegible] TERRITORY,
[illegible] NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

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 ....., 1901.

.....

Attorney for applicant.

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

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

.....

on the ..... day of ..... A.D.1901.

.....

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

.....

Notary Public.

Proof of Service made
and original filed with the
DAWES COMMISSION.
SEP 24 1901

NOTICE!

IN THE MATTER OF the application of Sarah Nelson for enrollment as a Cherokee citizen:

Case No. D 944

To Sarah Nelson Ft. Gibson 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 Fort Gibson, I. T. Indian Territory, on Sept. 26th 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 on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 9-13-1904

L. B. Bell
W. W. Hastings

Attorneys for the Cherokee Nation.

No. D 944

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. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

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 ....., 1901.

.....

Attorney for applicant.

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

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

.....

on the ..... day of A.D.1901

.....

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

.....

Notary Public.

R

9-16-01

9/20 filed

NOTICE!

IN THE MATTER OF the application of Sarah Nelson for enrollment as a Cherokee citizen:

Case No. D 944

To Sarah Nelson Ft. Gibson 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 Fort Gibson, I. T. Indian Territory, on Sept. 26th 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 on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

L B Bell

N. W. Hastings Jr

Attorneys for the Cherokee Nation.

MDG

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-941.

Muskogee, Indian Territory, August 1, 1904.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 29, 1904, rejecting the application for the enrollment of Sarah and Willie Nelson as Cherokee freedmen.

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.

Encl. S-184

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
SECRETARY

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

CMcR

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-944

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, October 4, 1904.

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 29, 1904, rejecting the application for the enrollment of Sarah Nelson and her minor son, Willie Nelson, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 22, 1904.

Respectfully,

Chairman.

Cher. Fr.D-945

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 28,1901.

In the matter of the application of Carrie Nave for the enrollment of herself and eight children, as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows

Q What is your name? A Carrie Nave.
Q How old are you? A About 43. I don't know my age exactly.
Q What is your post-office address? A Chouteau.
Q What district do you live in? A Saline.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Nine children.
Q Are you married? A No sir, not married.
Q What was your father's name? A Bob Webber.
Q Is he living? A No sir.
Q Your mother's name? A Lucinda French.
Q Is she living? A No sir, she is dead.
Q What was your husband's name? A Reuben Nave.
Q You and he living together now? A No sir.
Q Is your name on the roll of 1880? A It was on there, but it was taken off.
Q Is your name on any of the rolls of the Cherokee Nation? A Yes sir, on the Wallace.
Q Have you any witnesses? A Yes sir.
Q Who are they? A Sam Webber and Bill Webber and Jerry Butler.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Bob Webber.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee Nation during the war? A Yes sir.
Q Where to? A Kansas.
Q When did you return? A I couldn't tell you the year.
Q Why can't you tell the year? A I don't know.
Q Can't recollect, or wasn't you old enough? A I was very small.
Q Who did you go out with? A My mother.
Q Did you return with your mother? A Yes sir.
Q Where did you return to, if you recollect? A On the east side of Grand river, on Spring Creek.
Q Your mother is dead? A Yes sir.
Q And your father also? A Yes sir, my father died, my step-father is living.
Q Give me the names of your children? A Lula.
Q How old is Lula? A 22.
Q Well she must apply for herself, your children, what have you got under age and unmarried? A Lena, 20.
Q Next one? A Osie Phillip, 18.
Q Next one? A Willie, 16. Ella, 14, Georgia, a girl, 12, Hattie, 10.
Q Next? A Henrietta, 8.
Q Next one? A Clemmie, 3.
Q Girl or a boy? A Boy.
Q That all? A Yes sir.
Q These children all born in the Cherokee Nation? A Yes sir.
Q All living with you at this time? A Yes sir, all living.
Q What place in Kansas did you go to? A I couldn't tell you, I don't remember.
Q Went out with your mother? A Yes sir.
Q Was your mother a slave also? A Yes sir.
Q Did she belong to Bob Webber? A Yes sir.
Q Your mother brought you back did she? A Yes sir, she brought me back.
Q None of these children married? A Yes sir, Lula, my oldest one.
Q But Lena aint married? A No sir.

BY MR. HASTINGS, Cherokee Rep've:

Q Is your father dead? A Yes sir.
Q When did he die? A I couldn't tell you; died when I was small.
Q Die before or during the war? A I guess he did, died before the war I reckon.
Q You don't remember seeing him? A No sir.
Q You remember anything of your return trip back here? A Oh I can remember we first lived on Spring Creek, that's the first place we stopped.
Q You were living there when you can first remember? A Yes sir.
Q You don't remember anything of the trip coming back? A No sir, not much.
Q You remember who brought you? A Come back with my mother and step-father.
Q Step-father, Dave French? A Yes sir.
Q You know whether it was very cold weather or not? A No sir, I don't remember about that.
Q You lived on Spring Creek awhile after you came back? A Yes sir.
Q At what place were you living when you were first old enough to remember? A On Spring Creek, close to Rob Musgroves.
Q Was he living there at that time? A Yes sir.
Q That Rob Rogers? A Yes sir.
Q You remember any of the rest of your neighbors? A Yes sir, a few of them.

SAM WEBBER, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Sam Webber.
Q Your age? A About 58.
Q Your post-office address? A Nowata.
Q You are a recognized Freedman citizen of the Cherokee nation? A Yes sir.
Q You know the applicant here, Carrie Nave? A Yes sir.
Q How long have you known her? A Ever since she was born.
Q What was her father's name? A Her mother claimed that her old boss was the father.
Q What was her mother's name? A Cindy Webber.
Q She ever go by the name of Lucinda French? A Yes sir.
Q How was that? A She married Dave French.
Q Her mother was a slave? A Yes sir.
Q Who did she belong to? A Robin Webber.
Q Was Carrie born a slave? A Yes sir.
Q Was Carrie and her mother taken out of the Cherokee nation during the war? A Yes sir.
Q Where did they go to? A They went up to Ft. Scott.
Q Her master, Rob Webber, was a Cherokee citizen? A Yes sir, he was a Cherokee.
Q When did they return, if you know? A I met them along the later part of August in '66, coming back here when they come back.
Q Where did you see them? A Up here on Horse Creek.
Q Was you going that way? A Yes sir, and met them coming back.
Q In the latter part of '66? A Yes sir.
Q Who was with them? A Her mother and brothers and hands and French.
Q Have you known her ever since that? A I have met her some real times since that.
Q What is her husband's name now? A One of the Nave boys, I don't know his first name.
Q You know whether she has lived in the Cherokee Nation continuously since that time until now? A Yes sir, she was an orphan.

Q BY MR. HASTINGS, Cherokee Rep've:
Q Who all was along in that party that you met? A Dave French, and Cindy French was his wife, and Rachel Webber and Linda Webber, and this girl and an older sister than this one, I can't call her name now, but I know her name, and then there was a small girl along, another sister of hers,- that oldest one was named Ellen I believe.
Q You were going the other way? A Yes sir.
Q You met them on Horse Creek? A Yes sir.
Q How many wagons did they have? A I only saw one wagon.
Q How long did you stop there? A An hour or two I guess.
Q Talked with them awhile? A Yes sir.
Q Dave French was along? A Yes sir.
Q Was William Webber along with you? A He was along with her.

WILLIAM WEBBER, being sworn and examined by Con'r Needles, testified as follows:

Q What is your name? A William Webber.
Q How old are you? A 51 years old.
Q What is your post-office? A Dawey, Coowescoowee.
Q Are you a Cherokee Freedman? A Yes sir.
Q You know the applicant here, Carrie Nave? A Yes sir.
Q How long have you known her? A I have knowed her all my life time, she is my sister.
Q You and her had the same mother? A Yes sir.
Q Was she taken out of the Cherokee nation during the war? A Yessir She went out with the balance of us.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Robert Webber.
Q Where did you all go to? A Kansas.
Q Did you return together? A Yessir.
Q When? A In the year '66.
Q Where did you arrive in '66? A We came in the nation and stopped for settlement on Spring Creek.
Q ~~Xxxxxxxxxxxx~~ Your mother? A Yes sir.
Q And your sister here? A Yes sir.
Q And yourself? A Yes sir.
Q And the balance of the family? A Yes sir, we was all together.
Q Has she lived in the Cherokee nation continuously since that time? A I think so, I have been a good ways apart from her, but I don't think she has been out of the nation.
Q You hear from her and see her? A Very often, yes sir.
BY MR. HASTINGS:
Q Who were your neighbors on Spring Creek? A McBirds, and Vanns.
Q Rab Rogers live over there? A Yes sir.
Q Houston Rogers live there? A Yes sir. There was several of them lived over there.

JERRY BUTLER, being sworn and examined by Con'r Needles, testified as follows:

Q What is your name? A Jerry Butler.
Q How old are you? A About 45.
Q What is your post-office? A Chouteau.
Q You are a Cherokee Freedman? A Yes sir.
Q Do you know the applicant, Carrie Nave? A Yes sir.
Q How long have you known her? A I have knowed her about 30 some odd years.
Q Were you acquainted with her before the Civil War? A No sir.
Q ~~Xxxx Xxx~~ Known her since the Civil war? A Yes sir.
Q You don't know where she was in the year '66 or do you? A I

don't just remember, I know where she was in '67.
Q Where was she in '67? A She was on Grand river.
Q Do you know where she was the year before? A I won't be positive, but I think she were there the other side of the river.
Q What time in the year '67 Mr. Butler? A It was along in the fall when I first knew them there.
Q Have you known her since that time? A Yes sir.
Q Has she been living in the Cherokee nation all the time? A Yes sir.
Q You knew her father? A No sir.
Q You know her mother? A Yes sir.
Q What was her name? A Cindy Webber, Cindy French when she died.
Q You didn't know them before the war? A No sir.

BY MR. HASTINGS:

Q On which side of Grand river were they when you first knew them after the war? A When I first saw them they was living in a little house right there by the Salt Lick.
Q That on the east side or the west side of the river? A That was on the west side.

BY COM'R MEEDLES:

Q You are not positive whether you saw them in '66 or not? A No sir

Applicant, CARRIE WAVE, re-called and further examined;

BY COM'R MEEDLES:

Q Is your name on the roll of 1880? A It was, it ought to be on there.
Q Is the name of your mother on that roll? A Yes sir.
Q And of all your brothers and sister on the roll of 1880? A Yes sir, I don't know but I think there's some of them on there, two or three of them.

1880 authenticated roll of citizens of the Cherokee nation examined for applicant's mother and found on page 106 #1192 Linda French, Coowescoowee Dist, adopted col.

Q Did you have a brother, Wash? A No sir.
Q Did you have a sister, Jennie? A Yes sir.
Q Did you know Wash Webber? A No sir, I know Wash French.
Q Who was Wash French? A My step-father's son.
Q Then you had an own sister, Jennie? A Yes sir.
Q Brother Tom? A No sir.
Q Do you know Tom French or Tom Webber? A No sir.
Q Did you know Eli? A Yes sir, that's my brother.
Q Did you have any other brother besides that? A Yes sir.
Q Who? A Bill Webber.
Q Anybody else? A Jim Webber and Andy Webber.
Q How old was William? A He would have been in 55 I guess, I don't know his age.
Q Is he older than you? A Yes sir.
Q Is he an own brother of yours? A Yes sir.
Q Is James younger than you? A Yes sir.
Q Andy younger than you? A No sir, he is older.

1880 authenticated roll of citizens of the Cherokee nation examined for applicant's brothers above given and names not found.

Q Was Jennie your full sister? A Yes sir.
Q Eli your full brother? A No sir, only half.
Q By the same mother or father? A By the same mother.
Q Tell us why your name is not on the roll of 1880? A Mr. Butler here-

WITNESS, JERRY BUTLER, re-called and further examined;

BY COM'R NEEDLES:

Q Mr. Butler, explain that? A It was on there, it was scratched out; I saw Soggy Sanders have her name scratched out. He said her husband was not a citizen, and she wasn't either, and he scratched it out.
Q Soggy did? A Red-inked it.
Q You saw it done? A Yes sir, saw him scratch it out.
Q She aint the one that Soggy said came back too soon? A No sir, that was my uncle, come at the same time, Dave Tadpole testified for him, and they asked him when he come; he said '65, they said, too soon, scratch it out.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified on
page 164 #4048 Carrie Nave, Cooweescoowee District;
page 164 #4050 Lenia Nave, Cooweescoowee District;
page 164 #4051 Phillip Nave, Cooweescoowee District;
page 164 #4052 Willie Nave, Cooweescoowee District;
page 164 #4053 Ellen Nave, Cooweescoowee District;
page 164 #4054 Georgia Nave, Cooweescoowee District;
page 164 #4055 Mattie Nave, Cooweescoowee District;
page 164 #4056 Henrietta Nave, Cooweescoowee District;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 132 #2769 Caroline Nave, Saline District.
Note: "Child of Linda French, #95, Cooweescoowee District."
page 132 #2771 Lina Nave, Saline District.

Applicant, CARRIE NAVE, re-called and further examined;

BY COM'R NEEDLES:
Q Are these children all alive and living with you? A Yes sir, and I have one grand child.
Q You apply now for a grand-child? A Yes sir.
Q Whose child is it? A Lena's
Q What is the name of the child? A Sherman.
Q What else? A She will have to come and answer for that herself, I don't know.
Com'r: Well, named Nave.
Q How old is it? A Three years old.

Com'r Needles: Carrie Nave applies for the enrollment of herself and 8 children; she is not identified upon the authenticated roll of 1880, but is identified upon the Kern-Clifton and the Wallace rolls, according to page and number of the roll as indicated in the testimony; the names of her children, Lena, Osie P., Willie, Ella, Georgia, Mattie and Henrietta are identified upon the authenticated roll of 1880; the younger child, Clemmie's name does not appear upon any roll, and it will be necessary for her to file satisfactory proof its birth; she and her oldest child, Lena, are identified upon the Wallace roll according to page and number of the roll; she avers that she was a slave of Robin Webber, a Cherokee citizen; was taken out of the Cherokee Nation during the war, and returned, as she avers, in 1866, and she produces proof to that effect; for particulars see the testimony. She avers that she is a child of Lucinda Webber or Lucinda French, and her mother, Lucinda, is duly identified upon the authenticated roll of 1880; she has several brothers and sisters, of which Jennie and Eli are identified upon the au-

thenticated roll of 1880; she makes satisfactory ~~xxxxxx~~ (Here comes in the examination of applicant for application of grand child.) She also applies for a grand-child, Sherman Nave, illegithate child of her daughter, Lena, three years old; it will be necessary for her to file satisfactory proof of birth of said child; the testimony would indicate that said Carrie Nave and her children were entitled to be enrolled as Cherokee Freedmen, but from the fact that her name is not on the roll of 1880, and the further fact that some of her brothers and sisters are not on said roll, and the further fact that the testimony of her step-father, Dave French, taken in the matter of his own enrollment does not fully corroborate the fact that she returned in the year 1866, said Carrie Nave and her eight children enumerated herein, together with her grand-child, Sherman, will be listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card, awaiting the further consideration of the Commission; she will be notified by mail at her post-office address of the action of the Commission in the premises.

----***----

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

M D Green

Subscribed and sworn to before me this July 12, 1901.

Commissioner.

R.L. 145

Freed. D-845.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Carrie Nave for the enrollment of herself and children as Cherokee freedmen.

Applicants appear by Mellette & Smith; Cherokee Nation by W. W. Hastings.

W. W. Hastings: The Cherokee Nation asks that the testimony taken on behalf of the Cherokee Nation in freedmen cases D-813, freedmen D-838, freedmen D-845, F. D-816, F.D-391, together with the testimony of Aaron [illegible], freedmen D-816, and the supplemental statement of Reuben [illegible], a freedman doubtful, be made a part of the record in this case.

Mr. Smith: The applicant objects for the reason that the testimony wasnot taken with reference to this case and was not taken under the ruling of this Commission with regard to notice and opportunity of cross-examination, and for the further reason that the same is hearsay, and for the further reason that it is not the best evidence and because it is incompetent in manner and form.

Commission: The request of the nation will be complied with and the testimony filed.

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

E. G. Rothenberger

Subscribed and sworn to before me this 16th day of June, 1902.

[illegible] Rutter
Notary Public.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1902

ACTING CHAIRMAN

-546-

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden; and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Carrie Nave, D 945;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings;

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) F. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

F. G. Reuter
Notary Public.

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

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

Carrie Nave, et al., ... Cherokee Freedman D. 945,
Lula Lasley, ... Cherokee Freedman D. 948.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Carrie Nave, for herself, her minor children Lena, Osie P., Willie, Ella, Georgia, Mattie, Henrietta and Clem Nave, and her minor grandson Sherman Nave; and by Lewis Lasley for his wife Lula Lasley, among others. The other parties to his application being differently classified, and not embraced in this decision.

The evidence shows that the applicant, Carrie Nave, was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken to Kansas during the rebellion, but returned to the Cherokee Nation with her mother, Lucinda French, prior to January 19, 1867. All the other applicants herein were born since 1866, and are the descendants of said Carrie Nave.

The evidence further shows that Lula Lasley has resided in the Cherokee Nation all her life; that Carrie Nave has resided in said Nation continuously since 1866, and it is considered that the said minor applicants have resided all their lives with the said Carrie Nave in the Cherokee Nation.

It is therefore the opinion of this Commission that Carrie Nave, Lena Nave, Osie P. Nave, Willie Nave, Ella Nave, Georgia Nave, Mattie Nave, Henrietta Nave, Clem Nave, Sherman Nave and Lula Lasley should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) [illegible]
Chairman

[illegible]
Commissioner

Commissioner

Commissioner

Muskogee, Indian Territory,

this MAR 5 190[illegible]

F. D. 945

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on.....

.....

by delivering a true copy thereof on the

.....day of.....A. D. 190....

Given under my hand this.....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

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

.....day of....., 190....

.....

Attorney for applicant.

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

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

.....

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

Moses Ross

Subscribed and sworn to before me this .....

.....

Notary Public.

Proof of Service made
and original filed with the
DAWES COMMISSION.

OCT 10 1901

NOTICE!

IN THE MATTER OF the application of Carrie Nave, for enrollment as Cherokee Freedmen:

Case No. F. D. 945

To Carrie Nave Choouteau, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory,* Indian Territory, on Oct. 28th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Oct. 9, 1901.

L B Bell

N. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

1129

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

ALLISON L. AYLESWORTH,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D945; D948

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Carrie Nave, et al., granting the applications for the enrollment of Carrie, Lena, Osie P., Willie, Ella, Georgia, Mattie, Henrietta, Clem and Sherman Nave and Lula Lasley as Cherokee freedmen.

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

Respectfully,

Commissioner in Charge.

Encl. V-28

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 28,1901.

In the matter of the application of Sandy Ross for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Q What is your name? A Sandy Ross.
Q How old are you? A I guess I must be about 76 I guess.
Q What is your post-office? A Hudson.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Is your name on the roll of 1880?A No sir, not as I know of.
Q Have you any witnesses here? A Yes sir.
Q Who are they? A Any Bean , Dave Martin and Rose Hardrick.
Q Is your name on any of the rolls of the Cherokee nation? A Not as I know of.
Q Did you ever draw any money at all? A No sir.
Q Were you a slave? A Yes sir.
Q Who did you belong to? A Lewis Ross.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee Nation during the Civil war? A Yes sir.
Q Where did they take you? A Carried me up North, went out with the soldiers.
Q When did you come back? A '66.
Q Come back here in the year 1866? A Yes sir.
Q You been living here ever since? A Yes sir.
Q Why is your name not on the roll of 1880? A I donet know.
Q Did you ever apply to the Cherokee authorities to be enrolled? A No sir.
Q Never did? A No sir.
Q Did you ever apply to the Horn-Clifton Commission? A Not until the Wallace roll.
Q Never tried to get your Strip money? A No sir.
Q Didn't go to the Horn-Clifton court? A No sir, I didn't go to it in time, it was in session.
Q Did you go to the Wallace court? A Yes sir.
Q Did they put you there? A No sir, they said they couldn't find the name.
Q You came back to the Cherokee Nation in '66? A Yes sir.
Q You been back here all the time since that?A Yes sir.
Q Never lived out of it? A No sir.
Of course I was travelling out sometimes .
Q Are you married? A No sir.
Q Were you ever married? A Yes sir.
Q Have you got any children? A My wife what I had died, the boy is here, he is a man, he attends to his own business.
Q Your wife is dead?A Yes sir.
Q What was her name? A She was named Becky Ross.
Q Was she a slave? A Yes sir.
Q She belonged to Lewis Ross too? A Yes sir.
Q Were you married before the war?A Yes sir, just a little before the war.
Q Did your wife go out with you? A Yes sir.
Q Come back with you? A Yes sir.
Q How long has she been dead?A I don't know exactly .
Q How many children did you and her have? A Two.
Q Q Were they born in Kansas? A One was, when we first went out.
Q What was his name? A William.
Q Is he living? A Yes sir, he is living.
Q What is the other's name? A He is named James.
Q Is he living ? A No sir, he is dead.
Q He was born in the Cherokee Nation? A Yes sir, on Pryor's Creek.

Sandy Ross 2

Q How old is he? A I don't know.
Q How old would he be now? A I don't know.
Q Would he be grown by this time if he was living? A He might have been, I couldn't tell you.
Q Had you got back here when Mr. Wallace started to make that roll?
A Yes sir, I was always here in the Nation.
Q Were you here before that court? A Was I at the court?
Q Yes? A Yes sir.
Q How long had you been here then? A That I don't know how long, I have been in the Nation here most all the time.
Q Had you been here a year? A Yes.
Q About how long? A I couldn't tell you.
Q What year did Mr. Wallace make the roll? A I don't know, I can't keep the dates.
Q What year did the Kern-Clifton Commission sit around to make a roll? A I don't know that.
Q You don't know one year from another? A I didn't have no education to know dates.
Q You don't know one year from another? A I know it when I hear it.
Q What year is this? A I don't know what year it is.
Q Where were you married to your wife? A On my master's place on Grand river here.
Q When the soldiers went out you went out with them? A Yes sir.
Q Becky went too? A Yes sir.
Q What place in Kansas did you go to? A Went on through up about Neosho Falls and al up and down there.
Q Did you farm up there? A No, I didn't farm.
Q What did you do for a living up there? A Worked around little day's work.
Q In town? A Until I went in the army.
Q After the army though, what did you do? A I come down here.
Q But you didn't apply to the Kerns-Clifton Commission for enrollment for the Strip money? A No sir, I didn't apply to them.
Q Where were you living then? A I was down in here to.
Q What place? A I didn't go to, I didn't have no particular place, I was just living about.
Q Where did your wife die? A We and her parted.
Q Where was she when she died? A I say we parted.
Q Where was she when she died? A I wasn't with her when she died, they said she died in the Nation a town here they called McAlester.
Q Were you living down there? A No sir.
Q Never lived with her down there? A No sir, couldn't live with her when we was parted.
Q When you first came here after the war where did you live? A I stopped down here in the Clem Vann place.
Q On what side of the river? A On this side.
Q Who was living there? A John Grass.
Q You knew him did you? A Yes sir, he was Sheriff.
Q You had your wife with you then? A Yes sir.
Q He was sheriff was he when you got there? A Yes sir, and some stopped at Tom Rider's place at the foot of the hill, but I rented from John Grass and made a crop.
Q How long did you get there before you made a crop? A I got there in time to put in a crop.
Q In the spring of the year? A When I come it was in the spring, and I had to go to work to make something to eat.
Q How long did you live on John Grass' place? A I made a crop.
Q Did you just live there one year? A Yes, I stayed there until in the fall.
Q Then where did you go? A I moved up on Pryor Creek to Horseshoe Bend they call it.

Q On whose place? A On Nobody's place, mine when I went on it, there wasn't nobody living there.
Q Was there a place there? A I told you there was no one living there.
Q Was it an old place? A I don't know as anybody ever farmed there.
Q New place? A Yes sir.
Q Who were your neighbors up there? A Uncle Bill Loody, Jonas Ragsdale and Ellis Johnson and Ben Foreman.
Q Where did you go from there? A Well we stayed there until- I wintered one winter there, up there, I stayed there until spring, and we all built there.
Q How long did you stay on that place? A Well, give me a little time and I will tell you, I said we stayed there until in the spring and then that place overflowed so we all just banded and went away from it and left it.
Q Where did you move to? A I just quit the place and me and my wife was parted and I just broke up house-keeping.
Q Where did you go? A I went about among my neighbors and worked and lived among them around.
Q Where did you go to your neighbors? A I worked for Henry Melton and helped him with his crop.
Q How long did you stay there? A I don't know, maybe stayed there a month or two.
Q Then you went back to Kansas? A No I didn't.
Q Where did you go? A In the Nation here, and then after I left Spring Creek I went to Mt. Gibson; first I went to work for my old boss on my old place where I lived.
Q Lewis Ross? A Yes sir, and after I quit working for him I went to Mt. Gibson and hired out there and that's where I stayed and worked for several years; worked for Ross down there.
Q Where did you go from Mt. Gibson? A I then I come back and I worked up there up on Spring Creek, and I come back up on the river there in the Lynch Settlement.
Q Where have you been living for the last 10 years? A Just living by myself, living around these places I tell you.
Q Well all I mean the last 10 years, the last few years, where you living now? A Living here.
Q At this place? A Yes sir.
Q At whose house? A Living no particular house, I go around among the folks here, I haven't got no family.
Q Don't you make any place head-quarters? A No, no particular.
Q Where did you first see Amy Bean, after the war? A Down here on the river; I worked for her; went there where Uncle Fred was living down on the river.
Q Where were they living? A On the McNair place, out on this side of the river.
Q That's where you were living, on the John Grass place? A Yes sir after I quit working there.
Q That in the summer time? A Yes sir.
Q Before you laid by your crop? A Yes sir.
Q You know what year you came down there on the John Grass place? A What year?
Q Yes? A '66.
Q Had the treaty been made when you came there? A No sir, but it was made after I was here, I was living down there then.

AMERMAN, being sworn by Commissioner Needles, and examined by him, testified as follows:

Q What is your name? A Amy Bean.
Q What is your age? A 45.

Q What is your post-office? A Vinita.
Q Are you a recognized citizen of the Cherokee nation? A Yes sir.
Q You know Sandy Ross, the applicant? A Yes sir.
Q How long have you known him? A All my life, ever since I could remember anybody.
Q You know whether he was a slave or not? A Yes sir, his former owner was Lewis Ross, but at the braking out of the war he lived with William P. Ross.
Q Was he taken out of the Cherokee Nation during the war? A Yes sir he went to Kansas.
Q You know when he returned? A Yes sir.
Q When? A '66.
Q How do you know? A He come to Ft. Gibson where we were living.
Q You know where he has lived since that? A I know where he lived up until '72.
Q Where did he live? Up until '72? A He lived on Pryor Creek awhile and Ft. Gibson awhile and Spring Creek awhile and on Grand river.
Q You don't know where he has been since '72? A No sir, I have seen him two or three times since that.

BY MR. HASTINGS, Cherokee Rep've:

Q Where did you see him since? A At Vinita.
Q When? A It has been 4 or 5 years ago.
Q You don't know where he came from there? A No sir.
Q You don't know where he was living then? A No sir.
Q Next time you saw him here? A No sir, I saw him twice in Vinita since that time.
Q 4 or 5 years ago? A Yes sir.
Q And you hadn't seen him since '72 up to that time? A I had seen him once before that time.
Q You remember about what time? A No sir, but I had seen him once before that time.
Q Were you living at Ft. Gibson? When you saw him first after the war? A Yes sir.
Q Come to your house there at Ft. Gibson? A Yes sir.
Q Where was he living then? A Up on Pryor Creek.
Q Was his wife with him? A Yes sir.
Q What was her name? A Becky.
Q You remembered him before the war? A Yes sir, we belonged to the same man before the war, we were living right together, belonged to the same man, William P. Ross.
Q You are 45 years of age? A Yes sir.
Q And you remember him before the war? A Yes sir, I remember him at the breaking out of the war.
Q What did you say his wife's name was? A Becky.
Q Did they have any children? A Yes sir, they had 2.
Q Before the war? A No sir.
Q Did they have 2 when they came back down there? A Yes sir, believe they did, one was named William and one died, been dead for years.
Q What was the other one named? A Jimmie.
Q About how old was Jimmie when you first saw them? A He was a baby.

MOSE HARDRICK, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Mose Hardrick.
Q How old are you? A 71.
Q What is your post-office address? A Chelsea.
Q Are you a Cherokee Freedman? A Yes sir.
Q You know Sandy Ross, the applicant? A Yes sir.
Q How long have you known him? A Ever since I could recollect.
Q You know whether he was a slave or not? A Yes sir.

Q To whom did he belong? A Lewis Ross, one Indian.
Q Do you know whether he was taken out of the Cherokee Nation during the war? A Yes sir.
Q Where to?A Went to Ft. Scott, Kansas.
Q How do you know?A Because he was with me.
Q You know whenhe returned? A No sir.
Q When did you first see him after the war? A Saw him in '68.
Q Where? A I was going down to old Saline down here to make salt and seen him.
Q Have you seen him frequently since that time?A Yes sir.
Q Has he been living in the Cherokee Nation to the best of your knowledge since that time? A Yes sir.
Q Where was he in the year '66? A That's when I said I didn't see him.

BY MR. HASTINGS:

Q Where did you see him in '68? A Down here in the road as I was going to the old Salt Works.
Q Just in the road? A Yes sir, I met him in the road, I was going to make salt and he was coming up the military road.
Q Did he have a wife? A Yes sir, Becky.
Q Did you see her then?A No sir, she wasn't with him.
Q You don't know where she was? A No sir.
Q You know where he was living at that time? A He said he was living on Pryor Creek.
Q How long after that until you saw him again?A I don't know how many years it was, I never kept no account of it.
Q Good while?A Yes sir, right smart while.
Q About how long, to the best of your judgment? A I guess between two and three years.
Q Where is he living now?A That's what I don't know.
Q How long since you saw him until you saw him here? A Oh I have been seeing him often and on, I saw him last fall.
Q Where did you see him? A Vinita.
Q When did you see him before that? A Well I don't know, I never kept no record of it, I never thought about it, just see him.
Q You don't know where he wasliving when you saw him at Vinita?
A No sir.
Q And you don't remember how long before that since you saw him?
A No sir.
Q Been a good while? A I tell you I don't remember.
Q You know where his wife died? A No sir, I don't.
Q Did you see him during this Kerns-Clifton enrollment? A Yes sir.
Q Where was he? A He was over at the enrollment.
Q At what point? A On Lightning Creek.
Q How long since you had seen him before that? A I don't know.
Q How many years, your best judgment? A I couldn't tell you, I never kept no record of it.
Q Had it been a good while since you had seen him? A I told you a good while.

BY MR. L.B.BELL, Cherokee Rep've:

Q Where were you and him living when the war broke out? A Down here at the Asylum.
Q Right with Lewis Ross? A Yes sir.
Q Both belonged to him?A Yes sir. Both belonged to him and was raised by him.
Q And you went out together? A Yes sir, we was taken out together.

BY COM'R MEADLES:

Q But you don't know whenhe gotback? A No sir.

DAVID MARTIN, being sworn and examined by Commissioner Meadles testified as follows:

Q What is your name? A David Martin.
Q How old are you? A 64.

Q What is your post-office address? A Coffeyville.
Q you are a Cherokee Freedman? A Yes sir.
Q You know the applicant, Sandy Ross? A Yes sir.
Q How long have you known him? A Knowed him ever since I knowed myself.
Q Was he a slave to your knowledge? A Yes sir.
Q Who did he belong to? A Lewis Ross.
Q Lewis Ross a Cherokee by blood? A Yes sir.
Q You know whether Sandy was taken out of the nation during the war? A I don't know to my knowledge. Only heard it, I never seen him.
Q Where did you see him after the war? A Seen him here in the Nation.
Q When? A I have been seeing him ever since.
Q Where was the first time you saw him after the war? A I saw him in '73 and '74, that's the first time.
Q You don't know where he was in 18 66? A No sir, I don't.
Q Have you seen him continually since that time? A Off and on all the time.
Q You think he has lived in the Cherokee nation since that? A Yes sir, he has been to my house and visited me, stayed weeks at a time.

BY MR.HASTINGS:

Q Where does he live now? A I don't know as he lives anywhere, just around with his children.

BY COM'R NEEDLES:

Q Got no family, just an old man, travelling around? A Yes sir.

L.D.DANIELS, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A L.D.Daniels.
Q How old are you? A 56.
Q What is your postoffice address? A Claremore.
Q Have you been before this Commission before, this session? A Yes sir.
Q Do you know the applicant, Sandy Ross? A Yes sir.
Q How long have you known him? A I got acquainted with him in '58.
Q Was he a slave? A Yes sir.
Q To whom did he belong? A Lewis Ross.
Q You know whether he went out of the Cherokee nation during the war? A Yes sir.
Q You know when he returned? A Yes sir, I do.
Q When? A Spring of '63.
Q '63? A Oh '66,
Q How did you know that? A I will explain how I know it; August '63, August '66, Lewis Daniels, Dug Webber and Hus Rogers, George Ross, and 4 or 5 other Cherokee fellows went to Lewis Downings on the river, and this man was in one of them old houses there, I don't know whether it was Clem Vann's old place or Tom Rider's, but it was close to the old Chouteau place.
Q This man was there? A Yes sir.
Q With his family? A Yes sir, Becky.
Q Had his wife? A Yes sir.
Q How many children did they have? A I don't know exactly how many children they had.
Q That was in '66? A That was in August '66.
Q How intimately have you known him since that time? A After that I don't know exactly how long it was, it may have been a year or longer, probably two years, maybe three he come to Gibson, so I saw them there first, and then he come afterwards and stayed there a long time; he was a preacher, he preached there for us. I

never will forget him this side of the Judgment, every time he would take his text it was in the seventh chapter of Corinthians.
Q Always took the same text did he? A Yes, "Let every man have his own wife", that was his text.
Q Well he didn't convince you colored people much on that subject?
A Well his wife was there and she had quit him.
Q Well have you known him since that time? A I seen him next time I seen him I believe it was at the Clifton court. not
Q He has got no family now has he? A No, it was the Clifton court, it was in '89, at the Wallace court.
Q Where did you see him since that? A I believe it was at Chelsea the other day, first time I saw him.
Q You don't know then where he has been all the time since that?
A No sir.
Q If he has lived out of the Cherokee Nation since that have you ever heard of it? Or known it? A If he have I don't know it, didn't see him.
Q Has he got a family now? A No sir.
Q Old man, knocking around the country? A Yes sir.
BY MR. HASTINGS:
Q You didn't witness for him before the Wallace court? A I don't know sir, probably I did.
Q You didn't tell Mr. Wallace at that time about seeing him in '66?
A I don't know as I did, I don't know as I witnessed for him.
Q Who was with him on that Clem Vann place at that time? A His wife.
Q Anybody else living there? A Yes, old Mrs. Alberty was living across the branch over there, and lots of people were living there.

Applicant, SANDY ROSS, re-called and further examined;

BY COM'R NEEDLES:
Q Did you used to preach? A Yes sir.
Q Well you had more than one text didn't you? A Yes sir, I preached different ones. (Applicant produces papers.)

Witness, AMY BEAN, re-called and further examined;

BY COM'R NEEDLES:
Q You know anything about these letters? (Referring to applicants papers)
A Yes sir, he got them from his young mistress.
Q Is she living? A Yes sir, at Ft. Gibson.

Applicant, SANDY ROSS, re-called and further examined;

BY COM'R NEEDLES:
Q Did you ever go back to Kansas after you first came down here?
A I said I passed back some times.
Q Did you ever live up there? A No sir.
Q How long did you stay up there when you went? A I would just stay a little while; go up on a visit or something ; sometimes go up to a meeting or conference.
Q Are you a Methodist? A Yes sir.
Q Have conference up there? A Yes sir.
Q Does this country belong to th Kansas conference? A No sir.
Q Just naturally wanted to go to conference anyhow? A Yes sir.

Com'r Needles: Sandy Ross applies for the enrollment of himself; his name cannot be found upon any of the rolls of the Cherokee Nation now in the possession of the Commission; he avers that he was a slave of Lewis Ross, and thathe was taken out of the Cherokee Nation to the state of Kansas during

Sandy Ross 8

the Civil war, but returned in the year 1866, and presents oral proof to that effect; by reason of the fact that his name is not on any of the rolls and his citizenship is contested by the Cherokee nation, he will be listed for enrollment as a Cherokee Freedman on a doubtful card; he will be notified by the Commission of the decision in his case.

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

M D Green

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

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 11 1901

Acting Commissioner

Supl.C.F.-D.#946.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 7th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SANDY ROSS as a Cherokee freedman, introduced on behalf of the Cherokee Nation:

APPEARANCES:
Mr. L. B. Bell, of Counsel for Cherokee Nation:

Now comes the Cherokee Nation by its attorney and states that they have made every effort to get service on the said Sandy Ross, that he cannot be found in the Indian Territory.

J. E. THORP, being duly sworn by Commissioner Needles, testified as follows, on part of the Cherokee Nation:

MR. BELL: Your name. A J. E. Thorp.
Q Age? A 64.
Q Post office? A Iola, Kansas.
Q Well, Mr. Thorp, this is a case of the application of Sandy Ross or Sandy Ellis, claiming to be a Cherokee freedman and applying for citizenship under the treaty of '66; are you acquainted with Sandy Ross? A Yes, sir.
Q Where did you get acquainted with him? A In Iola.
Q Kansas? A Iola, Kansas.
Q About when? A Oh, about '66 or '67, somewhere right along there, shortly after I was mustered out, I don't know how long.
Q How long have you known him? A Known him ever since.
Q Where is his place of residence? A It is in the northeast part of down now; he did at one time live on a tract of land in the south part of town, five acre-tract I believe it was, he lost it by mortgage and got a piece of property up in town.
COM'R NEEDLES: what place and state? A Iola, Kansas.
MR. BELL: Does he live there now A Yes, sir
Q How long since you seen him? A I think a week probably.
Q And he has been at either one of these two places you mention since you first known him directly after the war? A Yes, sir, well he lived up in town first and married this Hayhtime widow and lived on the tract of land and was about to lose it and got a little house up in town and moved up there.
Q Now, he goes here by the name of Sandy Ross, that was his application; what name did you know him by? A He was frequently called Sandy Ellis and sometimes called Ross.
Q He is sometimes called Ross and sometimes Sandy Ellis? A Yes, sir.
COM'R NEEDLES: How old is this Sandy Ross you know? A I would take him to be somewhere in the neighborhood of 65.
Q what is your occupation? A I have been a barber for the last 30 years.
Q Do you know where Sandy Ross went from when he went to Kansas? A He was, he always claimed and his brothers agreed with it too, claimed he came from the Cherokee Nation.
Q Well, do you know of your own knowledge that he has lived there from the time you knew him up to the present time? A Particular so, sir.
Q And is living there now? A Yes, sir.
Q Do you know whether you got acquainted with him in 1866 or after 1866? A Oh, about 1866, or '67.
Q He has a family has he? A He did have, and has now again by reason of his second marriage.
Q Did you know his first wife's name? A No, sir.

Q What is his present wife's name? A Her name was Smith.
Q Her given name? A I did know, but don't know it now, she used to wash for my wife, both as Miss Smith and Mrs. Ellis.
Q Do you know why he was called Ellis? A No, sir.
Q Do you know whether he has ever exercised the right of suffrage in Kansas? A I think he has when I was sitting on the beard myself.
Q You have seen him vote? A Oh yes.
Q You don't know anything about his antisedants? A No, sir.
Q You never knew him living out of the state of Kansas si nce?
A No, sir, I have never had any knowledge of his having any residence anywheres else at all.

R. J. MORRIS, being duly sworn by Commissioner Needles, testified as follows: On the part of Cherokee Nation.

MR. BELL: Give your name? A R. J. Morris; 56 years old, my post office address is Iola, Kansas.
Q How long have you lived in Iola? A I have lived in the vicinity of Iola since '56.
Q That is Iola, Kansas? A Yes, sir, Iola, Kansas, lived in thrree miles of the town.
Q Are you acquainted with a colored man by the name of Sandy Ross, or Sandy Ellis? A I am acquainted with a man by the name of Sandy Ellis.
Q You don't know hi m as Sandy Ross? A No, all I know is he claims to be a brother of the Ross boys, Peter and Cal, he goes by the name of Sandy Ellis there.
Q How old a man is he? A I think he is 70 or 75, he is getting along in years pretty well.
Q When did you first became acquainted with him? A Well, it has been a number of years, I don't just exactly remember, probably '66 or '67, somewheres along there; away back.
Q Where did you meet him first got acquainted with him? A Iola.
Q Where has he made his home since? A He has made his home in Iola.
Q You say he claims to be a brother of Calvin Ross? A Yes, si r, and Pete.
Q Did he ever own property there as you know of? A He owns property there now, or clai ms to own i t.
Q Does he live there now? A Yes, sir.
Q That is his home now? A Yes, sir.
Q How long sincey ou seen him there? A I seen hi m during the week, last week.

COM'R NEEDLES: What business is Sandy Ross in? A Well, sir, I don't know what he does for a living.
Q Do you know whether he was ever a preacher or not?
A Why, I think he was.
Q You first became acquainted with him about '63? A Somewheres along in there, '65.
Q Sandy Ross claims if he came back to the Cherokee Nation that he came in 1866; now do you know positively that he did not?
A I do not know, I didn't miss him.
Q Do you know his wife? A Yes, sir, I knew her.
Q Do you know what her name was? A Her name was Smith, she was a widow when he married her. I don't know her given name.
Q Did you know his first wife? A No, sir.
Q I understand you to say that he has resided in the state of Kansas continuously from the time you knew him up to the present time?
A Yes, sir, as far as I know, I have never missed him away from there.
Q Do you know whether he was in the army or not? A I think he was; well I know he was, he draws a pension.
Q Has he any children? A I think he has two, a girl and q boy.

Q You don't know whether he ever made a crop since 1863 in the Cherokee Nation, since you knew him? A No, sir, not as I know of.
Q You don't know who he belonged to before the war? A I do not.
Q What is your occupation? A Well, I have been afarmer most of my time.

MR. BELL: How old is these two children you speak of?
A Well, they are about grown, I think the boy is probably 21 and the girl is about 18.
Q Are they the children of thes prewent wife? A I think so, I would not be positi ve, I think they are.
Q Could not state as a fact? A No, sir, I think they are the children of his last wife.
Q Did this last wife is his claim to be a Cherokee Freedmnn?
A Well, now, sir, I could not answer that.

COM'R NEEDLES: Were these children you meantion born in Kansas?
A Born right there i n Iola, at least they were raised there, small children.

M. C. ROBINSON, being duly sworn by Commissioner Needlex, testified as follows: On part of Cherokee Nation:

MR. BELL: What is your name? A M. C. Robinson.
Q Age and post office? A 59; Iola, Kansas.
Q How long have you lived in Iola? A Since the spring of '70.
Q You have lived there continuously? A Ye , sir.
Q Do you know anything about a colored man by the name of Sandy Ross, or Sandy Ellis? A Sandy Ellis, I never knew him as Sandy Ross.
Q How old is he? A He is man of pretty good age, he is not far from 70; he is getting a little feeble.
Q Does he reside in Iola? A Yes, sir.
Q At present? A At present.
Q When did you become acquainted with him A It has been somewheres about 20 yearss
Q Where did he live when you first got acqu inted with him?
A When I got acquainted with him when he married Mrs. Smith, she was washing for my w ife.
Q That was the time you get acquainted with her? A Yes, sir, that is, she was washing for us at that time, or just before that.
Q Well, has he lived in Iola continuously since that ti me?
Q Well! they lived on the farm that five acres several years for th last several years they have been living in town.
Q How far is that country place they have been living on?
A About two miles and a half.
Q That was in the same county in Kansas? A Yes, sir, same county, same township.
Q Do you know anything about hai chi ldren? A Yes, sir, I am some acquainted with the children; that is I was some acquainted with the girls, she graduated at our school last spring, high school.
Q Was there any other besides the girl A Yes, s r, there was a boy that is my understanding.
Q Are these children by this latter marriage? A Yes, sir, that is my x understanding.
Q That is, this Mrs. Smith he married is their mother?
A Yes, sir.
Q They were born there and raised there? A They were born there and raised there, went to our school s right along.

MR. NEEDLES: What is your occupation? A Wagon maker.
Q Do you know that Sandy Ellis is the Sandy Ross that applies here?
A No, sir, I never knew theat.
Q Do you know his wife's name? Z Yes, sir, his wife's name is Smith; that is, his last wife; I was not acquainted with his first wife
Q Do you know her first name? A No, sir
Q She colored woman? A Yes, sir.

Q You didn't know his wife's wife? A No, sir.
Q Do you know whether he has ever voted up there? A I do not, no, sir.
MR. BELL: Is there more than one Sandy Ellis living in Iola?
A Not that I knew of.
Q This man Sandy Ellis you speak of is ~~an~~ 70 or 75 years old?
A Yes, sir, I know that he was in the army.
Q Do you know of his having any brothers there? A No, sir, I never heard of them; that is, if he had.
COM'R NEEDLES: What are the names of his children, do you know them? A Well sir, I don't remember, I wrote both of their names in the school, but I don't remember now.

S. P. GRAY, being duly sworn by Commissioner Needles, testified as follows, On part of Cherokee Nation:
MR. BELL: Give your name? A S. P. Gray.
Q Age? A 67.
Q Post office? A Iola, Kansas.
Q Well, I would ask you, Mr. Gray, if you were acquainted with one Sandy Ellis, ~~an~~ a colored man in Iola, Kansas? A Yes, sir.
Q When did you become acquainted wi th him? A About 32 years ago, this fall next month.
Q Where was he living then? A He was living near Iola.
Q Near Iola, Kansas? A Yes, sir, at the bottom we called it threre below town.
Q Now, have you known him continuously from that time to this?
A Yes, sir.
Q Where has he lived all that time? A He has lived down there by that little farm that belonged to this woman he married, Mrs. Smith, five acres they called it a farm, until within the last- I don't know--12 or 13 years, and then they moved to town and they lived there si nce, probably 15 years maybe more possi bly.
Q How old a man is this Sandy Ross that you know? A Well, he is not far from my age; he claims to be ~~that~~ that he is a year younger than me, but I don't know; he is pretty well stove up, broke down.
Q Has he any children there? A Well, they have a girl; I don't know whether he had another ~~at~~ children or not; his wife had two boys, about thirty years old I reckon.
Q That is his present wife? A By her first husband.
Q They are not his children? A No.
Q Do you know what name they go by? A Smith a/
Q And you knew him and this Mrs. Smith having a child, a girl?
A That is all I knew anything about; I never was at their house in my life, but I nknow where they live.
Q What was the business of this man, did he have any?
A Oh, just choring around that anybody had anything to do that was light.
Q Did he have any brothers there? A Yes, si r, he had two, well he had three, one of them is dead, Jack; Cal and Pete, they were not Ellis they were Rossess
COM'R NEEDLES: Their names was Ross? A Yes, sir.
Q Claimed to be his brothers? A Yes, sir,
MR. BELL: Well, did you ever hear this man, Sandy Ellis, called Sandy Ross at any time? A No, sir.
COM'R NEEDLES: What is your occupation? A Well, now, it is kinda general roustabout; then I was in the butcher business for years there.
Q Now, do you know the names of Sandy ~~Ellis~~ Ellis' brothers?
A All I know is what they told me; they told me, I asked Cal, I heard him introduce him as a brother and I asked him after ~~that~~ they got through talking; Cal was working for ~~me~~ ~~an~~ how it come that he introduced him as his brother and his name was Ellis; he said his last master's name was Ellis and he goes by that name, but he says that is my own brother.

Q This was named Ross talking to you? A Yes, sir, that was probably 18 years ago.
Q Well, when did you first get acquainted with Sandy Elliot you say?
A Oh, it was about 22 years last month.
Q You don't know where he was in the year 1866 then? A No, sir, I don't.
Q He has been living though as you say in Iola, Kansas, since that time? A From the time I knew him.
Q And married there? A Yes, sir.
Q You say his children are not by his present wife, or are they by a former wife? A Why, I don't know, but I think they are by this present wife, that is my judgment.
Q Have you seen him lately, last few months? A Yes, I saw him a week ago to-morrow.
Q Did you ever hear him say anything about going down here and getting his rights? A Yes, he used to talk about it and said he ought to come now and asked when I was coming and I said I was coming the next day and he said I can't come down.

Com'r Needles: This testimony will be filed in D.#986.

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J. O. Reason, 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 Reason

Subscribed and sworn to before me this October 10th, 1901.

Commissioner.

Cherokee Freedmen D-946.

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

In the matter of the application for the enrollment of Sandy Ross as a Cherokee Freedman.

DECISION.

The record herein shows that Sandy Ross appeared before the Commission at Nowata, Indian Territory, on June 28, 1901, and made application for enrollment as a Cherokee freedman. Further proceedings were had in the matter at Vinita, Indian Territory October 7, 1901.

The evidence in this case shows that the applicant herein was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion he left the Cherokee Nation and did not return thereto and establish a residence therein within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.

It further appears that the applicant has been a resident of the State of Kansas for many years previous to the date of his application herein.

It further appears that the name of the applicant herein is not found on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sandy Ross as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED.

Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

Commissioner.

Mr. J. Robinson

18, [illegible] Illinois

[illegible] Newspaper

[illegible] Robinson

[illegible]

Sam martin Age 40 - O.D.,
Virginia - G.S.,

Married Sandy Ross in
Iola, Kan, & in Garnett
Kan - never lived here -
lives now in Iola,
Kansas -
Married once in Garnett
+ the other time in
Iola - Kan - Has 2
children, born in Iola
Kan - 1 - girl + 1 boy -

11289

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BREDKINRIDGE.
WM. O. BEALL,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-946.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 3, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Sandy Ross as a Cherokee freedman.

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

Respectfully,

Chairman.

Enc. D-87

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM O. BEALL,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D. 946

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 14, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Sandy Ross as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 3, 1904.

Respectfully,

Chairman.

Cher.Fr.D-947

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 16 1901

ACTING CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 29,1901.

In the matter of the application of Sarah Starr for the enrollment of herself and one child as Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances;
Jo. Sequichie, agent for the applicant;
Messrs. W.W. Hastings, and James Davenport, for Cherokee Nation

Q What is your name? A Sarah Starr.
Q How old are you? A 52.
Q What is your post-office? A Hayden, I. T.
Q What district do you live in? A Goowesscoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and one family.
Q How much family have you got? A I have got five children.
Q Any of them married? A Yes sir.
Q I don't want the names of any but the young ones at home? A They are all at home, Clara.
Q How old is Clara? A 14.
Q Next child? A I have got another one, married.
Q He must come himself? A That's all I have got at home.
Q Are you married? A Yes sir.
Q What is your husband's name? A George Starr.
Q What is your mother's name? A Caroline Rider.
Q Is she living? A Yes sir.
Q Your father's name? A Simps Bean.
Q Your name on any of the rolls of the Cherokee Nation? A I don't know, it should be.
Q Is it on the roll of 1880? A I don't know whether it is or not.

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

Q Did you ever draw any money? A No sir.
Q Didn't draw the Strip money? A No sir.
Q Nor the Wallace money? A No sir.

Kern-Clifton roll of citizens of the Cherokee Nation examined and applicants not identified
Wallace roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Q Did you apply to the Kern-Clifton Commission in 1896? A Yes sir.
Q By what name? A Sarah Allen.
MR. SEQUICHIE:
Q Were you here in the Cherokee Nation before the war of the Rebellion? A Yes sir.
Q Where did you live before the war? A In Goingsnake District.
Q Did you go out of here at any time before the war? A No sir.
Q Where did you live during the war? A I lived at Mt. Gibson, I was at home part of the time, and we come to Mt. Gibson.
Q Did you live there any time after the war? A We stayed about 6 or years I guess, as near as I can remember.
Q And then where did you go? A From Gibson.
Q Yes, ma'm? A We went to Bone Hill Branch.
Q How long did you live there? A We stayed there, I don't know just how long we did stay there.

Q Were you ever out of the Cherokee Nation?A Yes sir.
Q How long at a time? A I don't know, about the longest I ever was out I guess was about a year.
Q About a year at a time or a year in all? A About a year I guess at a time.Is the longest I was ever out.
Q How many trips did you make? A Three trips, as near as I can remember.
Q Where did you go?A Went to Ft. Scott.
Q What were you doing up there? A I was working up there with a family named Higgins.
Q Did you retain your residence in the Cherokee Nation during that time you went to Kansas?A Yes sir.
Q Did you stay there any time longer than one year? A No sir.
Q What time did you come back to the Cherokee Nation to remain permanently and locate here to make it your home? A It has always been my home.
Q How long is it since the last trip you have made to Kansas?
A Since the last trip I went from here to Kansas?
Q Yes, ma'am? A I don't know, it is 19 or 20 years ago since the last trip I made there.
Q And you have been here continuously ever since? A Yes sir.
Q Where have you been living at? A On Grand River and in Vinita and on Lightning Creek and over in Spavinaw.
Q In the Cherokee Nation?A Yes sir.
Q Where do you live now? A On Lightning Creek.
BY COM'R MEADES:
Q Were you a slave?A Yes sir.
Q Who did you belong to? A Polly Rider.
Q Was Polly Rider a Cherokee citizen? A Yes sir.
Q Where were you born? A In Goingsnake District.
Q Were you taken out of the Cherokee Nation during the war? A No sir.
Q Didn't go out during the war? A Not during the war.
Q When did you go out? A We went out I guess it was 5 or 6 or 6 or 7-
Q Five or 6 years after the war? A Yes sir.
Q You went to Kansas? A Yes sir.
Q And then when did you return? A I don't remember just exactly how long it was.
Q Were you married when you went out? A No sir.
Q Did you marry in Kansas? A No sir.
Q How many times have you been married?A Twice.
Q Who was your first husband?A J.W.Allen.
Q Was he a colored man? A Yes sir.
Q When did you marry Allen? A I don't know what year it was, I don't remember dates.
Q Marry him in the Cherokee Nation?A Yes sir.
Q Did you live with him until he died? A Yes sir.
Q Then who did you marry? A George Starr.
Q Is George Starr living?A Yes sir.
Q Are you living with him now as his wife? A Yes sir.
MR. JAMES DAVENPORT:
Q You didn't go out of the Cherokee Nation, you say, at all during the war? A No sir, I didn't go out.
Q With whom did you live during the war? A I lived with my parents during the war.
Q At what place in the Cherokee Nation did you live during the war? A At Ft. Gibson part of the time.
Q About what part of the time did you live at Ft. Gibson? A I don't know, we stayed at home until the Cherokees came down here out to hold the Nation, from Kansas.
Q The troops?A Yes sir.
Q You don't remember when that was, you were a very small like

girl at that time?A I guess not, couldn't have been.
Q When you went out of the Nation who did you go with? A With my parents.
Q What were their names?A Caroline Rider and Sing Dean.
Q Who else went with you? A I don't know, there was a whole lot of them, I don't remember who there was.
Q You remembered the name of some of them in 1896 when you applied then, didn't you give the name of some one you went out with and came back with?A I come backhere with the family I was working for.
Q Who were they? A Rogers.
Q What Rogers? A Dr. Rogers.
Q Where did he live? A I don't know, he come to my mother's and hired me to nurse.
Q Where did he locate here when he came backhere?A On Fourteen Mile Creek, and there he left me.
Q You don't know where he went then? A No sir.
Q Don't you remember his first name? A No sir.
Q You remember his wife's first name?A Yes sir, Mary.
Q You testified before the Perns-Clifton Commission in 1896, that her name was Emma? A His wife was named Emma.
Q You said just now it was named Mary? A She had a double name.
Q Where did you go from 14 mile Creek? A To Grand river.
Q When you and Rogers went out where did you go? A I never went out with Rogers.
Q Well when you went out? A I went to Ft. Scott with my parents.
Q Didn't you testify before the Perns-Clifton Commission that you did go out with Rogers and came back with him? A If I did I don't know anything about it, because I didn't go out with him.
Q When you went to Ft. Scott how long did you stay there? A I don't remember.
Q Did you stay a year or two years or three? A I never did stay 2 years.
Q Then when you left Ft. Scott where did you go? A What time do you mean?
Q I want to know when you left Ft. Scott where did you go?A When I left that family I was working for I told you I went down on 14 Mile Creek.
Q Did you go direct from Ft. Scott to 14 Mile Creek? A When I was, with them folks I was working for I did.
Q With whom did you live on 14 Mile Creek or near where? A I stayed up at Mr. Steven Taylors.
Q How long did you stay at Steven Taylor's? A I guess I stayed there about a month. ? A At Rose Have's.
Q How long did you stay at Rose Have's? A I stayed there 4 or 5 months I guess, because I was sick there.
Q Was you married before you went to Rose Have's? A No sir.
Q What year was it you went to Rose Have's? A I don't know.
Q What year did you return from Ft. Scott with your parents? A I don't know.
Q Didn't you testify before the Perns-Clifton Commission that it was in 1889? A I don't know whether I did or not.
Q When did you go to Vinita to live? A About 21 or 2 years ago I guess, I don't know what month, I went there to work.
Q When you went there first to work how long had you been back from Kansas when you went to Vinita to work? A I don't remember.
Q Had you been back a year? A I don't remember just how long I had been back, then; we had been back long enough to raise four crops on Grand river.
Q You made four crops after you came on Grand river before you went to Vinita? A There was four crops raised over there.
Q Did you and your parents raised four crops on Grand river before you went to Vinita after you came from Kansas, or passed through

four crop years? A Yes sir, passed through four crop years.
Q Was the 'Frisco railroad running through Vinita when you first went there to work? A Yes sir, I think it was.
Q Was the M. K. & T. Railroad running through there when you first went there to work? A Yes sir, I think it was, I am not sure, yes there was a railroad when I went there to work.
Q You was in Joplin, Missouri, how long did you stay there?
A Went there in April and stayed until June.
Q Was that before you went to Vinita to work? A No sir, I had been to Vinita to work.
Q Which is your oldest child? A Charley.
Q Where was he born? A On Grand river, at Rachel Bean's.
Q What is the next oldest one? A Will.
Q Where was he born? A On Grand river.
Q At whose place? A At Aunt Rachel Bean's.
Q Next one, what is his name? A John.
Q Where was he born? A He was born over there on Aunt Rachel's place, three children were born there.
Q What is the next one named? A Claude.
Q Where was he born? A He was born at Aunt Ibbie Vann's.
Q Where was she living then? A On this side of Grand river, about Island ford.
Q What is the next one named? A Clara.
Q Where was she born? A John Kimbrough's.
Q On Lynch's Prairie? A I don't know whose prairie, above Gass Buffingtons.
Q Where were you married first? A Over in Spavinaw.
Q Who married you? A An old preacher by the name of Vann.
Q Where was you married the last time? A Vinita.
Q By whom? A I can show you. (Produces papers)
BY COMM'R MEDLOCK:
Q How old is Charley, your oldest child? A He is 27 now, about, as well as I can remember.
Q You are living in the Cherokee nation now ever since Charley was born? A Yes sir, backwards and forwards; I haven't been here right steady, because I have to work.
Q Did you ever have your family out? A No sir, not only when they was under my control.
Q But you have been out of the Cherokee Nation since Charley was born? A Oh yes.
Q Where to? A I went to Kansas.
Q How long did you stay there? A I stayed about 5 or 6 months at a time.
Q Did you have your child Charley with you when you went to Kansas?
A Yes sir, when he was small.
Q Where was your husband, Allen? A He was on the river.
Q He didn't go with you to Kansas? A No sir, sometimes he would go.
Q What's Charley's name? A Allen.
Q What's Will's name? A Will Allen.
Q And John? A John Allen.
Q What's Claude's name? A Claude Allen.
Q Clara's name? A Clara Allen.
Q You have no children by Starr? A No sir.
BY E. W. HASTINGS:
Q Have you and your husband ever kept house in the Cherokee Nation that is, your first husband Allen? A Yes sir.
Q Where? A On Grand river.
Q Near whose place? A Near Bean's place.
Q What Bean? A Art Bean.
Q How long did you keep house down there? A Oh I don't remember just how long, we kept house two or three different xxx places, and then I went on a place of my own.
Q Did you have a place of your own down there? A Yes sir.
Q How long have you had it? A I haven't got it now, I had a place

of my own.
Q I want to know how long you and your first husband Allen kept house down there on Grand river? A I don't know.
Q Did you keep house as much as a month? A Oh yes.
Q How long? A We raised seven or eight crops down there.
Q On whose place? A On Bean's place and Kirbrough's place and McLain's place.
Q Cyrus Cornatzer living down near you there? A He was there awhile, he wasn't there all the time.
Q You know him do you? A Yes sir, I used to work for him.

BY COM'R NEEDLES:

Q The marriage license you present here certifies that George Starr was married to Miss Sarah Bean? A That was my father's name, Bean; my father belonged to Rider; there was two sisters.

Com'r; Marriage license between applicant and George Starr presented.

BY MR. HASTINGS:

Q Where did you first see Amy Bean? A In Ft. Gibson.
Q When? A I don't know when, she was a small girl.
Q Was that after you had gone to Kansas or after you came back?
A I had never been out of the Nation at all when I saw her.
Q Where did you see Jack Sanders? A In Ft. Gibson.
Q At the same time? A Yes sir, and saw him on Grand river.
Q Had you seen Amy Bean before the war? A No sir.

RUFUS MILLER, being sworn by Com'r Needles, testified as follows:

BY MR. SEQUICHIE:

Q What is your name? A Rufus Miller.
Q What is your age? A I don't know my age exactly, we got our record burned up in time of the war and I don't know.
Q About how old? A I expect between 53 and 5.
Q What is your post-office? A Centralia.
Q Mr. Miller, are you a citizen of the Cherokee nation, by blood?
A Yes sir.
Q Where do you live? A Now I live at Centralia, I am up there schooling my children; my farm is at the head of Lightning Creek.
Q Did you know the applicant, Mrs. Sarah Starr, or Bean before the war? A Yes sir.
Q Where did you see her at? A I knowed her on Barron Fork about 2 miles and a half or three miles below Dyersville.
Q In the Cherokee nation? A Yes sir.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A You are getting right where it's hard for me, she either belonged to Gus Rider or brother or Gus.
Q Both Cherokee citizens? A Yes sir.
Q How long did you know her for? A We was raised up right there together before the war.
Q How long was that you saw her on Barron Fork before the war?
A Several years.
Q Did you know her all along up to the time of the war? A Yes sir, up until the war.
Q Where was she set up in about the time the war broke out? A She was was at Gus Riders in Goingsnake District.
Q You know where she was during the war? A I guess she was about here, I didn't see her during the war at all, I went off south, went into the southern army and I didn't know where she was.
Q When did you see her after the war? A I seen her just after the close of the war when I came back home, I came on Christmas Eve '65, and I went to Ft. Gibson to work for a living and I seen her down at Ft. Gibson; I don't know when she left here or anything about that.

Q Did you see her at Ft. Gibson immediately after you returned there
Q Yes sir.
Q What year was that you returned? A I went down there about February, '66.
Q How long did you see her there after that? A I guess it must have been a year, maybe somewhereas about that time, I didn't know whether it was hardly a year or not.
Q Living right around Ft. Gibson? A Yes sir.
Q You know who she lived with? A No sir, I don,t.
Q And then did you see her any place else besides Ft. Gibson?
A No sir, never seenher any more until I came here to Vinita.
Q When was that? A About '83.
Q You then didn't see her any more from the time you saw her at Ft. Gibson until you saw her in Vinita in '83? A No sir, I don't know where she went from Ft. Gibson; she disappeared from Ft. Gibson pretty soon after the war.
Q Was she living in Vinita the next time you saw her? A I think she was living on Grand river next time I saw her; she said she was; I never was at her house.
Q Have you seen her since 1883? A Yes sir, I have seen her often and on ever since. I seen her around Vinita, and I live adjoining places to her now.
Q How long have you been living adjoining places? A Ever since 1896.
Q Has she been living in the Cherokee Nation that you know of continuously from the time you saw her in '83?A I don't know, I could not testify to that; I see her, I never asked her where she has been living when I see her.
Q Has she been living on that adjoining farm to yours since you and her moved there? A Yes sir.

BY M. DAVENPORT:

Q Whose farm does she live on there? A George Starr's.
Q That's how near your place? A Head of Lightning Creek.
Q You don't remember whether it was '66 or '65 you saw her at Ft. Gibson last? A I wasn't at Ft. Gibson in'65, I was in the Southern army, and then I came home and went to Ft. Gibson in '66 to work; I saw her all along pretty near a year every few days around Gibson.
Q You remember seeing other darkies there at that time, and remember they were there a year or two?A Yes sir.
Q You don't know what became of her after you saw her in Ft. Gibson until you saw her in 1883? A No sir.
Q Don't know where she lived? A No sir.
Q You resided in the Territory continuously from that time have you? A All except a little while in 1880 I was in Missouri.
Q What part of the Cherokee Nation were you in up until 1880 from '66? A I was in Ft. Gibson a good deal of the time, up until about '74.
Q You didn't see her there any more? A No sir, I didn't see her there any more after she disappeared away from there.

BY MR. ADAIR:

Q Was she living with her father and mother? A I don't know who she was living with, I couldn't say.
Q You knew her father and mother before the war? A I knew her mother, I didn't know her father.
Q What was her mother's name? A I believe her name was Martha.
Q Were you living over here on adjoining farm to her in 1896? A Yes sir.
Q You remember when the Vann-Clifton made their enrollment?
A Yes sir.
Q You didn't testify for her to these facts then? A No sir, never was called on.
Q Were you ever tried in the court for anything? A Yes sir.

Q For what? A Larceny.
Q What was the result of the trial? A Convicted on one.
Q What court was that? A District Court.

AMY BEAN, being sworn by Com'r Needles, testified as follows:

BY MR. SEQUICHIE:
Q Give me your name? Age and post-office address?
A Amy Bean.
Q How old are you? A 48.
Q What is your post-office? A Vinita.
Q Mrs. Bean, are you a Freedman Cherokee? A Yes sir.
Q Are you on the 1880 roll? A Yes sir.
Q Do you know the applicant, Mrs/ Sarah Starr? A Yes sir.
Q When was the first time you ever knew her? A First time I ever saw her was in Ft. Gibson.
Q When was that? A About the latter part of '65 and '66.
Q That was the first time you ever saw her? A First time I ever saw her.
Q Who was she living with in Ft. Gibson in '65? A I don't know who she was living with. I got acquainted with her; my father made boards at Ft. Gibson during the time of building the fort there at Ft. Gibson, and her father helped him, and during that time she came there frequently.
Q How long after that did you see her at Ft. Gibson? A I don't know how long she was there; I seen her during the time her father was there helping my father.
Q Did you see her at any time after that in Ft. Gibson? A No sir I don't remember seeing her at any time after that.
Q Where did she go from Ft. Gibson? A I don't know sir where she went.
Q When was the next time you saw her? A Next time I saw her on Grand river.
Q When was that? A That's been about 18 or 20 years ago.
Q Where was she living? A She was living over there on Lynch's Prairie.
Q Did they have a farm of their own or were they living on some body else's place? A I think they farmed one year for Joe McLain.
Q And then how long did you see them around there at that place, how long did they live there? A I don't know exactly how long they lived at that place, they lived at that place awhile, and I think they lived at Kimbrough's or farmed for him and I think they made a little place in the bottom; but I never was at their place.
Q Don't you know how long they lived at these three places all together? A They lived there a couple of years, maybe three, I don't know exactly how long it was.
Q You know where she went from there? A Next time I saw her in Vinita.
Q How long was that after you saw them on Grand river? A I don't know exactly how long it was, how long she stayed in Vinita, she worked there awhile.
Q You know how long it has been, 15 or 16 years, 20 years, something like that that you saw her in Vinita? A No sir, I don't know exactly how many years ago it has been.
Q How long did she live in Vinita that you know of? A I don't know exactly how long she lived in Vinita, I couldn't give you the date of the time she lived there.
Q Where did you see her after that, how long was it before you saw her again from the time you saw her in Vinita? A I saw her often and on in Vinita. I couldn't tell you exactly how long; next I knew of her she was living out here on Lightning Creek, I don't know where she went from Vinita though.

Q When was that? A I don't know exactly how long it has been since she has been living out there.
Q Been 10 or 15 years? A I don't know.
Q From the time you saw her on Lightning Creek where she is living now has she lived there continuously? A Yes sir, she has lived there continuously since she has been living there.
Q You know who she belongs to? A No sir.
Q Did you know her at any time before the war? A No sir.

BY MR. DAVENPORT:

Q You knew her a short while at Ft. Gibson in '65? A Yes sir, and in '66.
Q What time in '66 did you know her? A I don't know, it was the first part of '66.
Q Then she went away from there? A I don't know when she went away from there; we moved away from there about two miles down in the bottom; we left there and she may have been there after that time, but I don't know.
Q And you didn't see her there any more until on Grand river something like 18 or 20 years ago? A Yes sir.
Q You don't know where she had been living in the intervening time? A No sir.

BY COM'R MEMBERS:

Q You know her children? A Yes sir.
Q How many has she got? A I don't know exactly how many she has got; I know John and Will and Charlie and Cheed and Clara.
Q You know where they were born? A No sir, I don't know where they were born.

LESTER FORMAN, being sworn by Commissioner Members, testified as follows:

BY MR. SEQUICHIE:

Q What is your name? A Lester Forman.
Q How old are you? A About 60, 50 or 60.
Q What is your post-office? A Vinita.
Q Mr. Forman, do you know the applicant, Mrs. Sarah Starr? A I know of her.
Q How long have you known of her? A Well I got personally acquainted with her since I have been in Vinita, but I disrecollect whether she was to Gibson or not; she was though I guess; well I know she was, that is her father was, Uncle Simp Bean.
Q What year was it you knew her father in Ft. Gibson? A That was along about '65 or '66.
Q You know whether this applicant, Mrs. Sarah Starr was there with her father or not? A Well I guess she was, there was two children where they was, there was two children there.

BY COM'R MEMBERS:

Q He had two children? A Yes sir.

BY MR. SEQUICHIE:

Q You know the names of those two children? A One was John and the other was Sarah.
Q Then where was the first time you ever met Mrs. Starr to know her personally? A In Vinita.
Q What year was that? A I don't remember what year that was.
Q How long ago has it been? A I don't know that really.
Q 15 or 20 years? A No, no, less time than that.
Q That the only place you ever knew her? A That's the first place I ever saw her after she left Ft. Gibson.
Q You know whether she has ever been out of the Cherokee nation or not? A I don't know.
Q Where was the next time you saw her afterwards? A I have seen her ever since I first saw her, I have seen her often and on in the Cherokee nation.

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BY MR. HASTINGS:
Q About how long ago did you first see her in Vinita? A I don't exactly know about how long.
Q Well I want to know your best judgment about that? A Been about eight years I guess.
Q And that's the first time you had seen her since you claim to have somehome children at Ft. Gibson? A That's the first time I met her again.
Q You never met her at Ft. Gibson? A Not since she left, not since I saw them there.
Q What was her father's name? A Simps Bean.
Q What was her mother's name? A I don't know, Caroline I think.
Q Do you know? A I believe that's her name, my best judgment.
Q Where were they living when you saw them down there? A He was working for Spence Stevens.
Q What kind of work? A Hauling wood with one yoke of oxens, and after he quit I taken the team and worked for Spence Stevens.
Q You know where he went to when he quit? A No.
Q How long did you continue to reside there? A All my life.
Q How long did this man Simps Bean continue to reside there?
A I really couldn't tell you exactly how long, because that time they wasmoving in and out and I don't know where he went when he went out nor when he went out.
Q Did he remain there a long time or a short time? A After I taken the team and worked for Spence Stevens he remained there quite awhile, I don't know how long.
Q Do you think he remained there a year? A I couldn't tell you that at all.
Q How old was this woman at that time? A Oh, oh I don't know.
Q Did you see this woman? A Yes sir.
Q I want to know about what size that girl was when you saw her? A
A Lord, I couldn't tell you just exactly. Couldn't tell you what size; then times I didn't pay much attention to nothing.
Q You remember the name of an infant child 35 years? A Yes sir. I remember an infant child 35 years.
Q You know whether this one looked to be 5 years old or 2?A I don't know about that.
Q You can't form any judgment at all? A Not really to be satisfactory I couldn't.
Q How about the boy? A I remember him, because I was a boy myself, and we played some together.
Q Was the boy older than the girl? A I don't know.
Q About what age was the boy at that time?A You asked me too quick, I don't know.
Q Was he pretty near grown?A No, I don't think he was.
Q Was he one or 5 years of age? A I don't know that now.

Com'r Needles; Sarah Starr applies for the enrollment of herself and child, Clara; she cannot be identified upon any of the rolls of the Cherokee nation now in the possession of the Commission, neither can her child. She avers that she was a slave, belonging to one Polly Rider; her mother was Caroline Rider; she avers that she was born and raised in the Cherokee nation, and was here during the war years '65 and '66; since that time she has resided in the state of Kansas occasionally, but proves permanent residence for the last 10 or 12 years or 14 years in the Cherokee nation; she and her child are duly identified and will now be listed for enrollment as Cherokee Freedmen on a doubtful card; it will be necessary for her to file satisfactory proof of birth of the child Clara, her name not appearing upon the rolls; she will be notified by mail at her post-office address of the decision of the Commission in the premises.

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

M D Green

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

Commissioner.

FILED

APR 11 1905

COMMISSION TO FIVE TRIBES.

Cherokee Freedman-D-947.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, April 6, 1905.

In the matter of the application for the enrollment of Sarah Starr et al. as Cherokee Freedmen.

On March 21, 1905 the principal applicant, Sarah Starr, and the attorneys for the Cherokee Nation were notified by registered mail that this case would be taken up for final consideration by the Commission, at its offices in Muskogee, Indian Territory, on April 6, 1905, at 9:00 o'clock A.M.

Now on this day comes the applicant, by her attorneys, Blue & Bulger.

Cherokee Nation represented by W. W. Hastings.

F. D. Myrick, being duly sworn, testified as follows on behalf of the Cherokee Nation:

MR. HASTINGS:

Q. What is your name? A. F. D. Myrick.
Q. What is your post office address? A. Mapleton, Kansas.
Q. What is your age? A. I am 69 years old.
Q. How long have you lived at Mapleton, Kansas? A. 49 years.
Q. Then you have lived there since before the war? A. Yes sir.
Q. Do you know this applicant here, who now goes by the name of Sarah Starr? A. Sarah Starr---
Q. She goes by the name of Sarah Starr now? A. I used to know her, but she went by the name of Sarah Shepherd.
Q. Did you know her father? A. Yes sir.
Q. What was his name? A. Simpson Bean.
Q. Did you know her mother? A. Yes sir.
Q. What was her name? A. Caroline.
Q. Where did you know them? A. Up there close to me-- close to my place. I lived there by them for years.
Q. At Mapleton, Kansas? A. Yes sir.
Q. When did you first learn to know this family, consisting of the father and mother and this woman? A. I think it was along about '62 or '63 or '64.
Q. How long did you continue to know them? A. Until along about up in '80-- '84 or '85. Off an on I have seed them. Of course Sarah and Sam were around my place along till '70, and in '70 sometime she went to Fort Scott. I met her there in '80.
Q. Her first husband was a Shepherd? A. Yes sir, Sam Shepherd.
Q. Do you know what became of him? A. No sir, I don't. The last time I ever met them was in Fort Scott along in '80 some time. After I come in from the mountains. I was out in the mountains for about three years.
Q. What three years were you gone? A. '75, '76, and '77.
Q Were they living near Mapleton Kansas up to the time you went away? A. Yes sir.
Q. Did you find them there when you came back? A. I wouldn't

be positive that they were, but they were either there or at Fort Scott.

Q. How far is Fort Scott from Mapleton? A. 19 miles by the railroad.

Q. Did she and Sam Shepherd keep house up there? A. They used to up at Mapleton.

Q. Did you see them regularly, as you saw other colored people, during these years after the war up to the time you went away? A. Yes sir. Yes sir, Sarah used to be around the place a good deal, and Sam used to work for me.

Q. What kind of work did he do? A. Haying, chopping wood and chopping corn.

Q. You never knew what became of her parents, Simpson and Caroline Bean? A. Simp died within a half mile of my homestead.

Q. What direction was that from Mapleton, and how far? A. It was southwest about a mile from Mapleton.

Q. Did they afterwards move into town before moving to Fort Scott? A. Who-- Sam and Sarah--- if they did it was when I was away. There were three years that I wouldn't be positive about anything.

Q. Did you ever hear of this family moving away from there any time after the war before you left there? A.

(Col. Blue--- I object to the taking of hearsay evidence.)

A. No, only to Fort Scott.

MR. BLUE:

Q. When did you move to Mapleton? A. I moved to Mapleton in '56.

Q. How long --- where did you live-- was it on the townsite? A. I never lived right on the townsite, but I lived adjoining it.

Q. How long did you continue to live adjoingin the townsite? A. Twenty-one years.

Q. Is not your farm in Lynn County, Kansas? A. Yes, I bought one there and moved to it in 1878.

Q. Prior to 1878 you lived in Bourbon County? A. Yes sir.

Q. You say you were absent in the mountains for three years? A. Yes sir.

Q. What mountains? A. The Rockies.

Q. What places were you in? A. Denver, Delnork, and several places.

Q. Those are all points in Colorado? A. Yes sir.

Q. In what business were you engaged? A. Various kinds. Part of the time in the mines, and part of the time freighting.

Q. You are the man that they used to call Dick Myrick? A. Yes sir, I am the same man.

Q. During the time you were in Colorado you do not pretent to know anything about these people? A. No sir. I don't know where they were for those three years.

Q. You testified in regard to this applicant here, who is now an applicant for enrollment as Sarah Starr. Did you ever know her by that name in that country? A. No sir.

Q. By what other names, if any, did you know her in Kansas? A. Sarah Bean and Sarah Shepherd.

Q. When she was named Bean was she married? A. No sir.

Q. You say she was a member of the family of Simpson Bean? A. Yes sir.

Q. You have states that Simpson Bean died near Mapleton? A. Yes sir.

Q. Were you present when he died? A. No sir.

Q. Were you present at the funeral? A. No sir
Q. Where did you get your information? A. That was the talk there. He was quite a noted darkey, and it was rumored that he was dead.
Q. You do not pretend to testify to anything other than the common report? A. No sir, it was reported that he was dead and I knew it just as I know the president was killed.
Q. I mean that you do not know personally? A. No, I just know it from report.
Q. I have known you a good while, Dick, and I want you to tell me just what the facts are, and what you know about this matter. If this woman is not entitled to enrollment I don't want her enrolled. I want to ask you-- are you positive that you knew this woman in Kansas? A. I wouldn't swear that that woman right there is the identical Sarah Shepherd. She has changed, but she has a very good resemblence to her mother when her mother was that age. You see, it has been about 12 years since I saw Sarah.
Q. As I understand you, it has been about 12 years since you saw the woman that you think is the woman that is now here under the name of Sarah Starr? A. Yes sir, it has been about 12 years since I saw Sarah Shepherd in Fort Scott before Sam left.
Q. Now, if it turns out that this woman never was married to a man by the name of Shepherd, then you will be mistaken? A. It wouldn't be the woman, of course.
Q. Did you ever know her under the name of Allen? A. No sir, no more than hearsay.
Q. The ondy names you ever knew her by were Bean and Shepherd? A. Yes sir.
Q. Where was she when you say you saw her about 12 years ago? A. In Fort Scott.
Q. Did you converse with her at that time? A. Her and Mary Jane Rider were together. I met them and talked to them. They both lived with Sam-- I don't know that, but that was the repo report, and I met them both on the street and stopped and talked with them.
Q. Was that before you went or after you came back from the mountains? A. After I come back.
Q. Was Mary Jane Rider a married or single woman? A. She was single then.
Q. Had she been married? A. I don't know.
Q. Had she been living with a man as his wife? A. Not that I know of.
Q. Where did you first become acquainted with her? A. There at my place. I had always known her. She was raised by my father.
Q. Was that in Bourbon County? A. Yes sir. They lived right down at my mill.
Q. Where was the mill? A. Down on my place, my farm, about a half mile south of Mapleton, right on the river.
Q. Did you live at Mapleton when that man was found hung on the mountain? A. Yes sir, I saw him swinging to and fro on the limb. I didn't go right to where he was, but I was where I could see him.
Q. How long ago has that been? A. Well, it has been 47 years ago, I expect-- maybe 48.
Q. You started to say something about Mary Jane Rider just as I asked you about the mill? A. Mary Jane Rider and this Frank Shields is half brothers.
Q. You say that when you first knew Sarah she went by the name of Bean? Do you know whether she was married up there or not? A. I don't know. I never paid much attention to the darkies' weddings.
Q. About how old was Sarah when you first knew her? A. She

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was a little girl. I never paid much attention to her till after her and Sam was married.

Q. According to your best recollection, when did you first know her? A. About '68 or '69.

Q. Did you mean to be understood as knowing her in '62? A. I knowed her parents in '62. She was a little child then, or maybe she wans't born then.

Q. Your first recollection of her is along in '68 or '69? A. Yes sir, and it is more impressed in my mind after her and Sam was married.

Q. Where did you first become acquainted with Simpson Bean? A. Over there about my place.

Q. Are you able to state when that was? A. Along in '60 or '61. I know I put up that mill in '61, and Simp was there then He was quite a noted darkey and had one eye out and always wore a handkerchief over it.

Q. What is your first recollection of where he lived? A. He lived in a cabin awhile, and then moved up on the Chapnole place and lived there awhile and then he bought a piece of land just over the mound and built him a house and he lived and died there.

Q. Did Sarah have any brothers or sisters? A. She had a brother.

Q. Do you know where Walnut is, in Bourbon County? A. Yes sir.

Q. Was it called Walnut before the town was built? About the time of the Civil war was there a town in Bourbon County that went by the name of Walnut? A. There was a place called Walnut Hill -- over about seven miles south of us.

Q. Where Walnut is now is Northwest of Mapleton is it not? A. No, it is south-- down near the Osage Mission.

Q. It is one of the stations on the M.K.&T. railroad? A. Yes sir.

Q. The Walnut Hill was not located near that was it? A. No, it is between there and Mapleton.

Q. Are you able to state about when the town of Walnut was known by the name of Walnut? A. If you could tell me when the M. K.& T. railroad was built then I could tell you. That is when the townsite was designated. I guess it is called Walnut because the Walnut river runs through it. There is a little stream that runs up from Walnut and I used to stop there as I went to Osage Mission and I used to camp in a little patch of walnut timber. When the railroad went through there they laid out the town and called it Walnut.

Q. Do you know whether the woman, Sarah, of whom you have spoken, was born in Kansas or not? A. No, I don't know that I could say that I know it.

Q. Your first recollection of her was about '68 or '69? A. Yes sir.

Q. You did not pay much attention to the small colored children? A. No sir.

Q. After she married Joe you noticed her? A. After she married Sam I did.

Q. Do you know whether she remained up there continuously after you got acquainted with her until she left in 1880? A. Yes she did as late as '75 I know.

Q. Then you went away? A. Yes sir, and the next time that makes an impression on my mind that I saw her was in Fort Scott in '79 or '80.

Q. You are not able to say, during that period that you were away, where she was? A. No sir I wouldn't swear positively..

Q. After you saw her that time in Fort Scott did you ever see her in Kansas any more? A. It has been 11 or 12 years since I saw Sarah Shepherd.

Q. Have these 11 or 12 years been since you saw her in '79 or '80?

A. Yes sir.
Q. That is the last time you saw Sarah Shepherd, unless this woman is her here? A. Yes sir, that is the last time that I had any knowledge of Sarah.
Q. And if this is Sarah Shepherd it is the first time you have seen her since you saw her in Fort Scott? A. Yes sir.
Q. Since the time you saw her in Fort Scott until now you do not know where she was? A. No sir.
Q. Did you ever know a man up there by the name of Dr. Rogers? A. No, only from hearsay. I have seed the man, but didn't know him.
Q. About when did you see him? A. Along sometime in '80s.
Q. Where did you see him? A. I think I saw him up there about Napleton-- the man that was said to be Dr. Rogers, but I never got acquainted with him.
Q. Do you know what he was doing up there at that time? A. No I don't know what he was doing.
Q. Did you ever see him but that one time up there? A. No sir I don't think I did. I never paid enough attention to him.
Q. Were you in the Territory any time during the war? A. Yes sir.
Q. Where? A. Along here on Cabin Creek, in the Osage Nation, and on Cotton Creek.
Q. Were you in the service? A. No sir, only I was in the home guards for two or three years.
Q. How many times have you been down here as a witness before the Dawes Commission in these cases? A. I think about five times.
Q. Does that include the present time? A. Yes sir, I think so
Q. At whose instance have you come here-- for the applicants or for the Cherokee Nation? A. I have got subpoenas from the marshals of the County to appear before the Dawes Commission to answer such questions as might be asked me.
Q. Don't you know on whose part you have been subpoenadd-- whether on the part of the applicant or the Cherokee Nation? A. Cherokee Nation every time.
Q. You are paid your fees as a witness, I suppose? A. Yes sir I get my money.
Q. From whom did you receive it? A. I got a check, and I don't know who gave the Check. I would take it to the bank and cash it.
Q. Do you know who delivered the Check? A. No sir.
Q. Do you know J. C. Starr? A. No sir, I know Bell and Hasting
Q. Do you know that man behind you? A. Yes sir, but he never paid me any money.
Q. What is his name? A. We call him Judge Keyes.
Q. Has he subpoenaed you every time you have come here? A. No sir.
Q. Who else subpoenaed you as an officer of the law? A. Alberty subpoenaed me once, and I don't know whether the Judge subpoenaed me the other times. I knew I was sent subpoenas one or two times when the Judge wasn't up there.
Q. Your present recollection is that Simp Bean was up there about '60 or '61 in Bourbon County? A. I think he was. He come up with the rest of them. They were all set down on my farm.
Q. Do you think that was in '60 or '61? A. It was in '61 or '62.
Q. They didn't come up there at the commencement of the war, did they? A. Pretty soon after the commencement. I think it was '62 when they were dropped there on my place.
Q. Who dropped them there? A. It was said to be the government teams. The United States helped them and some of them had

their own conveyances.

Q. That Simp Bean and his family didn't come along with them did they? A. I wouldn't be positive that they did or didn't, there were so many of them that they were just like blackbirds. In all there were about 200 brought there on my farm, and I went to raising darkies and raised about a hundred, and that is the way I come to be a target for so many of these cases.

COMMISSION:

Q. What was the name of the mother of Sarah Shepherd? A. I wouldn't be positive what Sarah's mother's name was. I have heard it divers of times.

Q. Who was Simp Bean's wife in '62? A. I don't know who she was before she was married.

Q. What was her first name? A. I can't recall what her first name was.

Q. Do you know whether Sarah Shepherd had any children at all? A. I think she had one, as well as I can recollect.

Q. What was the name of that child? A. I don't know.

Q. Was it a boy or girl? A. I wouldn't be positive. It was small.

Q. When you saw her in 1880 was she then living with Sam? A. Yes sir.

Q. You didn't go to her house did you? A. No, she used to come to my house very frequently.

Q. I think you said you met her in Fort Scott? A. Yes sir.

Q. You didn't go to her house then? A. No sir.

Q. You do not know that she was living there? A. I know she was there when I saw her last.

MR. BLUE:

Q. What became of Sam Shepherd? A. I don't know.

Q. Was he at Fort Scott, to your knowledge, when you saw her? A. I don't think he was.

Q. You didn't see him there? A. No sir.

Q. Do you know whether he died in Kansas or not? A. No sir.

Q. Do you know whether he is dead or alive now? A. No sir, it was reported that he went away from Fort Scott and left Sarah.

COMMISSION:

Q. Did the Sarah Shepherd that you knew in Kansas have five or six children? A. No, not that I know positive.

Q. Do you know whether she ever had some called Charley and Claude? A. No sir, I didn't know the names of any of her children.

Q. Do you know that she ever had any children? A. I think she had one.

Q. About how old a woman would Sarah Shepherd be now? A. She would be about 45 or more now.

Q. Would she be 50 years of age? A. She wouldn't miss 50 very far.

Q. When you first knew Simp Bean you didn't know Sarah Shepherd at that time? A. No, I didn't pay any attention to the children of the family. I was in business at that time, and I didn't pay any attention to the children.

Q. With whom was Sarah Shepherd living-- what man did she live with as his wife? A. I never knowed her under no other name only when she wived with Sam Shepherd.

Q. Do you know whether she lived with any one else or not? A. I do not.

Q. Do you know whether she lived with a man by the name of Allen?

A. No sir.
Q. In 1880 she was still the wife of Sam Shepherd? A. She went by the name of Sarah Shepherd.
Q. Do you know that she was still living with him? A. I don't know for I never asked her about her husband.
Q. Did you ask her about her children? A. No sir.
Q. How long a time were you talking with her at that time? A. Maybe two or three minutes.
Q. Just passed the time of day? A. Yes sir.
Q. Did you come down on the train this morning with that woman? A. Yes sir.
Q. Was your attention drawn to her at all by any one on the train? A. Not particularly.
Q. Was your attention drawn to her at all? A. I saw her sitting in the seat, and I looked at her.
Q. Did you speak to her? A. No sir.
Q. Not a word? A. No sir.
Q. Did you recognize her at that time? A. Nothing more than I saw she had a resemblence to her mother.
Q. You came down here to testify about a Sarah Shepherd? A. No sir, not really.
Q. What were you subpoenaed for? A. To answer such questions as might be asked me by this Court.
Q. If you had known Sarah Shepherd so long and had known her in Fort Scott, why didn't you speak to her this morning? A. She seemed to be resting, and I didn't molest her.

MR. BLUK:

Q. Who was with you on the train that you knew, besides this woman? A. Bill Deeds-- we set together part of the time, and part of the time Mr. Wayne.
Q. Did any one point this woman out to you as being Sarah Shepherd A. Not particularly, until after we got here, and somebody said she was on the train.
Q. Who said anything about it then? A. Bill Deeds said he saw her on the train.
Q. Did any one point her out to you as the woman? A. No sir.
Q. Where did she get on the train? A. I don't know.
Q. Where was it that your attention was first attracted to her? A. I think it was this side of Parsons.
Q. How far this side of Parsons? A. I don't know, but not very far.
Q. Do you know where Bluejacket is? A. Yes sir, but it was so dark when we passed it that you couldn't tell whether it was Blue or Black Jacket.
Q You didn't pay much attention to this woman on the train, and you didn't identify her on the train? A. No sir.

WITNESS EXCUSED.

William Deeds, being duly sworn, testified as follows on behalf of the Cherokee Nation:

MR. HASTINGS:

Q. What is your name? A. William Deeds.
Q. What is your post office address? A. Fort Scott, Kansas.
Q. You live at Fort Scott? A. Yes sir.
Q. How long have you lived there? A. About 23 years.
Q. Where did you live before you went to Fort Scott? A. I

have lived at Mapleton.

Q. How long since you moved to Mapleton? A. I come there in August, '57.

Q. How old are you? A. 58 years old.

Q. Do you know this applicant here that goes by the name of Sarah Starr? A. Yes sir.

Q. How long have you known her? A. I have known her from about her childhood up.

Q. Where did you first know her? A. Up here by Mapleton.

Q. Did you know her father? A. Yes sir.

Q. What was his name? A. Simpson Bean.

Q. Did you know her mother? A. Yes sir.

Q. Do you remember her name? A. No, I don't just exactly recollect her name.

Q. Was she living with her father and mother at that time? A. Yes sir.

Q. Are you positive that this is the same woman? A. Yes sir.

Q. Was she ever married or did she live with any one as husband and wife there near Mapleton? A. Yes sir, she lived with a man by the name of Shepherd, and with another man by the name of Arthur Clark.

Q. How long did she continue to live in and about Mapleton, Kansas A. I should judge about 10 or 12 years.

Q. Do you know where she went from there? A. Not exactly. The next time I saw her after she left there I met her in Fort Scott.

Q. Are you living in Fort Scott now? A. Yes sir.

Q. After you went over there did you find her living there? A. Yes sir.

Q. With whom was she living? A. Mr. Allen.

Q. This is the same woman that was the daughter of Simpson Bean? A. Yes sir.

Q. What was Allen's name? A. I don't know.

Q. What did he do? A. He was supposed to be a doctor.

Q Did he go as a white man or colored? A. He generally went by the name of a white man.

Q. Was he recognized as a white man or as a colored man? A. A little of both, as well as a body could judge it.

Q. How long did you continue to know this woman in Fort Scott, Kansas? When did she live there? A. About 12 years ago.

Q. Did she have any children? A. Yes sir.

Q. Do you know their names? A. I don't know.

Q. What became of her husband-- did he come over to Fort Scott with her? A. I don't know whether he come with her or whether they separated.

Q. You do not know where he is now? A. No sir, I don't.

Q. How far did she live from you in Fort Scott? A. Probably a couple of blocks from us.

Q. How long did they live that near you? A. About six or eight months.

Q. When did you move over to Fort Scott? A. I couldn't say just exactly when we moved there.

Q. About how many years ago? A. It has been, as well as I can recollect, it has been 23 years ago.

Q. You said they lived near you for six or eight months. Did they live in other parts of the town? A. They moved across the river.

Q. What river? A. Marmiton River --- no, it is Mill Creek.

Q. How far did they live from you at Mapleton? A. Sometimes they didn't live only about a quarter of a mile from me, and sometimes they lived ---

Q. When do you think you first got acquainted with her father and the family? A. After the war.

Q. How long after the war? A. A year or such a matter.
Q. You found them living there at that time? A. Yes sir.
Q. Then, according to your statement, you continued to know the family up to within 10 or 12 years ago? A. Yes sir.
Q. And you positively identify this woman as being that woman? A. Yes sir.

MR. BLUE:

Q. From what place did you come to Bourbon County, Kansas? A. From Illinois.
Q. Directly from Illinois? A. I stayed two years in Missouri.
Q. Did you go to Bourbon County from Missouri? A. No, I come to Bourbon County from Illinois and then back to Missouri.
Q. When was that? A. That was since the war. It was before my father died-- about 23 or 25 years ago.
Q. In what year was it? A. I disremember just what year it was.
Q. You do not recall what year you went to Missouri and what year you returned to Kansas? A. I do not recollect, for I never charged it to my mind.
Q. How old did you say you are? A. 58.
Q. What was your father's name? A. David Deeds.
Q. Where did you locate when you first came to Kansas? A. About two and a half or three miles southeast of Mapleton.
Q. How long did you live there? A. 18 years.
Q. In what year were you born? A. I don't know just exactly what year I was born, but according to my mothers statement, before she died, I am 58 years old. We have got our family record burned up and we have kinder lost track of our ages.
Q. How old were you when the war broke out? A. I was old enough to drive a government team.
Q. Were you in the service? A. Yes sir, I was in the government employ.
Q. Were you a soldier? A. No sir.
Q. Was your father a soldier? A. No sir.
Q. How long were you in the government service? A I worked as a teamster for about 18 months.
Q. Where did you serve as a teamster? A. Right here at Fort Scott.
Q. Right in the city? A. No sir, we made trips, and then we were transferred up to Paoli.
Q. From what place to what place did you make trips? A. We went from Fort Scott to Fort Gibson and to Rays Mills in Arkansas.
Q. Do you remember who the quartermaster was under whom you were employed? A. No sir.
Q. Do you remember who your wagon boss was? A. Bill Rickay.
Q. Did you have more than one wagon boss in that 18 months? A. Yes sir we had two bosses.
Q. What was the name of the other one? A. I don't remember wh what his name was.
Q. Do you remember in whose command you were at that time? A. Under Blunt's command.
Q. All the time? A. Yes sir, as far as I know
Q. When did you say you first became acquainted with this woman? A. After the war.
Q. About how long after the war? A. It could not have been over a year or two.
Q. When you speak of after the war at what time do you fix the war as having closed? A. In '65.
Q. You think you became acquainted with this woman some two or three years after '65. Where was she living then? A. At

Mapleton..

Q. About how old was she at that time? A. I don't know just exactly how old she was. She was a small girl.

Q. How long did you continue to know her up there? A. All the time we stayed there. There was hardly a week that I didn't see her somewhere.

Q. In what year did you leave Mapleton? A. I don't recollect for I never charged it to my memory when I left there.

Q. Was she married before you left there? A. Yes sir she was.

Q. Was she married when she was a small girl? A. No sir, she was a pretty well grown girl when she was married.

Q. Were you at the wedding? A. No sir.

Q. But she was supposed to be married? A. E very body said she was.

Q. Did you know her husband? A. Yes sir.

Q. What was his name? A. Shepherd.

Q. His other name? A. Sam.

Q. What did he do? A. Just worked around among the farmers.

Q. A farm hand? A. Yes sir.

Q. What business were you in? A. I was a farmer.

Q. Did he ever work any for you? A. Yes sir.

Q. How much? A. A good deal, off and on. And he worked for my father.

Q. What did you do in Fort Scott after the war? A. I went to work at the nursery.

Q. At the Pierceall Nursery? A. Yes sir.

Q. When did you go to work there? A. Directly after it was organized..

Q. How long did you work there? A. Off and on till the last five years.

Q. It hasn't been in existance in the last five years? A. Not in that name.

Q. Is it the same nursery? A. Yes sir, the same men own it now that owned it then. Major Combs and Mr. PPierceall are interested in it.

Q. Coming back to this other matter--- how long did this woman that you speak of and Sam Shepherd live together? A. Well not very many years. Probably three or four.

Q. Did they have any children? A. Not that I know of.

Q. What became of Sam? A. I don't know what became of him.

Q. Where did you see him the last time? A.The last time I was him was in Fort Scott.

Q. About when was that? A. About 22, 23 or 24 years ago.

Q. Was he living with this woman, Sarah, then? A. No sir.

Q. How do you know that? A. He was staying around there, and he claimed that he wasn't living with her.

Q. Do you know, of your own personal knowledge, whether they were living together or not? A. No sir.

Q. You say this woman afterwards went to living with a man by the name of Allen? A. Yes sir.

Q. Where did you first become acquainted with him? A. At Fort Scott.

Q. When? A. I don't know just exactly when it was. I know I have plowed for him-- broke up his ground for him. I had a team, and I plowed up his ground for him. And I planted his stuff.

Q. What year was that? A. I don't know.

Q. Where did he live? A. Across Mill Creek.

Q. Is that a river or a creek? A. It is supposed to be a river

Q. What creek is it that runs through Fort Scott that has the bridge? Is that what you call Mill Creek? A. No, that is

the Marmiton.

Q. Where is Mill Creek? A. It is north of that. It comes in from the northwest and flows into the Marmiton.

Q. Where is Buckram River? A. On the east side.

Q. Is that the stream that you cross in going from the Memphis depot up into town? A. Yes sir.

Q. With reference to that bridge, of which I have spoken, that crosses the Marmiton, where was this place of Allen's that you plowed up for him? A. Down in the bend of the river.

Q. On which side of the Marmiton River? A. On the north side.

Q. On which side of Mill Creek? A. On the north side.

Q. When you speak of his place do you mean a farm or some town lots? A. It was laid out in town lots and they didn't go to work and build on it. Mr. Allen's house was right in the neck of the bend.

Q. You say he was a docter? A. Yes sir.

Q. How long did you know Allen in Fort Scott? A. I couldn't say just exactly how long.

Q. Did this woman that you called Sarah live with him? A. Yes sir, she cooked for him.

Q. You say he was considered a white men? A. Yes sir.

Q. Was he a man with white skin and straight hair? A. He was reasonably fair.

Q. And he was considered a white man there? A. Yes sir.

Q. Awhilw ago you referred to him as being colored-- as being both a white man and a negro. What did you mean by that? A. If there was anything wrong with the man I don't know it. I supposed him to be a white man.

Q. Was he supposed to be part negro? A. Not that I knew of.

Q. You say the woman you knew as Sarah cooked for him-- didn't she live with him as his wife? A. Yes sir.

Q. Did they have any children, that you know of? A. They had one that I knew of.

Q. Did they have any more? A. Yes sir, but they were small and I don't remember much about them.

Q. Do you know whether they were boys or girls? A. I don't know. I think there was one boy.

Q. Why do you remember that there was one boy? A. Well, he followed me around with the plow, and was a little boy running around me.

Q. When was that? A. Well, I don't know just when it was.

Q. That boy that we were speaking about -- about how old would he be now? A. He ought to be getting up somewhere along about 16 or 17 years old.

Q. That was the oldest boy, as you remember it? A. Yes sir.

Q. You think he would be along about 17 or 18 years old? A. I think he would.

Q. Were there any other children there then? A. I don't remember.

Q. You do not recall that Sam Shepherd and the woman you knew had any children at all? A. There was one, I think, but I wouldn't be certain.

Q. Do you know whether this boy of whom you have spoken was that boy? A. No sir, I don't.

Q. You went to Fort Scott about what year? A. I don't know just exactly what time we did go there.

Q. What is your best recollection as to when you moved to Fort Scott? A. I think it has been either 23 or 24 years since we went there.

Q. How long after you went there was it that you plowed Allen's place? A. I don't remember just how long. I never made any charge of it to my memory.

Q. What is your best recollection of that time? A. I would

judge probably 3 or 4 years after I went there.

Q. This boy that you recall-- was he dark or light colored? A. He was a little dark.

Q. Have you ever seen him since that time, to your knowledge? A. No sir, not since they left there.

Q. You say the last time you saw Sarah was about 12 years ago in Fort Scott? A. Yes sir, it was about 12 or 14 years ago.

Q. From that time until today did you ever see her, to your knowledge? A. No sir, I haven't.

Q. You and Mr. Myrick are well acquainted, aren't you? A. Yes sir.

Q. How long have you known each other? A. Ever since in August of the year '57.

Q. Did you come to Kansas together? A. No sir.

Q. Did you and Mr. Myrick come down on the same train this morning A. Yes sir.

Q. At what place did you get on the train? A. At Fort Scott.

Q. You and Mr. Myrick talked something about this woman that you saw on the train? A. Yes sir, I mentioned that she was on the train.

Q. Where were you when you mentioned that to him? A. This side of Vinita.

Q. In what car did you ride on that train? A. I didn't pay any attention to which car, but it was a chair car.

Q. You don't know whether there was more than one chair car? A. No sir.

Q. How many times have you been down here to testify in these enrollment cases? A. This is the second time.

Q. On whose behalf have you come to testify? A. The Nation's.

Q. Where were you subpoenaed? A. At Fort Scott.

Q. Who subpoenaed you? A. This man right here.

Q. Judge Keyes? A. Yes sir, this man right here, I don't know what his name is.

Q. Did he subpoena you both times? A. No sir.

Q. Who subpoenaed you the other time? A. Mr. Rucker.

Q. Was Judge Keyes on the train with you this morning? A. I don't know anything about Judge Keyes.

Q. Was the man on the train that subpoenaed you? A. Yes sir.

Q. You talked with him a little about this woman? A. Yes sir.

Q. Was he in the car with you? A. Yes sir.

Q. Did he call your attention to the fact that she was on the train? A. Yes sir.

Q. You talked with Judge Keyes about this case up in Kansas? A. A few words, and just a few.

Q. Have you and Mr. Myrick and him talked this matter over since then? A. No sir.

Q. Did you ever talk it over together? A. Just a few words last night as we came along. Nothing to amount to anything.

Q. Are you able to state how long this woman lived there with Dr. Allen? A. No sir I am not.

Q. You don't know whether they were married or not? A. No sir I don't know whether they were married or whether they were just living together.

Q. You do not know how many children they had? A. Not for certain I don't.

Q. You speak of him as a doctor-- did he treat the people of Fort Scott generally as a physician? A. He treated some people.

Q. Did he ever practice up at Mapleton? A. Not that I know of.

Q. Did you ever see him at Mapleton? A. No sir.

Q. Did you ever see him anywhere only at Fort Scott? A. No sir I didn't.

Q. You do not know what became of them after you ceased seeing them at Fort Scott? A. No sir, I don't.

Q. You have not talked with this woman, that you say you think is Sarah Shepherd or Sarah Allen, lately have you? A. I just merely spoke to her this morning.
Q. Were the Judge and you sitting together in the same car? A. No sir.
Q. Were you and Mr. Myrick sitting together? A. No sir, there was another man that sat beside me.
Q. Who was he? A. I don't know.
Q. Where was it that she came into the car? A. I think it was at Vinita? X. X
Q. Are you positive about that? A. I wouldn't be right certain that it was Vinita, but it is my opinion that it was Vinita.
Q. You reside in Fort Scott now do you? A. Yes sir.
Q. How long did you say you have resided there continuously? A. 23 years.
Q. The woman that you think is this Sarah Shepherd lived within two blocks of you in Fort Scott? A. Somewhere in the neighborhood of two blocks-- it might have been four. I never measured it.
Q. At that time was she living with Allen or Shepherd? A. With Mr. Allen.
Q. And she continued to live with Allen until they dissapeared? A. Yes sir.
Q. When they moved from that place how far were they from you? A. Not a great ways. They just moved over across the river-- it was less than a half mile.
Q. Did they continue to live in that place until they left Fort Scott? A. Yes sir.
Q. Do you know who is living in that place now? A. No body.
Q. Who is living in the place where they first lived? A. No body. They were just living in a kind of a camp outfit.
Q. There was no house? A. No sir. But when they moved across the river they built a house.
Q. Up in town they were living in a camping outfit? A. Yes sir
Q. You say you knew her father? A. Yes sir.
Q. What did you say his name was? A. Simp Bean.
Q. Do you know where he is now? A. He is dead, I suppose. I heard he was.
Q. Was you present at his death? A. No sir.
Q. Did you attend his funeral? A. No sir.
Q. How do you know that he is dead? A. I heard it among the neighbors.
Q. When and where did you first hear that he was dead? A. I disremember just where it was. Mr Myrick told me for one.
Q. When was it, then? A. Mr. Myrick and me were talking about it a little this morning.
Q. Was that the first time you had heard it? A. I heard once before that the old gentleman was dead, but I never made any note of it.
Q. You do not know whether he is dead or not? A. No sir.

COMMISSION:

Q. Did I understand you to say that from about '66 until 12 years ago you knew Sarah Shepherd? A. Yes sir.
Q. And you know that all of that time she was living in the state of Kansas? A. Yes sir.
Q. Do you know what Dr. Allen's first name was? A. No sir.
Q. Did he own any property in Fort Scott? A. Not that I know of, only his house that he built.
Q. Did he build it himself? A. I don't know whether he built it or hired it built.
Q. Was it built at his expense? A. I don't know.
Q. You don't know whether he owned the lot? A. No sir, he didn't own the lot.

Q. Was it leased to him? A. I think so.
Q. Leased from year to year? A. It was just leased.
Q. Who owned that property, do you know? A. I do not.

MR. BLUE:

Q. Do you know whether he leased it at all or not? A. No sir I don't.
Q. Is it not a fact that he just squatted there? A. He might.

COMMISSION:

Q. When you know this woman 12 years ago, how many children did she have? A. I don't know just how many.
Q. Did she and Allen live there together? A. Yes sir.
Q. Did they leave there-- move their things away from there at the same time? A. I don't know whether they went away at the same time or not.
Q. Do you know if they shipped their furniture? A. I don't know.

WITNESS EXCUSED.

Ida Boyd, being duly sworn, testified as follows on behalf of the Cherokee Nation:

MR. HASTINGS:

Q. What is your name? A. Ida Boyd.
Q. What is your post office address? A. Fort Scott, Kansas.
Q. How old are you? A. 32.
Q. Do you know this applicant here, Sarah Starr? A. I don't know her by that name, but I know her.
Q. By what name do you know her? A. Mrs. Allen.
Q. Where did you know her? A. In Fort Scott.
Q. Who was she living with? A. Mr. Allen.
Q. What did he do? A. I believe he was a doctor.
Q. Was he a white man or a colored man? A. White man.
Q. How long did you know them in Fort Scott? A. Ever since I can remember.
Q. How long ago did you lose sight of them, or did they leave there? A. In 1894 is when they left there.
Q. How far did they live from you? A. I don't know the exact distance. They lived acrosss the river.
Q. Did you know them well? A. Yes sir.
Q. Did they have any family? A. Yes sir.
Q. Did they have any children? A. Yes sir.
Q. Do you know any of their names? A. Charley, Will, Claude, John, and Clara.
Q. You knew them all? A. Yes sir.
Q. You do not know just when you did learn to know them, but from your earliest recollection? A. I was so small that I don't remember. I have known them since I can first remember.
Q. Did you know them up to 1894? A. Yes sir.
Q. From the time you can first remember up until 1894 they lived continuously in Fort Scott, Kansas? A. Yes sir.
Q. And you knew all of these children? A. Yes sir.
Q. Do you know what became of this man, Dr. Allen? A. No sir.
Q. Did you recognize this woman when you saw her? A. Yes sir.
Q. You know this is the same woman? A. Yes sir.
Q. You are positive of that? A. Yes sir.
Q. Did they own a house up there at the time they left? A. Yes sir.

Q. Do you know what became of that house? A. We bought it.
Q. And that is the reason you know when they left? A. Yes sir.
Q. Have you got the deed with you? A. Yes sir.
Q. That was in '94? A. Yes sir.
Q. Did your husband buy it? A. Yes sir.

MR. BLUE:

(I desire to move to strike out all of this testimony that refers to the title of this property for the reason that it is not the best evidence.)

Q. Are you a married woman? A. Yes sir.
Q. What is your husband's name? A. Dan Boyd.
Q. What was your name before you married? A. Ida Hood.
Q. How long have you lived in Fort Scott? A. I was born and raised there.
Q. What was your father's name? A. George Hood.
Q. What was your mother's name? A. Nancy Hood.
Q. When were you married? A. On the 11th. day of October, 1893.
Q. Then you got this house that you spoke of soon after that? A. Yes sir, in about a year after then. We got the house in 1894.
Q. Do you know Captain Haynes of Fort Scott? A. No, I don't know him, but I have heard of him.
Q. Didn't he own the ground upon which this house was built? A. I don't know.
Q. Did you get anything besides the house? A. We got the house and some furniture and the garden and a boat.
Q. Did you live there after you bought it? A. We stayed there about two months.
Q. Then you left it? A. Yes sir.
Q. You didn't have any arrangement with the land owner? A. No sir.
Q. You said you knew Sarah Shepherd for some years? A. Yes sir
Q. Did you know her while she was called Shepherd? A. No sir, I didn't.
Q During the time that you knew them where did they live? A.
A. Right across the river from our house.
Q. About how far? A. I don't know just how far.
Q. Right where you afterwards resided? A. Yes sir.
Q. Do you remember what year it was that you first remember them there? A. No sir, I don't.
Q. About how old were you when you first recall the fact of their being there? A. I don't know.
Q. How old were you when you were married? A. 19.
Q. And you are 32 now? A. Yes sir.
Q. How long did you know them before you were married? A. I don't know.
Q. During the time that you knew them was Dr. Allen practicing medicine? A. I don't know, but I think he was.
Q. He traveled around a good deal? A. Yes sir.
Q. Did his wife go with him? A. Not that I knew of.
Q. Was she always there all the time that you knew them? A. I am not positive about that.
Q. You were not intimate enough to know that? A. No sir.
Q. You didn't neighbor with them? A. Sometimes we did.
Q. Did you visit them and treat them the same as white people? A. Yes sir.
Q. You are not prepared to say that they were there all the time? A. No, for I wasn't at home all the time.
Q. Where were you? A. I was always in Fort Scott, but some times I stayed with my grandmother and an aunt there.
Q. What was your grandmother's name? A. Root.

Q. What was your aunt's name? A. Johnson.
Q What was her husband's name? A. Jack.
Q. Is he living now? A. No sir.
Q. There is a Mrs. Mohnson there who is quite a singer. Do you know her? A. No sir.
Q. Do you know Judge Dillard? A. I have seen him but I do not know him.
Q. Do you know Mr. Biddle? A. No sir.
Q. Do you know Mr. Larimore? A. No sir.
Q. Do you know Judge Semens? A. No sir.
Q. Do you know Mr. Pierceall? A. No sir.
Q. Do you know Mr. Ware? A. Which Ware?
Q. Jean Ware? A. No sir.
Q. So you stayed a good share of the time with your grandmother and your aunt? A. Yes sir.
Q. And after you were married, sometime within the year you bought this little shack of a house and lived in it a couple of months? A. Yes sir.
Q. Have you lived there since? A. No sir.
Q. What is your husband's occupation? A. He is a baker.
Q. Where do you live? A. At 17 Market Street.
Q. Have you ever testified in any of these cases before? A. No sir.
Q. Who came with you from Fort Scott last night? A. Mr. Deeds, Mr. Keyes, and two other gentlemen.
Q. Do you know Mr. Myrick? A. No sir, last night is the first time I ever saw him.
Q. Did you see this woman on the train last night? A. No sir, I saw her when she started to get off.
Q. You didn't see her on the train? A. I saw her, but didn't know who it was for she was asleep.
Q. Did somebody point her out to you? A. No sir.
Q. Did Judge Keyes tell you she was on the train? A. No sir.
Q. Do you remember anything about the Civil war? A. No sir, that was before I was born.
Q. You remember the Spanish-American War? A. Yes sir.
Q. Can you remember the year that you first became acquainted with this woman? A. I can't, sir.
Q. Cannot you make an estimate of it? A. No sir, I can't.
Q. In what year was you born? A. I don't know.
Q. Do you know what month you were born in? A. January.
Q. What day? A. 28.
Q. But you don't recall the year? A. No sir.
Q. You spoke about the children this man and woman had there. Give their names again? A. Charley, Will, John, Claude, and Clara.
Q. How old is the oldest boy? A. I can't tell you that.
Q. Do you know how old the next one is? A No sir.
Q. Do you know how old the girl is? A. No sir.
Q. About how large a boy was the oldest one when they left Fort Scott? A. I don't know-- he was a small boy.
Q. You think they left there in 1894? A. Yes sir.
Q. You don't know when they came there? A. No sir.
Q. You don't know the ages of any of the children? A. No sir.
Q. About what sized girl was Clara when they left there? A. She was about this high (indicates top of table).
Q. From 1894 until today did you ever see Sarah? A. No sir.
Q. About how long ago has that been? A. About 10 years.
Q. You don't know anything about what became of this Allen? A. No sir.
Q. Did you ever see him after he left Fort Scott in 1894? A. No sir.

MR. HASTINGS:

Q. You are 32 years of age? A. Yes sir.
Q. You have known this woman ever since you can first remember? Yes sir.
Q. Up until 1894? A. Yes sir.
Q. During all of this time you have lived in Fort Scott, but sometimes visited with your grandmother and aunt? A. Yes sir.
Q. But when you get back home you always found these people living in the same place? A. Yes sir.
Q. Do you think you can remember back when you were eight or ten years old? A. No I don't think I could, positively.
Q. About how many years do you remember them there before they left in 1894? A. I don't know.
Q. Did you know them as much as eight or ten years? A. Yes sir
Q. The way you want to be understood is that from your earliest recollection up to 1894 you knew these people there in Fort Scott? A. About ten years is my best recollection.
Q. During all of this time they lived at the same place? A. Yes sir.
Q. I believe you said you bought their furniture? A. We bought the house and what was in it.
Q. You know the children's names? A. Yes sir, I knew them well.
Q. Nobody mentioned these children to you? A. No sir.
Q. Judge Keyes didn't, did he? A. No sir.
Q. I didn't did I? A. No sir.

COMMISSION:

Q. What was Allen's first name? A. Walter, I think.
Q. Did you get a deed from him when you bought the house? A. No sir.
Q. Were all of these children living there in 1894 when they moved out? A. Yes sir I think they was.
Q. Are you sure this is the woman? A. Yes sir.
Q. Was she acknowledged as the wife of Allen in the community? A. Yes sir, I think she was.
Q. Don't you know? A. As far as I know she was.
Q. Her husband was a white man? A. Yes sir.
Q. And you visited with her? A. Yes sir.

MR. BLUE:

Q. You sometimes visited your grandmother and aunt? A. Yes sir
Q. Would you go over just for a day or two at the time? A. Sometimes I would stay as much as a week.
Q. You said awhile ago you lived with them? A. I would stay with them sometimes.
Q. Who first talked to you about what you knew about these people? A. No one at all.
Q. When was it first known that you knew something of these people? A. When Mr. Keyes come after me.
Q. How did he know you knew them? A. You will have to ask him about that.
Q. Would you know the children if you saw them? A. I don't know, for they were all small when I saw them.
Q. What kind of a doctor was this doctor Allen? A. I don't know.
Q. Do you know whether he belonged to the regular school or not? A. No sir.
Q. Do you know if he was a graduate of any school or not? A. No sir.

Q. Did he practice generally among the people there? A. That I don't know, either.
Q. You say you think you remember them 10 years? A. Yes sir.
Q. Then 10 years from 1894 would make it 1884 wouldn't it? A. Yes sir.
Q. Do you know when you were born? A. I don't know the year I was born in.
Q. What year is this? A. This is '95.
Q. '95? A. 1895.
Q. You think it is 1895 do you? A. 1905.
Q. And you think they left there in 1894? A. Yes sir.
Q. And you think you can recall the fact of their being there about 10 years before them? A. Yes sir.
Q. Did they live down at that place that you spoke of all that time? A. Yes sir.
Q. You never knew them at any other place? A. No sir, I never knew them at any other place.
Q. Do you know any people in Fort Scott? A. Not very many.
Q. Have lived there all your life and don't know any of the people hardly? A. Yes sir, I have lived there all my life but I don't know many people.
Q. Who is the mayor of Fort Scott? A. Goodlander.
Q. Which Goodlander? A. Charley.
Q. Is he still mayor? A. Well, he was. I don't know if he is now or not.
Q. Who else do you know-- any body else but the mayor? A. No sir.

MR. HASTINGS:
He don't mean any more of the city officials, but just anybody.

A. Yes sir, I know several people in Fort Scott? A.
Q. Who? A. Shafer, Thurman, Coffman, I can't name them all.
Q. It is a town of 5 or 6 thousand people? A. I don't know how large it is.
Q. And you are 32 years old? A. Yes sir.

MR. HASTINGS:

Q. You know some of the merchants? A. Yes sir, I know Shafer, Thurman, and Coffman. They are merchants.
Q. You know the neighbors around you? A. No, not at all.

MR. BLUE:

Q. Is your husband working at the bakers trade there? A. Yes sir.
Q. Does he own his own bakery? A. Yes sir.
Q. Where? A. On Main Street.
Q. How long has he owned it? A. Since last Saturday. He had worked in there before, but he didn't own it until last Saturday.
Q. You and your husband are living together, are you? A. Yes sir.
Q. Do you live on Market Street? A. Yes sir.

WITNESS EXCUSED.

William Deeds recalled.

COMMISSION:

Q. Did you know Sarah Allen when she first came to Fort Scott--do you know how long she had been there when you first met her? A. . I do not.

Q. Have you any idea? A. I don't know just exactly.
Q. Had she been there some years? A. Some little time.
Q. Are you pretty well acquainted in Fort Scott? A. Yes sir.
Q. You know most all of the people there? A. Yes sir.
Q. Do you know a family by the name of Higgins? A. Well, there is lots of people there that I don't know.
Q. Do you know this family? A. No sir, I don't.
Q. Do you know of Sarah Allen working for somebody by the name of Higgins in Fort Scott? A. No sir, there is no such person in our family.
Q. Do you know of her working for any family by that name? A. No, I don't know of them. There was a family there by that name and the old gentleman may be there yet. I think he is in bed sick and they are looking for him to die.
Q. Do you know whether Sarah Allen worked out for anybody in Fort Scott? A. No sir, not right in Fort Scott.
Q. Or in the vicinity? A. No sir, I don't know that she worked right there in the town.
Q. If she had worked out for anybody you would probably have known it? A. I probably would.

MR. BLUE:

Q. Do you know where Walnut is, in Bourbon County? A. I have some recollection of where it ought to be.
Q. Did you ever know a family of Higgins that lived north of Mapleton.--- Irish people who used to trade in stock? A. No sir, I didn't.
Q. You say you have been here once- does that mean once or twice with this time? A. This is just twice that I have been here
Q. When you were here before you testified in some case, didn't you? A. Yes sir.
Q. Do you remember what case that was? A. Yes sir, but I can't speak it now.
Q. Didn't you testify in that case that you didn't know when the Civil War began and closed? A. I don't recollect whether I did or not.
Q. You don't recollect the case? A. I don't recollect whether I testified that way or not.
Q. Do you remember any of the parties that were named in the case? A. Yes sir, Mr. Fox.
Q. Was he a witness or a party to the suit? A. A party to the suit.
Q. Was he a colored man? A. Yes sir.
Q. And still, you are 58 years old? A. Yes sir.
Q. Can you read and write? A. I cannot very well.
Q. Can you write your own name? A. No sir, I never did.
Q. Your memory is not very good is it? A. Not as good as some people's memory who have things charged up to them.
Q. You do not remember dates very well? A. No sir.

WITNESS EXCUSED.

Sarah Star, being duly sworn, testified as follows:

MR. HASTINGS:

Q. What is your name? A. Sarah Starr.
Q. What was your father's name? A. Simpson Bean.
Q. What was your mother's name? A. Caroline Bean.
Q. Where did your father die? A. In Kansas.
Q. Near what town? A. I don't know -- never was there. I heard

he died not far from Mapleton.
Q. He did live at Mapleton? A. Yes sir.
Q. How far from Mapleton? A. I don't know. I never was there, but I got letters from him .
Q. When did your mother die? A. I don't know whether she is dead or not.
Q. Where is she? A. I don't know. I reckon she is at the county house.
Q. In Kansas? A. Yes sir. She was very badly afflicted and not able to do anything, and I wasn't able to take care of her
Q. What ever became of your husband, Allen? A. I don't know.
Q. Where did you separate? A. At Joplin.
Q. How long had you been away from Fort Scott when you separated? A. It was the year of the Cherokee Strip payment.
Q. That was in 1894. That was when you and Allen separated? A. Yes sir.
Q. Have you got a boy by the name of Charley? A. Yes sir.
Q. Another one by the name of John? A. Yes sir.
Q. One by the name of Will? A. Yes sir.
Q. One by the name of Claud? A. Yes sir.
Q. And a girl named Clara? A. Yes sir.
Q. You and Allen did sell your house there that you had lived in? A. No.
Q. Did Allen sell it? A. I don't know.
Q. What ever became of Sam Shepherd? A. I don't know.
Q. Is he dead? A. I don't know.
Q. Where did you last see him? A. I don't remember, but think it was on Grand River.
Q. When was it? A. The time of the big association.
Q. Qhen did you separate? A. I kept house for him.
Q. How long? A. Sometimes I would stay with him three or four months.
Q. You were not lawfully married to him? A. I don't know.
Q. What became of Arthur Clark? A. I don't know.
Q. When was the last time you saw him? A. I don't know.
Q. How long did you live with him? A. We never lived together. I lived in the same house that hi and his family lived in.
Q. Where was that house? A. That house is somewhere near Mr. Tippie's.
Q. What was the town? A. I don't know.
Q. Where did you get your mail? A. I didn't get no mail.
Q. How far was it from Mapleton? A. I don't know.
Q. When was the first time you ever saw Mr. Myrick? A. I don't remember.
Q. But you remember seeing him? A. Yes sir.
Q. But you don't remember the first time? A. No sir.
Q. It has been a good while? A. Yes sir.
Q. Do you remember you and Mary Jane Rider meeting him in Fort Scott? A. No sir.
Q. You remember Mr. Deeds? A. Yes sir.
Q. Where did you first see him? A. At Fort Scott, Kansas.
Q. When? A. I don't remember just when it was
Q. Did you ever see him in or near Mapleton? A. I don't know.
Q. You have seen this woman who testified here? A. Yes sir.
Q. You have seen her in Fort Scott? A. Yes sir.
Q. She has been to your house? A. Yes sir.

WITNESS EXCUSED.

Ida Boyd recalled.

COMMISSION:

Q. You gave the names of Sarah Allen's children awhile ago. Do you know whether any of them were born in Fort Scott or not
A. No sir, I don't.
Q. You don't know that any of them were born there? A. No sir.

[illegible]

[illegible]

[illegible] An applica[illegible] Wise & [illegible]er, attorney [illegible] [illegible] ied. A co[illegible] [illegible]ted to April [illegible]

[illegible]

[illegible] reported the proceedings had before [illegible] cause on [illegible] day of April, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Earla Jeanie Branson

Subscribed and sworn to before me this the 10th. day of April, 1905.

Myron White.
Notary Public.

CHEROKEE FREEDMEN D 947

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T. APRIL 20, 1905.

SUPPLEMENTAL PROCEEDINGS:

In the matter of the application for enrollment as a Cherokee Freedman, of Sarah Starr, C.F.D. 947

APPEARANCES:
Applicant appears by Atterney, R. W. Blue
Cherokee Nation by W. W. Hastings.

JOE BEAN being duly sworn, testifies as follows:

EXAMINATION BY COL. BLUE:

Q You have been sworn? A. Yes sir.
Q What is your name? A. Joe Bean.
Q Are you enrolled as a Cherokee citizen? A. Yes sir
Q Do you know Sarah Starr, the applicant? A. Yes sir
Q About how long have you known her? A. About eighteen or twenty years.
Q Where did you first see her Joe? A. On Grand River.
Q Did she have any family with her at that time? A. Yes sir
Q Mention the names of any of them that you recollect? A. A boy named Charley, Willie, Claud, and one John, and a little girl--I disremember what her name was.
Q Was she living with a man as her husband? A. Yes sir.
Q What was his name? A. Allen.
Q What was his first name? A. I don't know; we called him Doc Allen.
Q Was he a white or a colored man? A. A white man.
Q At that time, when you saw her and her family there, were they residing there? A. Yes sir, living there
Q On whose place were they living or where were they living if you know? A. On my brother's place.
Q That was his home? A. Yes sir
Q What was his name? A. George Bean.
Q That is the first time you remember seeing her? A. Yes sir.
Q Since that time have you seen her again? A Yes sir, I have seen her off and on since then.
Q How long did she continue to live on that place? A. I disremember whether it was one year or two years.
Q Do you know where she went after that? A. No, , but I seen her after that, time and again, in Vinita.
Q Do you know where she was along about '96-'97 and '98?
A. No sir, not exactly
Q Do you know where she was in 1898? A/.--In '98--Yes, sir, she was up here on Lightning Creek.
Q In the Cherokee Nation? A. Yes sir, Cherokee Nation
Q Do you know on whose farm, or where she lived? A. Yes sir.
Q Do you know whose farm she lived on at that time?
A. No sir, not exactly, I think it was George Starr's place. that is, when I saw her up about there, that time,
Q Was her family with her at that time ? A. Yes sir.
Q That was in 1898? A. Yes sir.

Q What time in 1898? A. Along in the fall like.
Q Were they farming there on that place? A. Yes sir.
Q Had they been there during the crop season? A. Yes sir, I think so, I think they had from the looks of the crop.
Q After that time did you see her in the Cherokee Nation? A. Yes sir
Q Where did you see her? A. About Vinita.
Q More than once? A. Yes sir, several times.
Q Do you know where she and they lived at that time?
A. In Vinita, up there I would see her.
Q Did she live in Vinita? A. No sir, she was just coming there
Q Now, for about how long was it you would see her there?
A. Well, for some time, about a fall and spring.
Q For how many years A. Well, about seven or eight years I guess.
Q Have you been seeing her about Vinita then, for the last seven or eight years? A. Yes sir, off and on.

BY MR. HASTINGS:

Q. You are a freedman, are you Joe? A. Yes sir.
Q How long have you lived down on the River near where your brother's place was? A. Lived there since '66.
Q How far from your brother's place, where these people moved?
A. Oh, about a half mile.
Q You were about your brother's place frequently? A. Yes sir.
Q And you saw them first, on your brother's place, 18 or 20 years ago? A. Yes sir.
Q They had not been there before that? A. I hadn't seen them there.
Q If they had been there you would have seen them? A. I might, I would have been like to see them.
Q But this is the first time you ever saw this woman? A. Yes sir.
Q You are well acquainted down there? A. Yes sir.
Q She could not have lived within a half mile of there and you not known it? A. No sir
Q You knew all the colored people down around there at that time?
A. Yes sir.
Q How long did they live on your brother's place? A. I don't know whether a year or a year and a half or two.
Q You have just seen them occasionally since then? A. Yes sir.
Q You don't know where they lived? A. No, just met her in Vinita and around.
Q Vinita is on the railroad? A. Yes sir.
Q The crossing of the Frisco and the M.K.& T. , a railroad town where there a good many people coming and going? A. Yes sir
Q You don't know where they lived? when you met them there?
A. No sir, except-- up on my brother's place there and up there----
Q But that was several years ago. You don't know where they came from when they came to your brother's place? A. No sir.
Q Well, now, Joe, you know in fact that they came from Kansas?
A. Why, sir, I know in course they come from Kansas, I don' know when they come.
Q And this man Allen was a white man? A. Yes sir.
Q A kind of a doctor? A. Yes, he claimed to be, we called him Dr.
Q And it was your understanding that they come from Kansas?
A. Yes sir.
Q Do you know what point? A. No sir.
Q Don't you know it was Lawrence? A. No sir, I don't know.

CHEROKEE FREEDMAN D 947--#3 -

BY COL. BLUE:

Q Well, Joe, as Mr. Hastings has questioned you on this point, I will ask you if you know for what purpose they were up in Kansas? to send their children to school, or something of that kind? A. No sir, I don't know.

Mr. HASTINGS:

Q As a matter of fact you did not know her at all until you saw them there on your brother's place? A. No sir.

THIS CASE IS SUBMITTED UPON THE RECORD.

-o-o-o-o-o-

Lucy M. Bowman being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the proceedings and testimony in this cause on the first above mentioned date, and that the above and foregoing is true and complete transcript of her stenographic notes therein.

Lucy M Bowman

Subscribed and sworn to before me this 21 day of April, 1905.

Myron Abide
Notary Public.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

Sarah Starr et al.	Cherokee Freedman D 947
Claude Allen	Cherokee Freedman R 103.

D E C I S I O N.

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee freedmen were made to this Commission by Sarah Starr for herself and minor child, Clara Allen, and by Claude Allen for himself and wife, Amy Allen. The applicant, Amy Allen has been differently classified and her rights to enrollment as a Cherokee freedman will not be considered in this decision.

THE EVIDENCE IN THIS CASE SHOWS: That Sarah Starr claims the right to enrollment as a Cherokee freedman by virtue of her compliance with the treaty stipulations of 1866, and that the other applicants herein claim the same right as descendants of the said Sarah Starr.

SARAH STARR(applicant), appeared before the Commission on June 29, 1901, at Nowata, Indian Territory, and in support of her application for enrollment as a Cherokee freedman, testified as follows: My postoffice is Hayden, Coowescoowee District, Cherokee Nation. I am fifty-two years old and am the daughter of Simpson and Caroline Bean; I was born in the Cherokee Nation, and was the slave of Polly Rider, a Cherokee citizen, and did not go out of the Cherokee Nation until six or seven years after the close of the rebellion, when I went to Fort Scott, Kansas. I have since made about three trips to points outside the Indian Territory, but during the last nineteen or twenty years I have lived continuously in the Cherokee Nation. I am the mother of Clara Allen; she was born on John Kimbrough's place , on Lynch's Prairie,

Cherokee Nation. Her father is John W. Allen , a colored man. (Cherokee Freedman enrollment card No. R 103 shows the said John W. Allen to be a non-citizen of the Cherokee Nation).

RUFUS MILLER (witness for applicants), at the same time and place testified as follows: I am about fifty-five years old, am a Cherokee by blood, and live near Centralia, Cherokee Nation. I know the applicant, Sarah Starr, before the war; she was the slave either of Gus Rider or his brother, both Cherokee citizens. I did not see Sarah Starr during the war, but saw her at Fort Gibson about February, 1866, just after my return from the Southern army. I think she lived at Fort Gibson about a year after that, and then she left and I did not see her again until about '83; I think she was living on Grand River at that time. I have seen her around Vinita since 1883, and since 1896 she has lived on a place adjoining mine.

AMY BEAN (witness for applicants), at the same time and place, testified as follows: I am forty-five years old, and my postoffice is Vinita, Indian Territory. I know the applicant, Sarah Starr, and first saw her at Fort Gibson "about the latter part of '65 or '66"; next saw her on Grand River about eighteen or twenty years ago, and have since seen her in and around Vinita quite often.

LUSTER FORKMAN(witness for applicants), at the same time and place, testified as follows: I am about fifty or sixty years old, and my postoffice is Vinita, Indian Territory. I first became acquainted with the applicant, Sarah Starr, about eight years ago. I knew her father, Simp Bean, at Fort Gibson, Indian Territory in " '66 or '65 " and I guess the applicant was there too at that time.

CLAUDE ALLEN (applicant), appeared before the Commission on May 31, 1901, at Chelsea, Indian Territory, and in support of his application for enrollment testified as follows: I am twenty-one years old. My postoffice is Hayden, Cooweescoowee District, Cherokee Nation, and I have lived in the Cherokee Nation all my life except about six or seven years during which time I was attending school at Fort Scott, Kansas. I do not know who my father was; my mother's name is Sarah Starr, she is now living on Lightning Creek,(Cherokee Nation). She formerly lived at Vinita, Indian Territory, Joplin, Missouri, and Fort Scott, Kansas. Her parents were named Simp and Caroline Bean. (Cherokee Freedman enrollment card No. R 103 shows said applicant's father to be John W. Allen, a non-citizen of the Cherokee Nation.)

W. D. MYRICK (witness for Cherokee Nation), appeared before the Commission on April 6, 1905, at Muskogee, Indian Territory, and testified as follows: I am sixty-nine years old and have lived at Mapleton, Kansas, forty-nine years. I knew the applicant, Sarah Starr as Sarah Shepherd; also knew her parents Simpson and Caroline Bean. I first became acquainted with this family about '62 or '63 or '64, when they, with a number of other

colored people were brought to Kansas by Government teams, and dropped on my place, about one mile southwest from Mapleton, Kansas. The applicant continuously lived near Mapleton, Kansas, until sometime during the '70's, when she, with her husband, Sam Shepherd, moved to Fort Scott, Kansas. I afterwards saw the applicant at Fort Scott, in 1880.

WILLIAM DEEDS (witness for Cherokee Nation), at the same time and place, testified as follows: I am fifty-eight years old, have lived at Fort Scott, Kansas, twenty-three years, and moved there from Mapleton, Kansas, where I had lived since 1857; I have known the applicant, Sarah Starr, from her childhood up, an first became acquainted with her about one year after the war. She was then living near Mapleton, Kansas, with her father, Simp Bean, and mother, I don't remember her name. She had lived at and around Mapleton ten or twelve years when she moved away. I next saw her at Fort Scott, Kansas; she was living there with one Dr. Allen, a white man, when I first moved to that place, and she continuously lived there until about twelve years ago.

IDA BOYD (witness for Cherokee Nation), at the same time and place, testified as follows: I am thirty-two years old and live at Fort Scott, Kansas. I knew the applicant, Sarah Starr, as Mrs. Allen, and have known her ever since I can remember, and since that time until 1894 she resided continuously at Fort Scott, Kansas. She lived with a white man, Dr. Allen; they had five children, named Charley Will, John, Claude and Clara. I was married in 1893 to one Dan Boyd, and shortly thereafter, when this Allen family left Fort Scott, Kansas, my husband purchased their house and furniture, and on their departure we moved into the house, which I remember was in 1894.

SARAH STARR (applicant), on April 6, 1905, further testified as follows: My father and mother were named Simpson and Caroline Bean; I have heard that my father died near Mapleton, Kansas, I don't know this to be true as I never lived there. I do not know what became of my husband, Allen. After we left Fort Scott we separated at Joplin, Missouri, in 1894. We have five children named Charley, Will, John, Claude and Clara. I don't know what became of my former husband, Sam Shepherd; I last saw him on Grand River during a big Association. I know the witnesses, Mr. Myrick, Mr. Deeds and Mrs. Boyd, who have testified in this case. Don't know when I first became acquainted with them, it has been a long time though. Mrs. Boyd has visited me at my house when I lived at Fort Scott, Kansas.

JOE BEAN (witness for applicants), on April 20, 1905, at Muskogee, Indian Territory, testified as follows: I am a recognized Freeman citizen of the Cherokee Nation and have lived on Grand River since 1866. I first became acquainted with the applicant, Sarah Starr, when she and her husband, Dr. Allen, were living on my brother's place on Grand River, about eighteen or

twenty years ago. I am quite sure this applicant was living on Lightning creek, Cherokee Nation, during the year 1896.

CASE SUBMITTED ON THE RECORD AS NOW MADE UP.

None of the applicants herein can be identified on any roll of the Cherokee Nation in the possession of the Commission.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that the applicant, Sarah Starr, was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken from the Cherokee Nation during said rebellion, and did not return thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1896, in the case of Moses Whitmire, trustee, etc. vs. the Cherokee Nation et al., for the return of freedmen to the Cherokee Nation; and that the applicants, Clara and Claude Allen, were born since 1866, are children of the said applicant, Sarah Starr, and possess no rights to enrollment as Cherokee freedmen, other than as descendants of their said mother.

IT IS, THEREFORE, THE OPINION OF THIS COMMISSION: That the applications for the enrollment of Sarah Starr, Clara Allen and Claude Allen, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.

Chairman

(SIGNED) T. B. Needles.

Commissioner

(SIGNED) C. R. Breckinridge.

Commissioner

Dated at Muskogee, Indian Territory,

this JUN [illegible]

F2Q 947

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

_____

BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Sarah Starr, et al

947

MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not physically in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the Honorable Secretary of the Interior to rescind said decision___to readjudicate said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902.

Wherefore we respectfully request that this motion be allowed.

.....

.....

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

No. D 947

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. 1901

Given under my hand this .....

day of .....A. D. 1901.

.....

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 .....1901.

.....

Attorney for applicant.

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

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

.....

on the .....day of A.D.1901

.....

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

.....

Notary Public.

9/18 filed

NOTICE!

IN THE MATTER OF the application of Sarah Starr for enrollment as a Cherokee citizen:

Case No. D 947

To Sarah Starr on J. R. Copinola Ast.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita, Indian Territory.* Indian Territory, on Oct. 5th or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

R B Bell

Attorneys for the Cherokee Nation.

Statement of
Hattie Derrick
in Case 5743
Sarah Allen et al.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. SHARP, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D.....

Case 543 Fort. Scott. Kan.
Sarah. allen. Jan. 21st 1902

Statement

Hatter, Derrick,
Fort, Scott, Kansas.

Says. that. I am a resident of Fort. Scott. Kansas. have lived in Fort Scott Kansas about eighteen years I Knowed a colored Woman named Sarah. Allen. Her Childrens names are Will. John. Blanche. and Clara Allen They have been gone away from here about Seven or Eight years She and her Children resided here Continuously for Ten years To my Knowledge they were my neighbors

D66

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-947.

Muskogee, Indian Territory, March 21, 1905.

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

Gentlemen:

In the matter of the application for the enrollment of Sarah Starr, et al. as Cherokee freedmen, you are advised that this case will be taken up for final consideration by the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M. on Thursday, April 6, 1905.

The principal applicant has, therefore, this day been advised that she will be permitted to appear on that date and introduce such testimony as she may desire in support of said application. You are 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,

Chairman.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKENRIDGE.

WM. O. BEALL,
Secretary.

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

GIVEN IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-947-R-103.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, June 28, 1905.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting the applications for the enrollment of Sarah Starr, et al., as Cherokee freedmen.

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

Respectfully,

Chairman.

Incl. S-13.

D. C. 29344 JS Jr.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

I.T.D. 8471, 8610-1905. July 10, 1906.

L.R. S.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

June 28, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment of Sarah Starr, Clara Allen, and Claude Allen as Cherokee freedmen.

Reporting July 18, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved. A copy of its letter is inclosed.

September 7, 1905, the attorneys for the applicants filed a motion for review of said decision.

There appears to be no proper reason for granting said motion, and it is accordingly denied.

The Department concurs in the recommendation made, and the decision of the Commission to the Five Civilized Tribes dated June 28, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

1 inclosure.

Land
50930-1905.

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS
WASHINGTON. July 18, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated June 28, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Sarah Starr for herself and her minor child, Clara Allen, and by Claude Allen for himself.

June 28, 1905, the Commission decided adversely to all the applicants.

The record shows that Sarah Starr was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that she was taken out of the Cherokee Nation during the war, and did not return thereto on or before February 11, 1867; that Clara and Claude Allen were born since 1866, are children of Sarah Starr and possess no rights to enrolment other than as her decendants. None of the applicants is identified on any Cherokee roll.

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

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M.M.M.(W)

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
D. 947. et al.

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

Muskogee, Indian Territory, July 21, 1906.

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

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 28, 1905, rejecting the applications of Sarah Starr, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, July 10, 1906, and that the motion filed September 7, 1905 for review of said decision, was denied by the Department on said date.

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

Respectfully,

Commissioner.

Incl.C-13
LMC

Cher.Fr.D-918

© 32948

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 4 1901

ACTING CHAIRMAN

To be filed in the case of Lula Lesley, [illegible].

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 28, 1901.

In the matter of the application of Carrie Wave for the enrollment of herself and eight children and one grand child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Q What is your name? A Carrie Wave.
Q How old are you? A About 43. I don't know my age exactly.
Q What is your post-office address? A Chouteau.
Q What district do you live in? A Saline.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Nine children.
Q Are you married? A No sir, not married.
Q What was your father's name? A Bob Webber.
Q Is he living? A No sir.
Q Your mother's name? A Lucinda French.
Q Is she living? A No sir, she is dead.
Q What was your husband's name? A Reuben Wave.
Q You and he living together now? A No sir.
Q Is your name on the roll of 1880? A It was on there, but it was taken off.
Q Is your name on any of the rolls of the Cherokee nation? A Yes sir, on the Wallace.
Q Have you any witnesses? A Yes sir.
Q Who are they? A Sam Webber and Bill Webber and Jerry Butler.
Q Were you a slave? A Yes sir.
Q To whom did you belong? A Bob Webber.
Q Was he a Cherokee citizen? A Yes sir.
Q Were you taken out of the Cherokee nation during the war? A Yes sir.
Q Where to? A Kansas.
Q When did you return? A I couldn't tell you the year.
Q Why can't you tell the year? A I don't know.
Q Can't recollect, or wasn't you old enough? A I was very small.
Q Who did you go out with? A My mother.
Q Did you return with your mother? A Yes sir.
Q Where did you return to, if you recollect? A On the east side of Grand river, on Spring Creek.
Q Your mother is dead? A Yes sir.
Q And your father also? A Yes sir, my father died, my step-father is living.
Q Give me the names of your children? A Lula.
Q How old is Lula? A 22.
Q Well she must apply for herself, your children, what have you got under age and unmarried? A Lena, 20.
Q Next one? A Osie Phillip, 18.
Q Next one? A Willie, 16. Ella, 14, Georgia, a girl, 12, Mattie, 10.
Q Next? A Henrietta, 8.
Q Next one? A Alemmie, 3.
Q Girl or a boy? A Boy.
Q That all? A Yes sir.
Q These children all born in the Cherokee nation? A Yes sir.
Q All living with you at this time? A Yes sir, all living.
Q What place in Kansas did you go to? A I couldn't tell you, I don't remember.
Q Went out with your mother? A Yes sir.
Q Was your mother a slave also? A Yes sir.
Q Did she belong to Bob Webber? A Yes sir.
Q Your mother brought you back did she? A Yes sir, she brought me back.
Q None of these children married? A Yes sir, Lula, my oldestone.
Q But Lena aint married? A No sir.

Carrie Nave et al 2

BY MR. HASTINGS, Cherokee Rep've:
Q. Is your father dead? A Yes sir.
Q When did he die? A. I couldn't tell you, died when I was small.
Q Die before or during the war? A I guess he died, died before the war I reckon.
Q You don't remember seeing him? A No sir.
Q You remember anyth ng of your return trip back here? A Oh I can remember we first lived on Spring Creek, that's the first place we stopped.
Q You were living there when you can first remember? A Yes sir.
Q You don't remember anything of the trip coming back? A No sir, not much.
Q You remember who brought you? A Come back with my mother and step-father.
Q Step-father, Dave French? A Yes sir.
Q You know whether it was very cold weather or not? A No sir, I don't remember about that.
Q You lived on Spring Creek awhile after you came back? A Yes sir.
Q At what place were you living when you ~~xxxx~~ were first old enough to remember? A On Spring Creek, close to Rab Musgroves.
Q Washe living there at that time? A Yes sir.
Q That Rab Rogers? A Yes sir.
Q You remember anyof the rest of your neighbors? A Yes, sir, a few of them.

SAM WEBBER, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Sam Webber.
Q Yourage? A About 58.
Q Your post-office address? A Nowata.
Q You are a recognized Freedman citizen of the Cherokee Nation? A Yes sir.
Q You know the applicant here, Carrie Nave? A Yes sir.
Q How long have you known her? A Ever since she was born.
Q What was her father's name? A Her mother claimed thather old boss was the father.
Q What was her mother's name? A Cindy Webber.
Q She ever go by the name of Lucinda French? A Yes sir.
Q How was that? A She married Dave French.
Q Her mother was a slave? A Yes sir.
Q Who did she belong to? A Robin Webber.
Q Was Carrie borna slave? A Yes sir.
Q Was Carrie and her mother taken out of the Cherokee nation during the war? A Yes sir.
Q Where did they go to? A They went up to Ft. Scott.
Q Her master, Rob Webber, was a Cherokee citizen? A Yes sir, he was a Cherokee.
Q When did they return, if you know? A I met them along the later part of August in '66, coming back here whenthey come back.
Q Where did you see them? A Up here on Horse Creek.
Q Was you going that way? A Yes sir, and met them coming back.
Q In the latter part of '66? A Yes sir.
Q Who was with them? A Her mother and brothers and hands and French
Q Have you known her ever since that? A I have met her several times since that.
Q Whatis her husband's name now? A One of the Nave boys, I don't know his first name.
Q You know whether she has lived in the Cherokee nation continuously since that time until now? A Yes sir, she was an orphan.

BY MR. HASTINGS, Cherokee Rep've:
Q Who all was along in that party that you met? A Dave French, and Cindy French was his wife, and Rachel Webber and Linda Webber,

and this girl and an older sister than this one, I can't call her name now, but I know her name, and then there was a small girl along, another sister of hers, that oldest one was named Ellen I believe.
Q You were going the other way? A Yes sir.
Q You met them on Horse Creek? A Yes sir.
Q How many wagons did they have? A I only saw one wagon.
Q How long did you stop there? A An hour or two I guess.
Q Talked with them a while? A Yes sir.
Q Dave French was along? A Yes sir.
Q Was William Webber along with you? A He was along with her.

WILLIAM WEBBER, being sworn and examined by Com'r Needles, testified as follows:

Q Whatis your name? A William Webber.
Q How old are you? A 51 years old.
Q What is your post-office? A Dewey, Coowescoowee.
Q Are you a Cherokee Freedman? A Yes sir.
Q You know the applicant here, Carrie Nave, A Yes sir.
Q How long have you known her? A I have knowed her all my life time, she is my sister.
Q You and her had the same mother? A Yes sir.
Q Was she taken out of the Cherokee Nation during the war? A Yes sir she went out with the balance of us.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Robert Webber.
Q Where did you all go to? A Kansas.
Q Did you return together? A Yes sir.
Q When? A In the year ,66.
Q Where did you arrive in '66? A We come in the nation and stopped for settlement on Spring Creek.
Q Your mother? A Yes sir.
Q And your sister here? A Yes sir.
Q And yourself? A Yes sir.
Q And the balance of the family? A Yes sir, we was all together.
Q Has she lived in the Cherokee Nation continuously since that time? A I think so, I have been a good ways apart from her, but I don't think she has been out of the nation.
Q You hear from her and see her? A Very often, yes sir.
BY MR. HASTINGS:
Q Who were your neighbors on Spring Creek? A McBirds, and Vanns.
Q Rab Rogers live ~~there~~ over there? A Yes sir.
Q Houston Rogers live there? A Yes sir. There was several of them lived over there.

JERRY BUTLER, being sworn and examined by Com'r Needles, testified as follows:

Q Whatis your name? A Jerry Butler.
Q How old are you? A About 43.
Q What is your post-office? A Chouteau.
Q You are a Cherokee Freedman? A Yes sir.
Q Do you know the applicant, Carrie Nave? A Yes sir.
Q How long have you known her? A I have knowed her about 30 some odd years.
Q Were you acquainted with her before the Civil War? A No sir.
Q Known her since the Civil War? A Yes sir.
Q You don't know where she was in the year '66 or do you? A I don't just remember, I know where she was in '67.
Q Where was she in '67? A She was on Grand river.
Q Do you know where she was the year before? A I wont bepositive,

but I think she was there the other side of the river.
Q What time in the year '67 Mr. Butler? A It was along in the fall when I first knew them there.
Q Have you known her since that time? A Yes sir.
Q Has she been living in the Cherokee Nation all the time? A Yes sir.
Q You knew her father? A No sir.
Q You know her mother? A Yes sir.
Q What was her name? A Cindy Webber, Cindy French when she died.
Q You didn't know thembefore the war? A No sir.
BY MR. HASTINGS:
Q On which side of the Grand river were they when you first knew them after the war? A When I first saw them they was living in a little house right there by the Salt Lick.
Q That on the east side or the west side of the river? A That was on the west side.
BY COM'R NEEDLES:
Q You are not positive whether you saw them in '66 or not? A Nosir

Applicant, CARRIE NAVE, re-called and further examined;

BY COM'R NEEDLES:
Q Is your name on the roll of 1880? A It was, it ought to be on there.
Q Is the name of your mother on that roll? A Yes sir.
Q And of all your brothers and sisters on the roll of 1880? A Yes sir, I don't know but I think there's some of them on there, two or three of them.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's mother and found on page 106 #1192 Linda French, Cooweescoowee Dist, adopted col.

Q Did you have a brother, Wash? A No sir.
Q Did you have a sister, Jennie? A Yes sir.
Q Did you know Wash Webber? A No sir, I know Wash French.
Q Who was Wash French? A My stepfather's son.
Q Then you had an own sister, Jennie? A Yes sir.
Q Brother Tom? A No sir.
Q Do you know Tom French or Tom Webber? A No sir.
Q Did you know Eli? A Yes sir, that's my brother.
Q Did you have any other brother besides that? A Yes sir.
Q Who? A Bill Webber.
Q Anybody else? A Jim Webber and Andy Webber.
Q How old was William? A He would have been in 55 I guess, I don't know his age.
Q Is he older than you? A Yes sir.
Q Is he unown brother of yours? A Yes sir.
Q Is James younger thanyou? A Yes sir.
Q Andy younger than you? A No sir, he is older.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant's brothers above given and names not found.

Q Was Jennie your full sister? A Yes sir.
Q Eli your full brother? A No sir, only half.
Q By the same mother or father? A By the same mother.
Q Tell us why your name is not on the roll of 1880? A Mr. Butler here-

WITNESS, JERRY BUTLER, re-called and further examined;

BY COM'R NEEDLES:

Q Mr. Butler, explain that? A It was on there, it was scratched out; I saw Soggy Sanders have her name scratched out. He said her husband was not a citizen, and she wasn't either, and he scratched it out.
Q Soggy did? A Red-inked it.
Q You saw it done? A Yes sir, saw him scratch it out.
Q She aint the one that Soggy said came back too soon? A No sir, that was my uncle, come at the same time, Dave Tadpole testified for him, and they asked him when he come; he said '65, they said, too soon, scratch it out!

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified on
page 164, #4048 Carrie Wave, Cooweescoowee District;
page 164 #4050 Lenia Wave, Cooweescoowee District;
page 164 #4051 Phillip Wave, Cooweescoowee District;
page 164 #4052 Willie Wave, Cooweescoowee District;
page 164 #4053 Ellen Wave, Cooweescoowee District;
page 164 #4054 Georgie Wave, Cooweescoowee District;
page 164 #4055 Mattie Wave, Cooweescoowee District;
page 164 #4056 Henrietta Wave, Cooweescoowee District.
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 132 #2769 Caroline Wave Saline District.
Note:"Child of Linda French, #95, Cooweescoowee District."
page 132, #2771, Lina Wave, Saline District.

Applicant, CARRIE WAVE, re-called and further examined;

BY COM'R NEEDLES;
Q Are these children all alive and living with you? A Yes sir, and I have one grand child.
Q You apply now for a grand child? A Yes sir.
Q Whose child is it? A Lena's.
Q Whatis the name of the child? A Sherman.
Q What else? A She will have to come and answer for thatherself, I don't know.
Com'r: Well, named Wave.
Q How old is it? A Three years old.

Com'r Needles: Carrie Wave applied for the enrollment of herself and 8 children; she is not identified upon the authenticated roll of 1880, but is identified upon the Kern-Clifton and the Wallace rolls, according to page and number of the roll as indicated in the testimony; the names of her children, Lena, Osie P., Willie, Ella, Georgia, Mattie and Henrietta are identified upon the authenticated roll of 1880; the younger child, Clemmie's name does not appear upon any roll, and it will be necessary for her to file satisfactory proof of its birth; she and her oldest child, Lena, are identified upon the Wallace roll according to page and number of the roll; she avers that she was a slave of Robin Webber, a Cherokee citizen; was taken out of the Cherokee Nation during the war, and returned, and as she avers, in 1866, and shaproduces proof to that effect; for particulars see the testimony. She avers that she is a child of Lucinda Webber or Lucinda French, and her mother, Lucinda, is duly identified upon the authenticated roll of 1880; she has several brothers and sisters, of which Jennie and Eli are identified upon the authenticated roll of 1880; she makes satisfactory (Here comes in the examination of applicant for applicant of grandchild.) She also applies for a grand-child, Sherman Wave, illegitimate child of her daughter, Lena, three years old; it will be necessary for her to file satisfactory proof of

Carrie Nave et al

birth of said child, the testimony would indicate that [illegible] Carrie Nave and her children were entitled to ~~xxxx~~ be enr[illegible] as Cherokee Freedmen, but from the fact that her name is no[illegible] on the roll of 1880, and the further fact that some of her [illegible] brothers and sisters are not on said roll, and the further f[illegible] that the testimony of her [illegible] Dave French, taken in [illegible] the matter of his own enro[illegible] does not fully corroborate [illegible] the fact that she returned [illegible] 1866, said Carrie Nave, and her eight children [illegible] herein, together with her [illegible] grand-child, [illegible] listed for enrollment [illegible] a doubtful card [illegible] the fact that she returned in the year 1866, said Carrie Nave and her eight children enumerated herein, together withher grand-child, Sherman, will be listed for enrollment as Cherokee Freedmen upon what is known as a doubtful card, awaiting the further consideration of the Commission; she will be notified by mail at her post-office address of the action of the Commission in the premises.

----****----

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

(signed)M.D.Green.

Subscribed and sworn to before me this July 12, 1901.

(signed)T.B.Needles,
Commissioner.

----*****----

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

M D Green

Subscribed and sworn to before me this August 28th, 1901.

T B Needles

Commissioner.

A 7D948

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 16 1901

ACTING CHAIRMAN.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 29, 1901.

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

Q What is your name? A Lula Nave.
Q How old are you? A About 22.
Q What is your post-office? A Chouteau.
Q What district do you live in? A Saline.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to be enrolled besides yourself? A My child.
Q One child? A Yes sir.
Q What is its name? A Zola Lasley.
Q How old is it? A Three years old.
Q Are you married? A Yes sir.
Q What is your husband's name? A Lewis Lasley.
Q How does your name happen to be Nave if your husband's name is Lasley, your name is Lasley aint it? A Yes sir.
Q What is your name? A Lula Lasley.
Q Is your husband a citizen? A Yes sir.
Q What is your father's name? A Reuben Nave.
Q What is your mother's name? A Carrie Nave.
Q Is your father living? A Yes sir.
Q Your mother living? A Yes sir.
Q Where were you born? A I was born down on grand river.
Q Cherokee Nation? A Yes sir.
Q Lived in the Cherokee Nation all your life? A Yes sir.
Q Has your father or mother been listed here for enrollment?
A Father and mother both.
Q You claim through your mother and father both? A Yessir.
Q You and Lewis Lasley living together? A Yes sir.
Note:: It is found that applicant's husband enrolled this child for whom she applied at first.

Q Is your name on any of the rolls of the Cherokee Nation? A I dont know, I think it is.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on
page 164 #4049 Lulie Nave, Cooweescoowee District;
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 132 #2770 Lulu Nave, Saline District.
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

Q What is your oldest sister named? A Lena Nave.

Com'r Needles: Lula Lasley applies for the enrollment of herself; she cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but she is identified upon the Kern-Clifton and the Wallace rolls; she avers that she is the wife of Lewis Lasley, who has heretofore been listed for enrollment, and the child of Reuben and Carrie Nave, her mother is listed on D 945, and the testimony taken in that case will be made a part of the testimony in the case at bar and a copy of said testimony will be made a part of the testimony herewith and filed; she will now be listed for enrollment as a Cherokee Freedman, on a doubtful card,- and

Lula Lesley 2

she will be notified at her post-office address of the action of the Commission.

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

M D Green

Subscribed and sworn to before me this July 12, 1901.

Commissioner.

F.N. 948

Proof of Service made
and original filed with the
DAWES COMMISSION.

SEP 28 1901

SEP 20 1901

NOTICE!

IN THE MATTER OF the application of Lulu Lasley
for enrollment as Cherokee Freedmen:
Case No. F. D. 948

To Lulu Lasley Choteau I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 25th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

J. T. Davenport

Attorneys for the Cherokee Nation.

Cher.Fr.D-949

To be filed in the case of Leslie Bell, CFD-949.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 28, 1901.

In the matter of the application of Lige Waite for enrollment as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant:
W.W. Hastings, of counsel for Cherokee Nation.

Lige Waite, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lige Waite.
Q How old are you? A Why I guess I am about 57 years old.
Q What is your post-office address? A Chelsea.
Q What dis trict do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Two sons.
Q What are your sons' names? A One is named Granville and the other is Leslie.
Q How old is Granville? A He is 29.
Q Well he can enroll himself; have you got any under 21 years of age? A No, sir.
Mr. Smith: Who are your witnesses? A Mose Hardrick, Mose Riley, and Jim Alberty.
Q Mr. Waite, what is your postoffice? A Chelsea.
Q How long have you lived there? A About 15 or 16 years, thereabouts.
Q In that neighborhood? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q Who was your owner? A Well, I was in the hands of Mr. Waite, Gen. Waite, in the beginning of the war, and remained there till I was freed; I claim he was my last owner.
Q Stand Waite? A Yes, sir.
Q Was he a Cherokee indian? A Yes, sir, a full blood.
Q A citizen of the Cherokee nation? A Yes, sir.
Q Where were you at the time the war commenced? A I was in Arkansas at the first beginning of it.
Q How did you get with Stand Waite? A I was taken there to him.
Q Who took you there? A Bill Tinnon.
Q Who was he? A That was a man lived in Arkansas.
Q When did he take you there? A At the beginning of the war.
Q Where were you when the war actually began, in the Cherokee Nation A Right in the Cherokee Nation.
Q How long before the war began were you taken to Arkansas? A I was taken from Arkansas to the nation.
Q How long after the war began were you taken out of the Nation? A I wasn't taken out of the nation at all.
Q Where were you then, where did you remain during the war? A I remained in the army with Mr. Stand Waite part of the time.
Q Where were you the rest of the time? A In the other army, on the other side.
Q In what way were you in the army, were you a soldier? A I was driving team before I was taken to the Choctaw Nation by Mr. Stand Waite.
Q When did you come back to the Cherokee nation after the war was over? A I never lived here till the war was over.
Q You said you went to the Choctaw nation? A No, I went there, I thought I was in the nation.
Q I am talking about the Cherokee Nation when did you come back to the Cherokee Nation after you went to the Choctaw nation? A I came back in the fall of '63 time of the Prairie Grove fight.
Q Where did you quit the army? A At Prairie, Grove.
Q What did you do when you quit the army? A Went back to Fort Gibson.
Q How long did you remain in Fort Gibson then? A I stayed there about a month I guess.

Lige Waite 2.

Q Then where did you go? A They hired me to go to driving teams on the other side.
Q Other side what? A For the union army, we called it.
Q How long then were you with the union army? A I w as there with them till the war closed.
Q Where were you when the war closed? A I was down to Fort Gibson in the Cherokee nation.
Q Well, what did you do after the war closed, where did you stay? A I came around there, rustled around through the nation and from this then I went to Kansas.
Q Where were you in the year '66? A I was down to Fort Gibson part of the time.
Q Well, how much of the time? A Oh I was down there I guess about I was down there, youmight say I was there in the spring and went away and came back in the fall about hay making time.
Q Hay making time in the year 1866? A Yes, sir, helped them put up hay there.
Q Where have you been living since that time? A Part of the time here and part of the time somwhere else, I didn't have any particular home, I wasn't a married man, and I went wherever I could.
Q About how long have you beenliving in the Cherokee nation permanently and without going out at all? A Oh about 15 or 16 years.
Q And during that time you been living where? A Been here about Chelsea in Cooweescoowee.
Q Are you on any of the rolls? A Yes, sir.
Q Whatroll? A Wallace roll.
Q Did you draw Wallace money? A Yes, sir.
Q Are you on any other roll? A No, sir, i I am I don't know it.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Wallace roll examined, and the applicant identified thereon, page 186, No.3413, district not given, as Elijah Tinnon.

Commissioner: Well you are on the roll as Elijah Tinnon; how did that happen? A I don't know, they asked me what was my name, and I told them Lige Tinnon.
Q Were you ever connected with Tinnon? A No, sir, never that I heard of; I want to make a little explanation.
Mr. Smith: The question is, whether you ever went by the name of Tinnon? A Yes, sir.
Commissioner: You changed your mind in the last minute or two? A I can tell you how that happened; in the beginning of the war Mr. Tinnon taken me to the army of Mr. Waite here in the Cherokee Nation, there he put me in the charge of Stand Waite.
Q You went by the name of Tinnon at that time? A Yes, sir, at that time.
Mr. Hastings: Where did you first see Jim Alberty? A I saw him in the Choctaw nation.
Q When was that? A That was in, well I expect it was about 62 or '3, I can't tell exactly when.
Q During the war? A Yes, sir, during the war.
Q Where did you first see Moses Hardrick? A I first see n Moses Hardrick in Stand Waite's army.
Q During the war? A During the war.
Q When was the first time you ever saw Stand Waite? A I saw Stand Waite when I was a llittle kid, I don,t know how old.
Q How long before the war? A Some tenor fifteen years, maybe that long.
Q Did you live with Stand Waite ten years before the war? A No, sir

Lige Waite 3.

Q What was your old Mistress named, Mrs. Tinnon? A I don't know what her name was.
Q Do you know Hugh Tinnon? A Yes, sir, I know him.
Q You belonged to his mother? A No, sir; if I did I didn't know it.
Q Do you know Jim Tinnon? A Idid.
Q Did you know him when the war came up? A Yes, sir.
Q Did you belong to his people? A No, sir, I didn't know that I did, I don't think I did.
Q Well, tell us what you know? A I can't tell you, I don't know it, that is a fact.
Q How old were you whenthe war came up' A I don't know, I was quite a boy, I was able to cut wheat with a five finger cradle.
Q Where were you living? A In Arkansas.
Q When the war came up? A Yes, sir,
Q You joined the army when General Blount came through there? A No, sir, never joined the army in my life.
Q In what place in Arkansas were you living?A I don'tknow. I don't know whether I was in Arkansas or new Jersey only they called it Arkansas.
Q That was the other side of Maysville? A Yes sir.
Q Near Maysville? A Yes, sir,
Q How far was that from Maysville? A I can't tell you that.
Q Two or three miles? A I don,t know, might have been.
Q How long had you been living at that place when the war came on? A I can't tell you.
Q As far back as you can remember? A Well I might, I don't believe I do because I was to Maysville some of the time.
Q Either in that place in Arkansas or in Maysville, you lived clean up to the war?A Yes, sir, and some times lived in the Nation when I was little with Mr. Fields and Mr. Brach Nicholson, when I was a boy; the first thing I remember was setting up ten pins in town.
Q That was on the other side? A Yes, sir, but I lived in the Nation.
Q Who was Jim Fields wife at that time? A I don't know sir.
Q Was he married at that time? A I don,t know sir.
Q Who were you staying with over there in Arkansas? A The Tinnons.
Q What Tinnons? A Why Jim Tinnon and the Tinnons generally.
Q Jim Tinnon or Hugh Tinnon? A Hugh Tinnon and Jim Tinnon, among the family.
Q You stayed with them?A Yes, sir, among the family.
Q You don't remember how long you were there or how old you were when you started to live with them? A I started from my birth I reckon.
Q And you were living withthem when the war came up? A Yes sir.
Q And that was in Arkansas? A Yes, sir.
Q You know whether the Tinnons were Cherokees or citizens of the United states? A I can't tell you that only by hearsay.
Q You been up in Ottawa, Kansas? A Yes, sir.
Q When was the last time you were living up there? A About twenty years ago, maybe longer.
Q Marriedup there, were you? A Yes, sir,
Q What was your wife's name? A Mary Bell.
Q How many children bornup there? A Two.
Q Whatyear were you married? A I don't know about that.
Q How long after the war? A I don't know about that.
Q Whatis your oldest child? A His name is Will.
Q How old is he? A About 32 years old, if he was living, I reckon.
Q Where is he? A He is dead.
Q He wasborn in Kansas? A Yes, sir.
Q Is he on any of these rolls? A Yes, sir, Wallace and Clifton both.

Lige Waite 4

Q What was his name? A William Bell, he went by his mother.
Mr. Hastings: I would like to have the rolls examined and see if there is a Will in that family of Elijah Tinnon, to see what his age is.
The Wallace roll and the name of Will Bell found thereon age given as 22 years.
Q You say he was born in Kansas? A Yes, sir.
Q What town? A Ottawa.
Q Did your first wife die up there? A The one I had then, she died here.
Q She was the mother of Will then? A Yes, sir.
Q And you came here you say about 28 years ago? A Yes, sir. longer than that I expect.
Q You came to Chelsea? A Yes, sir, Vinita, and Fort Gibson and everyhwere I could go.
Q When you moved down here, where did you come to locate? A When we came, I had no place particular to locate, she moved down to her aunt's on Grand river.
Q You came here I think you said about twenty years ago from Ottawa, Kansas? A Yes, sir.
Q Did you being these children with you, Will and the others? A Some of them I did, some of them were here.
Q When did you see Mose Hardrick after the war was over? A Saw him in '66.
Q Where? A Down to Fort Gibson, I think it was in Fort Gibson.
Q What were you doing there? A I went there and worked in the hay field in the fall of '66.
Q Who were you working for? A An old man had a government contract by the name of Martin, and Martin Coon.
Q What direction from Fort Gibson was he putting up the hay A On this side, I suppose it would be north.
Q You see Mose up there? A No, sir, in town, I think I saw Mose there.
Q Spring or fall? A It was along in the summer, I have forgot just when.
Q Where did you see him? A It was in '65.
Q What time of the year? A Along in the summer or fall, I don't know which, spring time. I didn't remember particular notice the time or dates.
Q You know who Waite's wife was? A No, sir.
Q Knew any of his family? A No, sir.
Q Know what part of a house you lived in? A No, sir.
Q You never went to his place? A No, sir, never went to his place, he hadne in the army, I stayed in that until I was freed.
Commissioner: In which army? A In Stand Waite's army, I called it the Indian army.
Q Northern army or Southern army? A Southern army.
Mr. Hastings: What time did you see Jim in the Choctaw nation? A I told you it was in '62 or '63, I am not positive, but I think it was in '63, '62 or '63, I think it was one of them.
Q You never saw any of these fellows before the war? A I saw Jim when I was a boy.
Q where? A Up in Maysville.
Commissioner: Where is that, Arkansas? A Yes, sir, I have seen none of them Tinnons since I left there at the commencement of the war.

Mose Hardrick, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: State your name? A Mose Hardrick.
Q How old are you? A 71.
Q Where do you live? A Live over here on Pryor creek in Cooweescoowee district.

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Q How long have you lived in the Cherokee Nation? A Pretty near all my life.
Q Do you know this applicant, Elijah Timmon or Waite? A Yes, sir. I known him a right smart while.
Q When did you first get acquainted with him? A When he was going to Pea Ridge battle under Col. Waite.
Q Where did you see him there? A On the Barren Fork mountain.
Q Where is that? A Away over here in the Cherokee Nation.
Q Did you see him once, or more than once, at that time? A Only once.
Q When did youmeet see him after that? A It was quite a number of years, I can't tell just exactly how many.
Q After the war? A Yes, sir.
Q About how long afte r the war? A It was a number of years.
Q Where did you see him then? A Down here on Panther Creek.
Q In the Cherokee nation? A Yes, sir.
Q You know where he lives now? A Yes, sir, he lives over on the same Creek where I seen him at.
Q Where was he living at the time you saw him on Panther creek? A I saythat is the same place, on Panther Creek.
Q Was he living there then? A Yes, sir, I saw him after he moved there.
Q You didn't see him any more till you saw him living on Panther Creek? A No, sir.
Q You remember how many years ago that has been? A No, sir, I don't.
Q You didn't know him before the war? A No, sir.
Q Commissioner: What year did you see him on Panther Creek? A I can't tell you just whatyear, I don't know any dates.
Q About how long after the war? A It was quite a number of years.
Q Five or six years, ten years? A I guess it was five or six anyway.
Q At least that? A Yes, sir, I think it was that according to my knowledge.
Mr. Hastings: Living there withhis wife when you saw him? A Yes sir.
Q Thatis the first time you saw him after the war? A Yes, sir.
Q And that is the first time you saw him since you saw him on Barren Fork hills during the war? A Yes, sir.
Mr. L.B.Bell: Cherokee attorney: Where was Barren Forks hills? A Down across the Illinois River in Illinois District, when Waite and General Drew was going to Pea Ridge fight, I was hauling logs over there to a saw mill and the teams couldn'tpull the loads up the hill and old Moss sent me to help the teams pull over the hills.
Q You say Waite's regiment was riding with the troops? A I saw Waite
Q This Waite here? A I saw Waite, and talked with him.
Q What year was that? A I don't know whatyear it was, you I know I didn't know no dates at that time, I wasn't allowed to pick up a book.
Q You don't pick up books now but still youhear days and dates.
A I hear dates but I can't keep them in my head.

Lige Waite, recalled, testified:
Mr. Bell: What were you doing in Waite's army? A Driving a team.
Q All the time? A Yes, sir.
Q Where did you begin driving a team? A I started when this little fight over here on the Hills, old Fort Wayne, there was a squad of his men took a gun down to this place, and there is where this man is talking about.
Q What time of the year did you begin driving teams? A In '61.
Q What time of the year? A I don't know, it was along in the summer, summer or spring.

Q You are certain it was in the summer or spring? A I know it was that time of the year; so far as the day or hour is concerned, I don't know.
Q You can tell whether it was freezing or hot weather? A Well it wasn't freezing, but it is a long time to carry it in my head, these things, I can't do it.
Q Where did they take you from Fort Wayne? A They camped to this place, they are talking about, I don't know, down in the nation somewhere where this man pulled us out.
Q They took you down there where this man pulled youout you say? A Yes, sir.
Commissioner: Where was Fort Wayne? A That was in the Cherokee Nation.
Mr. Hastings: Was Hugh Tinnon a captain in Waite's regiment? A I can't say whether he was or not, I think he was a captain in some kind of people but nenever stayed with the army, he was captain of these fellows they had out guarding the western borders.
Q I thought you said in your testimony that you say Moses Hardrick in '65 or '66 at Fort Gibson? A Didn't I saw that I might be mistaken, I said I might have seen him there.

Jim Alberty, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: State your name? A Jim Alberty.
Q How old are you? A 70.
Q Where do you live? A Saline District.
Q In the Cherokee nation? A Eight miles eastof Chouteau, Cherokee nation.
Q Do you know this man, Elijah Tinnon or Waite? A Yes, sir, I know Tinnon.
Q How long have you known him? A I expect I have known him over 50 years.
Q When did you first get acquainted with him? A First got acquainted with him at Tahlequa not far from Maysville there.
Q When was thatwith reference to the war, before or after? A Before the war.
Q Do you know whether he was during the war? A No, sir.
Q When did you see him first after the war? A I saw him; you say do I know where he was during the war?
Q Yes? A No, sir, not during the war.
Q Did you see him at any time during the war? A I saw him just before the war.
Q I am talking about after that, during the war, or after the war, when you next saw him? A Yes, sir, I saw him once during the war.
Q Where?A Why,down south driving teams, that is where they had meat.
Q Driving a team, who was he with, with anybody? A He was driving a team for Waite.
Q What Waite was that? A Old Stand Waite.
Q When did you see him then next after that? A Seen him here at Fort Gibson.
Q When? A It was early, it was about '66 or '67.
Q What was he doing there at Fort Gibson?A Just knocking around, anything they would let him do, he was just working.
Q You know how long he stayed in Fort Gibson? A No, sir, I don't
Mr. Hastings: You first saw him during the war or since the war?
A Yes, sir, just in war time.
Q How long after that was it till you saw him again? A I don't know, give me time and I will tell you as near as I can; It must have been five years.
Q The next time you saw him with his wife? A Yes, sir, the next time I saw him with his wife.
Q Where was he living then? A Here at Chelsea then.

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Q On the hill northof Chelsea, isn't it?A Yes, sir, I think it is two or three miles north of Chelsea.
Q Two or three miles north of Chelsea? A Well north or west, I don't know which.
Q About howlong ago was that you saw him there?A Well I don't hardly know how long that has been, it has been several years though.
Q Well, your best judgment as to how many years?A Well, that is the best of my judgment.
Q I want to get it down there about how many years ago you saw him? A That is as near as I can give it.
Q You think as much as 15 years ago since you saw him there north of Chelsea? A No, sir, it hasn't been 15 years.
Q Well, has it been 10 years ago? A Well I can't say, because I don't know, but there is where I saw him, I gave you the best I know
Q Well now your best judgment as to how long it was?A Itmight have been eight years ago, I don't know.
Q Thatis your best judgment? A Yes, sir.
Q That is the next time you saw him after you saw him at Fort Gibson? A Oh now you are getting it wrong; that is the first time I ever saw him up here to his home.
Q But now when did you see him next after you saw him at Fort Gibson? A I saw him off and on all along, just in passing.
Q Where did you see hi m off; you saw him off, I am going to ask you where you saw him off and then where you saw him on? A I can't talk that.
Q Where did you see him next after you saw him at Fort Gibson? A I saw him making rails all about.
Q That off? A I don't know.
Q Where was he making rails?A In the bottom below Gibson, on this side of the river, down there in the bottom.
Q About how long after that before you saw him around Gibson? A I didn'tsee him around Gibson any more, I saw him at work though in the woods down there.
Q That was in '66 or '67 you said , along about that time? A Along about that.
Q You are not positive as to the date of that? A No, sir, I am not positive.
Q You knew him before the war did you? A Yes, sir.
Q Yousaw him at Tinnons?A Yes sir.
Q Was that about the time the war came up or before? A It was before.
Q About how long before? A I don't know, ten or fifteen years maybe, I have knowed him a mighty long time.
Q You say him ten or fifteenyears before thewar? A Yes, I guess so
Q At what Tinnons was that? A Why I don't know the names, just Mr. Tinnen is all I know.
Q Was he a Cherokee or a white man? A No, sir, white man.
Q Where did he live?A Somtim es to Maysville and s me time on their place.
Q Where did you see him, know him to live? A I have knowed him to live to Maysville.
Q Is that in Arkansas? A Yes, sir, that is in Arkansas, right on the line.
Q When was the last time you saw the applicant just before the war? A I can't tell you just when it was because I don't know.
Q How large was he when you saw him thereths first time ten or fifteen years before the war, about how old was he?A He was larger than he is now, I don't know about his age.
Q That is when you first saw him? A Y es, sir, he was a fleshy man then.
Q Was he married before thewar? A Well I can't tell.
Q You don't know about that? A No, sir, don't know whether he was ever married or not.

Lige Waite #

Commissioner: You say the first time you saw this man was at Mayesville, in the State of Arkansas? A. Yes, sir.
Q. He was living with the Timmons? A Yes, sir.
Q. Thomas white man? A Yes, sir.
Q. On a plantation, or farm? A He was about town, I don't know whether he had a farm or not.
Q. Did Timmon live in the town? A I saw him there, I don't know whether he lived there or not, I never saw Timmons.
Q. You saw you saw him with Timmons? A Yes, sir, his old Mistress Timmon that used to be; he used to drive the carriage.
Q. Thatin old Mrs. Timmon in Mayesville, Arkansas? A Yes, sir, there is where I first know him.

Rose Riley, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: State your name? A Rose Riley.
Q. Where do youlive? A Chelsea.
Q. How long have you lived in that neighborhood? A Between 21 and 22 years.
Q. Do you know this man, Elijah Timmon, or Elijah Waite? A Yes, sir
Q. This applicant? A Yes, sir, I know him
Q. Know where he lives?A Yes, sir, he lives down there close by me.
Q. How long has he been living in that neighborhood? A I don't know sir exactly how long, he has beenliving there quite a bit.
Q. Give us your bestjudgment?A I expect between 15 and 16 years there.
Q. And did you know him before that? A I saw him before that, yes sir.
Q. How long before that? A Oh it was quite a while before that.
Q. Where did you see him? A In Saline once.
Q. Give us your best judgment as to how long ago that has been; was it before or after you moved up in the Chelsea neighborhood? A No, sir, I was still living there, my father was, and he stayed that night at my father's house.
Q. When? A It must have been in '66 or '7 some wheres along in there.
Q. You can't give the exact time? A No sir, I don't know exactly, but it was right along there some wheres he stayed all night at the old McNair place with us.
Q. Where was that? A In Saline district.
Q. Cherokee Nation? A Yes, sir.
Q. You didn't know him before the war? A No, sir, I didn't know him.
Q. You don't know anything about who he belonged to? A No, sir.
Mr. Hastings: Was his wife with him? A No, sir.
Q. A single man? A I don't know whether he was single.
Q. Which way was he going?A Going up the country when I saw him.
Q. Norther south? A Going up the river he said.
Q. How old are you now? A I am about 51.
Q. You had never seen this man before? A Not to know him.
Q. Do you know what time of the year it was? A I disremember whether it was before Christmas or after Christmas now.
Q. Your father had made a crop on the McNair place thatyear? A Oh yes.
Q. Mrs. Martin Thompson living there at that time? A Yes, she was living there I believe.

L.B.Bell, being duly sworn by Commissioner Needles, testified as follows:
Mr. Hastings: Q. What is your name? A L.B.Bell, 62 years old, post-office, Vinita.
Q. Where did you live before the war? A I lived up on Beattie's Prairie, Cherokee Nation.
Q. How far is that from Mayesville? A About three miles or two and

a half.
Q Is Maysville in the state of Arkansas or the Cherokee Nation?
A Well it was in Arkansas, there was a few houses on the Cherokee side, Moses Fields had a little place there.
Q Did you know Sam Tinnons who lived over there about Maysville?
A Yes sir, Hugh Tinnon, William Tinnon, and Jim Tinnon, three brothers.
Q You knew their father?A No, their father died about '47.
Q Did you know their mother? A Yes, she had married a man named Alexander.
Q Did these people live in Arkansas or the Cherokee Nation?
A They lived out a mile or two from town in Arkansas?
Q Were they citizens of the Cherokee Nation?A No, sir.
Q Were they Cherokees?A No, sir.
Q Never were recognized as citizens of the Cherokee Nation? A No they never pretended to be.
Q Never lived in the Cherokee nation?A Never pretended to.
Commissioner: Did youknow the applicant at that time? A No, sir. I knew theyhad some slaves, but I didn't know him.
Q They were slave holders? A Yes, sir, they had some slaves.
Mr. Hastings: Did Waite hold some office in the Army? A Stand Waite was first colonel of a Cherokee Regiment in the Confederate Army, and afterwards a Major-General; his regiment was organized first in October, '61, thatis my recollection about it; I belonged to it.
Commissioner: He was a Cherokee?A He was a full Cherokee, a full blood indian; he was my uncle.
Q He a slave holder? A He was a slave holder.
Q He was your uncle? A Yes, sir.
Q You acquainted with his slaves?A Pretty much.
Q You ever know the applicant to be a slave of his? A No, sir, he never had one named Elijah that I know anything of.
Q You were a nephew of Stand Waite? A Yes, sir.
Q You were well acquainted with then his family? A Yes, sir, I stayed at his house a year and went to school.
Q You knew some of his slaves I suppose? A Yes, he had one negro woman a few years before the war, Dan Thompson's wife, and he had a woman named Mary, and he had one other, I forget her name, and they had some children.
Mr. Smith: When did you go to Texas, Mr. Bell, what year? A Well I took my slaves down there in 1861, or rather sent them; we had a whole lot and a farm there since 1846.
Q Where were you living when the war commenced?A I was living right on Beattie's Prairie.
Q In the Cherokee Nation? A In the Cherokee Nation, yes, sir.
Q Did you ever live in Texas before the war?A Yes, I went to Texas in 1853 and stayed there at school two years, and then I was there in '57 and '58 and '60.
Q And where was Stand Waite living?A Stand Waite was living first on Honey Creek.
Q He lived in the Cherokee Nation did he? A Stand Waite lived in the Cherokee Nation all hislife I reckon.
Q He didn't live in Texas at all? A Yes, he was alive in Texas when he would be there.
Q Well, Stand Waite lived then in the Cherokee Nation up to the time of the war? A He lived continuously in the Cherokee Nation you might say.
Q You say you were pretty much acquainted with his slaves; can you state you knew all the slaves he had? A No, I gave you my best effort a while ago when I enumerated them that I knew.
Q What I mean, you can't state positively that was all he had, the ones you enumerated?A No, that is about all he had in sight though.

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

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Lige Waite 10.

Q All you know of? A Yes.
Q But for the three years previous to the war you had been in Texas and he had been here? A Well, the time I lived in Texas was just a matter of business, going down to look after our business and back, my home was at Beattie's Prairie, I worked there, I lived there.
Q You went to school back in Texas? A In 1853 I went there for my halth and went to school, and after that I came back and married and lived right at Beattie's Prairie until the war sent me back to Texas.
Commissioner: How far from Stand Waite's? A About ten or 12 miles, about 15 miles, near the mouth of Honey Creek; I sold goods right there in my establishment right up to the war.

Commissioner: Elijah Waite applies for the enrollment of himself. He avers that he was the slave of one Stand Waite, and during the war he was employed in both the Federal and Confederate armies. He returned to Fort Gibson in the Cherokee Nation in the year 1866; that he married in the State of Kansas and returned from the State of Kansas to the Cherokee Nation about twenty years ago. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896 or upon the Kern-Clifton roll. He is identified upon the Wallace roll as Elijah Timmon. He will now be listed for enrollment as a Cherokee Freedman upon a doubtful card to await further consideration of the Commission. He will be notified by mail of the action of the Commission in the premises.

* * * * * * * *

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

(signed) Bruce C. Jones.

Sworn to and subscribed before me this the 11th of July, 1901.

(signed) T.B. Needles,
Commissioner.

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

M D Green

Subscribed and sworn to before me this August 30th, 1901.

Commissioner.

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 29, 1901.

In the matter of the application of Leslie Bell for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith, of Mellette & Smith, for the applicant;
Mr. W.W.Hastings, and Mr. Jas Davenport, for the Cherokee Na.

Q What is your name? A Leslie Bell.
Q How old are you? A Betwixt 28 and 30.
Q What is your post-office address? A Chelsea.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Descendant of a Cherokee Freedman, yes, sir.
Q Who do you want to enroll besides yourself? A Nobody.
Q What is your mother's name? A Mary Bell.
Q What is your father's name? A He goes by the name of Liga Watie.
Q Are you married? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A On the Wallace and Kern-clifton:

Kern-Clifton pay roll of citizens of the Cherokee nation examined and applicant identified on
page 150 #3704 Leslie Bell, Cooweescoowee District
Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
page 132 #3340 Lesley Bell. (No district)

Q Who do you claim your citizenship through, your father or mother?
A Mother.
Q Mary Bell? A Yes sir.
Q Where were you born? A Mother tells me I was born on Grand river
Q Where have you lived all your life? A First one place and another, Judge.
Q Ever been married? A No sir.
Q Ever live with your mother? A Yes sir.
Q You live with your mother now? A Mother is dead.
Q Is your father livin? A Yes sir.
Q Has he been listed for enrollment here? A He was in here, yes.
Q You know whether the facts in his case covers yours or not?
A I don't know anything about that.
Q Where are you living now? A At Chelsea.
Q Who with? A I live with my father when I am at home.
Q When are you at home? A Every once in a while.
Q Most of the time in Kansas I suppose? A No sir, I travel everywhere, around through the Territory and everywhere.
Q What business are you in? A No particular business.
Q Shoot craps occasionally around through the country? A Farm sometimes, yes sir.
Q You say your father's name is Elijah Watie? A Yes sir.
Q Was your mother a slave? A Yes sir.
Q Who did she belong to? A Sam Bell.
Q Sam Bell a Cherokee citizen? A Yes sir, I suppose he is, or was.
Q Is he living? A I don't know anything about that.
Q Was your mother taken out of the Cherokee Nation during the war?
A I don't know sir, I guess she was.
Q Have you got anyone here that knows? A Alex Boudinot and Rose Riley.

ELIJAH WATIE, being sworn by Com'r Needles, testified as follows:

BY MR. SMITH.

Leslie Bell 2

Q What is your name? A Elijah Watie.
Q Are you the same Elijah Watie who applies here yesterday for enrollment? A Yes sir.
Q Do you know this young man who is an applicant? A Yes sir, that's my boy.
Q Your son? A Yes sir.
Q When was he born? A I don't know sir just when he was born, he is about 32 or 3 years old, though.
Q Born after the war? A Yes sir.
Q Where was he born? A In the Nation here.
Q Whereabouts in the Nation? A Down on Grand river, so his mother said, I wasn't there.
Q In the Cherokee Nation? A Yes sir.
Q What was his mother's name? A Mary Bell.
Q When were you and Mary married? A About '67 I expect, I don't know just when.
Q You know where Mary was during the war? A Well I know part of the time.
Q You know when she first came back to the Cherokee nation after the war? A Come back here in '66.
Q How do you know that? A I know it by being withher.
Q Was she a slave? A Yes sir, supposed to be.
Q Who did she belong to? A Belonged to Mr. Bell a Cherokee citizen.
Q ~~Now this~~ Where has this boy been living in the last few years?
Q He has been living with me, that's his home, with me.
Q He married or single? A Single, I suppose.
Q Ever been married? A No sir, not that I know of, if he has I don't know it.
Q Living with you what time he aint gone? A Yes sir, that's his home, with me.
Q Where do you live? A I live down by Chelsea.
Q How long have you lived there? A 15 or 16 years.
BY MR. DAVENPORT:
Q How much of the time is he at home as you call it, at your house? A Not very much, about a third of the time I guess.
Q He has been living in Kansas quite a while? A I don't know where he lives; every time I hear of him he is in the Nation here somewhere at some of those towns, at everything that is got us, he is at it.
Q How long had he been at your home the last time? A 5 or 6 months.
Q He has been living at your home 5 or 6 months last past? A Lately?
Q Yes? A Yes sir, he was down there a month ago I guess.
Q I am asking you how long he has resided at your home continuously the last time, since the enrollment began? A He has been there all the time, that's his home.
Q How long has he been at your house, the last time? A About a month I guess.
Q He came just about the time the enrolling began? A No, he was there before that.
Q He was there just a week before? A He was there a month before that, he was there all the winter nearly.
Q Hadn't been away at all? A Yes sir.
Q Don't you know this man came on the Wagoo train a week before the enrolling began then at Chelsea? A Yes sir, he did, but he had been there before; he went away on a visit.
Q Are you sure he had been there, come back a week before at Chelsea? A I don't know how long he had been away.
Q You know he came through that way? A I don't know, I didn't see him whenhe came.
Q He hasn't been at your house for a year at a time for 20 years? A I expect not, altogether at once.

Q He was born where A I was told he was born on Grand river.
Q You and his mother were not married at the time he was born? A Yes sir.
Q Where were you? A I was in the Choctaw and Cherokee Nation.

BY MR. HASTINGS:

Q You testified in your own examination you came back over here about Chelsea 16 or 17 years ago? A Yes sir, I located there about that time.
Q And you came from Kansas down here, where you lived at that time? A I didn't say that.
Q Well, did you? A I don't think I did.
Q Well did you come from Kansas down here when you located down there? A No sir, I come from Vinita.
Q Where did you come from to Vinita? A I come from Kansas.
Q How long had you been at Vinita? A All winter I guess.
Q Your wife come with you? A No sir.
Q How long had she been downhere in advance of you? A I don't know sir.
Q About how long? A Might have been a year or two.
Q This boy come with you? A The boy was here when I come, he didn't come with me.
Q Did he come with his mother? A I don't know, I think he did.
Q Don't you know anything about the whereabouts of your own boy? A Sometimes I do and sometimes I don't.

BY COM'R NEEDLES:

Q Fact is he is running around through the country, and when he gets broke and runs out of something to eat, he comes home? A Yes sir.

BY MR. HASTINGS:

Q Where did this boy come from? A I don't know.
Q Never heard him say? A I never heard him say, because it is more trouble to keep up with him than it is to do the work..

Com'r Needles: Leslie Bell applies for the enrollment of himself; he avers that he is a child of Elijah Watie and Mary Bell; he was born in the Cherokee Nation. He is ~~[illegible]~~ not identified upon the authenticated roll of 1880 or the census roll of 1896; but is identified upon the Vann-Clifton and the Wallace rolls; as to his residence reference is made to the testimony; said Elijah Watie, his father, was listed for enrollment on Board 921, and a copy of the testimony taken in the matter of the enrollment of Elijah Watie will be made a part of the record in the case at bar, and a copy thereof filed herewith; said Leslie Bell will now be listed for enrollment as a Cherokee freedman on a doubtful card; he will be notified by mail at his post-office address of the decision of the Commission when reached.

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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 July 12, 1901.

Commissioner.

File with C.F.D-949, Leslie Bell.

SUPPLEMENTAL: C.F. D- 921.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 2,1901.

In the matter of the application of Elijah Watie for the enrollment of himself as a Cherokee Freedman.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

Appearances:
Mr. Smith, of Mellette & Smith, Att'ys for applicants;
Mr. W.W.Hastings, of Attorneys for the Cherokee Nation.

SILAS PIERSAL, being sworn and examined by Commissioner Breckinridge, testified as follows:

Q What is your name? A Silas Piersal.
Q What is your post-office? A Ottawa, Kansas.
Q How old are you? A 65 years old.
BY MR. HASTINGS:
Q When did you first move to Ottawa, Kansas? A I moved there in '66, I was first there in '65, but I didn't move there until the spring of '66.
Q Have you lived there since that time? A Yes sir, continuously.
Q Did you know a colored man who went by the name of Elijah Tinnon A Yes sir.
Q Where did you know him? A Ottawa, Kansas.
Q Did he have a wife? A Yes sir.
Q Whatwas her name? A Her name was Mary Tinnon.
Q Did he have some children? A Why he had some boys I think he had 4 boys.
Q You remember their names? A One was named Will and the other was Lula and I think George and I don't know the other one; I can't remember the other's name.
Q How long did you know Elijah Tinnon? A Well I can'tbe positive as to that, I think I knew him probably 12 or 15 years.
Q Where? A Ottawa, Kansas.
Q Was he living there? A Yes sir.
Q With his wife and family? A Yes sir.
Q About when did he leave there? A Well sir, I don't know positively whenhe left there, but I think he left there about '80 or '81 or '2, or somewhere along there. From the way I connect that positivelt, there was a woman come there living there, Mrs. Brown, came there 21 years ago, and she said when she came there Lige Tinnon was there, and moved away sometime after she came there.
Q Then he would have moved away some time after 21 years ago? A Yes sir.
Q Which would make it some time after '80? A Yes sir, probably '81 or '2; it might have beenlater than that I don't know.
Q You had known him I believe yousaid 12 or 15 years before that? A Yes sir, I think that I had known him that long; I couldn't swear positivelt how long I knew him.
Q What was he doing there? A He was welding there mostly I think.
Q Did you see him frequently? A Oh yes sir, used to come in my place of business and get lunch very frequently.
Q What business were you engaged in? A In the grocery and bakery business, and baked these big Lincoln Pies and everybody come in after that; used to eat a great deal of that.
Q Do you remember when you first learned to know him? A Well sir, I can't say as to the exact time; I might have known him in '66 and it might not have been until '69; I couldn't say, I couldn't swear as to that.
Q You didn't know him until after you come to Ottawa? A No sir, I never saw him until I come to Ottawa.

Q Did you miss him from there any considerable time after you first knew him until after he left there as you stated awhile ago? A He left there and then after he had been gone a while he come back on a visit, I know I met him on the street and asked him where he had been and etc., and he said down in the Territory.
Q Down in the Territory? A Yes sir, I think so.
Q That was after he left in '80 some thing? A Yes sir.
Q But I mean in the time you first saw knew him until after '80 when he left there, did you know him all that time? A Yes sir, I knew him up until about '80 or '81 or '2, somewhere along there.
Q Lived there with his family? A Yes sir.
Q You knew him by what name there? A Lige Tinnon.
Q Did you ever hear him called any other name? A No sir, never did.

BY MR. SMITH:

Q Well, Mr. Piersal, you don't know the beginning of your acquaintance with Tinnon, whether it was '69 or what year it was? A No sir, it might have been '66 and it might have been '69, I wont say as to that, positively.
Q From that time on up until the time he left there you say in '80 was he there all the time or not? A Yes sir, he was there all the time.
Q How is that? A I would think he was there all the time.
Q I know, but what do you know about it? A Well he would be in my place of business every once in a while and I would see him there off and on every once in a while, and I didn't know of his going away
Q You had no especial reason to observe his goings or comings did you? A No sir.
Q Have you ever testified against him at any time before? A Nosir.
Q Did you ever have any occasion to think about whether he was there until recently? A No sir, not until a few days ago.
Q Now that has been some thing over 20 years ago can you state of your own ~~xxxxxxx~~knowledge thathe was not away from there during that period of time? A No sir, I couldn't state that he was not away from there; he might have been away from there; I couldn't swear as to that.
Q The only way you have of fixing the date as being up until '81 is by what some woman told you? A Yes sir, this woman came there about 21 years ago; she worked for me about 10 years.
Q You don't know that she came there 21 years ago, but you were talking with her and she told you she had been there 21 years? A Yes sir, she told me that and that Lige Tinnon was there when she came.
Q And you are basing your statement just upon what she said? A Yes sir. Because I don't know positively what time she was there, but I feel positively that he was there 12 or 15 years. There was a little circumstance happened one time; his partner and this Smith Ewing and Lige was partners in well digging, and I had some chickens roosting on my place and Smith Ewing got after them one night and was stealing them and I caught him at it, and I used to twit Lige by asking him if Smith divided the chickens with him and Lige would always laugh about it and said he never divided with him.
Q But you can't state what date that was? A Well from circumstances, my fatherinlaw and I were in partnership together; it must have been about '72; but I was acquainted with him a long time before that.
Q And for some time after that? A Yes.
Q But you can't state of your own knowledge when he left there?
A No I can't state that, I don't know positively when he went.

BY COMMISSIONER BRECKINRIDGE:

Q When did you first go to Ottawa? A I went there to live in '66 I was there in '65, October, but I didn't go there to live until

Elijah Watie et al 3

the spring of '66.
Q Do you remember seeing this man Elijah Watie soon after you went there? A I haven't got him in my mind as Watie.
Q You knew him as Tinnon did you? A Yes sir.
Q How long had you been in Ottawa before youmet this man? A I am not positive, but I think not later than '79, I mean '69, it might have been in '66, I don't know.
Q And you state that then he left that part of the country along some time after '80? A Yes sir, I would think about that time.
Q Have you any distinct recollection of seeing him continuously in the country from say along in '69 until along about '80? A Nothing more than he traded with me and was in my place of business took lunch very frequently, and we used to josh each other a good deal.
Q Do you remember missing him from the community for a considerable length of time? A No sir, not until after he come back and I had missed him for some time.
Q When was that? A Not a great while ago, probably 10 or 15 years ago; I met him on the street and asked him where he had been keeping himself and he said down in the Territory
Q How long did he stay up there at that time? A I don't know, I met him probably twice on the streets and then I have never seen him since.
How long was that after you spoke of his being gone the first time in '80 along there somewhere? A I don't know sir, he might have been gone two or three years, I was surprised to see him there and asked him where he had been keeping himself and he said down in the Territory.

COMMISSIONER BRECKINRIDGE: This will be filed as supplemental testimony in Cherokee Freedmen Doubtful case 921, and also Cherokee Freedman Doubtful case 949.

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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 October 9th, 1901.

Commissioner.

File with S.F. D-049, Leslie Bell.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 7, 1901.

In the matter of the application of Elijah Watie for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for applicant:
W. W. Hastings, of counsel for Cherokee Nation.

JAMES TINNIN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A James Tinnin.
Q What is your postoffice? A Mayesville, Arkansas.
Q How far do you live from Mayesville? A Well, it is a mile north.
Q Well, how long have you lived there? A I have lived there all my life, all except during the war.
Q You lived there before the war? A Yes, sir, raised there.
Q What is your father's name? A Lemuel Tinnin.
Q What is your mother's name? A Mary.
Q Name your brothers? A The oldest, Thomas, Hugh, William, and there is four of us.
Q And yourself? A Yes.
Q When did your brother Will die? A He died in '62.
Q Your brother Hugh died since the war? A He died since the war.
Q Did you or any of your family own a colored man by the name of Elijah? A Lige, we owned a boy by the name of Lige.
Q About how old was he when the war came up? A Well, the best I recollect, Lige was about 16 or 17 years old when he left.
Q Now tell the Commission here what became of Lige? A Well, when Blunt's army came in there why Lige went off with the army.
Q Where were you? A I was at home when they first came in, but I taken the stock and started with Lige out in the woods, and I had no blankets to sleep under, and I sent Lige back to the house to get blankets and Lige never came back, I never saw him no more.
Q He didn't bring the blankets? A No, sir, he sent the blankets by his younger brother.
Q That was General Blunt's army, came through during the Civil War? A Yes, sir.
Q Where was that? A That was at Mayesville.
Q Arkansas? A The skirmish was in the Nation.
Q Where were you living? A I was living in Arkansas.
Q Now who owned Lige at that time? A Well, in the division why Lige went to me and my brother William.
Q Where was your brother William then? A He was a soldier in the army.
Q You had remained at home yet? A I had been out with the troops the state troops, and been discharged, and came home about the time General Blunt came in.
Q And you were trying to protect your property by taking it away? A I was trying to protect the mules and horses and I run them out in the hills.
Q And you sent Lige out for some blankets? A Yes, and he never came back any more.
Q Did you ever see Lige after that? A I never saw him any more.
Q Didn't you see him five years ago when we were around with that Kern-Clifton Commission? A No, they said he had been here but I didn't get to see him, he had went back home.
Q What was your citizenship, you a white man, or a Cherokee? A I am a white man.
Q You never claimed any Cherokee citizenship? A No, never claim-

ed any.

Q You have always lived in Arkansas? A All the time.

Q You never sold this man to General Watie? A No, sir; or the boy rather; I don't know anything about the man now. I know what you have reference to.

Q You people always just called him Lige? A Yes.

Q You called your slaves by the first names anyway, didn't you?

A Yes, sir.

Q Well, your family was the only family of Tinnins that lived around Mayesville? A Only family, yes, sir.

Mr. Mellette: Well, who is your brother William, I mean what citizenship did he have? A He was my brother.

Q Was he a citizen of the Cherokee Nation? A Citizen of Arkansas.

Q Didn't live in the Indian Territory? A No, sir.

Q Claim citizenship there? A No, sir.

Q Did this man Lige Tinnin ever belong to Stan Watie? A The Lige that we owned never belonged to him.

Q The Lige that you owned never belonged to Stan Watie? A No, sir.

Q Do you know that the Lige you owned is the one who is applying here for citizenship? A No, sir, I don't, I don't know Lige Watie.

Q The one you are speaking of never went by the name of Elijah Watie, did he? A No, sir.

Q It may be a different man then? A I don't know anything about Elijah Watie.

Mr. Hastings: How long did you know this Lige? A Why he was raised there on the place, the family of them, his mother; well his father didn't live on the place.

Q He had been raised on the farm? A Been raised right on the farm.

Q What was his mother's name? A Charlotte.

Q You say this man's mother was Charlotte? A Charlotte.

Q Did you have any other Lige in your family when the war came up?

A No, sir.

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

Mr. Hastings: What is your name? A Thomas Cawood.

Q What is your postoffice? A Mayesville.

Q Arkansas? A Yes, sir.

Q How long has that been your postoffice, with the exception of the war? A About 53 years; well it isn't that.

Q Well it has been since the war? A Well before the war and all I have been there about 57 years.

Q Before the war and afterwards? A Yes, sir.

Q Well, with the exception of the intermission of the war you have been there for that length of time? A Yes, sir.

Q Do you know this witness, Jim Tinnin, that left the stand?

A Yes, sir.

Q What relation, if any, is he to you? A Not any.

Q How long have you known him? A We were raised together.

Q You knew him before the war? A Yes, sir.

Q How far, did you, live from him when the war came up? A Lived in about a mile and a half I reckon.

Q Do you know whether or not he had a slave by the name of Lige?

A Yes, sir, he had a boy by that name.

Q Do you know what became of him? A Why he run off when Blunt came in there.

Q Did you know Lige's mother? A Her name was Charlotte, that is what they said.

Mr. Mellette: Did you know a man by the name of Bill Tinnin? A Bill Tinnin, yes, sir.

Q Do you know whether Bill Tinnin took this slave, Watie, or Elijah Tinnin, and turned him over to Stan Watie at the beginning of the war?

A No, sir, I do not.

Q Where is Bill Tinnin? A He is dead.

JAMES TINNIN, recalled by attorney for applicant, testified as follows:

Mr. Mellette: Mr. Tinnin, you say Bill Tinnin was a part owner of this slave, Elijah? A Yes, sir, me and him both together.

Q Do you know whether Bill Tinnin took this slave and delivered him to Stan Watie in the Cherokee Nation about the beginning of the war? A He never did.

Q How do you know he didn't? A I would have objected to it.

Q Well, suppose he would have done it without you knowing it? A He didn't do that, he wasn't at home, he was a soldier.

Q Well, as a soldier, how do you know he didn't do it? A By being at home and Lige was at home.

Q Where was Bill? A He was in the Confederate Army, he was in Arkansas a portion of the time.

Q He was around there in that country wasn't he? A He was down in Arkansas and Missouri together.

Q Well, did he come back home sometimes? A Well, I believe he got a furlough once and came home.

Q Isn't it a fact that this slave Lige was with Stan Watie and waited on him a part of the time? A I don't know anything about it if he did.

Q You don't know anything about that? A No, sir.

Q When did you say he ran off from you? A Why he went off with General Blunt's army when they came in.

Q Well, that was about 1863? A No, I think it was the fall of '62

Q Are you certain that was the time? A I am not positive about this because it is a long time to recollect you know.

Q You will swear that Bill Tinnin didn't take Lige, the slave [illegible] and deliver him to Stan Watie? A If he ever took such a thing I never knew anything about it.

Mr. Hastings: Did you ever join the army after that? A Yes, I joined an artillery company.

Q Were you ever in Watie's company? A Yes, I was in Watie's outfit.

Q How long after that, after Lige run off? A After I joined the artillery?

Q No, after Lige run off till you joined the artillery and was in Watie's company? A Why I can't tell you hardly about that.

Q Well, were you ever in Watie's company after Lige run off?

Q Oh yes, sir, Hugh Tinnin had a company in his regiment.

Q Your brother? A Yes, sir, I got a transfer to his company.

Q Hugh Tinnin was a captain in Watie's regiment? A Yes, sir.

Q Are you quite sure about that? A Hugh Tinnin had a company in Watie's regiment.

Q You then was under Hugh Tinnin? A Yes, sir, I was in his company.

Q Did you ever see this negro Lige? A No, I never saw Lige any more after he left with General Blunt when he came in, that is the last I saw of Lige.

Q Where was Will Tinnin, your brother Will, when Lige run off?

A Why he was in the army.

Q He wasn't at home? A Wasn't at home.

Commissioner: This testimony will be made part of the record in Freedmen D-849.

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

Bruce C. Jones

Sworn to and subscribed before me this the 20th of November, 1901.

M. D. Green
Notary Public.

Filewith Cherokee Freedman D-849, that of Lonie Bell

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

Supplemental testimony in the matter of the application of Elijah Watie, C. F. D. 849.

Appearances:
James S. Davenport for the Cherokee Nation
Mellette & Smith for the applicant

H. C. HARFORD, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation
(By Davenport)
Q What is your name? A H. C. Harford.
Q What is your post office address? A Ottawa, Franklin County, Kansas
Q How long have you lived there? A Since '65.
Q What is your age? A 44.
Q Since you have lived there did you ever get acquainted with a colored man named Watie Tannon? A I was acquainted with Lige Tannon that is what we called him there.
Q When did you get acquainted with him? A In '68 or '70
Q How long did he live there after you got acquainted with him? A Some 15 or 18 years, he was gone off and on a great deal, but he had his family there.
Q Did he have a wife? A Yes sir.
Q What was his wife's name? A ~~Mrs Mint~~ cant remember her given name
Q ~~[illegible]~~ They kept house there? A Yes sir.
Q About when did they leave there? A Just 20 years ago I would say as near as I can get at it.—hold on, it has not been that long, not more than 17 years
(By Smith)
Q All you know about it is that you knew some colored man named Lige Tinnon that lived in Kansas? A Yes sir in Ottawa Kansas.
Q You dont know that that is the same man who has applied here or not? A No sir.
Q The one you knew was not there all the time? A No sir.
Q He was there " off and on " as you call it? A Yes sir.
Q The beginning of your acquaintance with him was at what date? A '68 or '70.
(By Davenport)
Q You haven't met him since you came down here? A No sir I haven't, the Lige Tinnon I knew was a well digger.
Q You ~~remember~~ never knew a man there named Elijah Watie? A No sir.
(Stenographer's note)
Commissioner Needles, having been taken suddenly ill, the following judgment is rendered by Commissioner Breckinridge.—

Com'r Breckinridge— A set of the testimony just taken in Cherokee Freedman doubtful appl will be filed also in Cherokee Freedman case D-849

* * * * *

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

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

Commissioner.

C.F.D-949.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 22, 1903.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application for the enrollment of LESLIE BELL as a Cherokee Freedman.

Appearances:
W. W. Hastings and L. B. Bell, for Cherokee Nation.

ELIJAH WATIE, being first duly sworn, and being examined, testified as follows:

BY COMMISSION: State your name? A Elijah Watie.
Q Age? A About sixty.
Q Post office? A Chelsea.
Q Are you related to Leslie Bell, who is an applicant for enrollment as a Cherokee Freedman? A Yes sir, he is my son, he is the son of Mary Bell.
Q Son of Mary Bell or Mary Watie? A Mary Watie. Always call them by the master's name.
Q Was Leslie born after the war? A Yes sir.
Q Where was he born? A He was born in Kansas, I believe. I wasn't with them when none of them was born.
Q How long has Leslie lived in the Cherokee Nation?
A All his life , ever since he was a little bit of a boy.
Q Did Leslie ever live in Kansas? A Yes sir, he went there a while to school.
Q When did he come down from Kansas? A He come with his Uncle Spence and his mother, I think, the next year after that, I think that's t he time that he came.
Q When was that? A That was about '67, maybe the winter of '67, maybe that might have been, I don't know.
Q How old is Leslie? A Leslie is about, I guess about thirty-four years old. I think he is that old, maybe older. I think he is about thirty-four years old, or maybe older, but I don't think he is any older than that.
Q How many years has he lived in the Cherokee Nation continuously?
A Ever since he was that age. He came here with his mother, and he stayed here, and he has been here ever since. This is his home. He makes his home with me only when he runs around. When he comes in he stays at my house until he gets tired, then goes again, then when he runs out of money he is back at home with me.
Q What is the longest time he has ever been out of the Cherokee Nation? A Not five months, not three months, Leslie aint, but the other one has. The longest time Leslie has been out of here has been about six or eight weeks.
Q Was Leslie ever married? A No sir. About six weeks is the longest time, I think. Now Will has been out three months, that's right.
Q Has he made his home with you in the Cherokee Nation? A Yes sir.
Q For the last twenty years? A Yes sir.

MR. HASTINGS: Is this your son? A Yes sir, believed to be.
Q His name isn't Will, is it? A No sir, Will is dead.
Q You just testified that the only two children you had by this woman were Will and Granville? A That's right, but I wasn't thinking of Leslie.
Q Are there any others you haven't thought of? A No sir.

Q Leslie was born in Kansas? A Yes sir, I think so.
Q Born in Ottawa? A I don't know where. I think he was born in Kansas.
Q You was there until 1882? A Yes sir, but not all the time. I told you I was like a deer, here today and there tomorrow.
Q You testified in the other case you knew Harford?
A I testified so.
Q You testified you was a well digger? A I am.
Q You have got a son by the name of John Bell? A No sir, I haven't I haven't got any more children only them three.
Q When did you first move to the Cherokee Nation with your wife and these children? A I don't know, been so long I can't tell you.
Q You don't know anything but '66? A I know that positively, because I have heard it so man y times.
Q About how many years ago did you move to the Cherokee Nation?
A About twenty or thirty years ago.
Q Is that as near as you can tell? A I can't tell you.
Q Give us your best judgment? A It has been so longI can't tell.
Q How did you come to the Cherokee Nation? A With a team. I don't know who that was now, if I think a while I can tell that.
Q Where did you come? A Came down here in the Cherokee Nation, I don't know.
Q What part of the Cherokee Nation? A I tried to come to Fort Gibson.
Q When you and your family moved from Ottawa here?
A She went on Grand River.
Q When did you and her move here from Ottawa?
A She and others came, and I came along with other people.
Q When did you and your wife move here? A I am telling you.
Q When did you and your wife commence keeping house here?
A Never did keep house until lately.
Q When did you commence keeping house? A About 18 years.
Q That is when you moved fro m Ottawa? A That is when she came down, I think.
Q About eighteen years ago? A That is about the time we went to doing hard name, but then we had been living here and there .
Q You and her commenced keeping house about eighteen years ago?
A About t hat time.
Q Where did you first commence keeping house? A I n this town.
Q In this town, Vinita? A Yes sir.
Q How long did you stay in Vinita? A I don't know, a couple of years, I reckon.
Q Where did you go to from here? A Went over here to Chelsea.
Q Out north of Chelsea about two miles? A Yes sir.
Q That was about eighteen years ago? A I guess it was.
Q Did your wife come from Ottawa here? A Yessir, I think she did.
Q How longhad her mot her been dead then? A About five or six m months.
Q She lived with her mother there until she died? A Yes sir, she went there.
Q Did she ask you - she lived with her mother there until she died?
A She did. I would like to tell, though. You have asked me over these things, and I would like to make a statement. She came down here with herunele Spence and another man, I have forgotten, hunting for Mr. Bell and her young masters. She couldn't find them, she found out they were dead. Then that spring or summer, somewhere along about in June, probably, somewhere alongin there, her mother took down sick, and she got word and she went back and stayed with her mother until she died. Then she returned back here with her uncle Spence, and went to work for Mr. Lewis Kell.

[illegible]

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

A [illegible]

Q [illegible]

A That's about right, I reckon.

Q Her mother died about six or seven years after the war?

A Yessir, I guess so.

Q She died at Ottawa? A Yes sir, I don't know just how long it has been.

Q The first time you and your wife kept house in the Cherokee Nation was about eighteen years ago, here in Vinita? A It is longer than that, I reckon, it might have been that.

Q There was a town here to bring her to? A Yes sir. And now I want to make a statement on the part of myself, if I am allowed. At the beginning of the war that settlement was made at Nowata. In the beginning of the war, I guess about here, I guess before the war, I lived with the Tinnens in Arkansas. At the beginning of the war one Bill Tinnon, the brother of Jim Tinnon, takes me from home and brings me into this Nation and puts me in the hands of Stan Watie, and I lived with Stan Watie until I was free, and then this man that brought me here went to Texas, put me in the hands of Stan Watie during the time. I haven't seen them until now. He put me in the hands of Stan Watie, and therefore I call myself a Cherokee. I was put in the hands of him, and I am before you to tell the truth.

Q That was after the war? A Near the beginning of the war.

Q They was raising the army? A Yes sir, they put me in here with Mr. Stan Watie, and I stayed until I was free. I stayed [illegible] free until they came around reading them papers. This was the only home I knew.

Q Where did you live before the war? A In Arkansas.

Q Tinnon was a white man? A Tinnon was a white man. I haven't seen one of them from that time to this. That is why I count myself a Cherokee nigger.

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

Wm Hutchinson

Subscribed and sworn to before me this 14th day of October, 1903.

Charles H Dawson
Notary Public.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
AUG 19 1901
ACTING CHAIRMAN

File with Cherokee Freedman, D-250. Original Papers

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 7, 1901.

In the matter of the application of Sidney West for enrollment as a Cherokee Freedman.

Appearances:
J. R. Sequichie, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

SIDNEY WEST, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Sidney West.
Q How old are you? A I really don't know.
Q About how old? A I am about, as near as I can come at it, about 56 I guess.
Q What is your postoffice? A Hayden.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just my children.
Q How many children? A Six.
Q Have you got any children under age? A No, sir.
Q Your name on the roll of 1880? A I don't know, sir, whether it is on there.
Q. You don't know whether it is on any roll or not? A No, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant not identified thereon.

The Wallace roll examined and the applicant not identified thereon.

Mr. Sequichie: Mrs. West, can you give any reason why you are not on any of the rolls? A Well, I followed the Kern around to Gibson and to Vinita and I followed them to Anderson, and they didn't put me on because I didn't have any witnesses just then.

Q What Court do you mean by that? A Kern's.
Q The Kern-Clifton enrollment? A Yes, sir.
Q What was the reason you didn't have any witnesses with you?
A. Well, I thought I would find witnesses there on the ground and it seems like nobody didn't want to own me.
Q Who did you belong to? A John West.
Q Were you here in the Cherokee Nation during the war between the Confederates and the Union rebellion, the last war? A During of the war, no sir.
Q Were you here before the war? A Yes, sir.
Q Where did you go during the war? A Went down to the Choctaw Nation.
Q Were you ever married? A Yes, sir.
Q Who was your husband? A Charles Chambers.
Q How long did Charles Chambers and yourself live together?
A We lived together till we raised a family.
Q Do you remember what year you came back to the Cherokee Nation after the war? A In '65 they told me, the fall of '65.
Q. Who came back with you? A Charles Chambers.
Q Anybody else? A No, sir, because we went out from Red River here.
Q What part of the Cherokee Nation did you come to when you returned? A Sequoyah.
Q Do you know the reason why you are not enrolled on the 1880 roll?
A Why I don't know nothing at all about it.

Q In fact, you had no one to look after you? A No, sir, I didn't have anyone to look after me.
Q Just alone? A Myself alone.
Commissioner: Were you a slave? A Yes, sir.
Q To which did you belong? A John West.
Q Was he a Cherokee? A Yes, sir.
Q Where were you born? A On Grand River.
Q In the Cherokee Nation? A Yes, sir.
Q And you went out during the war? A Yes, sir.
Q Did you go any farther south than the Choctaw Nation? A No, sir.
Q Been living here in the Cherokee Nation with that exception all your life? A No, sir, I have been in and out through the Creek Nation and then back in the Cherokee Nation.
Q Did you ever apply to the Creek Nation for enrollment? A No, sir.
Q You never drew any money from the Cherokee Nation then at all?
A No, sir.
Q Never been recognized? A No, sir.
Mr. Hastings: Where did you live before the war? A On Canadian.
Q In Canadian district? A Yes, sir.
Q Is your old master alive? A No, sir, he is dead.
Q Your young master alive? A Yes, sir.
Q Tall John West? A Yes, sir.
Q You belonged to them when the war came up? A Yes, sir.
Q You went south during the war? A Yes, sir.
Q Now you stated a while ago that you followed that Kern-Clifton court around, and that you never could get a hearing, didn't you?
A Yes, sir.
Q You didn't get any hearing, did you? A No, sir, I never get any hearing from it.
Q I don't want you to misunderstand; you mean you never got to go before the Court? A Yes, sir, I went before the Court.
Q But you couldn't find any witnesses then? A No, sir.
Q Wasn't Charlie Chambers there? A He was there.
Q Wasn't Columbus Lasley there? A Yes, sir, he was there.
Q Couldn't you get them to swear for you then? A No, sir, I didn't, I didn't try, I must tell you the truth about it, for I was sick at the time.
Q Well, you followed them around from different places? A Yes, sir, I followed them around, me and my young mistress went to Vinita and they wouldn't hear her there at all.
Q What was her name? A At that time she was a Brewer, but she is Mrs. Ruthie Tinley now.
Q Where does she live? A Oolagah.
Q Does she know when you came back? A Yes, sir.
Q Did you come back with her? A No, sir, I came ahead of her.
Q Where did you come in the Cherokee Nation? A Sequoyah district.
Q Now who came with you? A Charles Chambers.
Q Did anybody else besides Charlie Chambers come with you? A Not with us they didn't.
Q Well, you came to Sequoyah district, dod you? A Yes, sir.
Q Well, who did you live with down there in Sequoyah? A I lived with Charlie Chambers until he came away, then he left me living in a place belonging to a widow woman named Mrs. Franklin, near Jack Campbell's.
Q Did you continue to live there? A Yes, sir, lived there three years.
Q Do you know John Melton? A Well, no sir, I don't know whether I did or not.
Q Who did you know down there in that settlement? A John Campbell.
Q He is dead, is he? A Yes, sir, he is dead.
Q Anybody that is living that was there then? A Well, old man

Jack Campbell, he is dead too.
Q Now about Dr. Campbell, at Illinois Station? A I don't know nothing about him.
Q Anybody else down there that you can think of that is living now?
A Well Harrison Foreman was one.
Q Was he living down there then? A Yes, sir, he was right there then.
Q Where was he living? A Living with his grandmother about a mile from Mrs. Franklin's next to the river.
Q Do you know Mrs. Franklin's daughter, Eliza McCrady? A Well, I don't know, she might have been married and away from there, I don't know, I know one they called Malinda.
Q Did you live with Charlie Chambers as husband and wife? A Yes, sir.
Q How long did you live with him after you came up there, up to Sequoyah district? A We lived together there about a year.
Q About what time of the year was it you came there? A When we came to Sequoyah, it was in the winter.
Q That was the winter after the close of the war? A Yes, sir.
Q That was the next winter was it? A It was that coming winter.
Q The war closed in the spring and that was the next winter, coming winter? A Yes, sir, that following winter.
Q You came up there with him? A Yes, sir.
Q And you lived there with him about a year? A Yes, sir.
Q Did you live with him until the winter following that? A He left in the spring.
Q The following spring? A Yes, sir.
Q Did you see him any more? A Yes, sir.
Q When did you see him? A Well, I came to Gibson and we lived there together again when I came there.
Q Well, how long had he been gone before you went up there?
A He had been gone about a year.
Q And you went up there and lived with him, to Gibson? A Yesgir.
Q It was about a year after he left you before you went to Gibson?
A Yes, sir.
Q Then that was about two years after the war when you went to Gibson? A Yes, sir, it was about three years.
Q Where did you go from Gibson? A I went to Tahlequah; went to Park Hill.
Q Did you live with Charles Chambers at Park Hill? A Yes, sir.
Q How long did you live with him there? A Well, I don't know, really, exactly how long it was that we lived together there, some year or two.
Q Then where did you go? A I went to Tahlequah.
Q How long did you stay there? A I stayed around about Tahlequah about a year or maybe longer.
Q Well, where did you go from Tahlequah? A I came to Pryor Creek.
Q How long did you live there? A I stayed to Pryor Creek about a year.
Q Well, then where did you go? A I went to Timber Hill.
Q Who did you live with at Timber Hill? A Lived with my sister.
Q What was her name? A Harriett Marcum.
Q Where did you go from Timber Hill? A Well, I hired ~~xxxxx~~ to a man over in the Creek Nation.
Q About when was that? A I really can't tell you.
Q About how many years ago? A Well, I just can't tell you that, to be honest with you.
Q As much as 20; about how long after the war was it? A I don't know as I can tell you that.
Q Well, just try to give us some sort of an estimate of it, to the best of your judgment how long after the war was it you went over into

the Creek Nation? A I reckon about ten or twelve years, and maybe longer.

Q Have you married over there? A Yes, sir, I married over there.

Q What was your husband's name? A Roley Scott.

Q Is that your present husband? A Yes, sir, he is dead though.

Q Did you just keep the name of West, your maiden name? A Yes. sir, my name never was changed.

Q Where did he die? A he died in the Creek Nation.

Q Are you living there now? A No, sir.

Q When did you move back from there? A Been about five years.

Q You moved back when the Kern-Clifton Court was around here?

A Before that.

Q Just a little before that? A Yes, sir.

Q You lived over there all the time up to then? A No, sir, when I married I didn't live with him about two years before he died, and I came back to the nation.

Q Where did you live? A I went to Four Mile Branch.

Q Who did you live with there? A A cousin of mine, Isaac Wilson.

Q How long did you live with Isaac Wilson? A Well, a year or so to my best knowledge.

Q Haven't you got a whole lot of children? A Yes, sir.

Q What are their names? A James.

Q Well, name them? A Sabra.

Q How old is Sabra? A Well she was born the spring peace was declared.

Q Did you bring her back from the south with you? A Yes, sir.

Q And you walked? A Yes, sir, and carried two children.

Q Her and what other one? A That one is dead.

Q What was her name? A Her name was Hattie.

Q What are your other children's names who are alive?

A William Chambers.

Q Where was he born? A Born down in Sequoyah.

Q What is the next one? A Eliza.

Q Eliza Chambers? A Yes, sir, she lives down here to Claremore.

Q Where was she born? A She was born down to Sequoyah.

Q What is the next one? A Dick.

Q Where was Richard born? A Park Hill.

Q How old is Richard? A I really can't tell you his age.

Q What is the next one? A Sarah.

Q Her name Sarah Smith now? A No, sir, she is not a Smith now, she is a Charman.

Q Where was Sarah born? A She was born in the Creek Nation.

Q Whose child is she? A Henry Smith.

Q Were you ever married to anybody besides Scott? A No, sir, I never was married to anybody besides Scott over there.

Q Didn't you testify before the Kern-Clifton Commission that you lived west of Checotah, towards the sunset of Checotah, at that time? A Yes, sir, I did, I told you it was in the Cherokee Nation though.

Q You said it was towards the sunset from Checotah? A No, sir, I never did live in that direction.

Q You never said that? A No, sir, if I did I don't remember it, I meant to tell you I never did live in that direction.

Q Did you say you lived near Henry Schoonover? A Yes, sir.

Q How far did you live? A It was to his house, to my judgment, about as much as two or three miles.

Q How long did you live that far from him? A Well, I lived there during the time I was married there, for two years.

Q Henry Schoonover lives in the Cherokee Nation? A I know he does

Q You said a while ago that you live in the Creek Nation? A Well I did.

Q That is when he lived near you? A Yes, sir.

Q Now, how long have you lived in Canadian district now? A I don't know I live there.
Q Where do you live? A I live up here on Lightning Creek.
Q When did you move up here? A Over five years ago.
Q Where did you move from up here? A I moved from the Creek Nation.
Q Now, how long had you been living in the Creek Nation when you moved up here? A I hadn't been there more than a month or two, because I went from Fort Gibson over there.
Q How long had you been living at Gibson when you went over there?
A I was just going backwards and forwards.
Q Where did you have a house; have one at Gibson? A Yes, sir, I had a house at Four Mile Branch, well at Park Hill.
Q When did you have one there? A When me and Charlie lived there.
Q After that? A I never had a house after that, I was just working out.
Q You never had a home after that? A No, sir.
Q That was about four years after the war? A Yes, sir.
Q You never had a house? A Yes, sir, just working around among the people, I would just go and leave the children at people's houses.
Q Where have these children been living? A Left them once with my sister.
Q What is her name? A Mintie Martin
Q Where does she live? A On Pryor Creek.
Q How long did you leave them there? A Left them once about six months, and another time nearabout a year.
Q Now tell me how long you have been living in the Creek Nation?
A Well I havetold you.
Commissioner: Tell it again, about how long? A To the best of my recollection, I haven't been living there continuously.
Mr. Hastings: All the time, combined? A I can't go to work and tell you that, it wasn't combined at all, because I was just backwards and forwards.
Q Did your husband have a home over there? A Yes, sir, he did.
Q What did you do with it after he died? A Well, his daughter took it and sold it to McKellop.
Mr. Scruichie: Which McKellop? A Albert.
Commissioner: You lived backwards and forwards in the Creek Nation and the Cherokee Nation? A Yes, sir.
Q Where did you could get work? A Yes, sir, wherever I could get work to support my children.
Mr. Hastings: Have you worked any in Kansas? A No, sir, I don't know where Kansas is.
Q Never worked there? A Never was in the state in my life.
Q Arkansas? A No, sir.
Q Texas? A No, sir, the nearest place I have ever been was Fort Smith and I was called there as a witness.
Q You had two children, Lucinda and Eva, born in the Creek Nation?
A No, sir, never had a child of that name in my life.
Q They are your grandchildren? A Might be.
Q I ask you if you know them, Lucinda and Eva Colonel?
A That is right.
Q You know them now? A Yes, sir.
Q Where were they born? A They were born in the Creek Nation I reckon, because I don't know nothing about it.
Q Whose children are they? A They are my daughter's children; they are in the Creek Nation with their father.

CHARLIE CHAMBERS, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Charlie Chambers.
Q About how old are you? A 70 years old.
Q What is your postoffice? A Hudson.
Mr. Sequichie: Do you know Mrs. Sidney West here? A Yes, sir.
Q Did you and her ever live together as man and wife? A Yes sir.
Q When were you married? A Well, we were not married, we took up together just like the darkies always just used to do! there wasn't anybody to marry us in that times.
Q When was that? A That was in the war time, just directly after the war first came up.
Q Where did you first become acquainted with her? A When I first got acquainted with her, that was away before the war, I got acquainted with her at Fort Gibson, but when we came together that was on Red River.
Q During the war? A In time of the war.
Q How long did you and her live together? A We lived together I guess about, as well as I can recollect, six or seven years.
Q Did you return back to the Cherokee Nation with her? A Yes, sir.
Q What year was that? A They told me it was in '65, they wasn't hardly stopped fighting yet, when we came along, they were killing all along the road.
Q Are you on the 1880roll? A Yes, sir.
Mr. Sequichie: I would like to identify him on the 1880 roll.
Commissioner: He isn't an applicant; there is no use to identify him on the 1880 roll.
Mr. Hastings: Where did you know this woman down south? A Knew her right at John West's.
Q John West livin, down there? A Yes, sir, he was living there.
Q Charlie, you ever been up before the Courts any? (No response
Q Ever tried at Fort Smith; answer the question? A Well yes I told you that; you ask me that every day.
Q Convicted? A No, sir.
Q Was you ever tried in the Cherokee Courts? A Yes, sir.
Q Ever tried by the United States Court at Vinita? A Yes, sir.
Q You were around when the Kern-Clifton Commission was making the roll five years ago, were you? A Yes, sir.
Q You never testified for this woman then? A No,, sir.
Commissioner: Why didn't you testify for this woman then when they were making the Kern-Clifton roll? A I suppose she testified for herself down to Gibson, she wasn't with me then.
Q Did she ask you to testify for her? A No, sir.
Q Was this woman Sidney West a slave? A Yes, sir.
Q Who did she belong to? A She belonged to John West.
Q John West a Cherokee citizen? A Yes, sir.
Q Was she taken out of the country during the war? A Taken out at the commencement of the war.
Q Where to? A She was taken down there to Red River in the Choctaw Nation.
Q Do you know when she came back? A Yes, sir.
Q When? A Came back in '65.
Q You came with her? A Yes, sir.
Q How long did you live with her after that? A After I came back, why I lived with her a little while down there and I left her down there and I came on back up to Tahlequah, and she came there, and I don't know how long we did live together there.
Q You say you lived with her in the Choctaw Nation? A No, sir, lived here this side of Fort Smith in the Cherokee Nation.

Q You know where she has been living since that? A No I don't, when I left her all I know about her, I left her right there between Fort Gibson and Tahlequah.

Mr. Hastings: You know she has been living in the Creek Nation?

Q Yes, sir, I had heard she was living in the Creek Nation.

A She has married over there? A Yes, sir.

Q She lived over there until a few years before the Kern-Clifton Commission? A No, sir, she hasn't been living there ever since, of course her husband wouldn't allow her to come back, and as quick as he was died, she came back.

Q How much are you charging this woman for testifying for her; anything? A No, not charging her a cent.

Q You charge any of these people anything to testify for them?

A Some of them I do; of course they have got to pay me while I stay here.

Q What is the most you ever charged any of them to testify for them? A I don't know, I can't say, sometimes three or four dollars.

Q How long did you live with her down in the lower part of the Cherokee Nation? A Down this side of Fort Smith, I didn't stay there long, I don't know; I came there along the spring and stayed there along in the summer, and I came on up here.

Q Who did you leave with her? A Nobody but her children.

Q Living in a house? A Yes, sir.

Q On whose place? A It was on nobody's place, it was on al old waste place we had come on to.

Q Made a crop, didn't you? A No, sir.

Q What did you live on? A Just what I could work around and get.

Q Who did you work for around there? A I don't know the man's name, I worked a little in town, I worked a little around in town, I don't know who I worked for, I don't know the man's name.

Q Well, when did you see her next? A She came up to Tahlequah, she came herself.

Q You run off and left her down there? A Yes, sir, I come off and left her down there.

COLUMBUS LASLEY, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Columbus Lasley.

Q How old are you? A 53.

Q What is your postoffice? A Tahlequah.

Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Your name on the roll of 1880? A Yes, sir.

Mr. Sequichie: Mr. Lasley, do you know Mrs. Sidney West? A Yes, sir

Q Was she a slave? A I can't tell you that.

Q Do you know what year she returned from the south, after the war?

A Not exactly I can't, I can tell you about what time I seen her.

Q When did you see her after the war? A In the beginning of the war I lived at Fort Gibson, and in '67 we lived out to Four Mile Branch, what is called Four Mile Branch east of Fort Gibson; shortly after that time is when I saw her.

Mr. Hastings: You know where she has lived since that time? A I know several different places; she lived at what is called Park Hill since that time.

Q Where else? A Well, I said I don't know, I don't know all them, she told me she lived over here on Canadian or some place, in the Creek Nation somewhere.

Q You never saw her there? A No, sir.

Commissioner: What time is '67 did you see this woman? A It was in '68 we went out on the Four Mile Branch, it was after that I got acquainted with her.

Q What time of the year, do you recollect? A No, sir, my recollection, it was the spring or summer.
Q Or fall? A I think it was in the summer.
Q You think it was after the first of January? A No, sir, it was in '67 when we went out there, and after that I saw this woman.
Q What time in '67 did you go out there? A We went out there in the summer.

Mr. Sequichie: I wish to explain for her that she is very humble in her circumstances, and we have witnesses in Muskogee we wish to introduce, who live there, Mrs. Finley and Mr. West.

Commissioner: Sidney West applies for the enrollment of herself. Her name is not found upon any of the rolls of the Cherokee Nation. As to her residence and citizenship, reference is made to the testimony. She will now be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting the further consideration of the Commission. She will be notified by mail of the decision of the Commission when arrived at.

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

Bruce C. Jones

Sworn to and subscribed before me this the 16th of August, 1901.

Commissioner.

30950

OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES.

FILED
JUL 18 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 29th, 1901.

In the matter of the application of Eliza Rogers for enrollment as a Cherokee Freedman; sad Rogers being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
J. R. Sequichie, Agent for Applicant.
Messrs. Hastings and Davenport, for Cherokee Nation.

Q What is your name? A Eliza Rogers.
Q How old are you? A To my best judgment I am 38 years old.
Q What is you r post office address? A Claremore.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir, I guess so.
Q Do you want to enroll anybody besides yourself? A No, sir, but myself.
Q Are you married? A yes, sir.
Q What is your husband's name? A Robert Rogers.
Q Is he a citizen? A I don't know.
Q Have you any children? A No, sir.
Q What is your father's name? A Charley Chambers.
Q What is your mother's name? A Sidney West, her owners was West
Q Her name was Sidney Chambers? A Yes, sir.
Q Is she livin ? A Yes, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Not as I know of.
Q You say you were born in the Cherokee Nation? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life?
A Yes, sir:
Q Never lived out of it? A No, si r.
Q Are you living with your father and mother now? A No, sir.
Q Where are you living? A I am living in Claremore.
Q You say you have never married? A Yes, sir, I am married.
Q Are you living with your husband there? A Yes, sir.
Q Keeping house in Claremore? A We are both working, we have a room where we work at.

BY MR. SEQUICHIE:

Q How long have you been married, Mrs. Rogers? A I married the 26th of this last January.
Q What is the nationality of your husband? A Indeed I don't know, he was born in Mississippi and was brought into the Territ ory.
Q Is he a citizen of the Territory, Indian Nation?
A Not as I know of.
Q Have you any children by this Rogers? A No, sir.
Q Have you an y children at all? A Yes, sir, I have.
Q How many? A Two.
Q Were their father citizen of the Cherokee Nation?
A No, sir.
Q Citizen of any Nation i n the Territory? A Yes, sir.
Q What Nation? A citizen of the Creek Nation.
Q Are they enrolled as such? A I guess he took them with him; I never bothered with hi m at all.
Q Did you ever apply for enrolled in any other Nation except the Cherokee Nati on? A No, sir.
Q You have lived in the Creek Nation? A Yes, sir.
Q How long did you live there? A I worked for Mrs. Bill Heffner in Muskogee, I guess a year.
Q Did you ever live in the Creek nation at any other time?
A Yes, sir, I lived there a month of two, with this man I married but I mostly stayed with my mother.

BY COM'R NEEDLES:

Q You never you say drew any money from the Cherokee Nation?
A In my growing up my aunt drew money twice for me.
Q Did you draw what is known as strip money?
Q Kern-Clifton money? A I don't know hardly what you mean.
Q That was the payment five or six years ago? A No, sir.
Q Did you ever draw stri p mon ey? A I don't know honest, she drawed $15.50 to my judgment.
Q Were you ever married before you married Rogers? A Yes, sir.
Q To whom? A I married to a Creek darkey.
Q What was his name? A Renty Thomas.
Q You had two children born by him? A Yes, sir.
Q What are their names? A Lucinda.
Q About how old is Lucinda? A 14 years old.
Q What is the name of the next one? A Eva.
Q How old x is Eva? A Eva is nine.
Q Where are these children? A They are with their father, he has always had them in the Creek Nation.
Q He lives in the Creek Nation? A Yes, sir.
Q Do you know whether they have ever been enrolled in the Cherokee Nation or not? A I don't know.
Q He is a Creek citizen? A Yes, sir.
Q You are the mother of the Children? A yes, sir.
Q You are a Cherokee Freedman? A Yes, sir.

BY MR. DAVENPORT:

Q Where were you living when you can first remember?
A I guess it was on Spring Creek or somewhere with Aunti e.
Q Where was your Aun tie living? A On Spring Creek.
Q Well, what country, South Africa? A I don't know.
Q You don't know what country it was? A No.
Q Now, you have been living since about '89 or '90 in the Creek Nation? A I don't know.
Q Your husband was living there in '90 yo r first husband?
A I don't know.
Q Well, you were working for Mrs. Bill Heffner, hired there?
A No.
Q Where was he? A I was at his home.
Q I say he was living in Muskogee when you were working for Mrs. Bill Heffner? A Yes, sir, he was living west of there.
Q You never lived in the Cherokee Nation from the time you worked there? A yes, sir.
Q Where have you lived from the time you left your first husband until you and Rogers were married? A Lived in the Cherokee Nation.
Q Where have you lived? A I live out there, Chouteau Station on Brushy.
Q How long have you lived on Brushy? A I stayed there.
Q A year or two? A I lived with my Auntie, Harriet Markham.
Q How far did you live from Wig Schrimsher? A I don't know.
Q Don't you know that he lives right there on Brushy?
A No, sir.
Q When y ou left Chouteau where did you go? A I went about seven miles from Coffeyville to Mintie Melton's.
Q And you went from there to Claremore? A Yes, sir.
Q Where were you and Rogers married? A Fort Smith.
Q How long had you been living in Fort Smith when you were married?
A I never lived there, he took me to his mother's and married.

BY MR. SEQUICHIE:

Q Is your Creek husband named Renty Thomas or Thomas Renty?
A Renty Thomas.
Q Do you know what part of the Creek Nation he lives in?
A No, sir.
Q Did you live with him in Muskogee? A About two miles and a half from Muskogee what time I st ayed with him.
Q Did you ever know his father's name? A No, sir.
Q Do you know his mother's name? A No, sir.

Q But he has these two children. A He sir, he has always had them, I have never had them.
Q You never had them enrolled as Cherokees? A No, sir.
BY MR. DAVENPORT:
Q You are the same woman that cut Jim Vann at Fort Gibson during the strip payment there? A Yes, sir.

COM'R MEMELS: Eliza Rogers applies for the enrollment of herself. She avers that she is a child of Charles and Sidney Chambers, that she is now married to Robert Rogers. Her attorney requests that the testimony taken in the matter of the application of Sidney Chambers, now Sidney West, who was enrolled as a Cherokee Freedman on doubtful card #664, be made part of the record in the case at bar and it will be done and copy of said testimony will be filed herewith. Said Eliza Rogers will now be listed for enrollment as a Cherokee Freedman upon a doubtful card.

She avers that she was married to one Remty Thomas, a Creek citizen, by whom she has two children, Lucinda, about 14 years old and Eva, about nine. A copy of the testimony taken will be submitted to the general office at Muskogee to be taken into consideration with reference to the matter of the enrollment as Creek citizens. Eliza Rogers will be notified by mail of the action of the Commission.

---oooOOOooo---

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

J. O. Rosson

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

Commissioner.

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

FILED
9 1901

ACTING CHAIRMAN

File with case of Eliza Rogers, C.F.-D.#980.

Supl.C.F.-D.#564.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SIDNEY WEST as a Cherokee Freedman, introduced on the part of Applicant:

APPEARANCES:
Mr. J. R. Sequichie, Agent for Applicant;
Mr. W. W. Hastings, for Cherokee Nation.

JOHN C. WEST, being duly sworn by Commissioner Needles, testified as follows on behalf of Applicant:

MR. SEQUICHIE: What is your name? A John C. West.
Q Post office? A Muskogee.
Q Your age? A 59.
Q Mr. West, do you know a Cherokee Freedman, applicant, by the name of Sidney West? A Yes, sir.
Q Did she belong to you or your family some way? A Yes, sir, she belonged to father.
Q Do you remember what time, whether before the war or after the war, she left the Cherokee Nation? A She left the Cherokee Nation in about '63.
Q You remember what year she came back? A No, sir.
Q Did you ever hear of her any more after she left here?
(Question objected to by Mr. Hastings.)
Q Do you know when she came back to the Cherokee Nation?
A No, sir, I don't.
Q Did you see her at any time while she was away? A Yes, she was with the family.
Q Where? A From '63 until about '66 I guess.
Q Where was that? Down in the Chickasaw and Choctaw Nation, down on Red river.
Q In the Indian Territory? A Yes, sir.
Q To about what year was she in the family? A As well as I remember about '65.
Q Do you know where she went then? A No, sir, I don't.
Q Did you ever see her in the Cherokee Nation after that?
A No, sir, I don't believe I ever did.
Q Never seen her? A No, sir.

MR. HASTINGS: Where do you live, in what district?
A Canadian.
Q How long have you lived there? A I have lived there since '60.
Q How wide across east and west is Canadian district? A I suppose it is about 32 miles, east and west.
Q How far north and south? A About the same distance.
Q You have been sheriff of your district? A Yes, sir.
Q You have lived there ever since the war? A Yes, sir.
Q Been on the Police force? A Yes, sir.

COMMISSIONER NEEDLES: You say Sidney West during the war went to the Chickasaw Nation? A Choctaw Nation, she went down there with the family.
Q She didn't go any farther south than the Choctaw Nation?
A No, sir.
Q And the last you saw her was in the Choctaw Nation in '65?
A Yes, sir.

---oooOOOooo---

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

J O Fosson

Sept. 6, 1964

Subscribed and [illegible]

Commissioner.

File with Eliza Rogers C. F. D. 850

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 16th 1901.

In the matter of the application of Thomas Archer, C. F. D. 850.

Appearances:
James S. Davenport for the Cherokee Nation
Mellette & Smith for the applicants:

CLEM V. ROGERS, being first duly sworn by Comr T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A Clem V. Rogers.
Q Where do you live? A Claremore.
Q What is your age? A 63.
Q How long have you lived in the Cherokee Nation? A All my life except during the war.
Q Do you know the applicant Thomas Archer? A Yes sir.
Q How long have you known him? A Since 180.
Q Where was he when you first saw him to know him? A Cowweescoowee district.
Q Where were you in '67? A Fort Gibson.
Q Did you have anything to do with the Roger's Salt Works on Grand river in '67? A No sir.
Q Did you go there yourself or with anyone else in '67 and take them away from Thomas Archer or any other person? A No sir, in '67 I was freighting.
Q Did you ever drive him or any one else away from them? A No sir.

(By Mr. Smith)

Q There are several gentlemen that are Cherokee citizens by your name are there not? A Yes sir.
Q It is a right prominent name in the history of the Cherokee Nation? A Yes sir.
Q If Thomas Archer testified that you took the salt works away from him he was mistaken about that? A Yes sir.
Q You dont know when he came back? A No sir.
Q Did you know him before the war? A I dont know that I did.

(By Davenport)

Q There was only one Clem Rogers in the Cherokee Nation in '67 that was a grown man? A I didn't know of any other at that time, there is several now.

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This will be filed in Cherokee Freedman cases, D-901; D-1002, D-48; D-497; D-486; D-484; D-485; D-489; D-490; D-491; D-828; D-580; D-[illegible]; and D-568.

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

Chas von Weise

Subscribed and sworn to before me this the 17th of October 1901.

Commissioner.

File with Mansa Rogers, C. F. D. 480.

Department of the Interior.
Commission to the Five Civilized Tribes,
Vinita, I. T., October, 22nd, 1901.

Supplemental testimony in the matter of the application of David Martin C. F. D. 486.

[illegible]

Mellette & Smith for the applicants.

H. C. HARFORD being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:

(By Davenport)

Q What is your name? A R. C. Harford.
Q Where do you live? A Ottowa, Franklin County, Kansas.
Q How old are you? A 44.
Q How long have you lived in Ottowa Kansas? Since 1855.
Q Since you have been living in Ottowa, Kansas, did you become acquainted with a colored man named David Martin? A Yes sir.
Q When did you become acquainted with him? A In the Summer of '67.
Q Have you seen the gentleman since you come down here? A Yes sir I met him on the street.
Q How long after you become acquainted with him did David Martin reside at Ottowa or near there, or about how long? A David Martin lived at Ottowa and left there about 21 years ago, 20 or 21 years ago, and from the time he came there he was there off and on all the time, I missed him for a while and saw him for a while, he would be gone a good deal, where he was I of course don't know.
Q Did he have a family there? A [illegible]
Q You say you met him? [illegible]
Q Did you recognize him as the David Martin that you knew up there? A Yes sir, I did.
Q Did he recognize you? A He didn't for a while, after he studied he finally made up his mind who I was.

(By Smith)

Q What time did you first know David Martin? A To the best of my knowledge it was in '67; I got acquainted with David Martin when I had been there a couple of years.
Q How old were you then? A I guess I was about 11 years old
Q How old was David Martin then? A I dont know.
Q Was he a man? A Yes sir he was a man grown when he came there.
Q You are not sure as to the year you met him in? A I cant positively swear as to the year , I know he came there about a year and a half or two years after I came.
Q That is as long as you can remember after that length of time? A Yes sir.
Q You say he was there part of the time and the other part of the time you missed him? A Yes sir, probably I would see David Martin every couple of months or so.
Q You didn't see his family? A Yes sir.
Q Where? A In Ottowa there, I knew one of his daughters, the oldest one.

This will be filed in the original case and also in C. F. D. 485 and the sub-references thereto.

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 true and correct transcript of his stenographic notes therein.

Subscribed and sworn to before me this the 24th of October, 1901.

Chas. von Weise

T. B. Needles

Commissioner.

[illegible]

[illegible] Have you been gone [illegible] A Yes, sir.
[illegible] Mrs. Dent Thomas [illegible] you [illegible]
[illegible]
[illegible] Mrs. Dent Thomas, of [illegible] A I don't
[illegible] I guess about that, I [illegible]
[illegible] you recently believe that you were in [illegible] and
[illegible] that the battle [illegible] A Yes, I [illegible] [illegible]
[illegible] I have remembered I have [illegible]
[illegible] you recently [illegible] with Dent Thomas about [illegible] yourself
[illegible] sir.
[illegible] you came from there to Hillsboro [illegible] A Yes, sir.
[illegible] Mr. Dent Thomas living [illegible] you were [illegible] and [illegible]
[illegible] anybody [illegible], but I [illegible] [illegible]
[illegible] A Yes, sir, in Hillsboro.
[illegible] Thomas [illegible] A Yes, sir.
[illegible] to be [illegible] A Yes, sir.
[illegible] he [illegible] A Yes, sir.
[illegible] he was in [illegible] I don't [illegible]
[illegible] to have [illegible] where [illegible] you [illegible]
[illegible] after the war A I don't remember, [illegible]
[illegible]
[illegible] yourself there [illegible] you [illegible]
[illegible] A [illegible] in Hillsboro [illegible]
[illegible] live there in the town [illegible] you [illegible]
A Yes, sir.
[illegible] road [illegible] along by there [illegible] A Yes, sir.
[illegible] you [illegible] A Yes, sir, [illegible] there [illegible]
[illegible]
[illegible] a doctor [illegible] A Yes, sir.
[illegible] was [illegible] in Hillsboro [illegible] A I [illegible]
[illegible] A Yes, sir.
[illegible] across the river from Hillsboro [illegible] A Yes, sir, [illegible]
[illegible] the river.
[illegible] married [illegible] A I [illegible] I was.
[illegible] you were married [illegible] you [illegible]
[illegible] I was [illegible] married [illegible] I was.
[illegible] did you marry [illegible] A I married [illegible] down [illegible] [illegible]
[illegible]
[illegible] you were living at Hillsboro [illegible] before [illegible] A Yes, sir.
[illegible] long had you been living at Hillsboro [illegible] before you [illegible]
[illegible] A Along [illegible], I lived there a long [illegible]
[illegible] you remember where you were from [illegible] you came to Hillsboro
[illegible] A I was travelling around through there, my mother [illegible]
[illegible], and I had nobody to present [illegible], and [illegible] I [illegible] Mr. [illegible]
[illegible] I had [illegible]
[illegible] with which you could first remember you was living at Hillsboro
[illegible] when you were first old enough to remember, how long did
you live there [illegible] I couldn't tell you.
[illegible] you stay with [illegible] Hillsboro [illegible] all the time?
A [illegible] right there in the year with the white folks all in the
[illegible] on the middle side of the railroad did he live? A The town is [illegible]
[illegible] white folks.
[illegible] the [illegible] side [illegible] Yes, sir, [illegible] [illegible]
[illegible] [illegible] [illegible] right up in the middle part of the
[illegible]
[illegible] [illegible] [illegible] with him, at that [illegible]
Yes, sir.
[illegible] there is where you [illegible] first [illegible] A [illegible] I [illegible]
[illegible] anything, I [illegible] a year after I married.
[illegible] you [illegible] Dent's [illegible] you [illegible] Hillsboro [illegible],
I guess I think if I [illegible] to [illegible]
[illegible] first you [illegible] yourself to [illegible]
Yes, sir.
[illegible] [illegible] [illegible] A [illegible] [illegible] [illegible]
[illegible] A [illegible] [illegible] [illegible]

Q Well there is a number of Caney's? A It was close to Nick Sanders's place.
Q Where did you first see Charley Chambers? Oh I seen him often and everery time I would be up on Big Creek.
Q Did you see him on Big Creek first? A I don't re ollect where I first s aw him, but I know I have seen him in passings, and he has knowed me before I could recollect myself.
Q Where was your first recollection now of ever having seen him? A My re collection on Big Creek.
Q Was that after you had lived at Illinois station with this Doctor? A It was before that, and then afterwards too, ...
Q Who was you living with on Big Creek when you saw him? A I wasn't living with nobody; I stayed up there with Aunt Susie Carver.
Q Was that before you were at Illinois Station, or after? A After I went to Illinois and before too, I went backwards and forwards to see her.
Q What sort of house did you live in up there? A In a log house.
Q Who were some of your neighbors up there? A I disremember now, I ain't been up there in so long.
Q Where was Perina born? A She was born in McCoy district.
Q In McCoy district? A Yes, sir, on the railroad, my husband was a railroad man.
Q Where was Robert born? A On the railroad.
Q What district? A McCoy.
Q Wh at town? A Close to Illinois Station.
Q Where was Jess born? A On Lightning Creek.
Q Where was Linwood born? A Lightning Creek.
Q Did you keep house in McCoy district? A Part of the time I did and part of the time I didn't; he was a railroad man.
Q What kind of railroad work did he do? A He layed steel.
Q Where did he lay any steel? A Between here and Ft. Smith.
Q Did you tell me who married you? A I can't think of the man that married me, it was a preacher.
Q You didn't have Charley Chambers as a witness for you before? A Aunt Susie and here, and Bill Foreman either, if they was here they would witness just the same as he would.
Q About how old were you when you first saw Charley Chambers? A Oh my goodness I don't know, just to tell you the truth I don't know how old I was.
Q How long have you been living at Claremore? A I have been there a little over two years now.
Q Where did you come from there? A From Close to Aluwee on the other side of Lightning Creek.
Q How long did you live there? A Six years.
Q Where did you move from to Aluwee? A I moved from Chelsea.
Q How long did you live at Chelsea? A I lived at Chelsea -
Q Where did you move from there? A Claremore.
Q How long had you lived at Claremore? A Well I lived at Claremore now often and on.
Q Well then before you went to Chelsea? A I stayed four years.
Q Who brought you up from your earlies infancy, just after the war, who were you under the control and charge of? A Mr. Bill Foreman.
Q This Cherokee Bill Foreman? A yes, sir.
Q Where was he living, up here on Caney? A yes, sir, that's my judgement, he was up here on Caney.
Q When you first remember you was living with him on Caney? A Yes, sir, and then I left him and went to Illinois Station.
Q How far is this Caney from Coffeyville? A I don't know, I never seen Coffeyville in my life; I always traded down on this side on the railroad somewhere.

Q What was the nearest town when you were living at Bill Foreman's?
A I don't know, I never done much trading.
Q You never heard of any town at all? A They would go to town, but it was none of my business what town it was, I never had no money to go withk and I never visited.
Q Who were Bill Foreman's neighbors? A I don't know.
Q What kind of a house did he live in? A I don't recollect.
Q Did he have a field? A Yes, sir.
Q Did he keep a store up there? A I disremember.
Q Was there a blacksmith shop there? A Seem like there was, I wont say positive.
Q Bill Foreman have any children up there? A Yes, sir.
Q You don't know what district he was living in? A It must have been in this district, Cooweescoowee.

CHARLEY CHAMBERS, being sworn and examined by Com'r Needles, testified as follows:
Q What is your name? A Charley Chambers.
Q What is your age? A About 70 years old.
Q What is your post office? A Hudson.
Q You are a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Freedman A Yes, sir.
BY MR. SEQUICHIE: Do you know Queeny Snadrs, Smith? A Yes, sir.
Q How old was she first time you ever knew her? A I guess she was about four or five years old when I first knew her.
Q When did you first know her at? A She was living with Nick Sanders.
Q What was her mother's name? A Fanny.
Q Who did she belong to? A Nick Sanders.
Q Cherokee Indian? A Yes, sir.
Q Where did they live at? A Lived over on Caney.
Q In this district, Cooweescoowee? A Yes, sir, no, sir, not in Cooweescoowee district.
Q Tahlequah district? A Tahlequah district.
Q You say he was about 5 years old when you first knew her?
A Something like that.
Q Was her mother living? A She was living then.
Q That was sometime after the war? A No, sir, that was before the war.
Q Then you remember what year her mother died? A No, sir, I don't
Q Did you see this Queeny Smith here during the war? A No, sir.
Q How long after the war was it you saw her? A Why it's quite a little bit, I never saw her no more after the war until I come up in this part of the country, I come up from Tahlequah in this part of the country.
Q How long ago has that been? A I guess it was al ong somewhere in '70s somewheres along in there I guess.
Q Who was she living with next time you saw her, when you come up from Tahlequah? A She was living with Aunt Susie Colbert.
Q Whereabouts did aunt Susie colbert live? A She libes up on the Verdigris river, up here I guess about 4 or 5 mik or 6 miles from Coffeyville, about 6 miles from Coffeyville.
Q Is she a freedman? A Yes, sir.
Q About how long ago has that been you say? A I guess it was somewheres in '70.
Q And then have you saw her since? A I saw her one or twice since that, I haven't seen her much after that.
Q Did she live with Susie Colbert continuously, that is, was she living when you heard of her after that, or saw her, was she living with Susie Colbert? A No, sir.
Q Who was she living with? A After that I heard of her living at Claremore.

Q You remember when she married? A No, sir, I don't.
Q You don't remember of her living with William Foreman? A No, sir, no more than just what I heard her say, she said Foreman raised her from a little bit of a child.
Q You know her husband, William Smith? A No, sir, I don't know him at all.
BY COM'R NEEDLES: You know where this woman's children were born? A No, sir.
Q Where was she born, the applicant? A She was born on Caney.
Q In the Cherokee Nation? A Yes, sir.
Q What was her mother's name? A Fanny.
Q You know whether Fanny was taken out of the Cherokee Nation during the war? A I don't know where she went, when I went away I left her there on Caney with Nick Sanders.
Q Where did you see her the next time? A I never seen her any more.
Q She died before you saw her ? A Yes, sir.
Q Where did you see the applicant right after the war?
A With aunt Susie Colvert.
Q Up in the '70s somewhere? A Yes, sir.
Q You don't know whether she came back in '66 or not?
A No, sir, I don't.
Q You don't know whether her mother came back then? A No, sir.
MR. HASTINGS, waives examination.

JIM ALBERTY, being sworn and examined by Com'r Needles, testifies as follows:
Q Your name is Jim Alberty? A Yes, sir.
Q What is your age? A 70.
Q What is your post office? A Chouteau.
BY MR. SEQUICHIE: Do you know Queeny Smith? A Yes, sir, not exactly by that name though.
Q By what name did you know her? A Queeny Sander s ought to be her name.
Q How long have you known her? A She was that high when I first saw her. (Indicating.)
Q Com'r Needles: How long have you known her? A I knowed her ever since the war, it has been ever since 1866.
Q Mr. Sequichie: Did you know her before the war?
A No, sir.
Q Did you say you know her in '66? A Yes, sir.
Q First time you ever saw her? A Yes, sir.
Q Where was she at? A She lived on Four Mile Branch, That is, her mother did.
Q Was she living with her mother then? A Yes, sir, she was right with her mother.
Q Did you know her mother, Fanny Sanders? A Yes, sir.
Q Did you know her before the war? A Yes, sir, I did.
Q Did you know whether she was then out of the Cherokee Nation during the war or not? A No, sir, I don't know.
Q This applicant was living with her mother, Fannie Sanders, in '66 when you first knew her? A Yes, sir.
Q Have you known anything about her, of where she lives since then ?
A No, sir.
Q How often have you seen her since? A I saw her I reckon it has been a year ago in Claremore.
Q Was she married then? A Well I never asked her that.
Q You don't know whether she was married or not? A No, sir.
Q You knew her by the name of Queeny Sanders when you knew her?
A Yes, sir.
BY COM'R NEEDLES: You knew her mother? A Yes, sir.
Q Was her mother a slave? A Yes, sir.
Q Who did she belong to? A Nick Sanders.

Q He was a Cherokee? A Yes, sir.
Q you don't know whether this woman and hermother went out of the Nation during the war or not ? A No, sir.
BY R. HASTINGS: Where did you live before the war?
A I lived at John Alberty's.
Q Where did he live? A Here on Pryor Creek at the old toll bridge.
Q Where did Nick Sanders live? A He lived at Tahlequah.
Q This side of the town or the other? A The other.
Q How far? A It was way the other side, on Caney.
Q How far was that from John Alberty's? A That was 35 or 40 miles.
Q Did you know this girl before the war? A No, sir.
Q Did you know her mother before the war? A Yes, sir.
Q How long before the war was it you knew her mother?
A I don't know how long, but when I was quite a young man.
Q About how many years before the war? A I can't tell you that.
Q You saw her after the war did you? A Fanny?
Q Yes? A Yes, sir.
Q That was this girl's mother? A Yes, sir.
Q What was this girl's father's name? A I don't know her father.
Q Who was her mother living with when you saw her after the war?
A She was just a widow by herself.
Q Keeping house? A Yes, sir, she was in a house.
Q Where was the house? A Down on Four Mile Branch as you go towards Ft. Smith.
Q How far from Ft. Gibson? A It was four miles I think they call that.
Q Four Miles South? A South-east rather.
Q Fannie Sanders on a place in there? A I don't know.
Q What was you doing out there? A I went there to see Fanny.
Q What were their names? A I don't know, I never paid no attention to that, I can't tell my neighbors children, all of them.
Q But you remembered this one? A Yes, sir.
Q Why wouldn't you remember the others? A Because her name is familiar, Queeny, she was the biggest I saw there.
Q About how old was she? A Well she may have been 6 or 8 years old, she may have been.
Q How many more children did you see around there?
A I saw two or three.
Q Boys or girls? A I don't know, they wore dresses.
Q What sort of house did she live in? A Little old log hut.
Q That in the spring or summer or fall A Spring, summer and fall too.
Q All along? A Yes, sir, I went there pretty often.
Q How long did you know Fanny Sanders after that? A I never knewed her very long after I quit going to Gibson, I never seen her no more, she died down there.
Q About when did she die? A I can't tell that, I don't know.
Q You were a married man at that time? A No, sir.
Q When did you marry after the war? A I married, it may have been two or three years, I can't tell exactly.
Q Where were you living in '66? A Down at the Nancy Markham place, right east of Choustau, right in 20 feet of the big road.
Q And you never saw this woman any more until you saw her at Claremore A No, sir.
Q You never knew she was married? A No, sir.
Q How long has it been since you saw her at Claremore?
A It has been a year.
Q From '66? up to Claremore you never saw her any more?
A Not from '66, after I quit going to Gibson.
Q How long was that after the war? A Two or three years.
Q What year did you hold the Kern-Clifton Commission? A You told me it was in 1896.

Q That's when you have been testifying here in a good many other cases? A Since we have been here you told me that.
Q You wanted to find out didn't you Jim? A No, I didn't particular.

Com'r Needles: The applicant applies for the enrollment of herself and seven children, t-o-wit: Robert, Jessie, Linwood, Mabel Lusile, Sawnie and Mamie Smith; her name cannot be identified upon any of the rolls of the Cherokee Nation; but she avers that she drew money in the payment known as the Wallace payment, but her name cannot be found upon that roll; neither can the name of any of her children be identified upon the rolls of the Cherokee Nation; she avers that she is [illegible] married to [illegible] Smith, [illegible] ship reference is made to the testimony said Queeny Smith and her said children will now be listed for enrollment as Cherokee freedmen on a doubtful card, awaiting fur ther consideration of the Commission; she will be notified by ma l of the action of the Commission in the premises; from the fact that the names of her children are not found upon the rolls of the Cherokee Nation it will be necessary for her to make satisifactory proof as to their birth.

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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 t his case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
(Signed) M. D. Green.

Subscribed and sworn to before me this June 28, 1901.
(Signed) T. B. Needles,
Commissioner.

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J. O. Rosson, being duly sworn, says that as Stenographer to the commission to the Five Civilized Tribes he made the foregoing copy and that s me is a true and complete copy of the original transcript in the above case.

J O Rosson

Subscribed and sworn tab efore me this August 31st, 1901.

Commissioner.

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THE INTERIOR,
COMM... FIVE CIVILIZED TRIBES.
FILED
JUL 13 190[illegible]

ACTING CHAIRMAN.

[illegible] COUN[illegible]

[illegible]

1.

[illegible] ment of herself [illegible] being born and [illegible] as follows:

APPEARANCES:

Mr. J. R. Sequichie, agent for applicant.
Messrs. Hastings and Davenport, for Cherokee Nation.

Q What is your name? A [illegible]
How old are you? A 19.
Your post office address? A Chelsea.
What district do you live in? A [illegible]
Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Who do you want to enroll besides yourself? A Two children.
What are the names of your children? A Della Brown, three years old.
What is the name of the next child? A Debbie Brown.
How old is Debbie? A One years old.
Both girls? A Yes, sir.
Are you married? A Yes, sir.
What is your husband's name? A John Brown.
Are you living with him now? A No, sir.
You are separated? A Yes, sir.
Is he a Cherokee citizen? A Yes, sir.
Freedman? A Yes, sir.
What is your father's name? A James Smith.
Is he living? A Yes, sir.
What is your mother's name? A Queen Smith.
Is she living? A Yes, sir.
Where were you born? A I don't know, sir, where I was born.
Where have you been living all your life? A Well I lived Illinois Station and lived at Chelsea.
Is your name on any of the rolls of the Cherokee Nation? A Not as I know of.
Never drew any money? A No, sir.

BY MR. SEQUICHIE:

What is your mother's name? A Queen Smith.
Where were you the first time you remember? A Illinois Station.
How old were you then? A Oh, I was just about seven or eight years old.
Do you know where you were you went from there? A Yes, sir.
Where did you go? A My mother was cook on the gravel train here about a year.
On what railroad? A On the Kiamichi road here.
How long was she cook on the gravel train? A About a year.
Where did you go from Illinois Station? A Chelsea.
Have you lived in the Cherokee Nation continuously from the time you can remember? A Yes, sir.

BY MR. HASTINGS:

What is your oldest child's name? A Della Brown.
How old is Della? A She is three years old.
Where were you and Mr. Brown married? A Chelsea.
What preacher married you? A Preacher Young.
How long had you been up to Chelsea when you and Brown married? A About three or four years I guess.
Living with your mother? A [illegible], sir.
Your father living? A Yes, sir.
What is your father's name? A [illegible] Smith.
Then you come up to Chelsea about five or six years? A It has been longer than that since I came to Chelsea.
Well, about how long? A About nine or ten years ago.
I thought you said you had been there about three years when you married? A [illegible]

Spring Br ow, et al.--

Q [illegible] child born? A [illegible] river.

BY [illegible]

Q Your [illegible] did you [illegible] born on [illegible] river? A Yes, sir.
Q Now, where did you come from [illegible] Chelsea? A Came from Illinois Station to Vinita.
Q Now, how long had you been [illegible] before you went out to Chelsea? A We [illegible]
Q With whom did you live? A We [illegible] Mann's [illegible]
Q You come from Illinois Station [illegible]
A Yes, sir.
Q How long did you live at Illinois Station? A I [illegible] don't know, I was there when I [illegible]
Q About how old was [illegible] you left Illinois Station?
A About seven or eight years [illegible]
Q First you can remember the train was running along there?
A Yes, sir.
Q Your mother used to work there at the hotel?
A Yes, sir.
Q At Illinois Station? A Yes, sir.
Q And that is the first you can remember? A Yes, sir.
Q Your mother's name is Queen? A Yes, sir.
Q You have been to Dallas Texas? A No, sir.
Q Been to Denison? A No, sir.
Q When did you come up here from Texas? A I don't know that I ever come from Texas.
Q Your mother told you you were born in Texas?
A She never told me.
Q Did you never inquire about your birth? A No, sir.
Q Where was your father from when your mother married?
A From the south some place.
Q Do you know where your mother an d father were married?
A No, sir.
Q You never heard your mother say? A No, sir.
Q With whom did you live in Illinois Station? A Lived in a house of our own.
Q Whose house was it? A I don't know; it was some Indian's house, I don't know whose house it was.
Q You don't know how long you lived down there? A No, sir.
Q You don't know where you come from there? A No, sir.
Q You never heard your mother say? A No, sir, that is my first recollection.
Q You never heard any of your parents say where you had been before that time? A No, sir.
Q You don't want t o tell about coming from Texas? A I don't know as I ever have been to Texas, I never heard none of them say.

BY COM'R KENDRICK:

Q Where are these children? A They are out here, Panther Creek staying with my cousin by marriage.
Q What is her name? A Hannah Riley.
Q Why aren't they staying with you? A Because I works out me and my husband together got them to keep them.
Q You and your husband are not living together?
A No, sir.
Q Where is your husband? A He was standing out there a while ago.
Q Has he enrolled these children? A No, sir.
Q Has he been enrolled? A No, sir.

The Tribal Rolls of Freedmen of the Cherokee Nation examined and name of applicant not found on any of them.

BY MR. SCHWENK:

Q Who has had charge of these children? A I have.

Q. Have you been supporting them? A. Yes, sir.
Q. Has their father given them anything? A. He ain't give them a thing since we have been married.
Q. You have always had them in your charge? A. Yes, sir.

COM'R MARBLES: Serina Brown applies for the enrollment of herself and two children, Della and Debbie. She can not be identified upon any of the rolls of the Cherokee Nation now in the possession of this Commission. She avers that she is a child of James Smith and Queen Smith and said Queen Smith has been listed for enrollment on doubtful card #779. The name of her mother cannot be found upon any of the rolls of the Cherokee Nation. She avers that she was married to one John Brown, from whom she has separated. Said Serina Brown will be listed for enrollment as a Cherokee Freedman upon a doubtful card. Her children, Della and Debbie will also be listed for enrollment as Cherokee freedmen upon a doubtful card when filed with this Commission satisfactory proof of their birth. The testimony taken in the case of her mother, Queen Smith, D.#779, will be made part of the record in the case at bar and a copy thereof filed herewith. Said Serina Brown will be notified by mail of the action of the Commission in the premises.

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J. O. Robson, 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. Robson

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

Commissioner.

(C O P Y)

To be filed with C. P. D. 961

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. June 29, 1901.

In the matter of the application of John H. Brown for the enrollment of himself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:
Mr. Smith of Mellette & Smith, for the applicant,
Mr. Davenport for the Cherokee Nation.

Q What is your name? A John H. Brown
Q How old are you? A 36
Q What is your postoffice address? A Alluwee.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir
Who do you want to enroll besides yourself? A 2 children

Note: It is found that this applicant's wife enrolled in the forenoon of this day, and enrolled these 2 children.

Q Your wife has the children? A No sir, she had them at first and she found out she couldn't take care of them as slick as she thought and she brought them to me, and I have had them ever since.
BY MR. SMITH:
Q Who is your father? A Charley Brown
Q Is he the same Charley Brown who a plied here this morning for enroll ment? A Yes sir.
Q Have you some brothers? A Yes sir, Charley, Samuel, Washington, and Joseph and Moses, the older one.
Q Are they the same ones who applied here to-day for enrollment?
A Yes sir.
Q Where do you live? A On Panther Creek.
Q How long have you lived in the Cherokee Nation? A I have lived here ever since my folks come down here in '66.
Q How old are you? A I am 36.
Q You have lived here all your life.? A Yes sir.
BY MR. DAVENPORT:
Q Never lived anywhere else? A No sir.
Q Been living on Panther Creek all the time? A No sir.
Q What part of the Cherokee Nation were you living when you first recollect? A Somewhere about Goosenock Bend I think.
Q How big was you when you was living in Kansas? A I wasn't never in Kansas, not since I was a baby, in the year '65
Q You were born when? A In '65
Q And have lived here ever since? A Yes sir
BY COMR. NEEDLES:
Q What is your wife's name? A My wife I used to have is named Sevina
Q What's your wife's name now? A I aint got ary one now.
BY MR SMITH:
Q Are you on the Kern-Clifton roll? A No sir, I am on the Wallace and I suppose I am on the 1896 census roll.

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on
Page 102 # 2172 John H. Brown, Cooweescoowee District
1896 census roll of citizens of the Cherokee Nation examined and applicant not found;
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found.

Com'r. Needles: John H. Brown applies for the enrollment of himself; he cannot be identified upon the rolls of the Cherokee Nation in the possession of the Commission, except the Wallace roll; he makes satisfactory proof as to residence as to his citizenship reference is made t o the testimony taken in the application of his father, Charles Brown, listed for enrollment on B card 952, the testimony taken in the matter of the application of said Charles Brown will be made a part of the record in the case at bar, and a copy thereof filed herewith; and said John H. Brown will now be listed for enrollment as a Cherokee Freedman, on a doubtful card; he will be notified by the Commission at his postoffice address of their decision in the premises.

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

(Signed) M. D. Green

Subscribed and sworn to before me this July 13, 1901.

(Signed) T. B. Needles
Commissioner

Lucy M. Bowman, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the foregoing copy and that the same is a true and correct copy of the original transcript.

(Signed) Lucy M. Bowman

Subscribed and sworn to before me this 13th day of September, 1904

(Signed) Wm. T. Martin
(S E A L) Notary Public

Lucy M. Bowman, being duly swor n, states that as stenographer to the Commission to the Five Civilized Tribes she madet the above and foregoing copy, a nd that the same is a full, true and correct copy of the document now on file with the Commission to the Five Civilized Tribes.

Lucy M Bowman

Subscribed and sworn to before me this 10th day of January , 1905

[illegible]

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

FILED
OCT 11 1901

ACTING CHAIRMAN

File with Cherokee Freedman Doubtful #951.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 8th 1901

SUPPLEMENTAL TESTIMONY in the matter of the application of Queenie Smith, C. F. D. #778

Appearances:
W. W. Hastings for the Cherokee Nation.
Joseph R. Sequichie, agent for the applicants.

PATSY JOHNSON, being first duly sworn by Com'r T. B. Needles, testified as follows on the part of the Cherokee Nation:
(By Hastings)
Q What is your name? A Patsy Johnson.
Q How old are you? A Mrs. Johnson? A About 58.
Q Where do you live? A I live about two miles or two and a half miles on the other side of Four Mile Branch towards Tahlequah.
Q How far from Fort Gibson? A 7 miles.
Q What was your mother's name? A Mary Sanders.
Q Who did she belong to? A Nick Sanders.
Q You can remember before the war? A Yes sir.
Q Did he own any other colored woman, one named Fannie? A Yes sir, my mother's sister.
Q Where did she live after the war? A First at Fort Gibson and then went to Fort Scott and then back to Fort Gibson.
Q Who did she marry? A A soldier named Isaac Cornish.
Q She then went by the name of Fannie Cornish? A Yes sir.
Q Did your mother's sister have any children? A Yes sir.
Q What became of them? A All died except a boy.
Q What is its name? A John Sanders, they called him Sanders.
Q Where is Fannie Sanders or Cornish? A She is dead.
Q When did she die? A Nine years ago.
Q Where did she die? A Four miles from where I live.
Q Have you known her from your birth until her death? A Yes sir.
Q You lived with her and by her? A Yes sir.
Q Was that the only Fannie that Nick Sanders owned before the war? A A Yes sir.
Q What were the names of these children that died? A Sallie, Rachel and Dave, who got killed time of the war, Sallie died time of the war; there were two girls and one boy.
Q Did you know one by the name of Queenie? A No sir.
Q Do you know Queenie Smith who lives at Claremore? A No sir.
Q Never hear of her? A Not until to day.
Q Did Fannie have a girl named Queenie after the war? A No sir.
Q How far did you live from her in '65, '6 and '7? A We lived together
Q In the same house? A No sir not exactly in the same house, in the same yard.
Q How long did you live that way? A Until she married this soldier.
Q How long after the war did she marry this soldier? A The year of the cholera.
Q Did she have any girl there with her when she lived by you? A One, Rachel.
Q Was Sallie dead then? A Yes sir.
Q How old was Rachel at that time? A I dont remember, not as old as I was though.
Q Did you know her until her death? A Yes sir.
Q Where did she die? A In the State of Delaware, I got letters to that effect from her husband and children.
Q Where did she marry? A In Fort Gibson.
Q Who was it she married? A James Gibbs.
Q This is the only girl besides those that you say died during the war, that Fannie had? A Yes sir, two boys and two girls.
Q Where did Fannie die? A Four miles from me on Ranger creek.
Q Died about nine years ago? A Yes sir.

Q Do you know Charley Chamber? A Yes sir.
Q Did he tell you that he had sworn this girl in? A No sir.
Q Did he say anything about testifying in this case? A No sir.
Q You had no talk about that? A He though that I was the girl.
Q What did he say? A He shook hands with me this morning and asked me how I was and I said I was wll and I asked him how he was and he said he was well, and He asked my how my folks was and I said they was well and I asked him how his folks was and he said tey was well, and I asked him if the woman there with him was his wife and he said no, there was a rather large woman standing there with him.
Q Well now we dont care about all that, did he say anything to you about the case? A No sir I dont think he did, he thought K was the girl.
Q How do you know? A He shook hands with me and called me that name
Q Queenie Smith? A No, Rachel, he thought I was Rachel.
Q Where did this Nick Sanders live before the war, the owner of Fannie
A On Caney.
Q In the Cherokee Nation? A Yes sir.
(By Sequichie)
Q You mean that Charley Sanders shook hands with you and called you Rachel? A Yes sir.
Q How old were you when the war came up? A I dont know my age exactly about ten years old I guess.
Q How many slaves did Nick Sanders own? A I can tell you the names if you will give me time.
Q How many families? A Only one family, only one family of people, and that was the one that I belonged to.
Q You dont know whether this Fannie has a child by the name of Queenie or any other name? A No sir she did't have one by that name, she only had two girls, one named Sallie and one Rachel.
Q Did you ever live around close to Illinois Station? A No sir.
Q Never lived there at all ? A No sir.
(By Hastings)
Q You are a recognized citizen of the Cherokee Nation? A Yes sir.
Q On the 1880 roll? A Yes sir.

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This testimony will also be filed in Cherokee Freedman Doubtful Card, No. 931.

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 9th of October, 1901.

Commissioner.

DEPARTMENT OF THE
COMMISSION OF THE FIVE
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ACTING CHAIRMAN

To be filed in C. F.-D.-631, Spring Brown et al.

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I.T., October 9th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Queenie Smith as a Cherokee Freedman, introduced on behalf of the Cherokee Nation.

APPEARANCES:
Mr. J. R. Sequichie, Agent for applicant.
Mr. W. W. Hastings, of counsel for Cherokee Nation.

WILLIAM L. LANG, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation.

MR.HASTINGS: What is your name? A William L. Lang.
Q What is your post office? A Claremore.
Q What is your age? A 34 years old.
Q How long has Claremore been your post office? A Four years last, 18th of last June.
Q Are you acquainted with a colored woman who lives there by the name of Queenie Smith and post office Claremore? A Yes, sir.
Q How long have you known her? A Oh, about six years I guess.
Q Did you ever have any talk with her about where she was from or she ever tell you where she was from? A Oh, good many times, that is her and her husband both.
Q Well, where did she say she was from? A She said she was first from Arkansas to the Territory is what she told me.
Q Did she say what place in Arkansas? A She did say, I don't remember.
Q You have forgotten it? A Yes, sir.
Q How far does she live from you? A I don't know just exactly how far she lives from me now, little over a quarter now, but she has been living about 120 steps from me.
Q How long did she live that near you? A She lived there that near about a year.
Q Is that the woman yonder you are talking about? (Pointing to Queenie Smith, the applicant.) A Yes, sir, that is her.
Q You don't claim citizenship do you? A No, sir.
Q What do you do down there at Claremore? A Barber.

MR.SEQUICHIE: Mr. Lang, what did you mean when you said she told you she was from Arkansas to the Territory? A To the Territory.
Q Did she tell you how long she had been here? A Not exactly but she told me, well her and her husband both in conversation many a time that she came from Arkansas, I don't know just exactly how long.
Q Which one said that, was it her or her husband? A Both of them.
Q How long had it been since they came from Arkansas here?
A I don't know that.
Q Didn't hear? A No, sir, I don't know that.
Q Tell you anything about her citizenship? A She never did claim any until here lately, the last four or five months.
Q How do you know that? A That is in my presence.
Q She make application to you? A No, sir.
Q Well, how do you know she made application? A That is she never did to me, she never claimed any.
Q Well, you don't know then she is an applicant?
A No, sir, not till here lately.
Q Well, how long? A Oh, about three months ago or more.
Q How do you know that? A She said so right in my presence.
Q Did she mention about how long she lived in Arkansas when she was talking about it? A No, sir.
Q Did she say anything about her being born there?
A No, sir, not as I know of.
Q Where was she the first time you saw her? A She was in Claremore

the first time I saw her.

COM'R NEEDLES: How long have you known Queenie Smith?
A About six years.
Q Claremore? A Well, it was at Claremore that I first saw her.
Q Well, you have known her there for six years? A Yes, sir, and she has been away since that.
Q Where to? A She went to Chelsea from there.
Q Been living in the Territory for the last six years?
A Yes, sir, to my own personal knowledge.
Q You are a Delored man? A Yes, sir.
Q You are not a citizen? A Not a citizen more than by marriage.
Q You are a citizen by marriage? A Yes, sir.
Q Is your wife a citizen? A Yes, sir.
Q Is she on the roll of 1880? A Yes, sir, on all of them.

MR.SEQUICHIE: What is the name of your wife? A Mollie Watie.
Q You say she is on the 1880 roll? A Yes, sir, Joe Watie's daughter.

PATSY JOHNSON, called as a witness on part of Cherokee Nation, being duly sworn by Commissioner Needles, testified as follows:

MR.HASTINGS: What is your name? A Patsy Johnson.
Q You are the same Patsy Johnson that was called yesterday to testify in a case of Queenie Smith? A Yes, sir.
Q Now, the applicant wasn't present yesterday but she is present here today; I wish you would look at her, or have you ever seen her before you came in here this morning? A Yes, sir.
Q Where did you see her? A Down here on the creek.
Q Did you ever see that woman before? A No, sir, not to my knowledge.
Q Well, you never saw her until you saw her this morning?
A No, sir.
Q Well, I will ask you if she is a daughter of Fanny Sanders that you testified of yesterday? A No, sir.

COM'R NEEDLES: This applicant that is present here is not a daughter of Patsy Sanders? A My aunt Fanny Sanders.

MR.SEQUICHIE: Mrs. Johnson, were you continuously with Fanny Sanders from the time you knew her until these children, young children, were you with her, lived in the same neighborhood, during the war? A Belonged to the same man.
Q During the war? A Before the war; we belonged to the same man.
Q During the war were you with her? A Yes, sir.
Q Where were you living at? A Fort Gibson.
Q How far apart did you live? A Part of the time in the same house.
Q Then the other time how far apart? A In the same yard.
Q All during the war? A Up until she went to Fort Scott.
Q What year did she go to Fort Scott? A I don't know, the war was going on.
Q Was it a year or so after the war commenced? A When she went for Fort Scott; no, sir, the war was going on.
Q How long after the war begun until she started to Fort Scott?
A I don't know just exactly.
Q Was it a month, year? A It must have been a year.
Q Well, how long did she stay up at Fort Scott? A I don't know just how long she stayed up there.
Q Did she stay there five years? A No, sir.
Q Well, how long? A She come back in the time of the treaty.
Q Were you with her then? A Yes, sir.
Q At Fort Scott? A At Fort Gibson, she come back from Fort Scott.
Q Well, if it was about a year after the commencement of the war until she came back she must have stayed there about three years?
A I don't know; she come back in the time for the treaty.
Q You weren't with her from the time she went to Fort Scott until she came back to Gibson? A No, sir.

Q You weren't with her continuously? A Not, sir, not that time, all the time before the war until she went to Fort Scott and she went away and stayed a while.
Q When she returned from Fort Scott did you live together?
A Yes, sir, lived in the same house?
A How long? A About a year I guess.
Q How many children did she have before she went to Fort Scott?
A She only had four, no just had three.
Q Did she have them with her? A No, there was one girl died before she went to Fort Scott and one of her sons got killed in the army, and Rachel and John were the only children she had with her.
Q And she had these children with her when she came back?
A Yes, sir.
COM'R NEEDLES: What relation are you to Fanny Sanders?
A She is my aunt, my mother's sister.
Q Now, when she came back from Fort Scott to Fort Gibson?
A She had two children.
Q What were their names? A Rachel and John.
Q Where is Rachel? A She is dead.
Q Where is John? A John is at Vian.
Q John is the only living child? A Yes, sir.
Q Did she have any children at Fort Scott? A No, sir.
Q How do you know? A She claims she didn't; she always claimed she just had two girls and a boy.
Q They are all dead but John? A Yes, sir.
Q Now, what was the name of the other child before Rachel?
A Sallie.
Q Is she living? A No, sir, she died on Cowskin prairie in time of the war.
Q They are all dead except John? A Yes, sir.
Q Did you ever see Queenie? A No, sir, not until yesterday.
Q Never heard of her? A No, sir.
Q Don't know her at all? A No, sir.
Q Does she pretend to know you? A No, sir.

QUEENIE SMITH, the applicant, called to the stand, testified as follows: being duly sworn by Commissioner Needles:
COM'R NEEDLES: What is your name? A Queenie Smith.
Q What was your mother's name? A She was named Fanny Sanders, so they tell me.
Q Where were you born? A I was born on Flint I reckon.
Q Did you ever have any brothers or sisters? A Not as I knows of.
Q Do you recollect your mother? A No, sir; I can't recollect my mother at all.
Q She died before you recollect? A Yes, sir.
Q Do you recollect any of your brothers or sister? A No, sir, I can't recollect any of them at all.
Q You have been told though that you were the child of Fanny Sanders? A Yes, sir.
Q Born in Flint District? A Yes, sir.
Q Have you always lived in the Cherokee Nation? A Yes, sir, I always been here in the Cherokee Nation, only when I would go out on a visit.
Q How old do you think you are? A I am 30 years old.
Q Do you recollect anything about the war? A No, sir, I can't recollect a thing about the war.
Q Where do you first recollect of being? A Down here at Illinois Station.
Q Been here all your life since? A Yes, sir.
Q Don't you recollect your father or mother? A No, sir.
Q Or any of your brothers or sisters? A No, sir.

MR. HASTINGS: What was the name of the post master down there on you first remember? A I don't know anything about that.
Q Who was keeping a store down there when you can first remember?
A When I remember I was working for Dr. McAlister.
Q Was Dr. McAlister living there? A Yes, sir; running a hotel.
Q In town? A Yes, sir.
Q That was the first you remember? A Yes, sir, and went from there out on Big Creek at Susan Colbert's.
Q Where were you married? A I was married down below Vian at Cherokee Junction.
Q How far below Vian is that? A That is last station next to Fort Smith.
Q How far below Vian? A Good ways.
Q Who married you? A I don't know.
Q Don't know that? A No, sir.
Q What year were you married? A I don't know, I have been married near 20 years now.
Q With whom were you living when you were married? A I was living most anywhere.
Q I want to know some persons you were living with near Cherokee Junction? A I don't know exactly now.
Q You don't know anybody you lived with around there?
A People I lived with now is dead.
Q Well, name some of them? A I don't recollect their names.
Q Don't know the names of any of them? A No, sir.
Q What district was that in? A Cherokee is all I know.
Q Cherokee district? A Yes, sir.
Q Don't know no names of anybody that lived down there?
A No, sir.
Q When did you come from Arkansas? A I never been to Arkansas.
Q You heard what Mr. Lang said? A Mr. Lang told what was not so, I have been to Arkansas.
Q Where have you been in Arkansas? A Hot Springs.
Q When did you come from Arkansas? A It has been several years ago.
Q When did your mother die? A I don't know; I can't recollect my mother.
Q You can't recollect her? A No, sir.
Q How many stores were there there when you lived there? A Two or three.
Q That was when you can first remember? A When I can first remember, there was one.
Q Are you positive about that? A Yes, sir.
Q Now, who was keeping it? A I don't know, but I think it went in the name of McAlester, that is what I think.
Q Known as Illinois Station? A Yes, sir; he got his groceries there.
Q When you could first remember now? A Yes, sir.
Q Don't you know that that place wasn't down there until that railroad went through there, about '88 or '9?
A I don't know.
Q Who were you living with? A I was living with Dr. McAlester.
Q Was he Cherokee? A I don't know, he claims to be.
COM'R NEEDLES: Don't recollect your father? A No, sir.

Com'r Needles: This testimony will be made part of the record in Freedman Doubtful card #951.

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 October 11th, 1901.

(Signed) T. B. Needles,

Commissioner.

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

Arthur G Croninger

Subscribed and sworn to before me this 5th day of December, 1901.

M D Green
Notary Public.

C7.5-951

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Exos K.C.

Cherokee freedman D-981.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I.T., November 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Serina Brown et al as Cherokee freedmen.

QUEENIE SMITH being duly sworn, testifies as follows:

BY COMMISSION:
Q What is your name? A Queenie Smith.
Q How old are you? A About forty-five.
Q Do you know Serina Brown, or did you during her lifetime?
A Yes,sir, she is my child.
Q Is Serina Brown living or dead at this time? A She is dead.
Q You say she left some children? A Yes,sir
Q What are their names? A Debby and Delia
Q Was your daughter Serina Brown married when she died?
A She had been married, she was divorced from her husband.
Q What was her husband's name? A John H. Brown.
Q When did she marry John H. Brown? A I don't exactly tell, about four or five years ago.
Q Where did your daughter die? A She died at Tulsa
Q Where is her husband, John H. Brown living? A I don't know sir. The last account of him I heard he was at Tahlequah, and then I heard he was somewhere else
Q Where did she marry John Brown? A Chelsea.
Q Was Brown living at Chelsea then? A Yes,sir.
Q How long had you known Brown before he married your daughter?
A About three years
Q Do you know whether or not he claimed to be a Cherokee freedman?
A He did.
Q About what aged man is John H. Brown now? A Well, I don't know, sir. At the time he married my daughter he said he was about thirty years old.
Q Do you know anything about his parents?
A Well, I heard him tell that old man Bill Thompson was.
Q You mean that old man Bill Thompson was his father? A Yes,sir
Q Where does this old man Bill Thompson live? A Up above Chelsea.
Q What district is that in? A Coweescoowee.
Q Do you know whether this John H. Brown ever made application for enrollment as a Cherokee Freedman? A I do not.
Q Do you know anything about his mother? A No,sir, I don't know anything about her.
Q And you don't know where John H. Brown is living now? A No,sir
Q With whom are these children, Debby and Delia , living?
A Old man John Reed told me that he had given them away to a woman in Coffeyville. He had them at first.
Q Do you know anything about who was the mother of this John H. Brown? A No, I never did find out anything about his people, only I have seen the man they said was his father.

BY MR. HASTINGS:
Q Did this John H. Brown live near Alluwe? A Yes,sir.
Q That would have been his postoffice would it?
A Yes,sir, I guess so.

BY W. W. HASTINGS: The representative of the Cherokee Nation desire to call attention to John H Brown, upon Freedman Rejected Card No. 408, which was approved by the Secretary of the Interior on June 23, 1904.

The representatives of the Cherokee Nation ask that this testimony be made a part of the record in the case of Lillie Sanders, Cherokee Freedman D-325.

BY COMMISSION:
Q Did you have any other children of age besides Lillie?

A Yes, sir, Serina was of age.
Q How old is Lillie? A She is about twenty-four or twenty-five.
Q What was the name of the father of John H. Brown, did you say?
A The father of John Brown? Old Bill Thompson.
Q Did he ever go by the name of Charley Brown? A Yes, sir he sometimes went by that.
Q Then he was sometimes called Charley Brown and sometimes Bill Thompson? A Yes, sir, he was.
Q Do you know whether or not James Brown was the owner of old man Charley Brown before the war? A No, sir, I don't know.
Q Do you know whether the mother of John H. Brown was Sarah J.?
A I don't know.
Q Do you live in the neighborhood of Chelsea?
A I live in the neighborhood of Claremore, now.
Q You are acquainted up about Chelsea, you know the colored people up there? A I know some of them.
Q Did you ever hear of any other John H. Brown up there?
A No, sir, I never heard of any other.

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Lucy M. Bowman being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded the testimony and proceedings in the above cause, and that the above and foregoing is a full true and correct transcript of her stenographic notes thereof.

Lucy M Bowman

Subscribed and sworn to before me this 8 day of December, 1904

Charles H Lamson
Notary Public.

Cherokee Freedmen D-779
(This testimony is also
made a part of D-951 and R-326)

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., November 21, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Queenie Smith and her minor children, as Cherokee Freedmen.

It appears that on the third day of October, 1904, the applicant, her attorney and the attorney for the Cherokee Nation were duly notified by letter that each of them would be given an opportunity to appear before the Commission at its offices in Muskogee, Indian Territory on November 16, 1904, and introduce testimony touching the points mentioned in said letter.

There being no appearances on November 18, case was continued by consent, and on November 21, 1904, the following proceedings were had:

APPEARANCES:
Applicant appears in person and by attorney J. J. Bulger representing her attorney, A. S. McRae.
Cherokee Nation by W. W. Hastings.

BLUE THOMPSON being duly sworn, testifies as follows:

BY J.J. BULGER:

Q. What is your name? A Blue Thompson.
Q Where do you reside Mr. Thompson? A In Chetopa, Kansas.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Did you ever live in the Cherokee Nation? A I did.
Q How long? A About fifty-four years, off and on.
Q Were you born in the Cherokee Nation? A I believe I was.
Q Are you acquainted with Queenie Smith, the applicant in this case? A Yes sir, I am acquainted with her.
Q Were you acquainted with her mother? A I don't know whether I was or not.
Q With the woman who was understood to be her mother?
A Who was her mother?
Q Do you know who was her mother? A No sir, I don't know who that girl's mother was; I knew Fannie Sanders, she had two children, a girl and a boy, I don't know if this be hers.
Q Who was Fannie Sanders? A Well she belonged to one of them Sanders's, I don't know which one; She was a darkey woman.
Q You say [redacted] are acquainted with one Fannie Sanders?
Q Yes, sir.
Q Was she the slave of a Cherokee citizen at the commencement of the war? A Well, I didn't see her, but that was what they called her at Gibson.
Q Where did she reside? A At that time she resided at Fort Gibson.
Q Did Fannie Sanders have any children? A She had two, I think.
Q What were they? A One was a boy and one was a girl.
Q How old was the girl in 1861? A In 1861, I didn't know her in 1861.
Q Well when did you know the girl? A I knew her during the time I was living down there, might have been in '67 or '68, somewhere along there.
Q How old was the girl she had with her then? A I don't know, about seven or eight, maybe nine years old.

Q Do you know whether or not this girl, Queenie Smith, is the girl you saw with Fannie Sanders at that time? A No, indeed, she may have been, but I don't know.
Q You say Fannie Sanders had two children? A Fannie who?
Q Fannie Sanders? A Yes, sir, she had two, to the best of my knowledge.
Q Do you know what has become of those two children? A No, sir, I don't, I left Fort Gibson, and Fannie did, and I never did see them children to my knowledge.
Q Are you acquainted with Queenie Smith? A No, sir, I don't believe I am, If I am I don't know it.

PATSY JOHNSON, being duly sworn, testifies as follows:

BY MR. HASTINGS:

Q Your name is Patsy Johnson? A Yes sir.
Q What is your postoffice? A Fort Gibson, when I am at home, I am in Tahlequah, now, working.
Q You testified in the case of Queenie Smith before? A Yes sir.
Q You said then that you did not know her? A No, sir I don't know her.
Q You did know Fannie Sanders, who belonged to Nick Sanders before the war? A Yes sir, she was my aunt.
Q Did you live in the same family? A Yes sir, Nick lived on one side the road, I lived on the other.
Q Did you know this Fannie Sanders before the war? A Yes sir.
Q Did she go out of the Nation during the war? A No sir.
Q Where did you live during the war? A In about Fort Gibson.
Q Did this Fannie Sanders have some children? A Yes sir.
Q What were their names? A The oldest one was called Dave, he got killed during the war.
Q Next one? A Sallie.
Q Next one?A Rachel
Q Next one? A John.
Q Four? A Yes sir.
Q Two boys and two girls? A Yes sir.
Q What became of Dave? A He got killed time of the war.
Q What became of Sallie? A She died in time of the war.
Q What became of Rachel? A She went to Delaware with her husband.
Q State of Delaware? A Yes, sir, Hadley, Delaware.
Q What was her husband's name? A James Gibbs.
Q You testified in this case once before, before the Commission?
A Yes, sir.
Q About what time did Rachel marry? A I really don't know just the year sir.
Q About how long after the war? A It must have been along about '68 or '69.
Q Was this man Gibbs a soldier? A Yes, sir.
Q Stationed at the garrison at Fort Gibson? A Yes, sir.
Q And John is still alive down at Vian? A Yes, sir, Not at Vian, at Fort Smith now.
Q What became of Rachel, is she living? A No, sir, I got a letter from her husband, she is dead.
Q Well, you corresponded with them? A Yes, sir, but it has been four or five years since I heard from them now.
Q She had some children by Gibbs? A She had five boys out there, she had one girl she carried away from here when she went.
Q One child was born here? A Yes sir, in Gibson, or out in the country there.
Q Did Rachel marry before or after her mother died?
A Before. Her mother has only been dead some eight or nine years, she died about the same time her mother did.

Q Rachel did? A Yes sir.
Q Did you and your relatives correspond now and then with Rachel out there in Delaware? A Yes sir.
Q At Hadley? A Yes sir.
Q And you learned from this correspondence that she died some eight or ten years ago? A Yes sir, as near as I can guess.
Q Did Fannie ever have a girl by the name of Queenie?
A No sir, she only had two.
Q Sallie and Rachel? A Yes sir, Sallie and Rachel; this Fannie, my aunt.
Q And Fannie belonged to Nick Sanders? A Yes sir, we all belonged to Nick Sanders.
Q You never knew of Queenie until this roll proposition came up?
A I never met her until I met her in Vinita.

BY MR BULGER:

Q Are you acquainted with Queenie Smith? A No sir, never met her until I met her in Vinita.
Q Do you know who was the mother of Queenie Smith? A No sir, I know nothing about her.
Q Do you know whether or not there was but one Fannie Sanders in the Cherokee Nation at the commencement of the war?
A I only had one aunt by that name.
Q But there could have been others? A There could have been others, but there was only this one lived with Nick Sanders.

BY HASTINGS:

Q Where did the Nick Sanders that you belonged to live?
A On Caney.
Q Nick Sanders only owned one Fannie Sanders?
A Only one Fannie, my aunt.

GEORGE WEST VANN being duly sworn, testified as follows:

BY MR BULGER:

Q What is your name? A George West Vann.
Q Are you acquainted with Queenie Smith? A Yes, sir.
Q Were you acquainted with one Fannie Sanders? A Yes sir, I knew Aunt Fannie Sanders.
Q Was Fannie Sanders a slave? A Yes sir.
Q To whom did she belong at the beginning of the Rebellion?
A She belonged to Sanders, I don't know which Sanders.
Q Do you know whether she had any children at the commencement of the war? A Seems to me like she had some children, but I don't know whether they was boys or girls.
Q Do you know whether she had one named Queenie? A No sir, I didn't know the children at all. I knew her but I didn't know the children.
Q Do you know the applicant in this case, Queenie Smith?
A Well, I have been knowing her off and on since the Wallace payment.
Q Do you know who was Queenie Smith's mother? A No sir, I don't know; she claims her mother was Fannie Sanders but I don't know that.
Q Did she claim that at the time of the Wallace Payment?
A I wasn't there when she went in to the Court, but just outside, she claimed it.

(COPY)

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

Charles Brown et al.	Cherokee Freedmen D 952
Washington Brown	Cherokee Freedmen D 744
Charles Brown Jr.	Cherokee Freedmen D 964,
John H. Brown,	Cherokee Freedmen D 965.

D E C I S I O N.

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Charles Brown for himself and minor children, Louvina and Joseph Brown; by Washington Brown, for himself; by Charles Brown, Jr., for himself; and by John H. Brown, for himself.

The evidence shows that the applicant, Charles Brown, was born prior to the commencement of the rebellion and that he was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The evidence further shows that all the other appliants herein have been born since the close of the rebellion and are the descendants of and claim right to enrollment through the said Charles Brown.

None of the names of said applicants are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Charles Brown, Louvena Brown, Joseph Brown, Washington Brown, Charles Brown, Jr., and John H. Brown, as Cherokee Freedmen, should be denied under the provisions of section twenty-one of the act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby
Chairman.

" " T.B.Needles,
Commissioner

" " C. R. Breckinridge
Commissioner

" " W. E. Stanley
Commissioner

Muskogee, Indian Territory,

this Mar 8, 1904.

Cherokee Freedmen D 951

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

O.T.M.

In the matter of the application for the enrollment of Serina Brown et al., as Cherokee Freedmen.

-1-

O R D E R.

It is ordered that copies of the testimony taken at Nowata, Indian Territory, June 29, 1901, in the application of John H. Brown, for enrollment as a Cherokee Freedman, Case No. R 402, its decision rendered by this Commission on March 5, 1904, denying said application, and of Departmental letter of June 23, 1904, affirming said decision, be filed with, and made a part of the record in the application of Serina Brown et al., for enrollment as Cherokee Freedmen, Case No. D 951.

Commissioner

Muskogee, Indian Territory,
this SEP 13 1904

Cherokee Freedmen D 951.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of Serina Brown et al, as Cherokee Freedmen.

-:-

O R D E R.

It is ordered that copies of the testimony taken at Newata, Indian Territory, June 29, 1901, in the application of John H. Brown, for enrollment as a Cherokee Freedman, Case No. R-402, be filed with, and made a part of the record in the application of Serina Brown et al, for enrollment as Cherokee Freedmen, Case No. D-951.

Commissioner

Muskogee, Indian Territory,
this Sept. 13, 1904.

BY COMMISSION:

The testimony in this case will be made a part of the record in the case of Lillie Sanders, R-325, and Serina Brown Cherokee Freedman D-951.

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Lucy M. Bowman being duly sworn, states that as a stenographer to the Commission to the Five Civilized Tribes, she correctly recorded the testimony and proceedings in the above case and that the above and foregoing is a full, true and correct transcript of her stenographic notes thereof.

(Signed) Lucy M. Bowman.

Subscribed and sworn to before me this 30 day of November, 1904.

SEAL.

(Signed) Charles H. Sawyer.
Notary Public.

Louise Smith being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, she made the above copy and that same is a true and correct copy of the original transcript.

Louise Smith

Subscribed and sworn to before me this December 10, 1904.

Charles H. Sawyer

Notary Public.

(COPY)

D.C. 21706-1904
I.T. 5104-1904
L.R.S.

THE

DEPARTMENT OF THE INTERIOR,

WASHINGTON, June 23, 1904.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

March 16, 1904, you transmitted the record in the consolidated case embracing the applications of Charles Brown, et al (F. D. 952, D-738, D-953 & D-955), for enrollment as Cherokee freedmen, including your decision of March 5, 1904, rejecting said application.

Reporting in the matter June 18, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) E. A. Hitchcock
Secretary

1 inclosure.

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

Lonnie P.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-951.

Muskogee, Indian Territory, September 16, 1904.

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

Gentlemen:

There is enclosed herewith a copy of the testimony of John H. Brown, taken at Nowata, Indian Territory, on June 29, 1901, in the matter of his application for enrollment as a Cherokee Freedman, together with an order of the Commission making said testimony a part of the record in the matter of the application of Serina Brown, et al., for enrollment as Cherokee Freedmen, case No. D-951.

Respectfully,

Chairman.

Enclosure C.F.D. 951-M.

Cher. Fr. D. 952

a 3.0952

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 18 1901

ACTING CHAIRMAN.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOWATA, I.T., JUNE 29th, 1901.

In the matter of the application of Charles Brown for the enrollment of himself and two children as Cherokee Freedmen; said Brown being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for Applicants.
Messrs. Hastings and Davenport, for Cherokee Nation.

Q What is your name? A Charles Brown.
Q How old are you? A 72.
Q What is your post office? A Ruby.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman?
A Yes, sir
Q Who do you want to enroll besides yourself? A Couple of children.
Q What are their names? A Louvina.
Q How old is she? A 20.
Q The name of the next child? A Joseph.
Q How old is Joseph? A 18.
Q Are you married? A No, sir, my wife is dead.
Q What is your wife's name? A Sarah Jane.
Q She is the mother of these children? A Yes, sir.
Q Have you the custody of these children now? A Yes, sir.
Q Living with you? A Yes, sir.

BY MR. SMITH:

Q Mr. Brown what did you say your wife's name was?
A Sarah Jane.
Q When did you marry her? A Oh, away before the war.
Q Where were you living at the time you married your wife?
A I was hired out, down to Van Buren.
Q Who hired you out? A Old Judge Brown my old owner, his right name is Jim Brown.
Q Well, were you a slave were you? A Yes, sir.
Q Was Jim Brown an Indian, a Cherokee Indian? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where was he living at the time the war commenced?
A Living on Lees Creek.
Q Is that in the Cherokee Nation or not? A Yes, sir, in the Cherokee Nation.
Q How far is that from Van Buren? A About 16 miles.
Q Well, these children for whom you apply who is the mother of these children? A She was state raised woman she was.
Q The mother of these children? A Yes, sir.
Q When did you marry her? A She is the one I married.
Q I didn't ask you what she was, I asked you who was the mother of Louvina and Joseph? A Sarah Jane.
Q Did you have children older than Louvina and Joseph? A Yes, sir, there were six more older.
Q Do they intend to apply before this Commission for enrollment?
A Yes, sir.
Q Well, you can give their names, if any of them are married give their full names as they now appear? A The oldest one is named Moses Brown.
Q The next one? A Abbie Worley now, she is married.
Q The next one? A John Brown.
Q Well? A Next one is Charley.
Q Well? A And sam and Wash; that is all of them.
Q Where does Charley live? A He lives up on Big Creek here.
Q In the Cherokee Nation? A Yes, sir.
Q Married or single? A He is married.
Q Where does Wash live? A Wash is living right over the river about three or four miles.
Q Three or four miles from Nowata? A Yes, sir.

Q Married or single? A He is married.
Q Where does John live? A John lives on Panther Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Married or single? A Well, that was his woman that made application.
Q Separated from his wife? A Yes, sir.
Q Well, where does Abbie live? A She is in Vin ita.
Q Married or single? A She is married.
Q What is her husband's name? A Worley.
Q What is his first name? A I think is name is Charley Worley.
Q Well, now, theyother two I haven't asked you about, where do they live? A Sam is out in Oklahoma.
Q How long has he been out there? A He has been out there five or six months.
Q Where did he live before he went there? A He lived here.
Q Well, the other one? A They is the two, Louvina and Joe.
Q You have told where all of them live except Louvina and Joe ?
A I told you where they live.
Q Have you give the names and residence of all of your children except Louvina and Joe? A Well, I ha e give them too, ain't I just t ld him where they live.
Q Well, have you give the names of all and where they live outside of them? A Yes, sir.
Q Where is Louvina living? A Living with her brother Charley.
Q Where does Joe live? A He is living with Joe Rileyts son, Will Riley.
Q Which is the oldest one of these children? A Moses.
Q How old is he? A He is about 41 or 2 years old.
Q Give me the names of these who were born before the war?
A Moses and Abbie were born before the war.
Q Where were the others born? A John was born during the war and the other was born since.
Q Well, you say you and your wife were married 40 years ago?
A Yes, over 40.
Q You lived together after the war? A Yes, sir.
Q Where did you and you r wife live? A We lived in the Nation.
Q Where did she die? A She died down here on Panther Creek.
A In the Cherokee Nation? A Yes, sir.
Q Were you living together when each of these children you have named, when they were born? A Yes, sir, lived together until she died.
Q Well you say you were a slave of Jim Brown? A Yes, sir.
Q Were yo? taken out of the nation or did you go out of the Nation while the war was going on? A Yes, sir, I went up to Fort Scott.
Q What time did you come back to the Cherokee Nation after the war? A I come back in time of the war; I was working for the Government down here to Gibson all during the war.
Q Well, how long did you sty at Fort Scott? A I stayed there until the war ceased; I didn't stay there I stayed down here in the Nation, and I went back after my family after the war ceased.
Q Well, what time did you bring your family after the war ceased?
A I come the year or two before I brought my family.
Q When did you bring your family? A I thin k it was in '70 I brought them down.
Q Where did you live y ourself during the war?
A I was in Fort Gibson.
Q Where were you in '66? A I was here in the Territory.
Q At what place? A I was down to Gibson.
Q Were you there all the year or part of the year?
A No, I was just there a little while; I had a brother down there and I went down there to see him.
Q Well, what time in the year was that? A '66.
Q What time of the year? A Along in the fall.
Q How long did you stay about Fort Gibson that time?
Q I didn't stay but a short time.

Q Where did you go then? A I came on back up in the country.
Q Whereabouts? A I came on Big Creek.
Q In the Cherokee Nation? A Yes, sir.
Q How long did you stay up on Big Creek?
A I stayed there a little while, didn't stay very long.
Q Then where did you go? A I went on back after my family.
Q Well, when did you come back with your family? A I went back that winter.
Q When was that? A Winter of '66 ('66).
Q How long did you stay when you went after your family?
A I stayed until the next spring, '70, along there in '67.
Q Well, when you said you brought your family here in '70 a while ago, is that correct? A No, sir, I brought her along in '67.
Q Did you know what time of the year it was you brought your family? A It was along in the summer.
Q What did your family consist of at that time, of yourself and children had been born? A Had three.
Q Where were the rest of them born? A They was born in the Nat ion.
Q What Nation? A Cherokee Nation.
Q How old was the oldest one of these three children you brought back at the time you speak of? A They must have been.
Q The eldest one? A The oldest one must have been five or six years old.
Q Where have you been living ever since that time?
A I have been right here in the Territory ever since.
Q Are you on any of the rolls? A I am on one, Wallace roll.

The 1880 Authenticated Roll, the 1880 Census Roll, and Kern-Clifton Payroll of Freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Wallace Roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon, as follows:
Page 103, #2204, Charles Brown, Cooweescoowee District.
Page 103, #2208, Luvina Brown, Cooweescoowee District.
Page 103, #2209, Joseph Brown, Cooweescoowee District.

BY MR. DAVENPORT:
Q You belonged you say to Judge Jim Brown when the war broke out?
A Yes, sir.
Q Were were you li ving at the time the war broke out?
A I was living right home.
Q At Home? A Yes, sir.
Q Did you know a man by the name of Jim Scott who lived in Arkansas before the war broke out? A Yes, sir.
Q I will ask you if you were not working for him and and was owned by him at the time the war broke out? A No, sir.
Q What children did Jim Brown have? A He never had any children in his li fe.
Q What stepchildren did he have? A Had one.
Q What was her name? A Her name was Nancy.
Q Had Jim Br own a wife? A Yes, sir, Jim Brown had a wife.
Q Where was she living at the time the war broke out?
A Living on Lees Creek.
Q Where was Nancy living? A She was living about two or three miles from her mother's.
Q She is now Mrs. Nancy Seabolt? A I think so.
Q Have you seen her since the war? A No, I heard she was dead.
Q You have never went back to the old place after the war?
A No, sir.
Q How far did Jim Scott live from the Cherokee line?
A He lived right on the line.
Q He lived on the Arkansas side? A Yes, sir.
Q Now, you went to Fort Scott in what year? A I went to Fort Scott in 1861.

Q You were married at that time? A Yes, sir.
Q Did you have any children at the time you went to Fort Scott?
A Woman had two.
Q Were they your children? A Yes, sir.
Q You went then to Fort Scott about what year? A I went up there in ' 61 afterthe war broke out.
Q How lon g had you been married before the war broke out?
A Four or five years, two or three years.
Q Well, now, when you came back from Fort Scott to what point did you come? A After I went up in '61?
Q Yes. A I came down to Gibson, I come to Gi bson driving a Government team.
Q You testified before the Kern-Clifton Commission? A Yes, sir.
Q Did you testify before that Commission anything about being in the Government service? A I t hink I did.
Q When was it you went to Snow Creek if at all? A I have been u p to Snow Creek lots of times.
Q Well, then, immediately after the war did you come to Snow Creek then? A I come through there.
Q Did you stop with anybody? A I come on down to Big Creek and stopped with Moses Smith.
Q When did you go to Pyrors Creek, on Pry or Creek, I didn't mean the Pryor Creek town? A I went down there some eight or ten years after I came back.
Q That is when you went down there where the Rileys and McNairs were living? A Yes, sir.
Q That was eight or ten years after you came back? A Yes, sir.
Q When was it you stayed all night with Dave French?in this country?
A That was when I went up to Fort Scott, away along in '70.
Q That was when you brought your family down?
A No, I had my family here.
Q Where was your family living when you stayed all night with Dave French? A My family was living down on Pryors creek.
Q Where was your family living when you went down to the Rileys and McNair on Pryors creek? A The first time I went down there t hat wasafter I had been here I was living up at Goosenock when I went down there.
Q Where was Dave French living when you stayed with him?
A Up where he is.
Q That was about '75? A Yes, sir, somethere along in there.
Q You had been back about five or six years when you stayed all night with Dave French? A Yes, sir.
Q All of your children were born in the Cherokee Nation?
A I didn't say that.
Q Which of them were born out? A One of them was born in Kansas.
Q Now, which is it? A One.
Q Which one was that that was born in Kansas? A John, John was born in '65, 12th of February, '65.
Q You were then living in Kansas? A Yes, si r.
Q Who lived near Jim Brown ever there when you were living with him? A My God I could not tell you.
Q Do you remember any of their names? A There was full blood Indians, there was a number of Indians lived arou nd there.
Q Do you remember any of their names? A Ewnideep, Young Fawn and Jim Brown was living with his uncle.
Q You have never gone down t here to see your young Master or your old Mistress to testify for you? A N o, sir, I would not give anything for an Indian to testify for me.
Q You would not let one testify for you? A No, sir, unless I was acquainted with him.
Q You were well acquainted with Nancy Seabolt? A Yes, sir, we was children together.
Q You would not let her testify? A No, sir, I would be afraid you would be going around and talking to her.
Q How long did you go by the name of Will Thomas? A I never did go by the name of Will Thomas.

Q Did you ever go by the name of Bill Thomas? A No, sir.
Q Did you ever go by any other name other than Charley Brown?
A Yes, sir.
Q What name did you go by? A Bill Thompson.
Q Where were you living when you went by the name of Bill Thompson? A I was living up there.
Q What country? A Fort Scott.
Q How long did you go by the name of Bill Thompson at Fort Scott, Kansas? A I went by the name, t hat an d I go by the name of it yet, lots of them calls me Bill Thompson.
Q How long did you go up there by the name of Bill Thompson?
A As long as I stayed there.
Q How long did you stay there? A Until I come back.
Q How long was it until you come back? A Along in the fall of '61.
Q When did you go there? A In '61.
Q And come back in '61? A Yes, sir.
Q How did it happen that you went by the name of Bill Thompson?
A They give me the ni ckname.
Q Who nicknamed you? A I don't know who it was, but I was down here to Gibson and they give me another name down there.
Q Did you have the name of Bill Thompson when you were working for Bill Scott in Arkansas? A No, si r.
Q What name did you go by there? A Charley Brown.
Q What name did they give you at Fort Gibson? A Charley Brown.
Q That wasn't a nickname? A Charley brown is my right name.
Q You have just gone by the two names? A Yes, sir, and sometimes they call me Brock.
Q How did they happen to call you Brock? A They just got to devilling me.
Q How long did you stay about Gibson? A I stayed there until '65.
Q Near whom were you living? A I was in the Government service, scouting.
Q How long were you a scout for the Government? A About four months.
Q Who lived at Fort Gibson at that time? A Every body of the soldiers.
Q What were you doing there? A I was going around with the soldiers, driving a government train, I drove three years and six months and I quit that and went with Pole Childers in the scouting gang.
Q Was Goneng Vann living there at that time?
A I don't think he was.
Q Was Jim Vann living there then? A I don't know.
Q Was E. H. Nash? A Yes, Nash was there I recollect him.
Q Was Aunt Ann Brown living there then? A Yes, sir.
Q What part of town did she live? A I think she lived back of Persel's store.
Q What time did Him Scott come there?
A He never did come there; Jim Scott was dead then.
Q Where did he die? A He died before the war they said; said he died in '59.

L. D. DANIELS, being sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:

Q State your name? A L. D. Daniels.
Q Where do you live? A Claremore.
Q How long have you lived in the Cherokee Nation? A All my life.
Q How old are you? A 56.
Q Do you know this applicant, Charles Brown, here? A Yes, sir.
Q How long have you known him? A I have been known him I got acquainted with him at Fort Scott in '63.
Q You didn't know him before the war? A No, sir.

Q Do you know where he was in 1866? A Yes, sir, I do.
Q Where? A I believe it was in December or j st after Christmas I met him and his Uncle in Fort Gibson.
Q Just after Christmas? A Yes, sir, in '66.
Q How long after Christmas? A It wasn't long, three or four days or such a matter.
Q Was tha or was it not the first time you had seen him at Fort Scott in '63? A Yes, sir, about the first time I seen him after that I seen him about once before that, I seen him in '63 in Fort Scott an d I seen him in Christmas '64 and the third time was in Fort Gibson.
Q Well was the third time you are speaking of now? A Yes, sir.
Q How many times did you see him there? A Two or three times with Steve, I will call his name; I think he was his Uncle; I said some relation, I don,t know whether it was his uncle, brother or who it was.
Q How long did you stay at Fort Gibson after Christmas, '66?
A I stayed there all the time until '70, until the 5th day of July, '67.
Q Do you know where Charles Brown lives now? A Yes, sir, he has been living close to Chelsea before that he lived up there in five miles of me.
Q How long since he left the place five miles from you?
A Five or six years.
Q Well, about when was it you saw him next after you saw him down there at Fort Gibson? A I t was up to, I met him up here at Coosa Neck.
Q When? A I am just thinking how long it has been, I don't know when ju st exactly, it has been 12 or 13 years, may be a little longer or not so long.
Q You don,t know who he belonged to? A No, sir, I don't of my own knowledge.

BY MR. DAVENPORT:

Q You think it was sometim after Christmas and it was in '66?
A I know it.
Q Well, you lived there from '65 up until about '70?
A I lived there until 5th of July.

BY COM'R NEEDLES:

Q Of what year? A '67.

BY MR. DAVENPORT:

Q It was some time after Crhistmas from the time you went there until you left? A Yes, sir.
Q You don't know how long he stayed there? A No, sir.
Q Don't know where he went after you left there? A N o, sir.
Q And don't know to whom he belonged before the war?
A No, sir, only what I heard.

MOSE HARDRICK, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMI TH:

Q Stat e your name? A Mose Hardrick.
Q How old are you, Mr. Hardrick? A ~~Eighty-eight~~ 71.
Q How long have you live in the Cherokee Nation?
A Pretty nigh all my life.
Q Do you know this man, Charles Bown? A Yes, sir.
Q How long have you known him? A Well, I knowed him pretty nigh all through slavery.
Q Do you know who he belonged to? A Yes, sir; Jim Brown.
Q Was Jim Brown an Indian, Cherokee In dian? A Yes, s r.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q How far did you live from his owner, Jim Brown, during the war?
A I spect it was about between forty and fivty miles.
Q Where did you get acquaint ed with thi s man? A Down on Lees Creek, here in the Cherokee Nation.
Q Was that where his owner lived? A Yes, sir.
Q Where di you live? A I lived at Park Hill and I had to go there in the fall to get stove coal.
Q Did you go out of the Nation during the war yourself?
A Yes, sir.

Q When did you get back? A I bot back in the spring of '66.
Q When did you see Brown first in the Cherokee Nation after the war, thi s applicant? A I guess it must have been about '67 I first seen him, it was in cold weather.
Q You get back in the spring of '66, where were you in the time o f Christmas after you spring you get back? A On the place I made there.
Q Do you know how long it was after Christmas you saw this man?
A I don't know.
Q What time did you think it was in '67 when you saw him?
A I think it was as well as I can recollect about Dec ember.
Q Of '67? A Yes, sir.
Q Where was he when you saw him? A He was over on Grand Ri ver.
Q You don't kn ow how lon g he had been back in the Cherokee Nation at that time? A No, sir.
Q What was he doing over on Grand river?
A He was fixing to go to a dance.
Q Af ter that did you see him any more? A Yes, sir.
Q When did you next see him after that? A I guess it must have been a year or two years if my mind serves me right.
Q Then where did you see him? A Seen him on Panther Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Do you know where he is li ving now? A He is living with his son Charley.
Q In what part of of the neighborhood or what part of the country?
A On Big Creek.
Q Do you know how long he has been living there? A No, sir, bu t he has been living with Charley pretty night ever since his wife died.
Q Do you know his wife? A A Yes, sir.
Q Where did you know his wife? A I got acquainted with her down here on panther Creek a while before she died.
Q You didn't know her before the w ar? A No, sir.
Q Was this man Charles brown and she living together at that time?
A Yes, sir.
Q Have any children? A Yes, sir
Q Do you know what their name were? A I know pretty n igh all ~~in~~ them.
Q What are their names? A Sam, Wash, Charley, Joe Louvina.
Q Were they keepin g house there? A Yes, sir, they was up there with him at that time.
Q With him and his wife? A Yes, sir
Q Did they keep house? A Yes, sir, kept house and had a farm there.
Q Had a farm? A Yes, sir, on Panther Creek.
Q Well, do you know how long his wife has been dead?
A No, I don't.
Q Been dead a good while or short while? A Been a good while.
Q Several years? A Yes, sir.
Q You can't say how many? A No, sir, I would not like to say.

BY MR. DAVENPORT:

Q Now, Mose what ~~ki~~ family did he have the first ti me you saw him after the war? A T is family I am talking about now.
Q Now, how many children you say were born at the time you saw him when he was fixing to go to the dance?
A I didn't ~~say~~ ~~anything~~ ~~think~~ any of them was then born.
Q Did he have a family at that time? A I seen him I said.
Q Do you know wh ther he had a family at that time or not?
A Yes, sir.
Q Of what did his family consist? A I don't know.
Q Where was his family? A I don't know ~~where~~ they was at that time.
Q At whose house was the dance going to be given?
A Over at Lynch's house.
Q Where? A Simon Lynch.
Q That was in the fall of '67? A Yes, sir.
Q You don't know where he had been prior to that time?

A No, sir.
Q You lived near Park Hill before the war? A Yes, sir.
Q And he lived on t he Arkansas Line where Lees Creek runs into the Arkansas? A He lived above that.
Q He lived at the Jim Scott Mills in Arkansas when the war broke out? A I don't know about that.
Q Well, how longbefore the war was it since you saw this applicant?
A Several years.
Q Then you don't know where he was working before the war? A With Jim Brown.
Q How do you know? A Well when we come down here before the war he was plowing below there.
Q Didn't you answer me a while ago that it was several years before the war? A This was in slavery times.
Q Well, now how many years before the war was it you had seen t his applicant? A It had been severan years.
Q So you don't know where he was living or to whom he belonged when the war broke out? A No, sir.

CHARLES BROWN, the Applicant, recalled:
BY COM'R NEEDLES:
Q Where was these children living now, Louvina an d Joseph?
A Louvina is here, Joseph is on Panther Creek.
Q Are they both living with you? A Yes, sir
Q Bo th born and raised in the Cherokee Nation? A Yes, sir.

COM'R NEEDLES: Charles Brown applies for the enrollment of himself and his two children, Louvina, 20 years of age, and Joseph, 18. He cannot be identified upon any of the rolls of the Cherokee Nation the Wallace roll, and he and his children are identified upon the Wallace roll, according to the page and number of the rolls as indicated in the testimony. He avers that he was the sale of Jim Brown and makes satisfactory proof as to his residence consequently Charles Brown and his two children, Louvina and Joseph, will be listed for enrollment as Cherokee Freedmen upon a doubt ful card: He will be notified at his post office address of the deicision of the Commission.

---oooOOOooo---

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

J. O. Rosson

Subscribed and sworn to before me this 16th dae of July, 1901.

Commissioner.

C F D 952.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., February 15, 1909.

In the matter of the application of Charles Brown, for the enrollment of himself and children as Cherokee Freedmen;

Appearances:
Lafayette & Smith, Vinita, I. T., for the applicants;
W. W. Hastings, and
James S. Davenport, for the Cherokee Nation.

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

Examined by Mr. Davenport:

Q What is your name ? A James A. Scott.
Q Where do you live ? A I live here at Muskogee.
Q What is your age ? A 54 years.
Q Where were you living when the war broke out ?
A Elk Hill, Nevada County, Missouri.
Q Living with your parents at that time ? A Yes sir with my mother.
Q Do you know a colored man who goes by the name of Charles Brown ?
A Yes sir.
Q How long have you known him ? A Mr. Davenport I can't recall when my father first bought him; just the year; but my father bought him as a slave. It was sometime in '47 or '56.
Q Do you know from whom your father got him ?
A Except from the family talk. I do not know of my own knowledge. I know that either Lewis or Jim Hilderbrand brought him there.
Q Was your father a citizen of the Cherokee Nation ? A No sir.
Q Your father, as I understand you, then, bought Charles sometime in the fifties ? A Yes sir.
Q About how long did he keep him ? A I don't know-- He was with us, he must have been with us some four or five years.
Q What became of him ? If your father made any disposition of him to whom did he dispose of him ? A My father sold him to my uncle Charles D. Scott, of Van Buren, Arkansas.
Q He was taken away from your father's home ? A Yes sir.
Q To Van Buren, Arkansas ? A Yes sir.
Q Was your uncle a citizen of the Cherokee Nation ? A No sir.
Q Where was he when the war broke out ? A I can't swear that.
Q Do you know whether or not he was still the property of your uncle at that time ? A Not of my personal knowledge sir.
Q Do you know whether or not after the fifties up to the time he disposed of him Charles had ever been the slave of Judge Jim Brown ?
A No sir.
Q Do you know Judge Brown ? A No sir. I don't think my father bought him from Judge Brown. I think he got him from the Hilderbrands. I know they brought him there.
Q Your uncle to whom he was disposed of by your father lived in Arkansas ? A Yes sir, at Van Buren.
Q Up to the breaking out of the war where did you say Charles was ?
A I don't know certainly, for I never saw him after my father sold him until I saw him at the establishment of the court here several years ago.
Q The establishment of which court do you mean Mr. Scott ?
A I never saw him until he came here at, I believe, the first term of this court in April, 1889, the court here at Muskogee.
Q You speak of the United States court ? A Yes sir.
Q You knew him then as the party that had been with your father ?
A Oh yes, he came over to the store to see me, and stayed at my house while he was here.

Q You didn't know where he had been [illegible] during the war and after the war ? A [illegible] of my own [illegible].
Q Your father bought him [illegible] time in the fifties ? A Yes sir.
Q And how long, about how long before the war did he sell him ?
A I [illegible] he [illegible] him in 1859 or 1860. He lived with him after he married [illegible] woman Sarah. She was the property of my father. And this boy Moses was born to them there on that place.
Q The first child by Sarah, he was born there on your father's place ? A Yes sir.
Q His name was what ? A Moses.
Q When your father sold Charles to your uncle did he sell all of them ? Did they all go ? A No, they stayed until 1862 when they were taken off by Phillips or Ritchie's men. Moses wasn't taken, but his wife was. At the time the Federals made the raid through there, they were living, Sarah Jane and this child, on the north of the river, and on the Sunday morning the raid was made she was at my mother's house. She left there with the soldiers and left this child Moses over on the north side of the river.
Q At the breaking out of the civil war to whom did Sarah Jane and this child Moses belong ? A To my mother; my father was dead.
Q Your mother was not a citizen of the Cherokee Nation ?
A No sir.
Q Had no claims to citizenship in the Cherokee Nation ?
A No sir.
Q You were living on the home place in Missouri at the time ?
A Yes sir.
Q Sarah Jane was taken away during the war when these commands came through there ? A Yes sir.
Q When did Moses leave ? A While I believe this is all so, this is not of my own personal knowledge. Sometime in that summer.

Mr. Smith: Now don't tell it. A I was in the country there and very close to them, but I wasn't at home at the time.

Examined by Mr. Smith:

Q Mr. Scott, what you really know is that your father owned a man by the name of Charley Brown before the war ? A Yes sir.
Q You don't know of your own personal knowledge that that same man is the applicant in this case ? A Yes sir I do.
Q How do you know it ? A I know Charley Brown that was brought there, and I knew him when he was here. Besides, he told me of his application for citizenship.
Q But this application was made on the 29th day of June, 1901 at Nowata; were you there ? A No sir. Well, I still stick to it that I do know it. I can't get away from that belief.
Q Now you don't know it do you ? A Mr. Smith, I do know it from the fact that from what took place between us, and from what took place up there; and I heard of it.
Q You can't testify to hear-say. A To come right down to it I am satisfied that this is the same man.
Q What we want is facts. You can't swear positively that he is the same Charley Brown that you are talking about can you ?
A Right straight up and down, no.
Q Now you think it was about 1859 when your father sold the man you were talking to here to your father's brother at Van Buren, Arkansas
A I think it was in there somewhere. I aint going to be positive as to the year.
Q Well it was somewhere in the fifties ? A Yes sir. I know that. Here's what makes me think I may be wrong as to the

time he came there, the fact that Mose, when he left there, must have been about three or four years old.
Q It must have been somewhere in the fifties that your father parted with the man you talked to ? A Yes sir.
Q How far did your father's brother live from where you lived ?
A About one hundred miles.
Q Between the time your uncle bought this man and the beginning of the civil war did you see this man Charley Brown ? A No sir.
Q You don't know then, of your own personal knowledge where this man Charley Brown was at the time the civil war commenced ?
A No sir.
Q You don't know of your own personal knowledge whether he was sold again after he was sold to your uncle or not ? A I do not.

Examined by Mr. Davenport:

Q You do know that the Charley Brown that belonged to your father had a boy named Mose ? A Yes sir.
Q And that Mose was the property of your mother after the breaking out of the war ? A Yes sir.
Q Do you know whether Charley ever rejoined his wife after the war?
A Not of my personal knowledge.

MRS. ANNA H. DODSON, being sworn and examined, testified as follows:

Examined by Mr. Davenport:

Q Where do you live Mrs. Dodson ? A I live here in Muskogee.
Q How old are you ? A Fifty eight years old.
Q Where were you living when the civil war broke out ?
A At Elk Hill, Missouri.
Q You are the sister of Mr. Jim Scott ? A Yes sir I am.
Q Do you know a colored man by the name of Charley that at one time belonged to your father ? A Yes sir.
Q Do you know about when your father bought him ?
A I wouldn't be positive, but I think in 1853.
Q Is there any circumstance that makes you think he was bought at a certain date ? A We bought him before I went away to school.
Q Did Charley have a wife ? A Yessir.
Q What was her name ? A Sarah Jane.
Q Did your father sell him before the breaking out of the war ?
A Yes sir.
Q About when was he sold as near as you can remember ?
A In February, 1858.
Q Do you know whether or not Chagley and his wife had any children
A Yes sir, two.
Q Do you remember their names ? A Moses and Abbie.
Q Were they sold at the same time Charley was sold ? A No sir.
Q Where were they when the war broke out ? A Living on my father's farm.
Q Do you know to whom Charley was sold ?
A To my uncle Charles Scott.
Q Where was he living ? A At Van Buren, Arkansas.
Q After your father sold Charley before the breaking out of the war, did you ever see Charley afterwards ? A Yes sir.
Q Where ? A At Van Buren, at my uncle's.

Q Had you visited there ? A I was living there.
Q Do you know whether or not your uncle owned Charley at the breaking out of the war ? A No sir he did not. He sold him.
Q In what section of the country did he sell him ?
A He sold him to a Louisiana planter.
Q Do you remember his name ? A No sir.
Q Do you know whether or not he had been taken away from your uncle's home when the war broke out ? A Yes sir he had.
Q Have you seen Charley since the war ? A Yes sir.
Q Do you know whether he has ever married ?
A He said he had a family.

Mr. Smith: I object to what he said.

Examined by Mr. Smith:

Q Van Buren, Arkansas, is just across the river from the Cherokee Nation is it not Mrs. Dodson ? A I don't know. I know Van Buren is close to the line, but I don't know how far.
Q You don't know what became of Charley after your uncle sold him? You don't know what became of him finally ?
A He ran away from my uncle once, and he got him back, and when he sold him to this Louisiana planter he ran off again and came up into this country, and was around my father's house. I didn't see him, but they saw him and told me he was there.

The Commission: This testimony will be filed with the following doubtful Cherokee Freedman cases : D 952; D 954 and D 965.

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

E. C. Bagwell.

Subscribed and sworn to before me this February 26, 1902.

Commissioner.

957.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Reed Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Charles Brown, D 888;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

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

(SEAL)

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cher
Supp'l to Freed D 952

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., April 11, 1903.

In the matter of the application of CHARLES BROWN, for the enrollment of himself and his children LOUVENIA GORHAM and JOSEPH BROWN, as Cherokee Freedmen:

LOUVENIA GORHAM, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

Q What is your name ? A Gorham is my name now, Brown is the name my father gave in.
Q What is your first name ? A Louvenia.
Q How old are you ? A I am twenty four I think. twenty three or four, I don't remember.
Q You were twenty, two years ago, you must be twenty two now ?
A I don't know just exactly.
Q What is your father's name ? A Charley Brown.
Q Now you say you were married to Lawrence Gorham ? A Yes sir.
Q When were you married to him ? A In May, 1900.
Q Then you were married when your father made application for you ?
A No sir, [illegible]
Q Is your husband a citizen ? A No sir, he's not a citizen.
Q Have you a marriage certificate ? A Yes sir, but not with me
Q Have you get it at home ? A Yes sir.
Q Will you send it in to the Commission ? A Yes sir, I will send it or either bring it.
Q Have you been living with this husband since you married him ?
A Yes sir.
Q Have you and your husband been living in the Cherokee Nation all the time ? A No sir, not all the time, he's been working away, but of course I haven't been where he works.
Q You never made your home outside the Cherokee Nation ?
A No sir.
Q What does your husband do ? A Hotel porter and cooks.
Q Have you got a place in the Cherokee Nation ? A Yes sir.

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

Subscribed and sworn to before me this July 29, 1903.

Samuel [illegible]
Notary Public.

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

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

Charles Brown et al.----------Cherokee Freedmen D 962
Washington Brown----------Cherokee Freedmen D 738
Charles Brown, Jr.----------Cherokee Freedmen D 964
John H. Brown----------Cherokee Freedmen D 965

D E C I S I O N

The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission by Charles Brown, for himself and minor children, Louvina and Joseph Brown; by Washington Brown, for himself; by Charles Brown, Jr., for himself; and by John H. Brown, for himself.

The evidence shows that the applicant, Charles Brown, was born prior to the commencement of the rebellion and that he was not the slave of a Cherokee citizen nor a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

The evidence further shows that all the other applicants herein have been born since the close of the rebellion and are the descendants of and claim right to enrollment through the said Charles Brown.

None of the names of said applicants are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Charles Brown, Louvena Brown, Joseph Brown, Washington Brown, Charles Brown, Jr., and John H. Brown, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Chairman.

SIGNED

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this MAR 5 190

In Camp 6 miles West of Beggs
Aug 30th 1901

Messrs Bell Hastings & Davenport
Vinita IT

Gentlemen, Yours of the 24th just received. Charles Brown was bought by my father some time before the war of one of the Hildebrands I think who lived on Grand River. My father, either in 58 or 59, sold Charles to my uncle Cy. Scott who lived at Van Buren and I think he was his property when the war commenced. Chas. wife Sarah Jane, was my Mothers slave until 1862.

Truly

J. T. Scott

MDG

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

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-952, D-738, D-954
& D-965.

Muskogee, Indian Territory, March 16, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 5, 1904, in the consolidated case of Charles Brown, et al., rejecting the applications for the enrollment of Charles, Louvena, Joseph, Washington, Charles, Jr. and John H. Brown, as Cherokee Freedmen.

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,

C. R. Breckinridge

Commissioner in Charge.

Enc. G6.

MOG

COMMISSIONERS
TAMS BIXBY.
THOMAS B. NEEDLES
C. R. BRECKINRIDGE

WM. O. BEALL,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Cherokee freedmen
D 952, et al.

Muskogee, Indian Territory, June 30, 1904.

W. W. Hastings,

Attorney for the Cherokee nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting the applications for the enrollment of Charles, Joseph, Charles, Jr., Washington, and John H. Brown, and Louvena Gorham, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 23, 1904.

Respectfully,

Commissioner in Charge.

NOTICE!

IN THE MATTER OF The application of Charles Brown for enrollment as a Cherokee Freedman:

Case No. F. D. 952

To Charles Brown & Mellette & Smith attys

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Ft. Gibson Indian Territory, on the following dates, to-wit: Sept 18 A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 5th day of ~~[illegible]~~ 1901 1901.

L B Bell

Attorneys for the Cherokee Nation.

F. D. 95-2

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 26 day of Sept, 1901.

Meeloch & Barnett

Attorney for applicant.

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

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

.....

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

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

Proof of Service made and original filed with the DAWES COMMISSION.
SEP 26 1901

NOTICE!

IN THE MATTER OF the application of Charles Brown for enrollment as Cherokee Freedmen:

Case No. F. D 952

To Charles Brown & or Mellet & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 11th, 1901. at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 26th, 1901.

L B Bell

W. W. Hastings

J L Davenport

Attorneys for the Cherokee Nation.

F. D. 952

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

.....day of .....A. D. 190....

Given under my hand this..... .....

day of.....A. D. 190....

.....

Marshal for the Cherokee Nation.

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

....day of....., 190....

.....

Attorney for applicant.

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

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

.....

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

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

Proof of Service made
original filed with the
DAWES COMMISSION.
FEB 11 1902

NOTICE!

IN THE MATTER OF the application of Charles Brown for enrollment as Cherokee Freedmen:

Case No. F. D 952

To Charles Brown or Vallotte & Smith his attorneys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on February 24th, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 8th day of February, 1902.

L B Bell

W. W. Hastings

Jas. S. Davenport

Attorneys for the Cherokee Nation.

Cher. Fr. D. 953

C 7 10 253

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
SEP 3 1903
ACTING CHAIRMAN.

To be filed with case of Katie Davis, C. F. D. #953.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 10th, 1901.

In the matter of the application of Sallie Miller for the enroll ment of herself and one granddaughter as Cherokee freedmen; she being sworn by commissioner C. R. Breckinridge, testified as follows:

Q What is your name? A Sallie Miller.
Q How old are you? A I am 59 years old.
Q What is your post office address? A Vinita.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A Yes, sir.
Q Do you want to enroll anyone besides yourself? A Yes, sir.
Q One grand daughter? A Yes, sir.
Q What is her name? A Katie Hicks.
Q How old is she? A 20.
Q Is she an orphan? A Yes, sir.
Q Have you no children of your own? A They are all old enough to apply for themselves.
Q Have you no husband? A He is a state man.
Q Did he get out a Cherokee license to marry you? A No, sir.
Q How long have you lived in the Cherokee Nation? A I have lived here pretty much all my life excepting about 6 or 7 years at different times.
Q Where were you born? A In Flint district, near Stilwell.
Q Were you a slave when the war broke out? A Yes, sir.
Q To whom did you belong? A William and Nellie Holt.
Q Were both of them Cherokee citizens? A Yes, sir.
Q Where did they live.
Q They first lived in Flint and then they moved from Flint district to Webbers Falls. That was where we was living when the war broke out.
Q Where did you go when the war broke out? A From Webbers Falls we went to Baxter Springs.
Q In Arkansas? A No sir, it is in Kansas.
Q When did you come back? A I come back in the fall of '65.
Q Have you lived in the Cherokee Nation ever since you come back in the fall of '65? A Yes, sir, this has been my home ever since excepting when my husband died I went out and worked and took my children to school.
Q Where did you go when you went to work? A Fort Scott.
Q When was that, in what year was that? A The first time I went out was in '68, I took my children to school, my two oldest children by Nick Whitmire.
Q How long did you stay there with those children? A About 3 months.
Q Did you leave the children there then? A Yes, sir.
Q Where did you go then? A Come back and went up on Big Creek, to Rachel Whitmires.
Q Did you have a home in the Cherokee Nation all that time? A Yes, sir.
Q When did you go out of the Cherokee Nation the first time? A In '75, is when I went back up to Kansas, after that.
Q What did you go up there for that time for? A I went up there to see my children they were working there then.
Q How long did you stay there A Went up in the fall of '75 and staid there until July, '76.
Q Did you then come back to the Cherokee Nation? A Yes, sir.
Q When did you go out again? A I went up there in June, my husband got sick and was unable to work; he had been an old soldier and he went up to apply for a pension, that was about the 15 or 16th of June 76.
Q Where did you go then? A To Fort Scott.
Q How long did you stay there? I staied there until the spring of '79.

Q Where did you go then? A To Fort Scott.
Q How long did you stay there? A I staid there until the s ring of '79.
Q Then what did you do? A Went to my aunt Darkeys on Fourteen Mile Creek.
Q When did you go out the Cherokee Nation the ne t time?
A I sta idwith aunt Darkeys and Mary Rogers a year.
Q What did you do then? A I had no husband then and went about and worked.
Q You had two children up in Kansas then? A No, sir, the boy I don't know where he was the n, the girl she had come back to Big Creek with Lewis Whitmires.
Q What was the two children you first took up there? A Yes, sir.
Q What years was that? A That was after '80.
Q You worked then in Kansas? A Yes, sir.
Q How long did you stay there that time? A About a year.
Q What kind of work did you do then? A Laundry work.
Q Where did you go after you had done lqundry work there for a year?
A Came down on Big Creek.
Q When did you have again? A I don't remember exactly, I went bac in 83 or 4.
Q How long did you stay that time? A 5 or 6 months I guess, not longer.
Q Then what did you do? A Come back on Bi Creek to my cousin Rachel Webbers.
Q When did you go out the next time? A I come back in '85, I get married in '84.
Q Where have you li ved since '84? A In Vinita.
Q Eversince '84? A Yes, sir, I got married and my husband promis ed to come down here and we came and he staid here to days and one night Iand I never seed him for three years again.
Q And you continued to live there then until he came back again?
A Yes, sir.
Q Have you lived there ever since he came back three years after he had first been there a day and two nights? A Yes, sir.
Q And you on the roll of 1880? A I don't know, I was here then.
Q Give me the name of your father? A Jack Miller.
Q Is he dead? A Yes, sir.
Q Give me the name ofyour mother? A Easter Holt.
Q Is she dead, A No, sir.
Q She is living is she? A Yes, sir.
Q Where? A In Vinita.
Q Is her name Holt now? A Yes, sir
Q How long has your fatherbeen dead? A 17 or 18 years.
Q Was he a Cherokee Freedman? A No, sir, a Cherokee full blood.
Q Is your mother a Cherokee Freedman? A Yes, sir.
Q Did your mother come back with you when you come back after the war? A No, sir.
Q You were married and come by yourself? A No, sir, we had separated.
Q But you had been married? A Yes, sir.
Q And you wasn't with your mother? A No, sir.
Q Give me the name of this granddaughter A She goes by the name of Kate Davis.
Q You say she is 20 years old? A Yes, sir.
Q G ve me the name of her mother? A Nettie Holt.
Q She is dead is she? A Yes, sir.
Q How long has she been dead A She died I wasn't here with her when she died, I was down to aunt Darkey's
Q Well when did she die? A In '78 I guess.
Q Was Nettie Holt your daughter? A Yes, sir.
Q Where was Nettie Holt born? A At Webbers Falls.
Q Afrer the war A No, sir, before the war.
Q Did she belong to the same people that you belonged to?
A Yes, sir.

Q Did she go out with you during the war? A Ye , sir.
Q Did she come back with you after the war? A Yes, sir.
Q Did she live in the Cherokee nation from the time she came until she died? A No, sir, she went to Fort Scott to school part of the time.
Q How long did she go to school there? A 4 or 5 years.
Q Did she stay in the Cherokee nation all the time from the time she came back with you right after the war excepting the time she was out to school? A Yes, sir.
Q Give me the name of the father of this child Katie Davis?
Q She told ~~th~~that Katie's father was named Douglas Putman.
Q Was Nettie ever married to Putman? A If she was I don't know it, he was a postal clerk on the M. K. & T. railraed.
Q He was a state man? A Yes, sir.
Q How many times have you been married? A 3 times.
Q Who was the first man you ever lived with as husband and wife?
A Dick Whitmire.
Q Did you and he take up as man and wife before the war?
A No, sir, we were married by the district clerk of Flint district.
Q After the war? A No, sir, before the war.
Q You and he were married then when the war began? A Yes, sir.
Q How long did you and he live together? A About 8 years.
Q When was it you parted, during the war? A Yes, sir.
Q You went north? A Yes, sir.
Q Where did he go? A He came north.
Q But you had been parted? A No, sir; they took him in the army and he run off in '63.
Q But you parted in war times? A Yes, sir.
Q Who was the next man you lived with? A Buck Bushyhead.
Q When were you married to him? A In the Winter of '65.
Q Where at, In Kansas? A No, sir, in Fort Gibson.
Q After you got back? A Yes, sir.
Q How long did you live with him? A Until 77.
Q Is he dead? A Yes, sir.
Q Did you live with him until he died? A Yes, sir.
Q Who did you next live with? A Stephen Miller.
Q When did you marry him? A I think it was in '84.
Q Is he living? A Yes, sir.
Q He is a state man is he? A Yes, sir.
Q You married him in Kansas? A Yes, sir, in Fort Scott.
How long after you married him before you came to the Cherokee Nation? A About 6 months I come back to Fort Gibson.
Q Did he come with you? A No, sir.
Q Where were you when he come down and staid a night and two days?
A At Vinita.
Q And then he left you? A Yes, sir.
Q When did he come back to you in the Nation? A About 3 years after.
Q And you had never seen him in that time? A No, sir, he is in Vinita now.
Q How long has he been in Vinita? A 8 or 9 years.
Q Have you and he been living together those 8 or 9 years?
A Yes, sir.
Q How did this grand daughter get the name of Davis? A She is married.
Q Is her husband living? A Yes, sir.
Q Why don't he apply for her? A He don't know nothing about her at all.
Q What is the name of her hu sband? A John Davis.
Q When did she marry him? A Some time in March, this last March.
Q Is he a Cherokee freedman A Yes, sir.
Q What was this woman's name before she married Davis? A She went by the name of Putman.

Q You were never married to Putman? A No, sir, this is my daughter's child by Putman, she is my granddaughter, not my child; my daughter had her by a man named Putman.
Q What name did you go by in 1880? A Bushy head.

Applicant cannot be found on the 1880 or 1896 rolls.

Q Did you draw Cherokee strip money? A No, sir, only drawed this bread money.

Applicant not found on the Kern-Clifton or Wallace rolls.

Q You are not on any of these rolls, is your grad daughter Katie Davis in the same fix that you are? A I think she is enrolled with her grand father.
Q What was his name? A Dick Whitmire.
Q Is she the grand daughter of your first husband Whitmire?
A Yes, sir.
Q Her mother, Nettie, was a child of Whitmire's? A Yes, sir.
Q And you think this child Katie Davis is on the roll as Whitmire?
A No, sir, I think it is on as Putman, but that her grandpa Whitmire enrolled her.
Q Did she draw Cherokee strip money? A No, sir, I think her grand father drawed it for her.

The applicant's grand daughter not found on the Kern-Clifton roll, upon examination of same.
The Wallace roll of the Cherokee Nation examined and the name of the applicant's grand daguther found as follows: Page 146, No. 3047, Katie Putman, Ceoweescowee district.
The applicant's grand daughter not found on the 1880 or 1896 rolls upon an examination of same.

Q Have you any one here who knows when you came back after the war?
A Yes, sir.
Q Who have you here? A Polly Nivens, Easter Grimmett, Darkey Buffington.

The continuation of this case taken by Bruce C. Jones.

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 rranscript of his stenographic notes therein.
(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 22d day of June, 1901 at Nowata, I. T.
(Signed) T. B. Needles,
Commissioner.

Sallie Miller et al.
Continued from testimony taken by Chas. von Weise; June 10, 1901.

SALLIE MILLER, recalled and examined by Commissioner, testified as follows:
Q You say you and Dick Whitmire were marriedbefore the war?
A Yes, sir, before the war.
Q Where was it that you and he parted during the war? A He lived in Going Snake district and I lived at Webbers falls time of the war.

Q How did you happen to part, did he go one way and you go another, or did you quarrel and part? A No, sir, I was living at the Falls and he lived up in Flint District; Going Snake district, and I went out, the soldiers came and got us there and took me to Baxter Springs, and he came after that, I don't know where he came from.
Q Did he come after that while the war was still going on?
Q Yes, sir.
Q Had you married in the mean time? A No, sir.
Q Well, he was still your husband at that time? A Yes, sir, he was my husband.
Q You hadn't parted them down to that time? A No, sir.
Q Were you and he husband and wife up in Kansas during the war, at Baxter Springs? A Yes, sir.
Q Well, what became of him after that? A He got away from there in '63.
Q And how long was it that you saw him after that? A I never seen him till the fall of '65.
Q Had you married again in the meantime? A No, sir, I wasn't married when I first saw him.
Q When you saw him in the fall of '65 you hadn't married? A No, sir.
Q Had he married? A I don't know, he was living with a woman.
Q Did he claim you and live with you as his wife? A No, sir.
Q That was, you say, in the fall of '65? A Yes, sir.
Q Now Buck Bushyhead, you say you married him in the winter of '65? A Yes, sir, in the wint er of '65.
Q Well, most of the winter of '65 was a long time before the fall of '65? A. '65; now I made a mistake, I came back, that is in '65, Dick Whitmire was living with a woman.
Q Before you married Bushyhead? A Yes, sir.
Q When you married Bushyhead he didn't any longer claim you as his wife? A Yes, sir.
Q Dick Whitmire was living as man and wife with another woman, and no longer claimed you as his wife? A No, sir.
Q And then you felt free to marry Buck Bushyhead? A Yes, sir.
Q And you lived with Buck Bushyhead until he died? A Yes, sir.
Q And after that you married Stephen Miller? A Yes, sir.
Q And you are living with him now? A Yes, sir.

POLLY NIVENS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A Polly Nivens.
Q How old are you? A About 56.
Q What is your post office? A Fort Gibson.
Q How long have you lived in the Cherokee Nation? A All my life. Never was out.
Q were you out then during the war? A Went out about f ive weeks.
Q were you a slave in the Cherokee nation when the war came on? A Yes, sir.
Q To whom did you belong? A Joe Nivens, or Moses Nivens, it is all the same.
Q Do you know the applicant here? A Yes, sir.
Q Did you know her during the war? A Yes, sir.
Q Who was it she belonged to? A Old Mrs. Holt, at the Falls.
Q At Webbers Falls? A Yes, sir.
Q Nellie Holt, was it? A Yes, sir, Mrs. Nellie Holt.
Q How far did this woman live from you in that day? A She lived at Webbers Falls, and I lived at Fort Gibson at Nivens Ferry.
Q How far is it apart? A I don't know exactly how far.
Q Is it very far? A No, sir, it is not very far.
Q Did you know her husband back in that day? A No, sir, I didn't know him, I just knew her; when her mistress would come to our owner to see them.

Q Did you know her down to the time the war broke out? A Yes, sir.
Q Did she have any children in that day? A When I seen her she just had two.
Q Do you remember their names? A No, sir, I don't remember their names.
Q Did she ever have a daughter named Nettie, or do you know that?
A No, sir, I don't know about that.
Q Do you know anything about where this woman went during the war?
A No, sir, I don't know where she went during the war.
Q When did you first see afrer the war? A Why I saw her right at Fort Gibson.
Q When was that? A That was when the refugees was drawing rations you can count back from this, I can't.
Q Do you know wha year that was in? A No, sir, I don't.
Q It was when t he refugees were drawing government rations?
A Yes, sir, just after peace was made.
Q Do you know how long she had been back then? A She said she had just come back a short time before that when we first met, hadn't long come back.
Q Had peace been made then? A Yes, sir, peace was made.
Q How long was that after peace was made before you saw her, do you know? A No, sir, I can't tell that exactly.
Q W ell, what do you know about her from that day to this, have you been seeing her all the time? A No, sir, I can't locate her all the time, she stayex a while in Gibson and said she was going away from there, and I asked her where she was going and she said I am going to take my children back to school and said, there is nothing here for them but badness, and I said, you had better come back down here.
Q Did you ever know this child Nettie after the war? A No, sir, she just had two children with her and I never paid no attention to them at all.
Q Well, have you seen much of her from that day to this?
A No, sir, I haven't seen her for a good while until I met her here again; I heard of her but I haven't seen her.
Q Did you remember and recognize her distinctly? A Yes, sir.
Q As the woman you knew before the war A Yes, sir, knew her the minute I set my eyes on her.
Q The same woman you knew in Fort Gibson? A Yes, sir, same woman; I was glad to meet her alive.
Q You don't know anything about her marriages since the war time?
A No, sir, don't know anything about her marriage at all.
Q Now these people that this woman belonged to, the Holts, were they well know and recognized Cherokee citizens? A Yes, sir.
Q And you knew her as their slave, did you? A Yes, sir.
Q She passed as such in the neighborhood? A Yes, sir, she called her mistress, she would be waiting on her everywhere she would go.

Mr. Davenport: How long before the war broke out had it been that you had seen her, Aunt Polly? A I can't tell you how long exactly because they just came to my home on a visit.
Q That was some years before the war began? A Yes, sir, some years before the war began, but not so very long, though.

EASTER WILLIAMS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A Easter Williams, now.
Q Did you name used to be Grimmett? A Yes, sir.
Q How old are you? A I guess I am about 52, I guess.
Q What is your post office? A I get my post office here while I am here.
Q At Chelsea? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have been here all my days.

Mr. Smith: Do you know this applicant here, Sallie Miller?

A Yes, sir.
Q How long have you known her? A Ever since the war.
Q Did you know her before the war, or not until after?
A Not until after the war.
Q Where did you first meet her after the war? A Met her in Fort Gibson.
Q When? A The time they brought the refugees back in there.
Q Do you know what date that was, what year it was? A No, sir, I don't know what date it was they brought us back to Gibson; I can't tell you just what date that was.
Q Where did you see her, where was she when you first saw her?
A At Fort Gibson.
Q What was she doing there? A Working among the refugees.
Q Do you know whose daughter she was, did you know her mother?
A Yes, sir, master Holt.
Q Have you known her since? A Well, I have seen her since then, of course where I saw her at Fort Gibson and I have met her here since then.
Q What do you mean by here, what place in the Cherokee Nation have you seen her since '66K A She was in Fort Gibson in '66, she went by Bushyhead at that time, she was living in Gibson.
Q Did you know her husband? A Yes, sir.
Q Do you know whether or not he died? A Yes, sir, he died.
Q When did he die A I can't tell you just when he died.
Q Do you know whether she was marriedagain or not? A Yes, sir.
Q Who did she marry? A Mr. Miller.
Q Do you know who Sallie belonged to before the war? A Yes, sir. I knew her before the war, Billie Holt and Nellie Holt.
Q Were they Cherokee Indians? A Yes, sir.
Q Do you know how many children Sallie had when you saw her in '66?
A Yes, sir, she had two.
Q Do you remember their names? A Kate was one.
Q Do you remember the other? A Nettie.
Q What has become of Nettie A She died.
Q Did Nettie have any children? A Yes, sir, Katie Putnam.
Q Was Nettie married? A I don't know that, but I know she had one child.
Q Do you know where that child is n ow? A In Vinita.
Q Do you know who the child lives with? A Sallie Miller.
Q Her grandmother? A Yes, sir.
Mr. Davenport: How far were you living from Aunt Sallie when the war broke out? A They brought us up to Fort Gibson , we were all there during the war, and I was cooking for the officers.
Q Was Sallie brought to Fort Gibson with you? A Yes, sir, from Neosho, they brought us as refugees from Neosho.
Q Before the war broke out I am talking about now, not about the refugee time? A We lived in Flint.
Q You don't know anything about where she was living when the war broke out? A No, sir.
Q Do you know to whom she belonged when the war broke out?
A She belonged to old man Holt, her mother belonged to old Holt.
Q That was before the war began? A Yes, sir.
Q You don't know anything of them after the left Flint district and went to Canadian, up to the time the war began? A I seen her in Gibson.
Q Not before the war? A No, sir, but after we came in scattered during the soldiers, we all met at Gibson, they br ught us to Gibson, carried us to where we first went, to Neosho, and back.
Q Holt before that moved down about Webbers Falls sometime before the war began? A There is where she lived I guess before the war broke out.
Q They moved away then from where you were living? A Yes, sir.
Q And you don't know anything more about them until after the war began, do you? A No, sir.
Q And you don't know where she went during the war, do you?

A No, sir, don't know where she went.
Q All you know about it is she came back to Fort Gibson sometime before the close of the war or about the close? A Yes, sir.
Q You don't know where she has been living since the war closed?
A No, sir, I can't place her where she has been living since.
Q There would be several years at a time you didn't hear of her?
A Of course I don't know only where she went.
Q Where do you live? A I live at Big Creek.
Mr. Smith: Do you know how long Sallie Miller, the applicant, was at Fort Gibson when you saw her at the time thereafugees were there A We were all there about three years.

DORCAS BUFFINGTON, being duly sworn and examined by Commissioner Breckinridge, testified as follows:
Q Give me your name? A Dorcas Buffington.
Q How old are you A I am 78 years old, according to that Mr. Bushyhead told me.
Q What is your post office? A Melvin.
Q How long have you lived in the Cherokee Nation? A I was born in the Cherokee Nation, in Tennessee.
Q Did you come here with the Cherokees in old times? A Yes, sir.
Q Have you lived here ever since? A I have lived here ever since; of course my folks hired me out once in a while in the state but that was when I was small.
Q Went out during the war? A No, sir.
Q Here during the war? A Yes, sir, all during the war.
Q Were you here when the war began? A Yes, sir, right here.
Q Who was it you belonged to? A I belonged to Mr. Bushyhead, that lady's (indicating) husband's father.
Q The father of Chief Bushyhead A Yes, sir.
Mr. Smith: Do you know this applicant, Sallie Miller?
A Yes, sir, she married in my town.
Q How long have you known Sallie A I been knowing her, I can't exactly tell you, but it has been long before the war.
Q You knew her before the war, A Yes, sir.
Q You know whether she was a slave or not? A I know she was a slave, I don't just think it, I know it.
Q Who did she belong to? A She belonged to old Mrs. Holt, old Mrs. Tempie Holt, she married a Whitmire.
Q Were the Holts citizens of the Cherokee Nation? A Yes, sir, citizens.
Q Where did they live? A They lived down there in Flint, I can't tell you exactly the place.
Q When did you first see Sallie in the Cherokee Nation after the war? A Well, I can't tell you exactly the time I seed her, but then she came to my house and stayed with me when they put out work about the negroes must come back to the old country, and she came to my house and stayed there for a week or so, and then she went off to Mr. Rogers, and I don't know how long she stayed there.
Q Where were you living? A I was living on Fourteen Mile Creek.
Q Did you go out of the Nation during the war? A No, sir.
Q Not at all? A No, sir, not at all, only when I was traveling with the army waiting on the Cherokees.
Q Do you know what year it was you saw her A Not clear, I can't tell you that part, I never kept the dates of the years, I never thought nothin about it.
Q Where did this man Rogers that you spoke of live? A He lived between Grand river and I lived on Fourteen Mile Creek.
Q Do you know whether she had been to Fort Gibson, or whether she went to Fort Gibson after you saw her? A She went to Gibson, said she was going when she went from my house.
Q What was her name then? A Her name was Sallie Walker, Charlie Walker married her.

Q Was she ever married after that to anybody else? A I can't tell you that, I knew before she married Charlie Walker she lived with a man named Dick Whitmire, one of the Whitmires, and I believe she had some children by him; I don't know, I never been the children
Q Dd Whitmire ever go by any other name? A No, sir.
Q Who did he belong to? A He was a free man, he was a Cherokee the Whitmires was.
Q He wasn't a colored man at all? A No, sir, he owned slaves; Tempie Holt married Johnson Whitmire, and you know Tempie was a fine lady, she wouldn't want a nigger.
Q When did Sallie Marry Miller, her pre sent husband? A I don't know sir, I don,t know that.
Q How many children did Sallie have, if she had any children, at the time you speak of her comging to your house? A She had two.
Q Do you know what their names were? A I think one was named Annie and the boy I diaremember what that child's name was right now, but she had two children.
Q Do you know whether Sallie has been married more than once? A No, sir, I don't, I don't know nothing about her whether she was married jore than once or not, but I know she was marriedonce and that was to Charlie Walker.
Q What was he a colored man? A He was a colored man, he was my sister's son, and you know I am colored.
Q Was Charlie Walker a slave? A That is whathe was, a slave of the same people I was.
Q Did they sometimes call Charlie Walker Charlie Bushyhead?
A Yes, sir, got the Charlie Walker from his father.
Q His father's name was Walker and his mother's name was Bushyhead.
A No, sir, it isn't that way; after the darkies got free, he went by the name of his father, and when he was a slave we all went in the name of our masters.
Q What was that? A Bushyhead.
Q Charlie Walker, the man who married Sallie, his name was Walker?
A Yes, sir.
Q Andhis mother's name was Bushyhead, is that right? A No, sir, that isn't right yet; Charlie Walker he went by the name of the man that his father belonged to, after he got free, and when he lived at home why he went by the name of Bushyhead.
Q Then he went by two names? A Of course, after he vot free.
Q What were they? A When he got free, he went by the name of Walker, and when he was living at home at Bushyhead's , he went by the name of Charlie Bushyhead.
Q That was this woman's husband? A That was her husband.

Mr. Smith: If the Court pleases, in making this record, I would like to have a reference to the case of Joshua Holt, D-644. Joshua Holt was this woman's brother.

SALLIE MILLER, recalled, testified:
Commissioner: Did you have a brother named Joshya?
A Yes, sir.
Q A full brother? A No, sir.
Q Not a full brother? A No, sir, brother on my mother's side.
Q Is he older or younger than you? A Younger.
Q How much younger? A I guess he must be 10 years younger, I am 59 and I think he is 52 or 53.
Q Was he with you during the war? A Yes, sir.
Q Did he come back with you when the war closed A No, sir.
Q You didn't come back with him? A No, sir.
Q Did you and he belong to the same people when the war broke out?
A Yes, sir.
Mr. Davenport: Nor, Sarah, did you ever apply to the Bob Daniels, or Chambers Court to establish your right after your eturned to the Cherokee Nation? A No, sir, I never was but one, went to Tahlequah, I think it was somewhere in Ninety, when I didn't get the Wallace money.

Q You applied to the Kern-Clifton Commission? A Yes, sir.
Q Now where were you living when your husband, Dick Bushyhead, died? A Buck Bushyhead you mean; why he died in Fort Scott.
Q Where were you living at that time? A On Big Creek.
Q You were down on Big Creek when he died in Fort Scott? A Yes, sir, he we nt up there to apply for his pension, he was there two weeks.
Q You had been in Fort Scott during the war? A Yes, sir.
Q You went from Baxter Springs? A Yes, sir.
Q You stayed there a few months, and then came back, and you and your husband went to Fort Scott? A Yes, sir.
Q Do you know the times when you were in Fort Scott? A No, sir, not before he died.
Q When were you and your present husband, Miller, married, in what year? A In 1884.
Q Where were you living at the time? A I was living in Fort Scott.
Q Miller was a resident of Fort Scott too, wasn't he A Yes, sir.
Q Now then you and Miller lived there some time after you married before you came back o the Cherokee Nation? A I stayed about six months.
Q You stayed there first and last all together about seven years? A No, sir, I never stayed in Fort Scott seven years at one time.
Q I mean first and last? A Yes, sir, about that first and last since the war.
Q About that first and last since the war close? A Yes, sir.
Q Now you are not a full sister of Joshua Holt? A No, sir.
Q Both had the same mother, but not the same father? A Yes, sir.
Q Easter Holt is your mother, isn't she? A Yes, sir, Easter Holt
Q Did you and Easter Holt and your half brother go out of the Cherokee Nation together during the war? A Yes, sir.
Q Well, who returned first? A Why I returned first.
Q When did your mother and Joshua return? A Why then -- now I can't sa they did --.
Q Do you know really when they returned? A Yes, sir, they came back when they had that fight up here at Horse Creek.
Q They came back the year of the Horse Creek fight did they? A It seems to me, I can't say positively.

Mr. Smith: Are you the daughter of Easter Holt, who applied for enrollment this morning over there; did you see her over there? A Yes, sir.

Commissioner: When did you marry your husband Buck Bushyhead? A In Fort Gibson.
Q Was he a Cherokee Freedman? A Yes, sir.
Q Dorcas Buffington stated that your being at her house on Thirteen Mile Creek? A It is fourteen Mile Creek.
Q What time was that after the war? A It was in '79.
Q That was a long time after the war? A Yes, sir.
Q She doesn't know anything about when you came back?
A Well now I don't know whether she did or not, because I stayed in Gibson.
Q Before you saw her after the war claimed before '79? A Yes, sir, I seen her then in Fort Gibson, at the Buttler's store, Mr. Percival run the store and Buck Bushyhead worked at the store.
Q You spoke of going to Tahlequah once to see about getting your rights? A Yes, sir.
Q What did you go there? A I went down there and I seen Mr. Thompson, W. A. Thompson.
Q Did you apply to any Court A Yes, sir, there at Tahlequah.
Q And what did the Court do? A They told me that I was readmitted.
Q Did you apply to be recognized or readmitted? A Yes, sir, they they said all those they could find the names on the 1880 roll to go down there with proof and they would put them on the roll, and I went, and I thought I knowed him in time of the war there at Fort Gibson and I thought I would get him and he would attend to it for me

Q Did you appear before the Court? A Yes, sir
Q You give in your testimony? A Yes, sir.
Q Did you have any witnesses A Yes, sir.
Q And the Court heard your case? A Yes, sir.
Q Did the Court pronounce a decision in your case? A They said the chief would have a ten days session and then he would attend to it
Q Did you ever get any notice of what that decision was? A No, sir.
Q In what year was that, as near as you can remember? A It has been, I guess, six years ago.
Q Was that the only application you ever made to any Court or Commission or authority to have your rights fixed? A No, sir, went before the Wallace Court, and went before the Clifton and Kerns.
Q Why wouldn't they put you on the Wallace roll? A I don't know.
Q Why didn't they put you on the Kern-Clifton roll? A I don't know, unless it was beceause I didn't have a whole lot of money to pay out, they asked me for some money and I told them I didn't have any,
Q Who asked you for money? A Turner, he wanted ninety dollars, and I told him I didn't have ninety cents.
Q Well, your rights ought not to depend upon your having money; how about the roll of 1880? A I was at Fourteen Mile Creek at that time when the 1880 roll was made.
Q Were you at Dorcas Buffington's at that time? A Yes, sir.
Q What about they making that roll? A They didn't come, and I got Uncle Harry to go down to see Mr. ?Lipe, I belive old man Lipe had something to do with that, and he went there, and said Mr. Lipe said it was all right, and that was the reason I didn't bother anything about these rolls, I thought I was all right till it came around and I didn't get any money.

Mr. Davenport: I would like to object to that hearsay part about what that fellow went down there and said Mr. Lipe said.

Mr. Smith: What did you state was the occasion, or why did you go to Tahlequah in the nineties to, see about your citizenship?
A They had a notice in the paper to all them didn't appear on the 1880 roll to go down there and with sufficient proof and they would put them on the roll.
Q Who had the notice? A It was in the paper, in the Vinita paper
Q And you went to Tahlequah? A Yes, sir.
Q Who did you go to when you went to Tahlequah? A I went to this Mr. Thompson.
Q W. A. Thompson? A Yes, sir.
Q Now you spoke of going before some Court or Commission; what Court did you ever go before? A Before the Wallace Court and before this Clifton and Kern
Q But when you went to Tahlequah? A The Council was going on, the Council was in session at that time.
Q You didn't o before the Council did you? A Yes, s I guess it was, Stick Ross was one of the Councilmen, and Spade was one of the Councilmen.
Q What ever became of that W. A. Thompson you went to see?
A They said he was died.
Q He died? A I never seen him since.
Q Now as a matter of fact, do you know whether you went before any Court or not down there? A There w as eight or ten men in a room, they said they was.
Q Did you pay Thompson? A Yes, sir, gave him $10.
Q Do you know of your own knowledge whether there were any applications made, of your own knowledge, outside of what Thompson told you? A No, sir, I don't, I just had faith in him, and he knew me duing the war at Fort Gibson and I thought sure he would do what he told me.

Mr. Davenport: You hadn't heard at that time about Thompson going back to Georgia and having a friend to write him to his mother that he was dead and having his mother send money to pay his funeral expenses? A Yes, sir, I heard about that afterwards, and I never tried to see anything more about it.

Commissioner: Did you ever apply to the Dawes Commission in 1896 to have your rights recognized? A No, sir, I don't think I ever went before them.

Commissioner: The applicant applies for the enrollment of herself and one grandchild. The applicant is not identified upon the roll of 1880 or on the Wallace roll or on the Kern-Clifton roll or on the roll of 896. It appears from the testimony that she was in the Cherokee Nation at the breaking out of the Civil War, and was the slave of a Cherokee citizen. There is considerably testimony to the effect that she returned to the Cherokee Nation i n 1865, and and is living in the Cherokee Nation at this time, and has been so living for a number of years past, but it appears that altogether, for six or seven years, but not in a continuous way, she has since the war been absent from the Cherokee Nation and in the state of Kansas. In the light of her omission from the rolls, what she has to say in connection therewith, the testimony of her return to the Cherokee Nation within the time prescribed by the treaty of 1866, though so far quite definite and reasonably satisfactory, requires to be carefully considered, and some attention should be given to the testimony relating to her subsequent residence to determine whether or not she has abjured her citizenship. It appears that she made application at Tahlequah for recognition before some Court or the Council of her rights as a Cherokee Citizen, and that her application was not granted. T e testimony in this particular is not very definite. Her change of name arising from marriage is established in a reasonably satisfactory manner. She will, under the conditions stated, be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her post office address.

As for her grandchild, her application will not be considered at this time, inasmuch as she is said to have been born in 1878, or prior thereto, and to be now married, but the examination with reference to her rights has been quite carefully made, as this child can only claim through its mother and when she does apply it will be desirable to file the grandmother's test mony with the application. It appears that the mother of this grandchild, called by the applicant Nettie Holt, died in 1878, and was the daughter of her first husband, Dick Whitmire, a slave in the Cherokee Nation at the time of the breaking out of the war, and with whom the applicant continued to live until about the time of the close of the war. It further appears that this nettie Holt returned with the applicant from Kansas and so far as the applicant's rights in that particular may be concerned, acquainred all the rights of her mother; and also, it appears that this Nettie Holt, after her returne to the Cherokee Nation about the time of the close of the Civil War, was never out of the Nationexcept some four years when she was at school. This daughter, now known as Katie Davis, is shown to be Nettie Holt's daughter by a non-citizen. Therefore, when the facts of her own residence be duly established in the Cherokee Nation, her rights apparently will turn exclusively upon the

date of the return of the applicant, her grandmother, to the Cherokee Nation, with reference to the treaty of 1866. As indicated, the application for this grandchild was not continued further at this time than simply to develop the testy and through the grandmother, upon which that application must rest when it is made in its regular order.

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Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the proceedings and testimony in the above case, and the foregoing is a true and [illegible] record thereof.

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 15th day of June, 1901.

(Signed) R. B. Needles
Commissioner.

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J. G. Rosson, being duly sworn, says that he [illegible] to the Commission to the Five Civilized Tribes [illegible] copy and that same is a true and correct [illegible] script in the above case.

Subscribed and sworn to before me this September 3d, 1901.

Commissioner.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 20 1901

ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 29th, 1901.

In the matter of the application of Katie Davis for enrollment as a Cherokee Freedman; said Davis being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith for Applicant.
Mr. J. S. Davenport, Cherokee Representative.

Q What is your name? A Katie Davis.
Q How old are you? A 22.
Q What is your post office address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll? A Myself.
Q What is your father's name? A I don't know.
Q What is your mother's name? A Nettie Downing.
Q Is she living? A No, sir.
Q Are you married? A Yes, sir.
Q What is your husband's name? A John Davis.
Q Is he a citizen? A Yes.
Q Your mother's name was Nettie what? A Nettie Downing.

BY MR. SMITH:

Q Katie, where do you live? A Vinita.
Q How long have you lived there? A Well, I have been living t here for the last 12 or 14 years.
Q Who is your grandmother on your mother's side? A Sarah Miller.
Q Is she the same Sarah Miller that lives at Vinita? A Yes, sir.
Q Is she the same Sarah Miller who appliedfor enrollment at Chelsea? A Yes, sir.
Q You are her frand child? A Yes, sir.
Q Nettie your mother was her daughter? A Yes, sir.

BY MR. DAVENPORT:

Q Where is your mother? A She is dead.
Q Where was she living at the time she died? A Fort Scott, Kansas.
Q Where were you born? A Fort Scott, Kansas.
Q Were you living there when you can first remember? A No, sir, I was staying with my grandfather.
Q Who is that what we call Uncle Shoemaker Miller?
A No, sir, he is not my uncle.
Q Well, who was it? A Jim Whitmire.
Q Where does he living? A On Cedar Creek.
Q You didn't stay with your mother at Fort Scott, Kansas?
A After my mother died my grand mother wasn't there and she gi ve me to a preacher.
Q What was that preacher's name? A Name was Wallace.
Q Where was he living? A At Iola.
Q How long did you live with him? A I don't know. My grandmother came and got me.
Q That was Sarah Miller? A Yes, sir.
Q Then you came back to the Cherokee Nation after Aunt Sarah Miller came here? A Yes, sir.
Q Did she take you to Fort Scott or to the Territory when she took you from this preacher? A To the Territory.
Q Was she living there at the time? A Yes, sir, she come up there after me.

BY MR. SMITH:

Q Katie your mother has been dead how long? A She has been dead 22 years.
Q Who was your mother's father? A Dick Whitmire.

BY MR. DAVENPORT:

Q You answer that from simply what you have been told?
A I know he is my grandfather, I stayed with him.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of applicant's grandfather found

thereon, page~~xxx~~,198, #3187, Dick Whitmire, Cooweescoowee District.

BY MR. DAVENPORT: The Representatives of the Cherok e Nation object to the examination and incorparati on in this record of the enrollment of this party Dick Whitmire, whose~~x~~ name appears u pon the 1880 roll, because the proof shows that he is only the grandfather of the applicant, and that the applicant's mother died at Fort Scott, in the State of Kansas after the birth of this applicant.

Objection is overruled by the Commi ssion.

APPLICANT: My name was Katie Putnam

BY COM'R NEEDLES:

Q How did i t happen to be Katie Putnam? A That was my father's name.
Q What was your father's name? A Douglas I think.

The 1880 Authenticated roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon?
The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 146, #3087, Katie Putnam, Cooweescoowee District; "grandchild of Dick Whitmire."

JOE DAVIS, being duly sworn by Commissioner T. B. Needle, testified as follows: BY MR. SMITH:

Q State your name. A Joe Davis.
Q How old are you? A 46 years old.
Q Where do you live? A Vinita.
Q Do you know this applicant, Katie Davis? A Yes, sir.
Q Did you know her grandmother? A Yes, sir.
Q Who is her grandmother? A Aunt Sallie Miller.
Q Is she the Sallie Miller that lives at Vinita?
A Yes, sir.

BY MR. DAVENPORT:

Q How long have you known t he applicant, Joe? A I have known her ever since she was a girl, baby.
Q Well, how long has that been? A Twenty years.
Q Did you know her before she was brought from Fort Scott down to the Territory? A No, sir.
Q You have only known her since her grand mother brought her down?
A I haver known her since her grandfather had her there.

BY MR. SMITH:

Q Who was that? A Dick Whitmire.
Q Who was her mother? A Nettie Downing.
Q Whose daughter was Nettie Downing? A Aunt Sallie.
Q What was Nettie's father? A Dick Whitmire.
Q When was it you you think this girl lived with Dick Whitmire?
A I don 't know, about 13 or 14 years ago, when she was a little baby, she was small.

COM'R NEEDLES: Katie pavis applies for the enrollment of herself. She cannot be identified upon the authenticated roll of 1880, the c ensus roll of 1896 or upon any of the rollsof the Cherokee Nation except the Wallace, and she is fully identified upon the Wallace roll. She avers that she is a child of Nettie Downing, now deceased, and that she is now married to one John Davis. Nettie Downing was the child of Sarah or Sallie Miller who is duly listed for enrollment upon doubtful card #648. Applicant claims her citizenshi p through her mother and grand mother, Sarah Miller, and the testimony taken in the case of said Sarah

Miller who is listed on doubtful card #638, will be made part of the record in the case at bar and a copy of the same will be filed herewith. She avers also that she is a granddaughter of Dick Whitmire. She will now be listed for enrollment as a Cherokee freedman on a doubtful card. As to her residence reference is made to the testimony. She will be notified at her post office address of the decisi on of the Commission.

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

J O Rosson

Subscribed and sworn to before me this 17th day of July, 1901.

Commissioner.

Q Did they keep house while they were there? A Yes, sir
Q Did Sallie live there with Walker when he was living?
A Yes, sir
Q Where is Rose living now? A Roses is living up there now.
Q About how long has it been since you remember of Josh and then
[illegible] Fort Scott? A Josh hasn't been there for some consider-

[illegible]
or 12 years.
Q Well, how long has it been since Tecumseh has been living there?
A She has lived there to the best of my recollection, it has been
that long since I seen him there.
Q Do you know where he went when he left there? A No, sir.
Q You don't know whether he went to Kansas City or not?
A No, sir, I do not.
Q Well, how long has it been since Sallie has been living there?
A I won't know.
Q Has she lived there any since she and Miller married? A Yes, sir
MR. MELLETTE: Well, how long do you think it has been since
Sallie Miller lived there regularly? A Well, now, I could not
say positive, it has been since she left there regularly.
Q Well, isn't it a fact that she was back and forth ever since you
have known her, to the Territory and back to Kansas, would come down
here a stay a while and go back to Kansas? A Yes, sir.
Q That is true? A Yes, sir.
Q You don't know where any of these people were in '66 or '67
A No, sir; I came to Scott in '69.
MR. HAYWOOD: And they were living [illegible] when you came
A They was there when I came.

Com'r Needles: This testimony will be made part of the record in Freedmen doubtful cases #953, #[illegible], #[illegible], #[illegible], and in case of Nettie Hicks.

File with case of Katie Davis, C.F.-D.#953.

Supl. C.F.-D.#648.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 5th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SALLIE MILLER as a Cherokee Freedman, introduced on behalf of Cherokee Nation:

APPEARANCES:
Mr. Mellette, of Counsel for applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

SIMON McKENZIE, being duly sworn by Commissioner Needles, testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Simon McKenzie.
Q Where do you live? A I live up Pryor Creek, about five miles north of Prior Creek.
Q What is your age? A I am 59.
Q How long have you lived in the Cherokee Nation? A Been living here all my life, only few times I have been out of the Nation.
Q Well, you were out of the Nation; when you were out of the Nation what places were you in? A When I was out of the Nation I lived at Fort Scott, Kansas.
Q About what year did you live in Fort Scott, Kansas? A I lived from 1865 down to 1866, '67 and down to spring of '68.
Q During the years you lived there did you become acquainted with Sallie Miller, or Holt, or Walker? A Yes, sir, I was acquainted with one lady named at that time Sallie Holt.
Q Well, did you know her family at that time, her mother?
A Yes, sir.
Q What was her mother's name? A Au nt Easter Holt.
Q Did you know any of her brothers? A Tecumseh and I forget the other one's name, was another one.
Q Do you know whether it was Mose or Joshua? A Yes, sir, Mose and Joshua.
Q Did you know any of her sisters? A Yes, sir, but I forget their names.
Q Now, where were they living, if you know, during the years you lived at Fort Scott? A They lived in an old Government building right in Fort Scott.
Q You went there in 1865? A In '65
Q How long had you been there before you knew these people, or got acquainted with them? A I was there about a month or two or three months, I could not state the time.
Q Well, where were they living when you left Fort Scott, Kansas, if you know? A Well, Aunt Easter was living in an old Government building.
Q Have you seen any of them since that time? A No, sir.

MR. MELLETTE: Now, Mr. McKenzie, you don't know that the woman who is an applicant here for enrollment is the woman whom you say you saw up at Fort Scott, Kansas, at the close of the war, do you?
A I don't know the woman.
Q You don't know that that is the same woman? A In the same name.
Q It is not the same name? A She name Holt.
Q Well, you don't know that this is the same woman that you knew up there, do you? A Well, it was a daughter of Easter Holt, it was a Sallie woman.
Q Well, you don't know anything about this applicant; you have never seen this applicant here? A I haven't seen her here.

Q Well, you have never seen her since she has made appli cation here for enrollment have you? A No, sir.
Q Now, when did you leave Fort Scott, Kansas? A I left there early in '68 in the spring.
Q In the Spring of '68? A Yes, sir.
Q What were you doing up there at Fort Scott? A I was working there at Fort Scott, for Billy Shoemaker, stone mason, doing public work there.
Q Did you keep track of these colored people? A All I saw.
Q Did you ever testify in this case before? A I guess I did.
Q When? A Not long ago at Fort Gibson.
Q You give testimony up at Fort Gibson? A I think I did.
Q How long ago? A I don't know exactly whether it was last month.
Q How old are you, Mr. McKenzie? A I am 59.
Q Well, it has been 35 or 6 years ago then since you saw them up there at Kansas? A Yes, sir, I guess so, I never kept count of the time.
Q Well say 35; well, Mr. McKenzie, can you remember just about the time you saw these people up there 35 years ago A Well, I guess I could remember it, I statedbefore.
Q There is no reason why you paid particular attention to them?
A No, just seeing them pass and repassing about.
Q You left there in the spring of '68? A Yes, sir.
Q Wedl, they could left there a year before that and you not remember it 35 years afterwards? A Didn't I saw they back and forth all the time I was up there, off and on.
Q Well, now, off and on there, you saw them? A Every week
Q Can you remember 35 years ago you saw these people every weeks?
A I guess so, I wouldn't be here if I didn't thought I could testify nothing.
Q Well, you feel because you are here you have to testify something?
A I don't know.
Q Well, I want to know if you can remember 35 years ago you saw these people every week? A I did while I was living in Fort Scott most every week.
Q Is it possible they might have left there a year before you did?
A If they did they went back in a short time.
Q What were you paying so particular attention to those people for?
A I could not tell you.
Q You just watched them? A Well, just seeing them pass and pass every day.
Q Who else did you see up there at Fort Scott? A Why I see good many.
Q What other coloredpeople? A Good many. Good many other colored Q Black people, but I don't know their names.
Q Well, now, give the name of some other colored person you saw up there except this family? A I could not give their name.
Q There were a great many coloredpeople in Fort Scott?
A Yes, sir.
Q And of all the colored people that was in Fort Scott this family is the only one you remember the names? A Yes, sir; of course I was passing there and some lived out in the country.
Q Well, who else lived in the Government building there?
A Good many families.
Q Good many families? A Yes, sir.
Q Why don't you remember the names of the other colored people?
A Because the boys I remember them, and part lived in town-
Q Why can't you remember the names of some other colored people you saw there some time? A Well, I could if I wanted to state the whole thing I can, there was Bill Thompson.
Q Who is Bill Thompson? A There he is (pointing to a man in the audience.)

Q And who else was there? A Bill was blacksmith; Tom Brown.
Q Was it Tom Brown or Bill Brown? A Tom Brown
Q When did they leave there? A I don't know.
Q Were they there when you left? A I don't know; they lived out at the edge of town; of course when I left town I went out about three miles of town and a family lived there by the name of Campbell, worked right there at Fort Scott. I know the whole generation if you will give me time to call the name over, the whole generation of them.
Q What makes you remember seeing these people there all the time you were there? A I saw them off and on, because I was working in town; Tom Brown was a blacksmith, worked in town.
Q When was the last time you remember seeing this Sallie Miller?
A Well, I saw when I left Fort Scott.
Q Di you see her the day you left? A No, sir; I didn't see her the day before I left.
Q How long before you left did you see her? A Oh, short time, maybe a week or two weeks.
Q You remember then of seeing her two weeks before you left?
A Yes, might have been two weeks, and maybe longer and not so long.
Q Maybe a year too? (No response.)
Q Was it a year? A No, sir, I don't think it was a year; if she left there at all she went west, went towards Mapleton.
Q How do you know she went to Mapleton? A Well, if she left al all.
Q What makes you think that? A That was the talk.
Q How was that? A That is why I found out by talking with her brother.
Q You got a letter? A No, sir, talking with her brother.
Q You are testifying to what her brother told you?
A That is how I found out where she went, if she went off at all.
Q That is the reason you are swearing that she was there all the time you were there? A No, sir; I know it.

WILLIAM MARGRAVE, being duly sworn by Commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A William Margrave.
Q What is your age, Mr. Margrave? A My age is -430--about 82; I am away along in the 83 year.
Q Where do you live, Mr. Margrave? A Fort scott, Kansas.
Q How long have you lived at Fort scott, Kansas? A Since 1854.
Q Since you lived at Fort Scott, Kansas, did you become acquainted with a colored family by the name of Holts or Holt? A Yes, sir.
Q You know the old lady's name? A Yes, sir; do you mean the mother?
Q Yes, sir; What was her name? A Easter Holt.
Q How many of the children do you remember, Mr. Margrave? A Let's see, there was Mose, Cumsh, Sallie and Josh.
Q When did you become acquainted with the family? A I am not positive, I think they came there along towards the close of the Civil war, if they didn't they came there very shortly afterwards.
Q Well, now, where did they live with reference to where your home was? A Well, most of the time they lived in, I should judge, about a hundred yards, except Mose he lived, after he married, he lived about 50 yards.
Q Well, now, where is Mose Holt living now, do you know?
A Lives right there by me in Fort scott.
Q Do you know where Josh is living? A I do not, he has been away from there a good many years, I don't know how long.
Q Well, about how many years has it been since Josh moved away from there? A Of course that would be from guess work, something I never took no count of; I don't thi nk he has made his home in Fort Scott for the last 15 years, I might not be correct about it.

Q About how long has it been since Tecumseh moved away from there?
Q That maybe all the way from five, six, seven or eight years, not longer than that.
Q Well, when did Bettie leave there, about when did she leave?
A That is quite a while ago; I could not tell that.
Q Well, did Sallie Holt marry while she was up there? A Yes, married twice.
Q What was her first husband's name? A Walker he died and then she married a Miller.
Q Do you know what Miller's first name was, or what he was known by up there? A Stepney I believe it is.
Q Have you seen Sallie Miller, the Applicant, since you been down here? A I saw her this morning, spoke to her.
Q Did you recognize her as the same woman you knew up there as Sallie Holt? A Well, she lived right there near me for I expect 30 years, I don't know that it was that long; of course I knew her as well as I knew anybody in Fort Scott.
Q About how long ago was it since Sallie left Fort Scott?
A Well, now, I can't tell you.
Q Well, you came from there in -? A Seven, eight or ten years.
Q Do you know where Aunt Easter Holt is living now, whether she is living or dead? A I saw her I think about a year ago up in Fort Scott, I have never heard of her dying.
Q When did she move away, if at all, from Fort Scott, Kansas?
A It comes to those dates-
Q About how long? A I would think it was six or seven years ago.
Q You got acquainted with this family as I understand you, sometime about the close of the war? A Yes, sir, I knew them by sight and afterwards got acquainted with them.
Q They afterwards lived right near you? A Yes, sir. It was right close to me, I don't think it was over a hundred yards from where I now live.
Q And they lived there then in your neighborhood from the time you got acquainted with them up until a few years ago? A Yes, just as I stated.

MR. MELLETTE: Now, where was Sallie Miller in the fall of '65?
A I don't think I could tell just that because-
Q Well, now, where was she in '66? A The family was there, I am satisified they were in Fort Scott in '66.
Q I am talking about Sallie Miller now? A I know you do; one of the family might went away.
Q You can't say that Sallie Miller, or Sallie Holt, was not here in the Cherokee Nation in 1866 can you? A No, sir, I cannot; I know the family was living up there at that time. One of the family could go off and I would not know anything about that; go off and return again.
Q Isn't it a fact that she was down here in '66, and didn't go back up to Kansas for a couple of years after '66, about '68?
A No, I don't know.
Q You don't know? A No.
Q That might be true, might it not? A Yes, the family was there, I know they didn't all come here; might be such a thing as she did, of course not looking for a thing of that kind I might not know.
Q Well, these people might have come down in the Territory from time to time without you knowing their business, might they not, 35 years ago A You mean one at the time?
Q Yes, or two at the time? A Of course they might.
Q Sallie Miller's husband died up there, one of them? A Walker.
Q Didn't she talke some children back from here the first time she went back? A Children; I don't know anything about it.

JOHN FORBES, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A John Forbes.
Q What is your age, Mr. Forbes? A 56.
Q Where do you live? A Fort Scott, Kansas.
Q How long have you lived in Fort Scott, Kansas? A 33 years.
Q Since you have been living at Fort Scott, Kansas, did you get acquainted with a colored family by the name of Holts? A Yes, sir.
Q What was the old lady's name, if you know Mr. Forbes? A I don't exactly know what the old lady's name was.
Q What was the children's names? A I have heard the names; well there was Mose and Josh and Mrs. Walker; well, there was one or two others.
Q Do you know whether her name was Sallie Walker or what her first name was? A Her name was Sallie Walker.
Q Did she marry a man by the name of Walker? A Yes, sir.
Q Where was Walker at the time of his death, if you know?
A I don't know where he died, but I was informed that he died; that I don't know where he died, away or whether he died in Fort Scott.
Q Well, do you know whether or not she married after Walker's death?
A Yes, sir.
Q Who did she marry that time? A Man by the name of Miller.
Q Do you remember his first name? A Well, I have heard it called Step Miller.
Q What business did he follow? A Shoemaker.
Q Well, did you know any of her brothers or sisters that you remember the names of? A Well, there was Bet or Bit, I think that is it; and there was Mose and Josh.
Q Any one else you remember? A I think there was more than that.
Q Do you know where Mose Holt is living now? A Living at Fort Scott.
Q Do you know anything about where Josh is living? A No, sir
Q About when did Josh Holt move away from Fort Scott, Kansas?
A Well, he moved away from there good many years ago, I don't know very well; I wasn't very well acquainted with him on that account.
Q Well, when did the applicant, Sallie Miller now, formerly Sallie Holt, move away from there? A I could not sat, I think the best of my judgment it was eight or ten years ago, but I could not--after I got acquainted with them in '70, then I was personally acquainted with them after that.
Q Was the mother of them living there and keeping house when you got acquainted with them in '70? A I am not sure whether the mother was there, but she was there afterwards.
Q Do you know what became of Bettie whether she is living up there or alive? A No, I do not.
Q You don't remember what year they left but they left there a number of years after you got acquainted with them? A Yes, sir.

MR. MELLETTE: Mr. Forbes, you don't know where these people, any of them, were in 1866, '67 or '8, do you? A No, sir.
Q Isn't it a fact that they came, after you knew them, that they came back and forth down here in the terrtory and back up to Kansas?
A I didn't know anything about that; I think I heard some of them talking about going down to Fort Smith or going from Fort Smith, or something when I got acquainted with them.
Q Fort Smith down here on the border? A Yes, sir; I wouldn't be positive of that; some little recollection in my mind but I wouldn't be positive.

JAMES BRIGHTEN, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A James Brighten.
Q Where do you live, Mr. Brighten? A Fort Scott, Kansas.

Q How long have you lived in Fort Scott, Kansas? A 20 years.
Q Since you have been living at Fort Scott, Kansas, have you become acquainted with a family of Colored people by the name of Holt?
A Yes, sir.
Q What membersof the family are you acquainted with? A I know Mose, Mose lives there now, well I think anyother one, George Maybe.
Q Did you ever know any of the girls? A Oh, I have seen them, I don't know.
Q You are not very well acquainted with them? A I knowed Mose well and knowed where they lived well; no, I am not well acquainted with the lady folks.
Q Did you ever know the mother? A No, sir.
MR. MELLETTE: You don't know where the women folks made their homes, whether they made it here and visited up there, or where they reallly,belonged, do you? A No, sir.

WILLIAM SEXTON, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:
MR. DAVENPORT: What is your name? A William Sexton.
Q Where do you live, Mr. Sexton? A Fort Scott, Kansas.
Q How long have you lived at Fort Scott, Kansas? A I have lived at Fort Scott ever since '69.
Q Well, since you came to Fort Scott, Kansas, did you get acquai nted with a colored family by the name of Holts? A I did.
Q Did you know the mother, the old lady, or reputed mother of the family? A Yes, sir.
Q What was her name? A Her name was Easter Holt.
Q What were the names of the children, or as many as you can remember? A There was one by the name of Mose, Josh, and Cumsh and Jenni e and Sallie; that's as many as I recollect.
Q Well, did you know Sallie Holt, if she was a grown woman?
A Sallie she was a woman when I got acquainted with her.
Q Josh, was he grown when you got acquainted with him?
A No, sir, he was a young man.
Q Would you know Sallie Holt if you would see her now?
A Yes, sir.
Q I wish you would look back through the audience and see if you see her? A Yes, sir.
Q You recognize her as being the same woman, Sallie Holt, you knew?
A Same woman.
Q Did she marry while she wasliving up at Fort Scott? A She was married when I got acquainted with her.
Q Do you know what her husband name was? A Her husband's name was Walker.
Q Do you know whether Walker is living or dead? A He died.
Q Well, did she marry again? A She did.
Q Do you know who she married? A She married a man by the name o. Miller.
Q Do you know his first name? A Stepney.
Q What was his business? A He was a Shoemaker up there.
Q You knew Josh too up there did you? A Yes, sir.
Q And Tecumseh? A Tecumseh.
Q Did you know any other girls of the family, was there any other girls that you remember? A I do not.
Q Do you know whether or not there was a girl by the name of Bettie?
A I wouldn&t be positive but it appears to me there was.
Q Were they living in Fort Scott when you went there in '69, Mr. Sexton? A Yes, sir.
Q Well, about how long after you went there did they continue to live in Fort Scott? A Now, I could not say; I didn't pay particular attention, sometime they would leave and sometimes they was there.

Q Did they keep house while they were there? A Yes, sir.
Q Did Sallie live there with Walker when he was living?
A Yes, sir.
Q Where is Mose living now? A Moses is living up there now.
Q About how long has it been since you remember of Josh and then living in Fort Scott? A Josh hasn't been there for some considerable time.
Q Well, about how long? A It has been, I should judge, some ten or 12 years.
Q Well, how long has it been since Tecumseh has been living there?
A She has lived there to the best of my recollection, it has been that long since I seen him there.
Q Do you know where he went when he left there? A No, sir.
Q You don't know whether he went to Kansas Ci ty or not?
A No, sir, I do not.
Q Well, how long has it been since Sallie has been living there?
A I don't know.
Q Has she lived there any since she and Miller married? A Yes, sir.
MR. MELLETTE: Well, how long do you think it has been since Sallie Miller lived there regularly? A Well, now, I could not say positive, it has been since she left there regularly.
Q Well, isn't it a fact that she was back and forth ever since you have known her, to the Territory and back to Kansas, would come down here a stay a while and go back to Kansas? A Yes, sir.
Q That is true? A Yes, sir.
Q You don't know where any of these people were in '66? '67 or '68?
A No, sir; I came to Scott in '69.
MR. DAVENPORT: And they were living there when you came?
A They was there when I came.

Com'r Needles: This testimony will be made part of the record in Freedmen doubtful cases #953, #979, #980, #645, and in case of Bettie Hicks.

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J. O. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilizee Tribes he 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 15th, 1901.

Commissioner.

Freed D 880

[illegible] of the Interior,
[illegible] the Five Civilized Tribes,
[illegible], I. T., May 31, 1902.

[illegible] the matter of the application of PEGGY ADAMS for enrollment as a [illegible]

[illegible] Commissioner Kelsey, Chairman, and W. W. Hastings:

By Mr. Smith:

The applicant moves the [illegible] to make the certified copy of the decree of the C[illegible] of [illegible] Hampshire, Trustee for [illegible] Cherokee Nation, No. [illegible], filed in the [illegible] cases P [illegible] a part of the record in this case and the [illegible] hereinafter mentioned by reference to the said case of the [illegible] Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Katie Davis, [illegible]

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes an application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Conclusion:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

In the case of Moses Whitsitt, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this [illegible] for the reason that [illegible] year in which [illegible] had more time file to make out [illegible] was given them all [illegible] be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

F. D. 953

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..

W. C. Little & Smith

Attorney for applicant.

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

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

.....

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

.....

Subscribed and sworn to before me

this.....

.....

Notary Public.

File Q SEP 21 1901

NOTICE!

IN THE MATTER OF the application of Katie Davis for enrollment as Cherokee Freedmen:

Case No. F. D 953

To Katie Davis or Mellette & Smith her Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 9th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 20 1901

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

Cher. Fr. D. 954

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 29th, 1901.

In the matter of the application of Charley Brown, Jr., for enrollment as a Cherokee Freedman; said Brown being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for Applicant.
Mr. J. S. Davenport, for Cherokee Nation.

Q What is your name? A Charley Brown.
Q How old are you? A I am about 31 or 32.
Q What is your post office? A Ruby.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee freedman?
A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Are you married? A Yes, sir.
Q Is she a citizen? A Yes, sir.
Q She has been enrolled by herself? A Yes, sir.
Q What is your father's name? A Charley Brown.
Q What was your mother's name? A Sarah Jane.
Q Is she living? A No, sir, she is dead.
Q Is the Charley Brown who was just enrolled here a while ago, Senior, your father? A Yes, sir.
Q Where were you born? A I don't know exactly where.
Q Where do you think you were? A Gooseneck Bend when I first redollect myself.
Q Have you live d there all your life? A No, sir; moved from t here went down on Pryors Creek.
Q Have you lived in the Cherokee Nation all your life?
A Yes, sir.
Q Are you married? A Yes, sir.
Q Father of how many children? A Five.
Q They have already been enrollee with their mother?
A Yes, sir.

BY MR. DAVENPORT:

Q You don't know where you were born? A Born in the Cherokee Nation.
Q Been living here ever since? A Yes, sir.

BY COM'R NEEDLES:

Q Is your name on what rolls? A Wallace roll.

The 1880 Authenticated roll, the 1896 census roll, and Kern-Clifton pay roll of Freedmen of the Cherokee Nation examined and name of appl cant not found thereon.
The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 103, #2205, Charles Brown, Jr., Cooweescoowee District.

COM'R NEEDLES: Charles Brown, Jr., applies for the enrollment of himself. He is not identified upon any rolls of the Cherokee Nation except the Wallace roll upon which he is duly identifie according to the page and number of the roll as indicated in the testimony. He avers that he is the child of Charles Brown, Sr., who is duly listed for enrollment upon doubful card #952. The testimony in the application of said Charles Brown, Sr., will be made part of the record in the case at bar and a copy thereof filed herewith. Applicant has made satisfactory proof as to residence and will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the decision of the Commission when arrived at.

----oooOOOooo----

Charley Brown, Jr., --S.

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

J O Rosson

Subscribed and sworn to before me this 17th day of July, 1901.

Commissioner.

20954

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 7 1901

ACTING CHAIRMAN

To be filed with case of Charles Brown, Jr., C. F. D.#954.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 29th, 1901.

In the matter of the application of Charles Brown for the enrollment of himself and two children as Cherokee Freedmen; said Brown being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:
Messrs. Mellette & Smith, for Applicants;
Messrs Hastings and Davenport, for Cherokee Nation.

Q What is your name? A Charles Brown.
Q How old are you? A 71.
Q What is your postoffice? A Ruby.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes,sir.
Q Who do you want to enroll besides yourself? A Couple of children.
Q What are their names A Louvina.
Q How old is she? A 20.
Q The name of the next child A Joseph.
Q How old is Joseph? A 18
Q Are you married? A No, sir, my wife is dead.
Q What is your wife's name? A Sarah Jane.
Q She is the mother of these children? A Yes, sir.
Q Have you the custody of these children now? A Yes, sir.
Q Living with you? A Yes, sir.
By Mr. Smith: Mr. Brown, what did you say your wife's name was? A Sarah Jane.
Q When did you marry her? A Oh, away before the war.
Q Where were you living at the time you married your wife?
A I was hiredout, down to Van Buren.
Q Who hiredyou out? A Old Judge Brown, my old owner; his right name is Jim Brown.
Q Well, were you a slave were you? A Yes, sir.
Q Was Jim Brown an Indian, a Cherokee Indian? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where was he living at the time the war commenced?
A Living on Lees Creek.
Q Is that in the Cherokee Nation or not? A Yes, sir, in the Cherokee Nation.
Q How far is that from Van Buren A About 16 miles.
Q Well, these children for whom you apply who is the mother of these children? A She was state raised woman she was.
Q The mother of those children? A Yes, sir.
Q When did you marry her? A She is the one I married.
Q I didn't ask you what she was, I asked you who was the mother of Louvina and Joseph? A Sarah Jane.
Q Did you have children elder than Louvina and Joseph? A Yes, sir, there were six more older.
Q Do they intend to apply before this Commission for enrollment?
A Yes, sir.
Q Well, you can give their names, if any of them are married give their full names as they now appear? A The oldest one is named Mose Brown.
Q The next one? A Abbie Worley now, she is married.
Q The next one? A John Brown.
Q Well? A Next one is Charley.
Q Well, A ~~Th~~ And Sam and Wash; that is all of them.
Q Where does Charley live? A He lives up on Big Creek here.
Q In the Cherokee Nation? A Yes, sir.
Q Marriedor single? A He is married.
Q Where does Wash live? A Wash is living right over the river about three or four miles.

Q Three or four miles from Newata? A Yes, sir.
Q Married or single? A He is married.
Q Where does John live? A John Lives on panther creek.
Q In the Cherokee Nation? A Yes, sir
Q Married or single? A Well, that was his woman that made ap plication.
Q Separated from his wife? A Yes, sir.
Q Well, where does Abbie live? A She is in Vinita.
Q Married or single? A She is married.
Q What is her husband's name? A Werley.
Q What is his firstname? A I think is name is Charley Worley.
Q Well, new, the other two I haven't asked you about, where do they live? A Sam is out in Oklahoma.
Q How long has he been out there? A He has been out there five or six months.
Q Where did he live before he went there? A He lived here.
Q Well, the other one? A The? is the two, Louvina and Joe.
Q You have told where all of them live except Louvina and Joe?
A I told you where they live.
Q Have you give the names and residence of all of your children except Louvina and Joe? A Well, I have given them too, ain't I just tole you where they live.
Q Well, have you give the names of all and where they live outside of them? A Yes, sir.
Q Where is Louvina living? A Living with her brother Charley.
Q Where does Joe live? A He is living with Joe Riley's son, Will Riley.
Q Which is the oldest one of these children? A Moses.
Q How old is he? A He is about 41 or 2 years old.
Q Give me the names of those who were born before the war?
A Moses and Abbie were born before the war.
Q Where were the others born? A John was born during the war and the other was born since.
Q Well, you say you and your wife were married 40 years age?
A Yes, over 40.
Q You lived together after the war? A Yes, sir.
Q Where did you and your wife live? A We lived in the Nation.
Q Where did she die? A She died down here on Panther Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Were you living together when each of these children you have named, when they were born? A Yes, sir, lived together until she died.
Q Well, you say you were a slave of Jik Brown? A Yes, sir.
Q Were you taken out of the Nation or did you go out of the Nation while the war was going on? A Yes, sir, I went up to Fort Scott.
Q What time did you come back to the Cherokee Nation after the war? A I come back in time of the war; I was working for the Government down here to Gibson all during the war.
Q Well, how long did you stay at Fort Scott? A I stayed there until the war ceased; I didn't stay there I stayed down here in the Nation, and I went back after my family after the war ceased.
Q Well, what time did you bring your family after the war ceased?
A I come the year or two before I brought my family.
Q When did you bring your family? A I think it was in 870 I brought them down.
Q Where did you live yourself during the war? A I was in Fort Gibson.
Q Where were you in '66? A I was here in the Territory.
Q At what place? A I was down to Gibson.
Q Were you there all the year or part of the year? A No, I was just there a little while; I had a brother down there and I went down there to see him.
Q Well, what time in the year was that? A '66.

Q What time of the year? A Along in the fall.
Q How long did you stay about Fort Gibson that time?
A I didn't stay but a short time.
Q Where did you go then? A I come on back up in the country.
Q Whereabouts? A I come on Big Creek.
Q In the Cherokee Nation? A Yes, sir.
Q How long did you stay up on Big Creek? A I stayed there a little while, didn't stay very long.
Q Then where did you go? A I went on back after my family.
Q Well, when did you come back with your family? A I went back that winter.
Q When was that? A Winter of '66.
Q How long did you stay when you went after your family?
A I stayed until the spring, '70, along there in '67.
Q Well, when you said you brought your family here in '70 a while ago, is that correct? A No, sir, I brought her along in '67.
Q Did you know what time of the year it was you brought your family A It was along in the summer.
Q What did your family consist of at that time, of yourself and children had been born? A Had three.
Q Where were the rest of them born? A They was born in the Nation
Q What Nation A Cherokee Nation.
Q How old was the oldest one of these ~~skik~~ three children you brought back at the time you speak of? A They must have been.
Q The oldest one? A The oldest one must have been five or six years old.
Q Where have you been living ever since that time?
A I have been right here in the Territory ever since.
Q Are you on any of the rolls? A I am on one, Wallace roll.

The 1880 Authenticated roll, the 1896 census roll and Kern-Clifton Payroll of freedmen of the Cherokee Nation examined and names of applicants not found thereon.
The Wallace roll of Freedmen of the Cherokee Nation examined and names of applicants found thereon as follows:
Page 103, #3304, Charles Brown, Cooweescoowee district.
Page 103, #2208, Luvina Brown, Cooweescoowee district.
Page 103, #2209, Joseph Brown, Cooweescoowee District.

By Mr. Davenport: You belonged you say to Judge Jim Brown when the war broke out? A Yes, sir.
Q Where were you living at the time the war broke out?
A I was living right home.
Q At Home? A Yes, sir.
Q Did you know a man by the name of Jim Scott who lived in Arkansas before the war broke out? A Yes, sir.
Q I will ask you if you were not working for him and was owned by him at the time the war broke out? A No, sir.
Q What children did Jim Brown have? A He never had any children in his life.
Q What stepchildren did he have? A Had one.
Q What was her name? A Her name was Nancy.
Q Had Jim Brown a wife? A Yes, sir, Jim Brown had a wife.
Q Where was she living at the time the war broke out?
A Living on Lees Creek.
Q Where was Nancy Living? A She was living about two or three miles from her mother's.
Q She is now Mrs. Nancy Seabolt? A I think so.
Q Have you seen her since the war? A No, I heard she was dead.
Q You have never went back to the old place after the war?
A No, sir.
Q How far did Jim Scott live from the Cherokee line?
A He lived right on the line.
Q He lived on the Arkansas side? A Yes, sir.

Q Now, you went to Fort Scott in what year? A I went to Fort Scott in 1861.
Q You were married at that time? A Yes, sir.
Q Did you have any children at the time you went to Fort Scott?
A Woman had two.
Q Were they your children? A Yes, sir.
Q You went then to Fort Scott about what year? A I went up there in '61 after the war broke out.
Q How long had you been marriedbefore the war broke out?
A Four or five years, two or three years.
Q Well, now, when you came back from Fort Scott to what poind did you come? A After I went up in '61?
Q Yes. A I come down to Gibson, I come to Gibson driving a Government team.
Q You testified before the Kern-Clifton Commission? A Yes, sir.
Q Did you testify before that commission anything about being in the Government service? A I think I did.
Q When was it you went to Snow Creek if at all? A I have been u to Snow Creek lots of times.
Q Well, then, immedaitely after the war, did you come to Snow Creek then? A I come through there.
Q Did you stop with anybody? A I come on down to Big Creek and stopped with Mose Smith.
Q When did you go to Pryor's Creek, on Pryor Creek, I didn't mean the Pryor Creek town? A I went down there some eight or ten years after I came back.
Q That is when you went down there where the Riley's and McNairs were living? A Yes, sir.
Q That was eight or ten years after you came back? A Yes, sir.
Q When was it you stayed all night with Dave French in this country?
A That was when I went up to Fort Scott, away along in '70.
Q That was when you brought your family down? A No, I had my family here.
Q Where was your family living when you stayed all night with Dave French? A My family was living down on Pryor's Creek.
Q Where was your family living when you went down to the Rileys and McNairs on Pryor's Creek? A The first time I went down there that was after I had been here I was living up at Bocseneck when I went down there.
Q Where was Dave French living when you stayed with him?
A Up where he is.
Q That was about '75? A Yes, sir, sometime along in there.
Q You had been back about five or six years when you stayed all night with Dave French? A Yes, sir.
Q All of your children were born in the Cherokee Nation?
A I didn't say that.
Q Which of them were born out? A One of them was born in Kansas.
Q Now, which is it? A One.
Q Which one was that that was born in Kansas? A John, John was born in '65, 12th of February, '65.
Q You were then living in Kansas? A Yes, sir.
Q Who lived near Jim Brown ev r there when you were living with him?
A My God I could not tell you.
Q Do you remember any of their names? A There was full blood Indians, there was a number of Indians lived around there.
Q Do you remember any of their names? A Ewnideep, Young Fawn and Jim Brown was living with his uncle.
Q You have never gone down there to see your young master or your old Mistress to testify for you? A No, sir, I would not give anything for an Indian to testify for me.
Q You would not let one testify for you? A No, sir, unless I was acquainted with him.
Q You were well acquainted with Nancy Se abolt? A Yes, sir, we was children together.

Q You would not let her testify? A No, sir, I would be afraid you would be going around and talking to her.
Q How long did you go by the name of Will Thomas? A I never did go by the name of Will Thomas.
Q Did you ever go by the name of Bill Thomas? A No, sir.
Q Did you ever go by any other name other than Charley Brown? A Yes, sir.
Q What name did you go by? A Bill Thompson.
Q Where were you living when you went by the name of Bill Thompson? A I was living up there.
Q What country? A Fort Scott.
Q How long did you go by the name, that sort of Bill Thompson at Fort Scott, Kansas? A I went by the name, that and I go by the name of it yet, lots of them calls me Bill Thompson.
Q How long did you go up there by the name of Bill Thompson? A As long as I stayed there.
Q How long did you stay there? A Until I come back.
Q How long as it until you come back? A Along in the fall of '61.
Q Q When did you go there? A In '61.
Q And come back in '61? A Yes, sir.
Q How did it happen that you went by the name of Bill Thompson? A They give me the nickname.
Q Who nicknamed you? A I don't know who it was, but I was down here to Gibson and they give me another name down there.
Q Did you have the name of Bill Thompson when you were working for Bill Scott in Arkansas? A No, sir.
Q What name did you go by there? A Charley Brown.
Q What name did they give you at Fort Gibson? A Charley Brown.
Q That wasn't a nicjkname? A Charley Brown is my right name.
Q You have just gone by the two names? A Yes, sir, and sometimes they call me Brock.
Q How did they happen to call you Brock? A They just got to devilling me.
Q How long did you stay about Gibson? A I stayed there until '65.
Q Near whom were you living? A I was in the Gofvernment service, scouting.
Q How long were you a scout for the Government? A About four months.
Q Who lived at Fort Gibson at that time? A Everybody of the soldiers.
Q What were you doing there? A I was going around with the soldiers, driving a government train, I drive three years and six months and I quit that and went with Pole Childers in the scouting gang.
Q Was Comig Vann living there at that time? A I don't think he was
Q Was Jim Vann living there then? A I don't know.
Q Was F. H. Nash? A Yes, Nash was there I recellect him.
Q Was Aunt Ann Brown living there then? A Yes, sir.
Q What part of town did she live? A I think she lived back of Persel's store.
Q What time did Jim Scott come there? A He never did come there; Jim Scott was dead then.
Q Where did he die? A He died before the war they said; said he died in '59.

L. D. DANIELS, being sworn by Commissioner T. B. Needles, testified as follows: BY MR. SMITH:
Q What's your name. A L. D. Daniels.
Q Where do you live? A Claremore.
Q How long have you lived in the Cherokee Nation? A All my life.
Q How old are you? A 56.
Q Do you know this applicant, Charles Brown, here A Yes, sir.
Q How long have you known him? A I have been known him, I got acquainted with him at Fort Scott in '63.

Q You didn't know him before the war? A No, sir.
Q Do you know where he was in 1866? A Yes, sir, I do.
Q Where? A I believe it was in December or just after Christmas I met him and his uncle in Fort Gibson.
Q Just after Christmas? A Yes, sir, in '66.
Q How long after Christmas? A It wasn't long, three or four days or such a matter.
Q Was that or was it not the first time you had seen him at Fort Scott in '63? A Yes, sir, about the first time I seen him after that I seen him about once before that, I seen him in '63 in Fort Scott and I seen him in Christmas '64 and the third time was in Fort Gibson.
Q Well was the third time you are speaking of now? A Yes, sir.
Q How many times did you see him there? A Two or three times with Steve, I will call his name; I think he was his uncle; I said some relation, I don't know whether it was his uncle, brother or who it was.
Q How long did you stay at Fort Gibson after Christmas, '66?
A I stayed there all the time until '75, until the 5th day of July, '67.
Q Do you know where Charles Brown lives now? A Yes, sir, he has been living close to Chelsea before that he lived up there in five miles of me.
Q How long since he left the place five miles from you?
A Five or six years.
Q Well, about when was it you saw him next after you saw him down there at Fort Gibson? A It was up to, I met him up here at Goose Neck.
Q When? -A I am just thinking how long it has been, I don't know when just exactly, it has been 12 or 15 years, maybe a little longer or not so long.
Q You don't know who he belonged to? A No, sir, I don't of my own knowledge.
BY MR. DAVENPORT: You think it was sometime after Christmas and it was in '66? A I know it.
Q Well, you lived there from '66 up until about '70?
A I lived there until the 5th of July.
BY COM'R NEEDLES:
Q Of what year? A '67.
BY MR. DAVENPORT: It was sometime after Christmas from the time you went there until you left? A Yes, sir.
Q You don't know how long he stayed there? A No, sir.
Q Don't know where he went after you left there? A No, sir.
Q And don't know to whom he belonged before the war?
A No, sir, only what I heard.

MOSE HARDRICK, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Smith:
Q State your name? A Mose Hardrick.
Q How old are you, Mr. Hardrick? A 71.
Q How long have you lived in the Cherokee Nation?
A Pretty nigh all my life.
Q Do you know this man, Charles Brown? A Yes, sir.
Q How long have you known him? A Well, I knowed him pretty nigh all through slavery.
Q Do you know who he belonged to? A Yes, sir; Jim Brown.
Q Was Jim Brown an Indian, Cherokee Indian? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q How far did you live from his owner, Jim Brown, during the war?
A I spect it was about between forty and fifty miles.
Q Where did you get acquainted with this man? A Down on Lees Creek, here in the Cherokee Nation.
Q Was that where his owner lived? A Yes, sir.

Q Where did you live? A I lived at Park Hill and I had to go there in the fall to get stone coal.
Q Did you go out of the Nation during the war yourself? A Yes, sir
Q When did you get back A I got back in the spring of '66.
Q When did you see Brown first in the Cherokee Nation after the war, this applicant? A I guess it must have been about '8? I first seen him, it was in cold weather.
Q You got back in the spring of '66, where were you in the time of Christmas after you state you got back? A On the place I made there.
Q Do you know how long it was after Christmas you saw this man?
A I don't know.
Q What time did you think it was in '67 when you saw him?
A I think it was as well as I can recollect about December.
Q Of '67? A Yes, sir.
Q Where was he when you saw him? A He was over on Grand river.
Q You don't know how long he had been back in the Cherokee nation at that time? A No, sir.
Q What was he doing over on Grand river? A He was fixing to go to a dance.
Q After that did you see him any more? A Yes, sir.
Q When did you next see him after that? A I guess it must have been a year or two years if my mind serves me right.
Q Then where did you see him? A Seen him on Panther Creek.
Q In the Cherokee nation? A Yes, sir.
Q Do you know where he is living now? A He is living with his son Charley.
Q In what part of the nieghoberhood or what part of the country?
A On Big creek.
Q Do you know how long he has been living there? A No, sir, but he has been living with Charley pretty nigh ever since his wife died.
Q Do you know his wife? A Yes, sir.
Q Where did you know his wife? A I got acquainted with her down here on Panther Creek a while before she died.
Q You didn't know her before the war? A No, sir.
Q Was this man Charles Brown and she living together at that time?
A Yes, sir
Q Have any children? A Yes, sir
Q Do you know what their names were? A I knew pretty nigh all them.
Q What are their names? A Sam, Wash, Charley, Joe Louvina.
Q Were they keeping house there? A Yes, sir, they was up there with him at that time.
Q With him and his wife? A Yes, sir.
Q Did they keep house? A Yes, sir, kept house and had a farm there.
Q Had a farm? A Yes, sir, on Panther Creek.
Q Well, do you know how long his wife has been dead? A No, I dont
Q Been dead a good while or short while? A Been a good while.
Q Several years? A Yes, sir.
Q You can't say how many? A No, sir, I would not like to say.
Mr. Davenport: Now, Mose, what family did he have the first time you saw him after the war? A This family I am talking about now.
Q Now, how many children you say were born at the time you saw him when he was fixing to go the dance.? I didn't say any of them was then born.
Q Did he have a family at that time? A I seen him I said.
Q Do you know whether he had a family at that time or not?
A Yes, sir.
Q Of what did his family consist? A I don't know.
Q Where was his family? A I don't know where they was at that time.
Q At whose house was the dance going to be given? A Over at Lynch's house.
Q Where? A Simon Lynch.

Q That was in the fall of '67? A Yes, sir.
Q You don't know where he had been prior to that time?
A No, sir.
Q You lived near Park Hill before the war? A Yes, sir.
Q And he lived on the Arkansas line where Lees creek runs into the Arkansas? A He lived above that.
Q He lived at the Jim Scott Mills in Arkansas when the war broke out? A I don't know about that.
Q Well, how long before the war was it since you saw this applicant? A Several years.
Q Then you could not tell where he was working before the war?
A With Jim Brown.
Q How do you know? A Well when we came down here before the war he was plowing below there.
Q Didn't you answer me a while ago that it was several years before the war? A This was in slavery times.
Q Well, now, how many years before the war was it you had seen this applicant? A It had been several years.
Q So you don't know where he was living or to whom he belonged when the war broke out? A No, sir.

CHARLES BROWN? the applicant, recalled: By Com'r Needles:
Q Where was these children living now, Louvina and Joseph?
A Louvina is here, Joseph is on Panther Creek.
Q Are they both living with you? A Yes, sir.
Q Both born and raised in the Cherokee Nation? A Yes, sir.

COM'R NEEDLES: Charles Brown applies for the enrollment of himself and his two children, Louvina, 20 years of age, and Joseph, 18. He cannot be identified upon any of the rolls of the Cherokee Nation except the Wallace roll, and he and his children are identified upon the Wallace roll, according to the page and number of the rolls as indicated in the testimony. He avers that he was the slave of Jim Brown and makes satisfactory proof as to his residence consequently Charles Brown and his two children, Louvina and Joseph, will be listed for enrollment as Cherokee Freedmen upon a doubtful card. He will be notified at his post office address of the decision of the Commission.

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J. O. Rosson, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he 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 September 4th, 1901.

M D Green
NP

Commissioner.

[illegible] the applicants.

[illegible] Davenport, for the Cherokee Nation.

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

Examined by Mr. Davenport:

Q What is your name ? A James A. Scott.
Q Where do you live ? A I live here at Muskogee.
Q What is your age ? A 54 years.
Q Where were you living when the war broke out ?
A Elk Hill, Nevada County, Missouri.
Q Living with your parents at that time ? A Yes sir with my mother.
Q Do you know a colored man who goes by the name of Charles Brown ?
A Yes sir.
Q How long have you known him ? A Mr. Davenport I can't recall when my father first bought him; just the year; but my father bought him as a slave. It was sometime in '54 or '56.
Q Do you know from whom your father got him ?
A Except from the family talk. I do not know of my own knowledge. I know that either Lewis or Jim Hilderbrand brought him there.
Q Was your father a citizen of the Cherokee Nation ? A No sir.
Q Your father, as I understand you, then, bought Charles sometime in the fifties ? A Yes sir.
Q About how long did he keep him ? A I don't know-- He was with us, he must have been with us some four or five years.
Q What became of him ? If your father made any disposition of him to whom did he dispose of him ? A My father sold him to my uncle Charles D. Scott, of Van Buren, Arkansas.
Q He was taken away from your father's home ? A Yes sir.
Q To Van Buren, Arkansas ? A Yes sir.
Q Was your uncle a citizen of the Cherokee Nation ? A No sir.
Q Where was he when the war broke out ? A I can't swear that.
Q Do you know whether or not he was still the property of your uncle at that time ? A Not of my personal knowledge sir.
Q Do you know whether or not after the fifties up to the time he disposed of him Charles had ever been the slave of Judge Jim Brown ?
A No sir.
Q Do you know Judge Brown ? A No sir. I don't think my father bought him from Judge Brown. I think he got him from the Hilderbrands. I know they brought him there.
Q Your uncle to whom he was disposed of by your father lived in Arkansas ? A Yes sir, at Van Buren.
Q Up to the breaking out of the war where did you say Charles was ?
A I don't know certainly, for I never saw him after my father sold him until I saw him at the establishment of the court here several years ago.
Q The establishment of which court do you mean Mr. Scott ?
A I never saw him until he came here at, I believe, the first term of this court in April, 1889, the court here at Muskogee.
Q You speak of the United States court ? A Yes sir.
Q You knew him then as the party that had been with your father ?
A Oh yes, he came over to the store to see me, and stayed at my house while he was here.

Q You didn't know where he had been living during the war and after the war ? A Not of my own knowledge.
Q Your father bought him sometime in the fifties ? A Yes sir.
Q And kept him; about how long before the war did he sell him ?
A I think he must have sold him in 1859 or 1860. He lived with him after he married this woman Sarah. She was the property of my father. And the boy Moses was born to them there on that place.
Q The first child by Sarah, he was born there on your father's place ? A Yes sir.
Q His name was what ? A Moses.
Q When your father sold Charles to your uncle did he sell all of them ? Did they all go ? A No, they stayed until 1862 when they were taken off by Phillips or Ritchie's men. Moses wasn't taken, but his wife was. At the time the Federals made the raid through there, they were living, Sarah Jane and this child, on the north of the river, and on the Sunday morning the raid was made she was at my mother's house. She left there with the soldiers and left this child Moses ever on the north side of the river.
Q At the breaking out of the civil war to whom did Sarah Jane and this child Moses belong ? A To my mother; my father was dead.
Q Your mother was not a citizen of the Cherokee Nation ?
A No sir.
Q Had no claims to citizenship in the Cherokee Nation ?
A No sir.
Q You were living on the home place in Missouri at the time ?
A Yes sir.
Q Sarah Jane was taken away during the war when these commands came through there ? A Yes sir.
Q When did Moses leave ? A While I believe this is all so, this is not of my own personal knowledge. Sometime in that summer.

Mr. Smith: Now don't tell it. A I was in the country there and very close to them, but I wasn't at home at the time.

Examined by Mr. Smith:

Q Mr. Scott, what you really know is that your father owned a man by the name of Charley Brown before the war ? A Yes sir.
Q You don't know of your own personal knowledge that that same man is the applicant in this case ? A Yes sir I do.
Q How do you know it ? A I knew Charley Brown that was brought there, and I knew him when he was here. Besides, he told me of his application for citizenship.
Q But this application was made on the 29th day of June, 1901 at Nowata; were you there ? A No sir. Well, I still stick to it that I do know it. I can't get away from that belief.
Q Now you don't know it do you ? A Mr. Smith, I do know it from the fact that from what took place between us, and from what took place up there; and I heard of it.
Q You can't testify to hear-say. A To come right down to it I am satisfied that this is the same man.
Q What we want is facts. You can't swear positively that he is the same Charley Brown that you are talking about can you ?
A Right straight up and down, no.
Q Now you think it was about 1859 when your father sold the man you were talking to here to your father's brother at Van Buren, Arkansas
A I think it was in there somewhere. I aint going to be positive as to the year.
Q Well it was somewhere in the fifties ? A Yes sir. I know that. Here's what makes me think I may be wrong as to the

time he came there, the fact that Moses, when he left there, must have been a boy three or four years old.
Q [illegible] remembers in the fifties that your father [illegible] ? A Yes sir.
Q [illegible] live from where you lived ?
A [illegible] miles.
Q [illegible] time your uncle bought this man and the beginning of the [illegible] you see [illegible] Charley Brown ? A No sir.
Q You don't know then, of your own personal knowledge where this man Charley Brown was at the time the civil war commenced ?
A No sir.
Q You don't know of your own personal knowledge whether he was sold again after he was sold to your uncle or not ? A I do not.

Examined by Mr. Davenport:

Q You do know that the Charley Brown that belonged to your father had a boy named Moses ? A Yes sir.
Q And that Moses was the property of your mother after the breaking out of the war ? A Yes sir.
Q Do you know whether Charley ever rejoined his wife after the war?
A Not of my personal knowledge.

MRS. ANNA M. DODSON, being sworn and examined, testified as follows:

Examined by Mr. Davenport:

Q Where do you live Mrs. Dodson ? A I live here in Muskogee.
Q How old are you ? A Fifty eight years old.
Q Where were you living when the civil war broke out ?
A At Tik Hill, Missouri.
Q You are the sister of Mr. Jim Scott ? A Yes sir I am.
Q Do you know a colored man by the name of Charley that at one time belonged to your father ? A Yes sir.
Q Do you know about when your father bought him ?
A I wouldn't be positive, but I think in 1853.
Q Is there any circumstance that makes you think he was bought at a certain date ? A We bought him before I went away to school.
Q Did Charley have a wife ? A Yes sir
Q What was her name ? A Sarah Jane.
Q Did your father sell him before the breaking out of the war ?
A Yes sir.
Q About when was he sold as near as you can remember ?
A In February, 1858.
Q Do you know whether or not Charley and his wife had any children
A Yes sir, two.
Q Do you remember their names ? A Moses and Abbie.
Q Were they sold at the same time Charley was sold ? A No sir.
Q Where were they when the war broke out ? A Livin on my father's farm.
Q Do you know to whom Charley was sold ?
A To my uncle Charles Scott.
Q Where was he living ? A At Van Buren, Arkansas.
Q After your father sold Charley before the breaking out of the war, did you ever see Charley afterwards ? A Yes sir.
Q Where ? A At Van Buren, at my uncle's.

Q Had you visited there ? A I was living there.
Q Do you know whether or not your uncle owned Charley at the breaking out of the war ? A No sir he did not. He sold him.
Q In what section of the country did he sell him ?
A He sold him to a Louisiana planter.
Q Do you remember his name ? A No sir.
Q Do you know whether or not he had been taken away from your uncle's home when the war broke out ? A Yes sir he had.
Q Have you seen Charley since the war ? A Yes sir.
Q Do you know whether he has ever married ?
A He said he had a family.

Mr. Smith: I object to what he said.

Examined by Mr. Smith:

Q Van Buren, Arkansas, is just across the river from the Cherokee Nation is it not Mrs. Dodson ? A I don't know. I know Van Buren is close to the line, but I don't know how far.
Q You don't know what became of Charley after your uncle sold him? You don't know what became of him finally ?
A He ran away from my uncle once, and he got him back, and when he sold him to this Louisiana planter he ran off again and came up into this country, and was around my father's house. I didn't see him, but they saw him and told me he was there.

The Commission: This testimony will be filed with the following doubtful Cherokee Freedman cases : D 952; D 954 and D 965.

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

E. C. Bagwell

Subscribed and sworn to before me this February 26, 1902.

Commissioner.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Charles Brown, Jr., B 984;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicants be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 189[illegible], and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) H. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(Signed) P. G. Reuter,
(SEAL) Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E C Bagwell

Subscribed and sworn to before me this July 29, 1902.

P G Reuter
Notary Public.

MOTION

For Review of Decision of Commission denying the application for enrollment as Cherokee Freedmen of

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BLUE & BULGER,
Attorneys for Applicants.

McGOWAN & SERVEN,
Of Counsel.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Charley Brown, Jr., et al.

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MOTION FOR REVIEW OF DECISION.

Come now, by their attorneys, the above named persons who have been denied enrollment as Cherokee Freedmen solely because they or their ancestors were not permanent in the Cherokee Nation on August 11, 1866, or within six months thereafter, regardless of attendant circumstances, and move the honorable Secretary of the Interior to recall said decision [illegible] reconsider said cases and to enroll said persons as Cherokee Freedmen for the reason that the evidence shows that said persons or their ancestors were slaves of Cherokee citizens at the commencement of the War of the Rebellion, that during said war they were compelled by circumstances over which they had no control to go out of the Cherokee Nation, but returned within a reasonable time after promulgation of treaty of July 19, 1866, considering the attendant circumstances, as shown by the records of the Department of the Interior, the Department of War and the Commission to the Five Civilized Tribes.

These records show that these persons were legally residents of the Cherokee Nation on August 11, 1866.

The records of the Commission show that it did not base its decisions in these cases upon proper grounds, but based them upon a supposed bar in Article 9 of the Cherokee Treaty of July 19, 1866, against the consideration of the reasons why a Cherokee Freedman was not in the Nation prior to February 11, 1867.

The records show that these persons were residents in good faith in the Cherokee Nation prior to June 28, 1898.

That applications were made for their enrollment prior to September 1, 1902;

Wherefore we respectfully request that this motion be allowed.

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.....

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

No. D 954

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. 1901

Given under my hand this .....

day of ..... A. D. 1901.

.....

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 ....., 1901.

.....

Attorney for applicant.

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

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

.....

on the day of A.D.1901

.....

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

Notary Public.

Proof of Service made and ~~original filed~~ with the DAWES COMMISSION.

SEP 27 1901

NOTICE!

IN THE MATTER OF the application of Charles Brown for enrollment as a Cherokee citizen:

Case No. D 954

To Charles Brown Jr. Ruby 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 Fort Gibson, I. T. Indian Territory, on Sept. 26th 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 on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

L B Bell

W. Hue

Attorneys for the Cherokee Nation.

F. D. 954

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 26 day of Sept, 1901.

Mellette & Lorton

Attorney for applicant.

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

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

.....

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

.....

Subscribed and sworn to before me this .....

.....

Notary Public.

Proof of Service made
and original filed with the
DAWES COMMISSION.
SEP 26 1901

NOTICE!

IN THE MATTER OF the application of Charles Brown for enrollment as Cherokee Freedmen:

Case No. F. D 254

To Charles Brown or Mellette & Smith his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 11th, 1901. at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this [redacted] SEP 26 1901

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

Cher. Fr. D. 955

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Richard Towers, Doubtful Cherokee Freedman. 955

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 1, 1901.

In the matter of the application of Wilson Towers for the enrollment of himself and wife as Cherokee Freedmen.

Mellette & Smith, attorneys for applicant;
W. W. Hastings, for Cherokee Nation.

WILSON TOWERS, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your name? A Wilson Towers.
Q How old are you? A I can't tell you, I am called about 30 or 40 when the war came up.
Q What is your postoffice? A Centralia
Q In what district do you live? A Cooweescoowee I think.
Q Do you want to apply for enrollment as a Cherokee Freedman?
A Yes, sir.
Q Do you want to have anybody enrolled besides yourself? A Yes, sir.
Q Who all is it; have you got a wife? A I have got a wife.
Q You want to apply for your wife do you? A Yes, sir.
Q Now how many children have you got? A I have one boy.
Q Is he over 21 years of age? A No, sir, about 10 years old; he is an adopted child.
Q Is that all? A A sister.
Q Is your sister 21 years of age? A Yes, sir.
Q She must apply for yourself; who else in your family do you want to apply for? A That is all, just me three.
Q How long have you lived in the Cherokee Nation? A I was raised in the Cherokee Nation.
Q Were you a slave in the Cherokee Nation when the war came on?
A Yes, sir.
Q Do you claim to have lived here all your life? A Yes, sir.
Q Give me the name of your master? A Ellis Towers.
Q Was he a well known Cherokee citizen? A Yes, sir.
Q Where did he live? A He lived in Going Snake until the war came up.
Q Is he dead now? A Yes, sir.
Q Give me the name of your wife? A Annie Towers.
Q How old is your wife? A She is about 40 years old I expect.
Q Is she a Cherokee Freedman of her own right? A Yes, sir.
Q How long has she lived in the Cherokee Nation? A Born in the Cherokee Nation, in Georgia.
Q When was she brought here? A Brought here in the fall of '66, somewhere along there.
Q From Georgia? A No, sir, she had been here in the Territory.
Q When did she come from Georgia? A Yes, she came from Georgia.
Q When? A I can't tell you that, been years, she came here with the old Cherokee Freedmen.
Q Well she must be oever 40 years? A Well she has lived here 40 years, yes, sir, in the Territory, she was born here in the Territory.
Q You are not giving answers to my answers, you evidently don't understand them; how old is your wife? A I tell you I thought she was about 40 years old I think.
Q Well, where was she born? A In Georgia.
Q When did she come from Georgia to the Cherokee Nation?
A I can't tell you what time of the month or what year, I have got no education.
Q Was she a slave in the Cherokee Nation when the war came on?
A Yes, sir.
Q To whom did she belong? A Ellis Towers.
Q Did she belong to the same man you belonged to? A Yes, sir.

She first was an Natur and then she married into the Towers family.

Q Did your wife belong to the same Nilis Towers that you belonged to when the war came on? A Yes, when the war came up.

Q When did you marry your wife? A I can't tell you, been about 30 or 40 years I guess.

Q And yet she is only 40 years old? A I can't say, I don't know how long that has been.

Q Were you married to her when the war came up? A Yes, sir.

Commissioner: The old man is evidently greatly mistaken as to his wife's age.

Q Is your wife as old as you are? A No, sir, I am a little older, as well as I can guess at it.

Q Have you and she lived together ever since you were first married?

A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1893 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Wilson Towers on page 142, No. 3524, Goweescoowee district;
Annie Towers on page 142, No. 3525, Goweescowee district.

The Wallace roll examined and the applicants identified thereon as follows:

Wilson Towers on page 141, No. 3060, Goweescowee district;
Annie Towers on page 186, No. 3412, district not given.

Mr. Meliette: Wilson, where did you go during the war? A Went to Kansas after the war, before the war stayed with the soldiers about a year and then went to Kansas.

Q When did you come back to the Indian Territory? A I came back the fall of '66 as well as I recollect.

Q To the Cherokee Nation? A Yes, sir.

Q Who did you come with? A Sam Webber and old man Sanders, Reuben Sanders, and then I don't know how many others, I don't just know.

Q Have you lived in the Cherokee Nation since you came back in '66?

A Yes, sir.

Q Did you ever vote in the Cherokee Nation? A Yes, sir.

Q How many times? A I voted I don't know how many times, three or four times I know of.

Q How many elections did you ever vote at? A Three or four times I know.

Q Ever vote for chief? A No, sir, I never voted for chief; I have voted for chief two or three times I know.

Q You own a place in the Cherokee Nation on the public domain, or have you ever owned a place? A Yes, sir, I own a place now.

Q Got a place now? A Yes, sir.

Q How many acres in cultivation? A I have got something over 100 acres.

Q In cultivation? A Yes, sir.

Q Where is it located? A Big Creek.

Q How long have you owned that place? A Owned it ever since '66, came here and went right to work on it.

Q Is it the same place you located on when you first came back?

A Yes, sir.

Q Still living on it? A Yes, sir.

Q Did you rent it or do you cultivate it yourself? A I been renting it since I got so old I can't work on it, I have a tanant on it now.

Q Did the Cherokee Nation ever issue any you any permits as a citizen of the Cherokee Nation? A Yes, sir.

Q Have you got any of them? A I might have one of them now; I can't read nothing (hands attorney paper.)

Mr. Williams: I decline to offer in evidence a permit issued to the soldiers by John Pelton, Clerk of Commissioners District, Cherokee County, on the 14th day of February, 1866, authorizing him to employ his children to work upon his farm.

Commissioner: This is filed hereunto.

Mr. Hastings: Where did you marry your present wife? A I married her down yonder here.

Q Before the war? A Yes, sir.

Q Were you with her after you quit the army during the war? A Yes, sir.

Q Were you with her just after the war closed? A I was with her before the war.

Q Were you with her just after the war closed? A Yes, sir.

Q And you have lived with her ever since? A Yes, sir.

Q Where long she had lived you have lived? A Yes, sir.

Q What is her name? A Annie Towers.

Q Where did at what place you in Kansas just before you came back here? A Fort Scott.

Q Do you know when you left Fort Scott? A I left it in '66 as well as I recollect, the fall of '66.

Q You are not positive about that? A Well I am positive about that too.

Q Was it in the early fall or winter; was winter coming on? A It was getting cold weather as well as I recollect.

Q Do you know anything about dates? A No, sir, I don't.

Q When was your first child born? A Long before the war.

Q Do you know what year? A No, sir.

Q How many children have you had born to you and your wife? A About six, five or six.

Q Do you know any of the years any of them were born? A No, sir, I don't know any dates at all.

Q You don't know anything about dates or years? A No, sir, hardly know the days of the week.

Q You know the months? A No.

Q You know what month this is? A No, I don't, to tell the truth.

Q Do you know what year this is? A No, I don't, I don't know what year this is.

Q Did you bring your wife back with you when you came after the war? A Yes, sir.

Q She came with you, did she? A Yes, sir.

Q Did you bring all the children you had? A Yes, sir.

Q How many children did you have then? A I had my sisters children, two I believe.

Q Did you have any of your own children? A I had one and he died after I came down here.

Q What was his name? A George Towers?

Q Was he born in Kansas or before the war? A Before the war; he was nearly grown when he came down here.

Q Now you are living on the same place now that you came and made in 1866? A Yes, sir.

Q You have lived there ever since? A Yes, sir, I have lived there ever since.

Q Do you know Wat Post? A Yes, sir, I have saw him.

Q Where did you last see him? A I saw him yesterday.

Q Did you have any talk with him yesterday? A No, sir, no more than with old acquaintances knowing one another.

Q Did you see him in Fort Scott, Kansas, after the war? A He said he saw me, but I didn't recollect him, seeing him there.

Q Did you have any conversation yesterday with him about it? A No, just talking about old times pleasantly.

Q Well, did you tell him yesterday that you saw him up there?

A No, I told him I couldn't recollect him, that is what I first told him, and he made known when I saw him last.
Q He made himself known? A Yes, sir.
Q And then you remembered seeing him when he made himself known?
A No, he said he came to my house and I wasn't at home.
Q Where did you say you were? A My wife told me he came there and I wasn't there, he said I must have stayed at home because I was there, but I was gone somewheres, but he didn't recollect.
Q That was at Fort Scott? A Yes, sir.
Q Did you come home in a wagon? A Yes, sir.
Q Did you ever see Jim McLaughlin in Fort Scott Kansas after the war? A Not that I know of I didn't.
Q Did you ever see Simon McKinzie up there? A Not that I know of, I wouldn't know him now if I were to see him.
Q Did you ever see James Foreman up there? A No, sir, I didn't see him.
Q About how many years after the war had closed until you came down here? Until you came down to Big Creek? A I can't tell you how many years that was.
Q As much as three or four? A Well, you know when Mr. Ross came down?
Q No, I don't know. A Well, we met him as we were coming down here: he asked us were we coming home boys, and I says yes, and he says that's right, you in plenty good time; that is all I can tell you about it.
Q After the war closed you made a crop up in Kansas? What did you do? A I rented a crop up there the first year about the time the war closed.
Q Did you raise one the Next year? A No, sir.
Q How many crops did youraise in Kansas? A I never raised but one, that was after we went there.
Q You lived in town after that? A I was living in town then; I had to go to work or starve.
Q Did you come when Mr. Webber came and moved his family?
A Yes, sir, we all came together, old man Webber and Uncle Martin, and God knows how many of us came.
Q It was getting cold weather in the fall of '66? A As well as I recollect, I can't certify it unless I can tell.
Q Were there any houses up on Big Creek at that time?
A I never seed none but the Osage camps, I never seed no Cherokees or any white men.
Q There wasn't any colored people had houses there? A Yes there was.
Q Who? A I had one.
Q I mean when you first came? A Oh no, I never saw none, I saw Jim Martin's old house.
Q How far did you locate from Jim Martin? A About five or six miles above where I am living now.
Q Well, Jim Martin was living near you at the time you were living there? A He wasn't living here when I came here.
Q You said you saw his house? A I seen his old house, where he had lived, him and Bill both, and when we come down here the chief told us we mustn't settle on any old claims, and went from Snow Creek clear down to Coody's Bluff.
Q You didn't find any houses along there? A I found some old places.
Q Whose old places did you find? A Found James Martin's and I can't tell you how many we found, there was a whole crowd of us and we were hunting places.
Q Well there were no new places made at that time? A I never saw them.
Q Sam Webber didn't have any place? A No, I don't recollect that he did.

Q None of the rest of them that came with you; they all made their places did they? A They sir.

Q How far do you live from Jim Martin now? A About four miles from where he lives, maybe five.

Q Was he living at that place when you came there? A No, sir, I saw his old house, looked like it had been built before the war to me.

Q How far was his old house from where you are living now? A About five or six miles above.

Q Well, how far is he living now from where the old house was?

A I don't know how far it is.

Q About how far to your best judgment? A I never noticed how far it was.

Mr. Mellette: Did you ever get any other permits from the Cherokee Nation except the one introduced in evidence here? A Yes, sir, I got three or four but my renters got them this year.

Q What became of the other permits that you got? A I don't know what became of them hardly, I might find them about home somewhere.

Commissioner: Your son George Towers is he living? A No, sir, he is dead.

Q How long has he been dead? A He died about eight or nine years ago I guess.

Q Was he a man of family? A No, sir, he wasn't hardly of age, just a young man.

Q Did you say he came with you from Kansas? A Yes, sir.

Q The first time you came? A Yes, sir.

Q Did he die after the Wallace roll was made? A Must have been before I guess.

Q You say he has been dead eight or nine years? A Yes, sir, about the time, I think he died the old settlers' — I can't tell exactly what time it was when he died.

Q You think he died before the Wallace roll was made? A I think he died as well as I can recollect.

Q Was he old enough to vote when he died? A No, sir, he wasn't hardly of age, I don't think he voted.

Q Anybody in your family named John Towers? A No, sir.

Q Do you know of any roll that your son George was put on?

A No, sir, I think he died before the firstenrollment as well as I can recollect.

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

Signed, Bruce C. Jones,

Sworn to and subscribed before me this the 1st of June, 1901.

Signed, T. B. Needles,

Commissioner.

* * * * * * * * * * *

Continued, June 1st, 1901.

SAM Webber, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your full name? A Sam Webber.

Q Give me your age? A About 33.

Q What is your postoffice? A Nowata.

Q How long have you lived in the Cherokee Nation? A Ever since '68.

Q Were you in the Cherokee Nation when the war came on? A Yes sir.

Q Were you a slave in the Cherokee Nation at the time the war broke out? A Yes sir.

By Mr. Mellette, Attorney for Applicant: Are you on the roll of 1880 as a freedman citizen of the Cherokee Nation? A Yes sir.

Q Do you know Wilson Towers, the applicant? A Yes sir.

Q Do you know when he returned to the Cherokee Nation? A Yes sir.
Q When? A We come down in the latter part of July, and built some shanties and went back, and moved in the fall here of '66.
Q Did Wilson Towers make both these trips with you? A He made both of these trips. He surely made both of these trips as I know him.
Q Where did Wilson Towers locate when he came down? A Right there on Big Creek.
Q Where has he lived since that time? A Right at the first place he took.
W. W. Hastings: Did he bring his wife with him when he came in the fall of '66? A Yes sir, he brought her with him.
Q Who else did he bring? A He brought a girl, his sisters daughter, called Cindy, and a boy, they called - we called him Dick, they called him Richard sometime, and he had a son that died. I can't call his name. He died shortly after they come here.
Q Are you positive he come in the fall of '66? A Yes sir, I know it.
Q About what time in the fall? A Some time along in the fall when we moved.
Q And he located there and been there ever since, he and his family? A Yes sir, been right there ever since.

LEWIS WRIGHT, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Q Give me your full name? A Lewis Wright.
Q Give me your age? A I am 62 years old, as near as I can recollect.
Q What is your postoffice? A Hayden, I. T.
Q How long have you lived in the Cherokee Nation? A I have lived here all my life.
By Mr. Mellette: Are you upon the roll of 1880 as a Cherokee freedman? A Yes sir.
Q Do you know the applicant, Wilson Towers? A Yes, sir, I know him.
Q Do you know when he came back to the Cherokee Nation after the war? A Yes sir, I know when he come back.
Q When did he come back? A He come back along in the fall of '66.
Q How do you know it? A I seed him.
Q Did you come with him? A I didn't come with him; I was here when he come; I seen him on Big Creek.
Q You saw him on Big Creek? A He and Mose. He was moving his things when he come.
Q You had already come in, had you? A Yes sir.
Q And you saw him as he was moving in in the fall of 1866? A Yes sir.
By W. W. Hastings: You swear that positively, do you now? A I do as near as I can recollect.
Q That is just as near as you can remember? A Yes sir.
Q Who was with him when he moved in? A There was a whole lot of them; I don't know them all now, they are scattered around; I forgot about them.
Q A great many people were coming alongin that time and a few years after the war? A Yes sir, a good many were coming in then.
Q You had built a house then? A I hadn't built no house when I seen him at that time, but I built a house in the spring after that when the sap came up in the timber so I could get this big elm.
Q Where were you living at that time? A I was camping on Lightning Creek on the place where I live now.
Q Were there any houses on Big Creek when you went up there?
A Only two was all I knowed of.

Q What two? A Old Uncle Peter Meigs, and old Uncle Sam Webber.
Q Those were the only houses you saw? A They were the only ones I saw.
Q What year did you come back? A I come back that same year.
Q In the early spring? A Yes sir.
Q Did this man's family come with him? A His family wasn't with him when he first come; he come to built a house, and we went back and then come afterwards.
Q Did you see him when he come to build a house? A That was the time I seen him.
Q What time of the year was that? A That was along early in the fall of '66.
Q When did you see his family? A I seen his family in the winter after that. I don't know exactly what time.

W. W. Hastings, Representative of the Cherokee Nation, desires to introduce at this time a witness on behalf of the Cherokee Nation.

WALTER A. WEST, being sworn and examined by Commissioner G. R. Breckinridge, testified as follows:
Q Give me your full name? A Walter A. West.
Q How old are you? A 61 years old.
Q What is your postoffice? A Spavinaw.
Q How long have you lived in the Cherokee Nation? A All my life except the war time.
By W. W. Hastings: Mr. West, do you know the applicant there, a colored man, Wilson Towers? A Yes sir, I used to be acquainted with him.
Q Did you know him before the war? A Yes sir.
Q Do you know his wife, Ann Towers? A Yes, sir, I did know her.
Q Did you know her before the war? A Yes sir.
Q Did you ever see either him or his wife since the war? A I saw him wife and children since the war, but I never saw him until yesterday.
Q Where did yousee his wife and children? A It was at Fort Scott, Kansas.
Q Were they living there? A Yes, sir.
Q At the time you saw them? A Yes sir.
Q When was that you saw them? A In '67.
Q What time in '67? A Along in September, I think it was, as well as I can recollect.
Q Do you know where he was at the time? A I asked his wife - -
Mr. Mellette objects to anything his wife says.
Com'r Breckinridge: The objection is overruled and he can state the conversation he had with his wife.
Mr. Hastings: Answer the question? A I asked his wife where her husband Wils was and she said he had gone to Mapleton, a little town above Fort Scott somewhere.
Q And you know that was in '67? A Yes sir.
Q You are positive about that? A I am as positive about that as anything else I know.
Q You knew this woman before the war too? A Yes sir.
Q How long did you stay there? A I stayed there about two or three hours. I talked with them. I hadn't seen them since the war and I heard they were there and I went to see them as I had to stop there at Fort Scott.
Q Have you had any conversation with Wilson Towers about his return since? A Well, I and he was talking yesterday evening, but I never said anything about his return. I asked where he was the day I was at his house and he said he went up after his folks;

Re-cross

he told me who they were, but I don't remember.

Q They were living there at the time? A Yes sir.

By Mr. Wallstet: In what capacity, Mr. West, are you here attending this Commission, as a witness? A I presume so.

Q You are held here as a witness in any case which you may know anything about? A Yes, sir, that is about all, I reckon.

Q Now, when did you come back from Kansas after the war? A I came back from the south after the war.

Q What year? A '66.

Q What time in '66? A I left Red River February 1st, '66.

Q What time did you get in the nation? A I passed through the nation and went to Fort Scott, where mother was living.

Q And you got up in Kansas in the spring, did you? A Yes, February

Q How long did you stay in Kansas? A Until about the first of May.

Q And then what did you do? A Came in by Neosho River.

Q In the Cherokee Nation? A Yes sir.

Q Did you ever go back to Kansas anymore? A Yes sir, occasionally to go to Fort Scott and buy provisions, that I was trading on; groceries and such as that.

Q Had you seen Wilson Towers since he moved into the territory until this time yesterday? A No sir.

Q Had you ever been a witness in this case before? A I believe I had.

Q When? A Before the Kern-Clifton Court.

Q Did you swear the same thing before the Kerns Clifton Commission that you swear here? A Yes, I think I did.

Q Did you swear positively that it was in '67 you saw them up there? A I think I did, as well as I remember.

Q Then you were a witness there before that Kerns Clifton Commission is that the first time you had been called to testify to that fact as to about seeing these people up there in the fall of '67? A It seems to me I was called in at Claremore, the first time, after the Court passed on it at Claremore.

Q That was about six years ago - five years ago - that the Clifton Commission sat? A I think it was

Q Up to that time had you seen Wilson Towers or his wife since the war? A No sir, I never seen them since I left there.

Q Then up to the time that Clifton Commission met your attention or recollection has never been called to the fact that you saw those people up there in Fort Scott, Kansas, had it? A I have talked about it, but I don't remember.

Q How did the question happen to come up? A Inquiry, just like this Court business.

Q You said you were never called on as a witness? A No, not as a witness, I thought you meant civil conversation.

Q Well you swear that it wasn't in the fall of '67 you saw those people up there? A I wont swear any other time, only I think it was in the fall of '67.

Q You were up at Fort Scott in the fall of '66? A Yes, I have been up there several times.

Q You were at Fort Scott in the fall of '66? A I don't remember; I was there in the summer time. I was buying groceries and bringing them to the military road selling to men on the road.

Q You were in Fort Scott in the fall of '66, weren't you? A I don't exactly remember it.

Q Why don't you remember where you were in the fall of '66? A I was here in '66 on the road lower down, in the fall.

Q You say you were in Fort Scott in the summer of '66? A I went to Fort Scott and got provisions and come back here.

Q Don't you know you might have an idea that you run across Wilson Towers and his family in '66 when you were there? A I might have an idea, but I didn't meet them.

have an idea, but I didn't meet them.

Q Do you swear positively that you didn't see him in '66; that you didn't see his wife and family? A Yes sir, I will swear positively it was '67.

Q How do you remember that? A Because of my transaction of business.

Q You had been transacting business all the time from the spring of '66? A Not all the time; every once in a while I would go to Fort Scott. I will tell you I went after a load of goods for another party and as for my individual concerns, I got most of my supplied back here in the spring.

Q When first arrived at Fort Scott in February, '66? A I didn't stay in Fort Scott at all; I was this side eleven miles, where my mother was living then.

Q Did you go up there frequently in the summer? A Frequently in the spring.

Q Fort Scott was a small place, was it? A Yes, sir tolerably small.

Q Did you see anybody else up there you knew at Fort Scott? A I saw Jones Bushyhead when I was there.

Q When did you see him? A Sometime in '66; he went to Kansas after some goods and I met with him there.

Q Did you see any colored people up there? A I saw a great many colored people, but I wasn't acquainted with them.

Q Anybody else you knew? A No, I wouldn't have seen them, but I inquired about them, and they told me he was there.

Q Who told you that? A I don't know.

Q Who do you think? A It is out of the question; I can't think of that now.

Q Why couldn't you have seen him in '66 or '67 as well? A If I had run across him I could have seen him then as well in '66 as in '67, but I didn't see them then.

Commissioner: What was the occasion of your first visit to Kansas after the war? A My mother lived in Drywood this side of Fort Scott.

Q How far? A Eleven miles.

Q When was it you went there the first time after the war? A On February 1st I left Red River.

Q In what year? A In 1866.

Q How long did you stay there on that visit? A Until about the 1st of May.

Q In the same year? A Yes sir.

Q And then what did you do? A I came to Neosho River and set up a trading post of groceries and some stuff.

Q How long was it before you went back to Kansas? A I would go back to Baxter Springs and sometimes I would go to Fort Scott, but never kept any particular date or time.

Q Did you go back to Fort Scott several times before the following Christmas, the Christmas of '66? A I made more trips when they were in Drywood from the time I left the first time than any other time.

Q You came back on your first trip in May of '66? A Yes sir, from Kansas; it was about the 1st of May as far as I remember.

Q In '66? A Yes sir.

Q Then you came back from your first visit from your mother?

A Yes sir.

Q Have you any distinct recollection of your visits back to Fort Scott between that time and Christmas of 1866? A I don't remember exactly the dates and days.

Q Were you there several times? A Yes, I was there several times to get a few groceries from Baxter Springs and got started up. I remember of one day going back to buy a barrel of salt and had to pay nine dollars for it, and I made a kick on it.

Q Did you go back to Fort Scott more than once during the year 1867?
A I passed through there.
Q Did you pass through there several times? A Yes sir.
Q Had you been to points north and beyond Fort Scott? A I have been to Kansas City.
Q Did you hear of this man Wilson Towers on any of those visits before the fall of '67? A Yes sir, I heard of them directly after I got there; my folks knew them, and they told me about them, but that was the first time I seen them.
Q You heard of them in February of '66? A Yes sir, I heard of them before then.
Q Have you a distinct recollection however, that you didn't see him until the fall of '67? A No sir, I camped there in the fall of '67; I was hauling goods for myself and other parties, and particularly for myself.
Q Well, you didn't see him at all in the fall of '67? A No sir, I didn't see him at all; I saw his family.
Q Did you see his family any time previous to that? A No sir.
Q Did you see his family any time after that? A No sir, never saw them from that time until this.
Q You were at his house only once? A Just once, yes sir.
Q What was the occasion of your going to his house? A Just simply to see them. I was there knocking around after I camped, and I had nobody that I was acquainted with, and I thought I would to see Wils and Ann. I understand they were living near a Spinning Factory and I went there and inquired where Wils was and stated he went to Mapleton. I asked him yesterday what his business was, and he said at that time he went after his folks.
Q How did you happen to know where they lived? A I was told they lived down by the factory.
Q You made inquiry for them? A Yes sir, just the same as I would here in Chelsea if I didn't know where anybody lived.

The applicant applies for the enrollment of himself and wife. The applicant is identified on the Wallace Roll and on the Kerns Clifton Roll, but not upon the roll of 1880 or upon that of 1896. The testimony shows that he was a slave in the Cherokee Nation at the time of the breaking out of the civil war, and that he has lived in the Cherokee Nation all his life, except his absence in Kansas incident to the war. In regard to the date of his return from Kansas, the testimony is conflicting, the applicant claiming that he first returned in the fall of 1866, some of his witnesses claiming that he came in the previous July to make provisions for the return of his family, and that then he returned in the fall of 1866, while the testimony introduced by the Cherokee Nation definitely located his family at Fort Scott, Kansas, in the fall of 1867, and apparently accounts for the applicant as being at that time temporarily absent from home, and in the State of Kansas. For the further consideration of the testimony, the applicant will be listed for enrollment as a Cherokee Freedman on a doubtful card and the final decision of the Commission will be made known to him at his postoffice address. As regards his wife, Annie, she is identified on the Kerns Clifton roll and the Wallace Roll, but not upon the rolls of 1880 or 1896. The testimony in her case is substantially that as in the case of her husband, there being at this time no dispute that she was a slave in the Cherokee Nation, and that a slave like her husband of a Cherokee citizen at the breaking out of the civil war; and she and her husband it appears were married prior to the Civil war, and have lived together as husband and wife ever since. She will now be listed for enrollment

as a Cherokee Freedman on a contested card, and the final decision of the Commission was not made known to her at her postoffice address.

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

Signed, H. G. Rothenberger,

Subscribed and sworn to before me this the [illegible] day of July, 1901.

Commissioner.

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Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the above is a true and correct copy from the original.

Bruce G. Jones

Sworn to and subscribed before me this the 2nd of July, 1901.

M D Green
Notary Pub.

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 20 1901

ACTING CHAIRMAN.

REJECTED, as to child, Mary Bell:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 20th, 1901.

In the matter of the application of Richard Towers for the enrollment of himself and two children as Cherokee Freedmen; said Towers being sworn and examined by Commissioner T. M. Needles, testified as follows:

Q What is your name? A Richard Towers.
Q How old are you? A About 40.
Q What is your post office address? A Wimer.
Q Do you apply to be enrolled as a Cherokee Freedman?
A Yes, sir.
Q Who do you want to enroll besides yourself? A Edward Towers.
Q How old is Edward? A Edward is 18.
Q The next child? A Mary Bell.
Q How old is she? A She is 12.
Q Is your name on the roll of 1880? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation?
A On the Wallace roll and Clifton roll.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Maggie.
Q What was her name before you married her? A Maggie Sales.
Q Is she living? A yes, sir.
Q Are you living with her? A Yes, sir
Q Do you apply for her enrollment? A No, sir.
Q She is a state woman? A No, sir, she is a Claimant.

BY MR. W.W. HASTINGS, Cherokee Representative:

Q Did you apply to the Kern-Clifton Commission five years ago?
A My uncle did for me.
Q What was his name? A Henry Towers.

BY COM'R NEEDLES:

Q What is your father's name? A I don't know, sir.
Q Your mother's name? A I don't know for certain, they tell me her name was Rose Towers.
Q Is she living? A No, sir.
Q Were you born a slave? A That is what they tell me.
Q What do you say about it? A I don't know.
Q Well, who did they tell you you belonged to? A They told me that my mother belonged to Ellis Towers.
Q Is he a citizen? A Yes, sir; that is what they said.
Q Where were you born? A I was born in the Cherokee Nation somewhere, I could not tell you where.
Q Well, were you taken out of the Cherokee Nation during the war?
A I was taken to Kansas, I guess, I don't know when it was.
Q Do you know when you returned from Kansas? A I come back with Wilson Towers, he brought me back to the Nation.
Q What relation is Wilson Towers to you?
A He is my Uncle.
Q Is he living? A Yes, sir.
Q Have you got Wilson Towers here as a witness? A He had to go back home Wednesday.
Q Your understanding is that he brought you back?
A Yes, sir.
Q Do you know when? A They tell me it was '66, I don't know.

BY MR. J. S. DAVENPORT, Cherokee Representative:

Q Now, Richard, you don't remember your former owner do you?
A No, sir, I don't.
Q Well, where were you living when you can first remember?
A The first remembrance it was in Kansas.
Q How old were you then? A I could not tell you, don't know my age for certain now.
Q How long did you stay there until you came back to this country?
A I cannot tell you that.

Q Do you know who you came back to the Nation with?
A Wilson Towers.
Q But you don't know when that was? A N o, sir.
Q Wilson Towers was your reputed uncle? A Yes, sir.
Q Where were your parents? A They were dead.
Q Do you remember their names? A I don't for certain; they tell me my mother's name was Rose Towers, my father, I don't know anything about.
Q Your mother died in Kansas did she? A I think she died in time of the war.
Q You are 30 years of age? A As near as I can tell you.
Q Did you ever go by the name of Dick Jordan? A Yes, sir, I go by that name yet at home.

SAM WEBBER, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Post office Nowata? A Yes, sir.
Q Are you a recognized Freedman of the Cherokee Nation?
A Yes, sir.
Q Do you know the applicant here, Richard Towers? A Yes, sir.
Q How long have you known him? A I got acquainted with him when Tower s brought him to this country.
Q Do you know whether he was a slave or not? A No, sir, I could not tell you that.
Q You don't know? A No, sir
Q Where did you first see Richard Towers the applicant to know him?
A Fort Scott.
Q Kansas? A Yes, sir.
Q When was that? A That was in time of the Rebellion.
Q During the Civil war? A Yes, sr.
Q Do you know when he returned to the Cherokee Nati on?
A Yes, sir
Q When? A He come down in the fall of '66, Towers brought him along.
Q How do you know that? A He come with me.
Q Who was with him, or who had charge of him?
A Wilson Towers and Aunt Ann Towers, his wife.
Q Did Wilson Towers claim any relationship to Dick?
A Claimed to be his uncle.
Q Have you known Richard Towers since? A Yes, sir.
Q Has he always lived to your knowledge in the Cherokee Nation since he returned in 1866? A Yes, sir.
Q Where does he live now? A Right there by Towers'.
Q Is he married? A Yes, sir.
Q Do you know his wife's name? A I did know, but I forgot what her name is.
Q Do you know his children, Mr. Webber? A No, sir; I don't know his children.

BY MR. DAVENPORT:

Q Now, Sam, Wilson Towers went to the State of Kansas during the war and was in the State of Kansas during t h e w ar?
A Yes, sir.
Q You were not acquainted with Wilson Towers before the war?
A I have seen him lots of times.
Q You don't know t he parents of this boy? A No, sir.
Q But the first time you ever saw the boy he was with Wilson Towers at Fort Scott? A That is right.
Q Now, when did Wilson Towers bring his f amily back to the Cherokee Nation? A In the fall of '66.
Q Isn't it a fact that Wilson Towers family was living near Fort Scott in May, 1867? A Yes, sir.
Q Do you know Watt West? A Yes, sir.
Q Did you ever see Watt West at Fort Scott Kansas?
A Never in my life.

Richard Towers, et al.---2.

Q You are sure they come back in '66? A I know it because they came with me.
Q Did you know Kim McLaughlin? A I don't know him.
Q Well, he was mixed up some way or another with this Richard Towers at one time? A I don't know.
Q You never knew anything about his belonging to McLaughlin or being mixed up with him before the war? A No, sir.
Q That is all you know about it, that his uncle, or claimed to be his uncle as you claim brought him down here in 1866? A Yes, sir.

BY COURT MERRILL:

Q You don't know this boy's mother? A No, sir, she died before I got acquainted with her.
Q So you don't know of your own knowledge whether Richard was a slave or not? A No, sir.

Remainder of application taken by Stenographer Bruce C. Jones.

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J. G. 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 G Rosson

Subscribed and sworn to before me this 17th day of July, 1901.

Commissioner.

Richard Towers et al.

June 29, 1901. Continued from testimony taken by Stenographer S. C. Reagan.

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Lewis Whitmire, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lewis Whitmire.
Q What is your age? A 62.
Q Your postoffice? A Hayden.
Q You know the applicant here, Richard Towers? A Yes, sir.
Q How long have you known him? A I have known him ever since he was a baby.
Q Did you know his mother? A Well, I was acquainted with her son.
Q Know whether his mother was a slave or not? A Yes, sir, she was a slave.
Q Who did she belong to? A Ellis Towers.
Q Do you know whether Richard was taken out of the Cherokee Nation during the war or not? A Yes, sir, he was taken out with his mother.
Q Was his mother with him, his mother and he taken out together?
A Yes, sir.
Q Well, do you know when they returned to the Cherokee Nation?
A Yes, sir.
Q When? A They came back when Sam Webber moved back.
Q When was that? A It was along in the fall of '68.
Q Richard and his mother both? A No, his mother didn't come, she was dead, she died in Kansas, old man ~~[illegible]~~ Wilson brought this boy.
Q Old man Wilson Towers? A Yes, sir, that is the man brought him.
Q Claimed to be his uncle? A Yes, sir, he was his uncle.
Q Where has Richard lived since that? A He has been living with his uncle ever since till he married, and since that I haven't seen him many times, he was living on his own place on Big Creek.
Q Do you know his family? A I am some little acquainted with his wife, he hasn't been married very long, his wife I can tell you who she is, but I am not right well acquainted with her.
Q Know his children? A I don't know his children.
Q Don't know how many he has? A No, sir, don't know how many he has.

Mr. Davenport: Now Lewis, you didn't know much about this family or anything until you heard them talking about them; where did they live when the war broke out? A They lived in Delaware right in the corner of Delaware on Flint Creek.
Q What corner? A Well I can't tell you exactly what corner but it was in Delaware.
Q Who did they live with when the war broke out? A They lived with Ellis Towers.
Q How far did they live from McLaughlin place? A I can't tell you how far they lived from there.
Q Did you know the McLaughlin family at that time? A I was some acquainted with the family.
Q Now where did you live? A About 12 miles from there.
Q In what country? A In Going Snake.
Q You remember distinctly now that Wilson Towers brought this boy back down here in '66? A Yes, sir, I remember it well.
Q Did Wilson Towers ever live in the State of Kansas in or near Fort Scott? A Yes, sir, he lived there.
Q Wasn't Wilson Towers living in the State of Kansas with his family, near Fort Scott, in May, 1867? A No, sir.

Q Are you positive he wasn't there with his family? A He came back here when old man Sam Webber came, and this young Sam.
Q You didn't come with them? A I came with them, yes sir.
Q And you state positively then this family wasn't in Kansas about Fort Scott in '67? A No, sir.

George Meigs, being duly sworn and examined by Commissioner Needles, testified as follows:
Q What is your name? A George Meigs.
Q What is your age? A About 64 I guess.
Q What is your postoffice? A Vinner.
Q Are you a recognized citizen of the Cherokee Nation? A Yes, sir.
Q A Freedman? A Yes, sir, claimant.
Q Do you know Richard Towers, the applicant? A Yes, sir.
Q How long have you known him? A I have been knowing him a long time, been knowing him ever since before we left Fort Scott.
Q Did you know his mother? A Why I have never seen her, but she was Wils Towers' sister.
Q So you heard? A Yes, sir.
Q Where did you first become acquainted with Richard, the applicant? A I got acquainted with him up there near Fort Scott and then after we moved to the country we were together you might say all the time.
Q Do you know when he returned to the Cherokee Nation from Fort Scott? A Yes, sir, returned with his uncle when he came.
Q When did his uncle come? A He came in the fall of '66.
Q Well, has he been living in the Cherokee Nation ever since that time? A Yes, sir.
Q You know that he returned in the fall of '66 with his uncle?
A Yes, sir.
Q Do you know whether he was a slave or not? A Yes, sir.
Q To whom did he belong? A Belonged to a man they called McLaughlin, that is who his mother belonged to.
Q Do you know anything about his father? A No, sir.
Mr. Davenport: George, how old did you say you were? A I can't tell you exactly, but the way I guess at my age is about 64 I guess.
Q Is Richard as old as you are? A No, sir, can't be.
Q About what is the difference in your ages? A I can't tell you that now.
Q How old was Richard when he came back here? A I can't tell you that but he wasn't nothing but a boy.
Q About what size boy, about what age? A Well, I can't tell you nothing about his age, I have told all I know, I can't tell you his age.
Q Was he something like grown? A No, sir.
Mr. Hastings: 15 years old? A I tell you in this way, why of course he wasn't hardly big enough to plow, wasn't, you might say, big enough to plow when he came to the country.
Q Think he was between ten or twelve or fifteen? A Well, he might have been about that.
Q That your best judgment? A Yes, sir.
Commissioner: You a farmer? A Yes, sir.
Q You got boys of your own? A Yes, sir.
Q How old are your boys before you put them to plowing? A I can't tell you that, that is something I don't pay much attention to.
Q Your own boys? A I can't tell you just when they get big enough to hold up a plow, I was always trying them.
Q Would they have to be ten or twelve years old to do that?
A Yes, sir, they would.
Q Well this boy wasn't big enough to plow when he came back?
A No, sir.

Q Pretty hard to get some of your boys to plow at any age, isn't it? A Well I don't know, it wasn't about mine.
Q Well, has he lived here to your knowledge ever since that?
A Yes, sir.

Richard Towers, recalled, testified as follows:
Commissioner: Who was the mother of Edward, your son? A Maggie Towers.
Q Who was the mother of Mabel, was she? A No, sir.
Q Who is the mother of Mabel? A Mahaley Ward.
Q You married to her? A No, sir.
Q You have never been married but once? A That is all.
Q You never married to the mother of Mabel? A No, sir.
Q Mabel was born while you were to Maggie? A Yes, sir.
Q And you come up here and ask that that child be enrolled? A Well I claim it is mine, I am taking care of it.
Q How do you know it is yours? A Well, I just claim it, I have had it with me taking care of it.
Q Did you draw what is known as the Kern-Clifton money? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedman examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedman examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Richard Towers on page 142, No. 3529, Goweesoowee district.
Q Did you draw for these two children? A I drew for Edward.

Edward Towers on page 142, No. 3527, Goweesoowee district.
Q Was the mother of Mary Bell Towers a citizen? A No, sir.
Q You don't apply for your wife Maggie? A No, sir, I don't.
Q Is she a citizen or a non citizen? A Just a claimant.
Q Were you married to her? A Yes, sir.
Q She the mother of Edward? A Yes, sir.
Q Have you any proof of your marriage? A Nothing more than witnesses.
Q Have you got any witnesses, anybody here that knows you are married.

George Meigs, recalled, testified:
Commissioner: Do you know Richard Towers' wife, Maggie? A Yes, sir.
Q Know whether they were married or not? A Yes, sir, they married, or he was living with me and after they went back to old man Duffin's and got married.
Q You didn't see them married? A No, sir, I didn't see them.
Q They have been living together as man and wife since that? A Yes, sir.
Q Was Edward born while they were living together as man and wife?
A Yes, sir.
Q Living together as man and wife now? A Yes, sir.
Q About how long ago was that they went up to old man Duffin's?
A Been a long time, I can't tell you.

Richard Towers, recalled, testified:
Commissioner: Who married you and Maggie? A Nathan Duffin.
Q Was he a preacher? A Yes, sir.
Q You have been living with Maggie ever since you married her?
A Yes, sir.

Commissioner: R c

Commissioner: Richard Towers applies for the enrollment of himself, his child Edward, and his child Mabel. He avers that he is married to one Maggie Sales, who is the mother of his child Edward. He avers that he was never married to the mother of Mabel; that Mabel was born while he was living with his wife Maggie; but he was never married to the mother of said Mabel. He avers he is the child of Rosa Towers, and that he was the slave of one Ellis Towers. The proof shows that the said Richard Towers was taken to the State of Kansas during the war with his mother, she there died, and that he returned with his uncle, William Towers, in the year 1866, and has been living here since. He is duly identified upon the Kern-Clifton roll. His son Edward is also identified upon the Kern-Clifton roll according to page and number as indicated in the testimony. They cannot be identified upon any other roll of the Cherokee Nation, except the Wallace roll. The attorneys for the Nation ask that the testimony taken in the matter of the application of Willis Towers, on D card 466, be made part of the record in the case at bar, and a copy of said testimony will be filed herewith. Satisfactory proof is made as to residence, consequently Richard Towers and his son Edward Towers will be listed for enrollment as Cherokee Freedmen upon a doubtful card; the testimony showing that the child Mabel is illegitimate, the application of said Richard Towers for the enrollment of his child Mabel will be refused, and the name of said child does not appear upon any of the rolls of the Cherokee Nation.

Applicant will be notified by mail of the action of the Commission when arrived at.

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

Bruce C. Jones

Sworn to and subscribed before me this the 12th of July, 1901.

Commissioner.

ship with Cherokee Freedman.

D-955, Richard Towers.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 1, 1901.

In the matter of the application of Wilson Towers for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:
Mellette & Smith, attorneys for the applicant;
W. W. Hastings, of counsel for Cherokee Nation.

SIMON McKENZIE, being duly sworn by Commissioner Breckinridge, testified as follows:

Commissioner: Give me your name, please? A Simon McKenzie.

Q What is your age? A 59.

Q What is your postoffice? A Pryor Creek.

Mr. Hastings: Mr. McKenzie, how long have you lived at Pryor Creek?

A I have lived at Pryor Creek, I guess about 12 or 13 months.

Q Are you a Cherokee citizen by blood? A Yes, sir.

Q You have been enrolled by the Commission? A I have never been enrolled by the Commission, but I was born a Cherokee by blood.

Q Do you know a colored man by the name of Wilson Towers? A Well, yes I used to know him when I lived in Fort Scott, I lived in Fort Scott in '66 and '67, at the time when I lived in Fort Scott I knew Wilson Towers in the year '66 and '67; I left there early in '68, in April.

Q Was this in Fort Scott, Kansas? A Fort Scott, Kansas, Burboun County.

Q Well now when did you move to Fort Scott, Kansas? A I came when I was mustered out from the army from Fort Leavenworth, when I came back I stopped there at Fort Scott, and I just remained there.

Q Well now how long did you stay there until you got acquainted with Wilson Towers? A Well, after I got acquainted, he was driving a public truck, that is how I came to be so acquainted with Wilson Towers, he was hauling rock and one thing and another around in town where I worked.

Q About how long had you been there before you met him? A I expect I had been there along about, well I guess about, well I think two or three years, because I worked away from town when I came to town first, before I moved away from town.

Q Well now how long after you were mustered out of the army after the Civil War, was it you went down to Fort Scott? A It wasn't but a short time, we were mustered out, and when I left Fort Leavenworth I came back to Fort Scott in August, '65.

Q Now how long did you know Wilson Towers in Fort Scott, Kansas?

A I knew Wilson Towers the whole time I lived there.

Q During what years did you live there? A I came there in '65, '66, and I left there early in the spring of '67; no, '68, I moved away from there early in '68, in the spring.

Q Where was Wilson Towers when you left there? A He was right in Fort Scott, he lived right down on a lot by the old Fort Scott mill.

Q Did you know him all the time that you lived there in Fort Scott?

A Yes, because I was working there on the public work all the time and he was hauling wood and water and sand.

Q Work with him? A No, sir, I was working for Billy Shanqahan there.

Q About what age man was he went you first knew him there in '65?

A I would judge about a middle aged man.

Q You know whether he was married or not? A Well, he had a woman

there, kind of a Cherokee looking woman, I don't know whether he was married or not, I can't say.

Q Have you ever seen this Wilson Towers down in the Cherokee Nation?

A Never have seen Wils Towers.

Q You don't know where he lives now? A I don't know where he lives now; you see when I left it was early in '66, in the spring, and I went back in '70 and when I went back he wasn't there.

Q He was gone? A He was gone.

Q Did you know him there from '65 to '68? A Yes, sir, because me and him many a time got drunk together; of course when a man takes a drink together they are pretty well acquainted.

Q Do you know, from any conversation with him, what state he had come from? A I never did.

Mr. Smith: Mr. McKenzie, you were mustered out in what month?

A August.

Q Of '65? A In '65.

Q At what place? A Fort Leavenworth.

Q Then how long did you stay in Fort Leavenworth before you went Fort Scott? A I stayed after I was mustered out, I guess about a day I reckon and we came to Fort Scott.

Q In what month did you leave Fort Scott? A In August.

Q August of '65; how long had you been there before you first met Wilson Towers? A I hadn't been there very long.

Q Approximate the time as nearly as you can? A I can't say exactly the time because I had been there for some time, I was working away from town first, and when I came back to town to work.

Q Did you know him at all in that year? A Yes, sir, in '65, in the fall, because I was working in the town in the fall and that is where he was hauling rock.

Q Were you married? A No, not when I came to Fort Scott.

Q Was he married? A I don't know whether he was married or not, he had a woman on his place.

Q Where did you first see him? A I saw him right there next to the old Fort Scott mill.

Q What kind of work was he doing? A He was driving a little mule team and hauling wood and water and rock and whatever he could haul.

Q That was in the fall of '65? A In '65.

Q Where did you live while you were working there? A I was just living out and boarding out when I was in town, I didn't live with anyone, I was just staying there.

Q How long did you stay there? A Stayed there till I got married.

Q That was when? A Along in '66.

Q Did you get married in '66; what time in '66? A I can't tell what time, I never kept no record of it.

Q Was it in the winter or spring or summer or fall of '66 you got married? A Well, the fall I guess.

Q You are not certain about the time you did get married? A No, I never kept no record of it.

Q Where did you marry, in Fort Scott? A In Fort Scott.

Q Then you lived there how long after you were married? A I lived there till early in the spring of '68, in April.

Q You say you used to see a great deal of Wilson Towers? A Yes, sir I used to see him there.

Q What did you say about his getting drunk with you? A I said we used to drink whiskey together and get drunk together.

Q That was before you got married, wasn't it? A Well I didn't say anything about getting married.

Q I am asking you now if when you and Wilson was taking a drink that was before you got married? A Yes, before I was married I reckon

Q Well, you didn't see much of him after you got married, did you?

A No, because I moved out in the country then, and came in once a week in town, and I saw Wils Towers every time I came in town.

Q You know you met him every time you came in town? A No, sir, he worked in town, I lived in town, he was hauling.

Q Fort Scott is a great big place? A It wasn't very big then.

Q You think you saw him every time you came in town? A Yes, I think so.

Q In that fall? A In '68.

Q Living at the same place every time, was he? A Yes, living in a little shanty right on a hill in Fort Scott.

Q All the time? A Yes, sir, all the time.

Q Until you left there; well how long do you think it was, how long was it from the time you last saw him until you left Fort Scott yourself? A Well, that is about the time, in the year '68, in the early spring.

Q How long had it been since you left there since you have seen Wils Towers? A I don't know, I never kept no record of it, I never have seen him from that day until this.

Q You can't state how long it had been since you had seen Wilson Towers when you left Fort Scott? A No, I can't state it since I left Fort Scott, no I never have seen him since I left Fort Scott.

Q What I asked you, when you did leave Fort Scott, how long had it been since you had seen Wils Towers? A Oh; it wasn't very long.

Q Can you state how long? A Not more than a few days, I saw him a few days before I left Fort Scott.

Q How long did you stay in Fort Scott from the time you came there until you left? A I came there in '65 and left there in '68.

Q Where did you go when you left there? A Came to the Cherokee Nation.

Q What part of the Nation? A Right there in Cooweescoowee district.

Q You remember what year it was when you came there? A In '68.

Q Well now, Mr. McKenzie, can you state of your own knowledge where Wilson Towers was during all of the fall of 1866? A I think I can, he was right there in Fort Scott.

Q You think so? A I don't think so, I know so.

Q Well why did you say you thought so? A Well, if you want me to say I thought so, I can say it.

Q Well, you saw a good deal of him during the fall of '65? A Off and on all the time I was there, when I came to town, just as I say a while ago; of course I didn't stay in town all the time.

Q Where did you say you married, Fort Scott? A Married in Fort Scott.

Q Were you ever away from Fort Scott from '65 to '68? A Didn't I say while ago I was out in the country; I came in town every week.

Q I mean away from that neighborhood? A No, sir, till I left there and came to the Cherokee Nation.

Q How far was the place you were living on from Fort Scott, during that time? A About two miles and a half, or three miles, I was just between the Nermatew and Fort Scott; if you need any other witnesses I can go there and get them and bring them down to you.

Q You can't state of your own knowledge that Wilson Towers was in Fort Scott during all of the year of 1866, can you? A Well, as I said, I know he was in there every time I came to town during '66.

Q You saw him there from time to time during '66? A Yes, he or his son one, I never heard he was gone.

Q Him or his son? A Yes, I guess he was his son, he had a boy there, called him his son.

Commissioner: This will be filed as supplemental testimony in Cherokee Freedman cases D-466, and sets of the testimony will also be filed in Cherokee Freedman doubtful cases D-467, D-483, and D-955.

****

[illegible] and the foregoing is a [illegible] of his stenographic notes thereof.

Barnes Jones

Sworn to and subscribed before me this 21th day of October, 1901.

[illegible]

Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

NOV 19 1901

CHAIRMAN

File with Cherokee Freedman D-855, Richard Towers.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 17, 1901.

In the matter of the application of Wilson Towers et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of the applicants:

Appearances:
Mellette & Smith, attorneys for the applicants;
L. B. Bell, of counsel for Cherokee Nation.

HARRY STILL, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Harry Still.
Q Where do you live? A Lightning Creek.
Commissioner: Where is Lightning Creek? A Hayden.
Q In New York or Georgia? A Out west of here.
Q What Nation? A Cherokee Nation.
Mr. Mellette: Are you a freed an citizen of the Cherokee Nation?
A Yes, sir.
Q Do you know the applicant, Wilson Towers? A Yes, sir, I know him.
Q How long have you known him? A I have knowed Wils since '62.
Q Where did you first get acquainted with him? A Fort Scott.
Q Fort Scott what? A Kansas.
Q Do you know when he returned to the Cherokee Nation after the war? A Yes, sir.
Q When did he come back? A I don't know the exact date, but in the winter of '66 when I was on Big Creek Wils Towers was there, I didn't come with him but when I went to Big Creek in the winter of '66 Wils Towers was living right on the place he lives now.
Q Big Creek, Cherokee Nation? A Yes, sir.
Q Where has he lived since that time? A Right there.
Q On the same place? A Yes, sir, living there now.
Q What was he living in? A Living in a regular hut, he had built a small log house like people there built when they would come in.
Q He has lived at that place ever since? A Yes, sir.
Q And he is living there now? A Yes, sir.
Mr. Bell: You say you came from home up there? A Yes, sir.
Q Where is that? A On Lightning Creek.
Q How far from Lightning Creek up to Big Creek, is that it? A Yes, sir, up to Big Creek.
Q And you say he has been living right on that place ever since?
A Right there ever since.
Q How do you know? A I know he has, I never have missed six months at a time from seeing Wils from '66 till '73 continuously, I was always, I was as familiar with the people on Big Creek as I was those at home, they were my neighbors, and Wils Towers was there in the winter of '66 and has been ever since, this was up to that date I was as familiar with Wils as I was pretty near any man in the country.
Q He had a little house there? A Yes, sir, built him a little log house there.
Q Tell me right where on Big Creek that was? A Well sir, he lives right at the head of one little prong, not the main prong but the prong that Tuck Sanders lives on, Tuck lives in the forks of it and Wils lives sorter at the head of one of the prongs, well not exactly, it is hardly a branch, but Wils was pretty near at the head of one prong of Big Creek.
Q Now how far was that from Tuck Sanders? A Well sir, it was about a mile I guess, a short mile.

Q How far is that from where Jim Martin now lives? A It must be four or five miles from where Jim lives, above there.

Q You were living here at Lightning Creek all the time too were you? A Yes, sir, a good deal of the time, sometime of the time I would be down on Grand River a few days, but my home was at Lightning Creek all the time, yes, sir.

Q You never was away from there any? A Well no great length of time.

Q Well about how long was the longest you were ever away? A Well sir I never was away from there at any time over two weeks from '60 till '73, two or three weeks was the longest I ever was away from there to stay away.

Q Well from '73 up to now what was the longest time you were away from there? A I guess I was away from there as high as a year at a time.

Q Weren't you away from there as much as five years at one time?
A No, sir.
Q Nor four years? A No, sir.
Q Nor three? A No, sir; you know how long I was away.

Commissioner: This testimony will be made part of the record in the case at bar and also part of the record in Freedman D-467, B-483, and D-955.

* * * * * * * * *

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

Bruce C. Jones

Sworn to and subscribed before me this the 8th of November, 1901.

Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

AUG 1 1902

ACTING CHAIRMAN

Trans D 850

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Thompson, Trustee for the Freedmen, vs The Cherokee Nation, No. 17[illegible] filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Richard Towers, D 851;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree, because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Rosey Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation certainly most strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

DEPARTMENT OF THE INTERIOR.

To the Honorable, the Secretary of the Interior:

In the matter of the application of the following named persons for enrollment as Cherokee Freedmen, consolidating the applications of:

Richard Towers, et al.

955

MOTION FOR REVIEW OF DECISION.

Come now the above named persons who have been denied enrollment as Cherokee Freedmen, by their attorneys, Blue & Bulger and McGowan & Serven, and move the Honorable Secretary of the Interior to open their respective cases above named; to review the decisions of the Commission to the Five Civilized Tribes denying said applications; to reverse said decisions, and to enroll each of the said applicants as a Cherokee Freedman, for the following reasons:

The decision of said commission in the matter of each application was and is contrary to law.

The evidence adduced by said applicants in support of their applications show:

1. That each of said applicants was a slave of a Cherokee citizen at the time of the commencement of the war of the rebellion and was liberated by voluntary act of his Cherokee owner or by law, or is the descendant of such slave.
2. That each of said applicants, if born, was a resident in good faith in the Cherokee Nation prior to June 28, 1898.
3. That said applications were made prior to September 1, 1902.
4. That at the date of said application, the said applicants had not abjured or forfeited their Cherokee citizenship by moving out of the Cherokee Nation with their effects to some other state or nation and by becoming a citizen thereof.

Domicile in the Nation Aug. 11, 1866.

WHEREFORE, Said applicants, by their attorneys, respectfully request that they be enrolled as Cherokee Freedmen.

Blue & Bulger

Attorneys for Applicants.

Service of the above motion accepted and a copy of the same received by the attorneys for the Cherokee Nation, at Vinita, I. T., this day of , 1905.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By_____

Cherokee Freedmen-D-955.

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

In the matter of the application of Richard Towers for the enrollment of himself and his minor son, Edward Towers, as Cherokee Freedmen.

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-: D E C I S I O N :-

The record in this case shows that on June 29, 1901, Richard Towers appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of himself and his minor son, Edward Towers, as Cherokee Freedmen. Copies of the testimony taken at various times in the matter of the application for the enrollment of Wilson Towers et al., as Cherokee Freedmen are made a part of the record herein.

The evidence shows that Richard Towers was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of the Cherokee Nation during the rebellion, and returned thereto with his uncle, Wilson Towers. The Commission has found in the above mentioned case of Wilson Towers et al., (Cherokee Freedmen D-466), that the latter did not return to the Cherokee Nation until after February 11, 1867, which decision was approved by the Department in its letter of April 25, 1904, (I.T.D. 2304-1904.)

The evidence further shows that Edward Towers is the son of Richard Towers, born since 1866, and has no right to enrollment except such as he may have derived through his father, Richard Towers. None of the names of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Richard Towers and Edward Towers as Cherokee Freedmen should be denied under the provisions of section twenty-one of the Act of Congress approved June 28, 1898, (30 Stat., 495) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Tams Bixby.
Chairman.

T. B. Needles.
Commissioner.

C. R. Breckinridge.
Commissioner.

Muskogee, Indian Territory,

JUL 23 1906.

M09

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BECKINRIDGE,
WM. O. BEALL,
Secretary

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

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-955.

ADDRESS ONLY THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 8, 1904.

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

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes dated July 23, 1904, rejecting the application of Richard Towers for the enrollment of himself and minor child, Edward Towers, as Cherokee freedmen.

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.

Encl. S-19.

COMMISSIONERS:
TAMS BIXBY,
THOMAS B. MARSHALL,
C. R. BREWER,
WM. O. BEALL,
Secretary.

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D---955

Muskogee, Indian Territory, October 25, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision dated July 23, 1904, rejecting the application for the enrollment of Richard Towers and Edward Towers, as Cherokee Freedmen, was affirmed by the Secretary of the Interior on September 24, 1904.

Respectfully,

Chairman.

F.D. 935-5

Proof of Service made
and original filed with the
DAWES COMMISSION.
OCT 5 1901

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SEP 20 1901

NOTICE!

IN THE MATTER OF the application of Richard Towers
for enrollment as Cherokee Freedmen:
Case No. F. D 955
To Richard Towers

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 9th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept. 20th 1901.

L B Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

Cher. Fr. D. 956

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 29, 1901.

In the matter of the application of Frank Whitmire for the enrollment of himself and five children.

Appearances:
Mellette & Smith, attorneys for applicants;
W.W.Hastings and J.S.Davenport, Cherokee attorneys.

Frank Whitmire, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Frank Whitmire.
Q What is your age? A About 56 I guess.
Q What is your postoffice? A Winsor.
Q What district do you live in? A Going Snake.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Myself and ten children.
Q Give me the names of your children? A I can't recollect them (hands Commissioner paper.)
Q Four of these children are over 21; they will have to apply for themselves. A Yes, sir.
Q I find Jesse under 21; is that one of your children? A Yes, sir.
Q 14 years of age? A Yes, sir.
Q Ada another one? A Yes, sir.
Q How old is Ada; got her down as 16, is that right? A Yes, sir.
Q She is older than Jesse? A Yes, sir.
Q The next one Ella? A Yes, sir.
Q How old is Ella? A 22 I believe; 20.
Q You have got her down here is 15? A Well that is the age.
Q This is right, is it? A Yes, sir.
Q Got another one named George? A Yes, sir.
Q He 12? A 10 years old.
Q Well, how old is Bessie? A Bessie is 10; George is 12.
Q Bessie is 10? A Yes, sir.
Q That makes five; now Rachel is 29, is that right? A 28.
Q How old then is Lizzie? A Rachel is 29 and Lizzie 28.
Q Austin 27, and Anna 26 and Nelson 21? A Yes, sir.
Q You apply for yourself then and five children? A Yes, sir.
Q These children all alive, these younger children? A Yes, sir.
Q Living with you at this time? A Yes, sir.
Q All unmarried; Jesse isn't married? A No, sir.
Q Ada? A No, sir.
Q They are all living with you? A Yes, sir.
Q Born and raised in the Cherokee Nation? A Yes, sir.
Q Who are your witnesses? A Dave French and Moss Riley and Crap Lynch.

Mr. Smith: How old are you, Mr. Whitmire? A About 56 I guess.
Q Were you born a slave? A Yes, sir.
Q Who did you belong to? A Johnson Whitmire.
Q Was Johnson Whitmire a Cherokee Indian? A Yes, sir.
Q Was he a citizen of the Cherokee Nation? A Yes, sir.
Q Where did he live before the war? A In Going Snake.
Q Where did he live at the time the war commenced? A Lived in Going Snake.
Q In the Cherokee Nation? A Yes, sir.
Q Where were you living? A Lived right there with him.
Q Were you taken out of the Nation or go out during the war?
A Went out during the war.
Q Where did you go t? A Fort Scott.
Q Fort Scott, Kansas? A Yes, sir.
Q Where did you return to the Cherokee Nation, come back?

Q In '66.
Q Where did you come to? A To Gibson.
Q Fort Gibson? A Yes, sir.
Q In the Cherokee Nation? A Yes, sir.
Q How long did you stay about Fort Gibson? A Just about a week.
Q Where did you go from Fort Gibson? Q Went to Grand River.
Q What part of Grand River did you go? A Up to Bob Daniels' place on Grand River.
Q Cherokee Nation? A Yes, sir.
Q How long did you stay there? A About a couple of weeks.
Q Where did you go from there? A Went to Big Creek.
Q How long did you stay there? A About six months.
Q Big Creek in the Cherokee Nation? A Yes, sir, lived with my mother.
Q Then where did you go? A Then I went back to Springfield, Mo.
Q Were you married or single? A I was married.
Q Where was your family? A Down in Springfield, just my wife.
Q You didn't bring your wife? A No, sir.
Q When did you bring your wife back to the Cherokee Nation? A I went there and stayed a year and then went back.
Q Stayed in Springfield? A Yes, sir, in Springfield.
Q Then where did you go to? A Came to Big Creek.
Q Then how long did you live at Big Creek? A Been living at Big Creek about 29 or 30 years.
Q Do you know exactly how many years you have been living there?
A Not exactly, about that.
Q Where were your children born? A Born on Brush Creek some of them and some on Big Creek.
Q Were any of your children born outside the Nation? A No, sir, all born in the Nation.
Q Where are these children for whom you apply with you living; with you, the younger ones? A Yes, sir.
Q Is Rachel Whitmire your child? A Yes, sir.
Q Is her name still Whitmire or she married? A She is Ross.
Q What is her husband's name? A Moss Ross.
Q Where does she live? A She lives on Cedar Creek.
Q Is that in the Cherokee Nation? A Yes, sir.
Q How long has she lived there? A About three or four ~~days~~ years I believe she has been married.
Q Been living there ever since she has been married? A Yes, ever since she has been married.
Q Has she any children? A No, sir.
Q Well, what is Lizzie's name now? A Adair.
Q What is her husband's name? A Ben Adair.
Q She married to Ben Adair? A Yes, sir.
Q Has she any children? A Five children I think it is five.
Q Where does she live? A Lives up on the head of a little Creek they call White Oak.
Q That in the Cherokee Nation? A Yes, sir.
Q Now how long has she lived there? A About ten or 12 years to my best knowing.
Q Where does Anna live? A She lived on the prairie there about four miles from where I live, west.
Q In the Cherokee Nation? A Yes, sir.
Q She married? A Yes, sir.
Q Who is she married to? A George Ward.
Q Any children? A No, sir, she hasn't got any children.
Q Where does Austin Whitmire live? A He lived in Vinita.
Q How long has he lived there? A He has been living there about two or three years.
Q Where did he live before he went to Vinita? A He lived down in

Frank Whitmire - 2.

Sequoyah district.

Q How long did he live in Sequoyah district? A I don't know, about two or three years.

Q How long since Austin made your place his home, is he married or single? A He is married.

Q When did he marry? A He hasbeen married about ten years I guess.

Mr. Davenport: Where did you go during the war? A Went to Fort Scott.

Q How long did you stay at Fort Scott? A Well, I didn't stay to Fort Scott very long.

Q Where did you go from there? A I came back to the Cherokee Nation.

Q What part of the Cherokee Nation? A Why down to the Cherokee Nation, down to Springfield, Missouri.

Q That isn't in the Cherokee Nation, is it? A No, sir.

Q How long did you stay at Springfield, Mo.? A Stayed around there till the war closed.

Q Well then after the war closed what did you do? A I went back to Fort Scott.

Q How long did you stay at Fort Scott then? A When I went back, well I stayed there then about till the war ended, to Springfield, Missouri, I stayed there and drove teams.

Q Then after the war ended at Springfield, Mo., and you quit driving teams, when you left there, where did you go? A When the war ended?

Q Yes, when you left Springfield, Mo.? A I can't recollect.

Q You don't know where you went then? Where were you married? A I was married in Springfield, Mo.

Q In what year? A Well, a year before the war ended.

Q What is your oldest child's name? A My oldest child, Rachel

Q What is your wife's name? A Martha.

Q Is she living now? A Yes, sir.

Q Well now after the war ended, you and your wife were living in Springfield, Mo., when the war ended? A Near Springfield, Mo.

Q Well, what did you do after that, after the war closed? A Why after the war closed I came back to the Cherokee Nation.

Q What point did you come to then after the close of the war? A Came to Gibson.

Q Did you bring your wife there? A No, sir.

Q Where did you leave her? A In Springfield, Mo.

Q She was keeping house there, was she? A Yes, sir.

Q Had you any children born at that time? A Had one, he was dead.

Q Where did he die? A He died in the Cherokee Nation.

Q What year? A I can't tell you how long ago, about 14 or 15 years as near as I can recollect.

Q What did you do next then after you came back to Fort Gibson, as you claim? A After I came back to Fort Gibson I came to the Cherokee Nation.

Q You were in the Cherokee Nation when you came to Fort Gibson? A Yes sir.

Q What did you do next? A I came to Grand River.

Q Who did you see when you came to Grand River? A Why I seen these Bean boys.

Q Anyone else? A And Lynches.

Q Anyone else? A And - - oh I can't recollect.

Q How did you come back to the Territory the first time you came?

A Well I came back with some freight wagons.

Q When did you bring your family to the Cherokee Nation? A Well I left my family there, I came here, and I was here a year or maybe six months and left my family up there, and I came here and located

me a place.

Q Where did you locate the place? A On Brushy Creek.

Q What part of the Nation is that? A Right near Big Creek, it is west of Big Creek.

Q Near whose place is it now? A My brother's place.

Q What is your brother's name? A Mart Whitmire.

Q Do you know Albert Morris? A Yes, sir.

Q Where was he living when you came back and located your place?

A When I first came myself I never seen Albert Morris.

Q How far did you locate the place from where Albert Morris' place is up on Big Creek? A I guess about three or four miles.

Q Did you have a place made there when you first saw Morris in that country? A No, sir.

Q Were you living on that place when Morris first came? A I was living to my brother's place.

Q How far is that from the Morris place? A About seven miles down the Creek.

Q Do you know Watt Starr? A Yes, sir, I was raised with him.

Q You know him before the war? A Yes, sir.

Q When did you first see him when you came back to the Cherokee Nation? A Well, it has been about twenty years ago.

Q You saw him about '78 or '9? A I don't know dates, if you get a date on me you have got me, I don't know the date.

Q You know you saw him there a short while after you came back to the Territory, don't you? A Yes, I saw him, but Watt Starr he don't know where I live, he couldn't go to my place.

Q I asked you if you saw Watt a short while after you came back to the Territory? A No, not a short while, I lived down the Creek then to my brother's house.

Q How long after you came back to the Cherokee Nation before you saw Watt Starr, the man with whom you have been raised, about how many years? A I can't tell you exactly.

Q Was it two or three? A No, I can't tell you exactly how long.

Q Can't you give me your best judgment as to how many years you had been here before you saw Watt Starr? A No, sir, I had been here a long time.

Q Well, the first time you saw him he came to your house to see about your coming back? A No, he never came to my house.

Q He came to see you somewhere? A No, he never came to my house, no, sir.

Q Didn't he come up where you were to see you? A No, sir.

Q Have you ever seen him since you came back? A I saw him down to Chelsea.

Q When was that? A When this Court was going on.

Q Was that the first time you saw him since the war? A The first time I saw him?

Q It was? A No, sir.

Q You had seen him before that and had a conversation in which you told him you had just come back from Kansas? A No, sir, I never lived in Kansas.

Q In which you told him you had just returned to the Cherokee Nation? A I told him I just came from below, I never lived in Kansas.

Q When was it you told him that, when you were in Chelsea enrolling?

A No, I never spoke to him in Chelsea, I made a mistake; I never saw him after the war until down here at Chelsea.

Q None of your other children, but the one, Charlie, was born in Kansas? A That is all, Charlie was born in Springfield, Missouri.

Q You lived right in the City, did you? A No, I lived out west of Springfield.

Q About how far? A About a quarter of a mile.

Q On whose place did you live? A I didn't live on anybody's place,

I just lived in town.
Q I asked you if you lived in town and you said you didn't live in town. From whom did you rent your farm? A Well, I lived there just out on the reserve.
Q You lived on the Government grounds then? A Yes, sir, lived out on the reserve at a little shanty I built out there for myself.
Q Have you any brothers except the one you spoke of? A Yes, sir.
Q What are their names? A Mose.
Q Any other? A And James.
Q They are your brothers? A Yes, sir.
Q They are living in the country? A Yes, sir.
Mr. Hastings: Did you have any witnesses at all before the Kern-Clifton court? A Yes, sir.
Q Who? A I went in, but they were not called.

Mose Riley, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: State your name? A Mose Riley.
Q How old are you? A 51.
Q Where do you live? A Chelsea.
Q How long have you lived there? A 21 or 22 years.
Q Do you know this applicant, Frank Whitmire? A Yes, sir.
Q Know where he lives? A Yes, sir.
Q Where? A On Big Creek.
Q How long has he lived there? A I don't know sir how long he has lived there, lived there a long time.
Q How far is that from where you live? A About 18 or 20 miles from where one of my places is.
Q Where did you first know Frank Whitmire? A I have knowed him ever since the war.
Q Where did you first see him in the Cherokee Nation after the war?
A Right after peace, after we came back here I saw him.
Q How long after you came back here before you saw him? A I don't know sor how long, it wasn't very long though.
Q Give us your best judgment as to how long it was? A It couldn't have been more than three or four months I reckon.
Q Where did you see him? A Over in Saline district.
Q Don't know how long he has been back when you saw him? A We came back in the fall and I saw him t at same year, that same winter.
Q I say you don't know how long he had been back when you saw him?
A No, sir, I don't know that.
Q Did you see him once or more than once at that time? A I only saw him once right then but I saw him after that.
Q How long afterwards? A Next time I saw him it must have been three or four months afterwards up on what is called Lynch's Prairie, that was four or five miles from where I lived.
Q How long afterwards? A It must have been three or four months I reckon, four or five months, something like that.
Q How long after that, or when did he come up on Big Creek to live?
A I don't know sir just exactly when he did come there.
Q Do you know any of his children? A I know one or two of them, that is, by name.
Q Do you know his wife? A Yes, sir, know her when I see her.
Q Ever been to his house? A Yes, sir, I have been there a number of times.
Q Do they keep house? A Yes, sir.
Q Live together as man and wife? A Yes, sir.
Q How are they received in the neighborhood? A As man and wife.
Commissioner: When did you say you first saw this applicant? A Over in Saline.
Q After the war; when was that? A I don't know just exactly what

time it was.

Q What year was that? A It must have been in the winter, it was along in the winter I think of, well the same year we came there.

Q When did you come? A I came in '66.

Q What time of the year did you come? A We came in the fall.

Q And you saw this man this next winter? A Yes, sir, I saw him that winter.

Q The fore part of the winter or last part of the winter? A It was close to about Christmas, I don't know now whether after or before Christmas, but it was along there somewhere.

Mr. Hastings: Who was with him? A He was by himself when I saw him.

Q Come to your house? A No, I had no house but he came to my father's house.

Q Where was he living? A I don't know sir where he was living, I know where his father was living.

Q Where was your father living? A On the old McNair place.

Q Made a crop there that year? A Yes, he made a crop there, I helped him to.

Q And there was nobody with this man? A Nobody with him when he came to my father's house.

Q Was he in a wagon? A No, sir, horseback.

Q How long did he stay there? A Just stayed there all night.

Q Was his wife with him? A No, sir.

Q Was he married at that time? A I don't know sir, whether he was or not.

Q Never heard him say anything about that? A No, sir.

Q He was a stanger to you, never saw him before? A I saw his father.

Q But him? A No, sir, I never saw him before.

Q About how old was he at that time? A I don't know.

Q Was he a man? A Looked like he was.

Q Now are there any particular circumstances that you remember his being there that time? A Yes, sir, he was inquiring about Uncle Mose Alberty.

Q Was that the particular citcumstance? A Yes, sir, and I knowed his daddy.

Q He stayed all night at your house? A Yes, sir.

Q Was Mrs. Martin Thompson on that place at that time? A Yes, sir

Q You had never seen him before the war? A No, never saw him.

Q How soon before you ever saw his wife? A I never saw his wife till '73.

Q Where did you see him? A When I saw him I ~~was~~ saw her at his house on Big Creek.

Q How far is that from Albert Morris? A I don't know where Albert Morris lived there.

Q Do you know where he lives now, where his farm is? A Yes, sir.

Q How far is that from his farm up there? A Well, where Frank lives now I guess it is about two miles and a half or three miles south

Q Did this man have any children in '73 when you saw his wife?

A Yes, sir.

Q How many? A I don't know how many, I stayed all night at his house.

Q But you don't remember these children's named? A Remember their names, I remember their names when I hear them called.

Q You would have remembered it if it has been in '66? A I know that I would know it if I saw them in '66.

Q But you don't remember seeing them in '73? A I never heard their names.

Q About how old was the largest one? A I don't know, they are grown and married, most of them.

Q At that time, in '73? A Some good size girls and some good size boys.

Q About how old was the oldest one? A I don't know, they were big enough to take my horse and put it up at his house.

Q At that time, in '73? A Yes, sir.

Q Was the oldest a girl or boy? A I don't know which one was the oldest one.

Q Was it a boy took your horse and put it up? A Looked like a boy, it had on pants.

Q And you think that was in '73? A It was in '75.

Q You are positive of that? A Somewhere along about that time.

Q I want to know if you are positive? A I can't say for sure it was then, but it was along there sometime.

Q Could it have been as late as '75? A Well, I think it was '73, how I know it was '73, I have got a child that was born in '73, and it was born the night before I stayed all night at Frank's.

Q You know he was born in '73? A I know my child was born and I stayed all night next night at his house.

Q You are more positive in '86 than you are in '73? A Oh yes, you know we knew something about '86, I know something about now so far as that is concerned.

Q Where was he living in '73, Frank? A Same place he is living now? A No, sir.

Q How far from there? A Why I don't know whether it was on his place or his brother's place, I don't know which one of them it was, I don't know whose place it was, but where I stayed all night was on t he side of the Creek, and he don't live there now.

Q What side? A On the west side of the Creek.

Q What Creek? A On the west side of Big Creek.

Q You don't know whether it was his place or not? A I don't know, I never asked him.

Q What sort of a house was he living on? A Log house.

Q You don't know how far that is from where he is living now?

A No, sir, I know wherek the place is if I could go to it.

Q You don't know who is living on that place now? A No, sir.

Anderson Lynch, being duly sworn by Commissioner Needles, testified as follows:

Mr. Smith: State your name? A Anderson Lynch.

Q How old are you? A 64.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q Recognized citizen? A Yes, sir.

Q Do you know this applicant, Frank Whitmire? A Yes, sir.

Q How long have you known him? A I knowed him just a while time the war was coming up.

Q Did you know hi before the war? A Yes, sir.

Q Know whether he was a slave or not? A Yes, sir.

Q Who did he belong to? A Johnson Whitmire.

Q Was Johnson Whitmire a Cherokee Indian? A Yes, sir.

Q Citizen of the Cherokee Nation? A Yes, sir.

Q Where did he live before the war? A Lived away down below Tahlequah, somewhere down in there.

Q How far was that from where you lived? A Oh it must have been, I can't tell exactly how far it was, it was a good piece, it was two days travel I think down in there.

Q Do you know where Frank Whitmire, this applicant, lives now?

A No, sir, never was at his house.

Q When did you first see Frank Whitmire in the Cherokee Nation after the war? A It was in '66 after Christmas, about January, I guess, he was up to Bob Daniels' place up there where my brother was living.

Q How long after Christmas of '66 was it before you saw him?
A A few weeks I guess.
Q Along in January then? A Yes, sir.
Q Where was it you saw him at that time? A That was up at Bob Daniels' place.
Q In the Cherokee Nation? A Yes, sir.
Q Where was the Bob Daniels place? A On Grand River up above where I was living.
Q Did you see him once or more than once at that time? A I just saw him once up there at a gathering at his brother's.
Q How long after that was it before you saw him again? A I never saw him until they had a gathering over there at Goose Neck, and met up there with him again.
Q You say you have never been to his house? A No, sir, never been there.
Q Well, at the time you saw him at the Bob Daniels place, what was he doing at the Bob Daniels place? A He just had come there I suppose to see his brother, or something.
Q Do you know of your own knowledge? A No, sir, I don't know what his business was, I just saw him there I thought.
Mr. Davenport: He was just fooling around there, Crow, was he? A Yes he was just there, I don't know how long he stayed there.
Q Had his wife with him? A No, sir, he didnt, I never saw any woman.
Q Have any children? A Not as I know of.
Q You don't know when that was, do you? A It was along in January, just after Christmas.
Q Of what year? A Just after '66.
Q Don't know whether it was January 67 or January '68? A No, it was just about two weeks after Christmas, must have been somewhere along about there.
Q You didn't know this fellow before the war, did you? A Yes, sir I knew him before the war.
Q And you lived two days travel from him? A Well the way I come to find out was following the regiment traveling, going backwards and forwards.
Q Well the regiment, was it going that was before the war?
A Well Waite's was.
Q Before the war broke out? A No, sir, the war had commenced.
Q Dont you know this fellow left the country when the war commenced and didn't come back till after the war was over? A He was down at the Whitmires.
Q Which one of the Whitmires was he with? A Johnson Whitmire.
Q Where were they living? A We camped right close there to the Whitmires, in the Creek.
Q What Creek? A It must have been a river or something, it wasn't far from there.
Q Did it have any name? A I don't know of any name for it, I heard of so many little creeks down there.
Q In fact you don't know much about it anyway, do you? A I just only knew him.
Q How large was he when you saw him there at that time? A A good big sized fellow, big enough to drive a team.
Q Was he grown? A Wasn't quite grown.
Q Was he grown after the war when you saw him? A He was mighty near it, he was a good size boy.
Q And wasn't quite grown after the war? A He was about grown I reckon.
Q You know you saw him? A I saw him, of course he was a good size fellow then, not a child.

Q You don't know where he went during the war? A No, sir.
Q Don't know where he married? A No, sir.
Q Don't know anything about his family? A No, I never seen them.
Q Don't know where his family was when you claim to have seen him down there just after Christmas after the war closed? A No, sir, don't know where they were.
Q Did he come to your house, or whose house? A No, sir, was there there at his brother's, his brother was on the Bob Daniels house.
Q What was his brother's name? A Mose Whitmire.
Q Know anything about what family Mose lived nearby? A Nearby George Landrum's family.
Q And this man, after you say him there, it was several years before you saw him again? A No, sir.
Q You don't know where he had been living in the mean time? A No, sir, don't know where he had been living.
Q And you just happened to remember he came along there to his brothers and you say him? A After I come to think of it, as I was here and he was here.
Mr. Hastings: What year did the Kern-Clifton Commission make a roll? A I don't know.
Q What year did Wallace make a roll? A Never kept count of it.
Q You don't know anything about dates? A No, sir.
Q Don't know one year from another when it comes to keeping dates? A No, sir.
Mr. Smith: You know when you came back here after the war? A Oh yes sir.

Frank Whitmire, recalled, testified as follows:
Mr. Hastings: Where did you first see Dave French? A At Fort Gibson.
Q After the war? A Yes, sir.
Q What time of the year? A About just before Christmas, a little while before Christmas.
Q How how long before Christmas? A Just about a day or two before Christmas.
Q Did you spend your Christmas in Fort Gibson? A Yes, sir.
Q Was Dave living there at that time? A Yes, sir.
Q Was he living in a house; was you at his house? A I wasn't at his house, I don't know whether he had or not.
Q Did you see his wife down there? A No, sir.
Q Did you see the membersof his family? A No, sir.
Q Did you ever see Dave French before? A I used to see him before, I was raised right by him.
Q Before the war? A Yes, sir.

Dave French, being duly sworn by Commissioner Needles, testified as follows:
Mr. Smith: State your name? A Dave French.
Q How old are you? A 72 years old.
Q Do you know this applicant, Frank Whitmire? A Yes, sir.
Q How long have you known him? A Well, knowed him all the time, a long time.
Q Know him before the war? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q Who did he belong to? A Johnson Whitmire.
Q Was Johnson Whitmire a Cherokee Indian? A Yes, sir.
Q Did he live in the Cherokee Nation? A Yes, sir.
Q Where did he live when the war commenced? A He was living

down on the Creek, they called it Peaches I believe, in below where we lived about seven or eight miles.

Q Where was this man Frank Whitmire at this time? A He was there.

Q When did you first see Frank Whitmire in the Cherokee Nation after the war? A I saw him Christmas of '66 in Fort Gibson.

Q Know how long he was up there at the time? A No, sir, he might have lived here in Gibson, I can't tell you.

Q Mr. French, do you know whether he was married at that time or not? A No sir, I don't.

Q When did you next see him after you saw him in Fort Gibson? A I don't know exactly how long, I guess I next saw him away up on the River, on Big Creek, I don't know which.

Q Do you know where he lives now? A Yes, sir, on the Big Creek.

Q Have you ever been to his house? A I believe I have, but not very much.

Q You know how long ago it has been since you first saw him on Big Creek? A No, sir, I don't.

Q Was it a long time or a short time? A Well, it has been a good while, every once in a while I saw him, maybe I saw him that year and maybe the next year and maybe the year after that.

Mr. Davenport: You knew him before the war? A Yes, sir, I knew him all the time.

Q And when he came to Fort Gibson you recognized him at once?

A Yes, sir.

Q He have his wife with him there? A He never had his wife, I never saw anybody with him.

Q You were living at Gibson at the time? A I was living at Gibson, I was going backwards and forwards hauling people from Kansas, I had stayed there to Gibson though all the time till peace.

Q Did you have your wife with you? A I did not.

Q Where was she at that time? A I don't exactly recollect.

Q Q Was she in the Territory or Kansas? A I don't recollect.

Q Don't know where your wife was living? A No sir, I don't recollect now.

Q You were married? A Yes, sir.

Q She had some children? A Yes, sir.

Q You don't know where she was living when you saw him in Christmas in '66? A I don't recollect where I had them at that time.

Q They were in Kansas? A Might have been in Kansas at that time.

Q You don't know where the family was? A No, sir, I don't know as he had a family, I never asked him.

Frank Whitmire, recalled, testified as follows:

Commissioner: You were married in Kansas? A No, sir.

Q In Missouri? A Yes, sir.

Q When did you first bring your family to the Cherokee Nation?

A I can't recollect when I did bring them, it has been so long I can't recollect, I came here and settled - -

Q You came back and married then? A Yes, sir, went back and married.

Q You were not married the first time, you went back and married and stayed there several years.

Q Some of your children were born in Missouri? A No, sir, all born in the Nation.

Q All of these oldest children born in the Nation? A Yes, sir, only Charlie.

You must have lived up there five or six years before you married?

A No, I married my wife before the war ended, and then I went back after Charlie was born.

Q Married your wife in Missouri before it ended? A Yes, sir.

Frank Whitmire - 11.

Q Got any proof of your marriage? A No sir not here.
Q Married in Missouri, was you? A Yes, sir, Springfield, Missouri.
Q Got a license before you married, did you? A No, sir, I just married, a man married me.
Q That wife you married there living here yet? A Yes, sir.
Q She is the mother of these children? A Yes, sir, mother of all of them.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined and the applicants identified thereon as follows:

Frank Whitmire on page 151, No. 3729, Coweescoowee district;
Jesse Whitmire on page 151, No. 3733, Coweescoowee district;
Ada Whitmire not on said roll;
Ella Whitmire on page 151, No. 3731, Coweescoowee district;
George Whitmire on page 151, No. 3735, Coweescoowee district;
Bessie Whitmire on page 151, No. 3734, Coweescoowee district.

Q You never drew for Ada? A No, sir.
Q Why? A Just didn't; she was knocked off the roll.

The Wallace roll examined and the applicant, Ella Whitmire, identified thereon, page 148, No. 3116, Coweescoowee district, as Ellen Whitmire.

Commissioner: Frank Whitmire applies for the enrollment of himself and five children, to-wit, Jesse, Ada, Ella, George and Bessie. His name cannot be identified upon the authenticated roll of 1880 or the census roll of 1896. He is identified upon the Kern-Clifton and the Wallace roll. The names of his children, except Ada, are identified upon the Clifton roll, Ella being also identified upon the Wallace roll. Applicant avers that he was a slave of Johnson Whitmire and went out of the Cherokee Nation during the war, and returned in the year 1866, and married in the State of Missouri and returned to the State of Missouri and married and brought his family to the Cherokee Nation some years later. He makes satisfactory proof as to his residence. Now Frank Whitmire and his five children enumerated herein will be listed for enrollment as Cherokee Freedmen upon a doubtful card. He will be notified by mail of the action of the Commission in the premises. It will be necessary for him to file satisfactory proof of the birth of Ada, who cannot be identified upon any of the rolls of the Cherokee Nation.

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

Bruce G. Jones

Sworn to and subscribed before me this the 18th of July, 1901.

Commissioner.

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ACTING

File with C.F. D--56, Frank Whitmire, et al.

SUPPLEMENTAL: C.F.D-954.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., Sept.27,1901.

In the matter of the application of Frank Whitmire et al for enrollment as Cherokee Freedmen.

TESTIMONY ON THE PART OF THE CHEROKEE NATION.

Appearances:
Mr. Smith, of Mellette & Smith, for applicant;
Mr. Jas Davenport, for the Cherokee Nation.

WATT STARR, being sworn by the Commission, testified as follows:
BY MR. DAVENPORT:
Q State your name? A Watt Starr.
Q Where do you live? A Near Claremore.
Q How old are you, Mr. Starr? A 56 years old.
Q How long have you lived in the Cherokee Nation? A About 53 years, I was out 3 years during the war, and I have lived here all my life but that.
Q Did you go out of the Cherokee Nation during the war? A Yes sir
Q In what district did you live in the Cherokee Nation before the war? A Goingsnake.
Q Did you know before the war a slave by the name of Frank Whitmire A Yessir.
Q To whom did he belong, if you know? A Belonged to Johnson Whitmire.
Q You know whether or not Frank went out during the war? A Yes sir he went out.
Q Have you seen Frank Whitmire since the war? A Yes sir.
Q When was the first time you saw him after the war, Judge? A Best I can recollect it was in '77 or '78, one or the other, I don't recollect just which, in the fall.
Q Where was it you saw him? A On Big Creek.
Q In the Cherokee nation? A Yes sir.
Q Did you have any conversation with him at that time as to whether he had been and when he came back? A Yes.
Q State what that conversation was, as near as you can remember? A He said he hadn't been back but a few days, just had come in a few days before I saw him, and said he had been to Kansas; I asked him why didn't he come back sooner, he said he just couldn't get back.
Q You had been raised with him before the war, or near him? A Yes sir, in a mile and a half or two miles of him.
Q Before you met him this time you speak of did you hear that he had returned? A I heard that he did, and I started over to see him and I met him; we was raised up together and were boys together, ~~and thinks~~ Q And that's when he told you then that he had just come back from Kansas? A Yes sir.
BY MR. SMITH:
Q Mr. Starr, what date did you say that was? A '77, or '78, one or the other.
Q When did you first have occasion to remember the date that you met him, when was the subject first made a subject of inquiry, after the time that you met him? A I talked about meeting him off and on, I never was sworn to any statement until that Kerns Clifton Court.
Q You testified before the Kerns Clifton court did you? A Yes sir.
Q Now from the time you met Frank Whitmire until the Kern Clifton court, you had no occasion to remember anything about the date that you saw him did you? A No I don't recollect, ~~that~~ ~~xxxxxxxxxxxxxx~~.
Q That was some 26 or '9 years after you saw him wasn't it? A I don't know when the Kerns Clifton court was; I kept no account of it.

Frank Whitmire 2 (a)

Q That was in [illegible] court sat? A I [illegible]
say
Q You [illegible]

[illegible] he just come from
[illegible]
Q Now where were you in '67 and '68? A In Goingsnake District.
Q Where were you in '66? A Goingsnake.
Q Where were you in '65? A In the Choctaw Nation part of the time.
Q When did you return to the Cherokee Nation after the war? A I aint no slave.
Q I know, but many of the Cherokees went out? A I come back the fall after peace was made, in '65.
Q Nearly all of the Cherokees went out of the Nation during the war A No.
Q Most of them went out didn't they? A Several of them went out.
Q All I want to know is when you got back after the war? A '65, I think, in '65.
Q Now you never saw this slave, Frank Whitmire, until along in '77 or '78? A No, '77 or '78 one or the other, I couldn't just tell you which.

Commission: This testimony will also be made a part of the record in doubtful Cherokee Freedman case, card No.974.

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 October 7th 1901.

[illegible]

Commissioner.

[illegible] the decree of the Court of Claims in the case of [illegible] Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Frank Whitmire, F 524;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. [illegible] Nation objects to the filing of a certified [illegible] applicant unless the same is

"R"

File with C. F. D-

986, Frank Whitmire, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., February 17,1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the matter of the application of Frank Whitmire et al., for enrollment as Cherokee Freedmen.

Appearances:
Mr. Smith, of Mellette & Smith, attorneys for applicants, post-office, Vinita, I. T.
W.W.Hastings, of attorneys for the Cherokee Nation.

SAM COLEMAN, being sworn and examined testified as follows:

BY MR. HASTINGS:

Q What is your name? A Sam Coleman.
Q How old are you? A 46.
Q What is your post-office address? A Parkville, Missouri.
Q How long have you lived in the neighborhood of Parkville, Missouri? A I have lived there in the neighborhood of Parkville Missouri, I have lived there about thirty years.
Q You know a colored man up there by the name of Frank Whitmire? A Yes sir, used to know him.
Q Did you know his wife? A Yes sir.
Q What was her name? A She went by the name of Jane Whitmire up there.
Q Did you know her before he married her? A No sir.
Q Did this Frank have any children? A Yes sir.
Q You remember any of their names? A I remember two of them their names, Charley was one of them and one Oscar, and he had a girl I can't tell her name.
Q When did you first learn to know Frank Whitmire and his family? A Along about '73.
Q How long did you know them there? A I knowed them up until along about '80, '81.
Q 7 or 8 years? A Yes sir.
Q Were they living up there? A Yes sir.
Q In a house? A Yes, in a half mile of where I was raised at.
Q Was it in town or in the country? A In the country on a farm, he farmed there.
Q Where were you living? A I was farming, working for a man on a farm.
Q Was Frank younger or older than you? A Frank were older than I am.
Q About how much? A I suppose Frank must have been 10 or 15 years older than I am.
Q You know what finally became of him, where he went to? A Well he sold out his property, his teams and tolls he had working with on the farm and he said he was coming to the Cherokee Nation, and I hauled his family to the depot for him.
Q You remember what year that was? A That was in the year of '80 I think.
Q And you had known him from about '72 or '3? A Yes sir.
Q During that time they lived there as your neighbors? A Yes sir.
Q You see him frequently during that time? A Pretty near every day, I was with him, I worked for a man that raised me there, worked for him.

BY MR. SMITH:

Q What did you say your name was? A Sam Coleman.
Q You say this man that you are talking about is 15 years older than you are? A I said I supposedhe was 10 or 15 years older, I don't know exactly his age.
Q How old are you? A 46.

Q You don't know anything at all of the whereabouts of Frank Whitmire or any of his family, before '72 or '3 when you first got acquainted with them? A No sir.
Q You don't know where they were then? A No sir.
Q Where were you living in '72 or '3? A I was living up near Farley, in Platt County, Missouri.
Q How long has it been since you saw this man Frank Whitmire?
A It was '81 as well as I can remember that he left there.
Q You haven't seen him since? A No sir.
Q You don't know whether the man that is applying here is the man that you are talking about do you? A I don't know it, but I think it is.
Q I don't want to know anything about what you think? A Well of course I don't know it.

BY MR. HASTINGS:

Q How far is Parkville, Missouri from Springfield? A Springfield, Missouri, I don't know exactly how far it is.
Q How far was it from where you first know this man in '73, how far was it from where you moved to where you knew this man in '73 that is the way I want to get it; you come down in the neighborhood of where he lived? A He come in the neighborhood of where I lived; I knew him before he moved to our neighborhood where I lived.

GEORGE DAVIS, being first duly sworn, and being examined, testified as follows:

BY MR. HASTINGS:

Q What is your name? A George Davis is my name.
Q How old are you? A Going on 58.
Q Where do you live? A Parkville, Platt County, Missouri.
Q How long have you lived there? A I have been over in Platt County ever since '72.
Q Do you know a colored man up there named Frank Whitmire? A Yes sir.
Q You know his wife? A No sir.
Q You know any of his family? A No I only know him by passing right by his house; I never was at his house but worked around that neighborhood.
Q How old was he with reference to your age, was he older than you?
A I should judge him to be a man about my age.
Q You know that he had a wife? A Yes sir.
Q Did he have some children? A I think from what I could see passing by as much as three or four.
Q But you don't know their names? A No sir.
Q What was Frank doing up there? A He was living on a place, I don't know exactly whether he was farming or just working around
Q How long did you continue to know him? A About a year, '72 up until about '76.
Q How did you fix it to have been '72? A '72.
Q How did you fix that, how did you fix the date that you begun to know him? A I came over there in that year. Hired to a man that lived over there, close to him.
Q You know what finally became of him? A No sir.
Q You know whether he claimed to be a Cherokee slave or not? A That's what I always understood; people that was acquainted with him.
Q How long did you say you continued to know him? A From '72 up until about '76.
Q Lived there with his family during that time? A Yes sir.
Q You know Sam Coleman up there? A Yes sir.
Q How far did he live from Sam Coleman? A Sam Coleman, I think he lived about maybe a mile or maybe not so far, half a mile maybe.

BY MR. SMITH:

Q Where did you go from when you went to this place and hired out? A I went from Leavenworth City, old Platt County.

Q You don't know whether this man that you are talking about has any family or not do you? A Don't know whether he had any family or not?
Q No, no you? A Do know I saw him there at his house.
Q You said awhile ago you didn't know his wife at all? A No, I was not acquainted with his wife, I couldn't swear that she was his wife, but she seemed to be living there with him.
Q How many times did you you ever passed there? A I could not state the exact number of times, but a good many times; I passed there as often as two or four times during the week, was visiting a family that lived close to him.
Q And when did you leave the neighborhood? A When did I leave that neighborhood?
Q Yes. A I left there about '76 and went down about to where I live now.
Q There you live now? A Yes sir.
Q How far is that? A About nine miles and a half below there.
Q Did you ever see this man after '76? A No sir, not after I left from up in that neighborhood.
Q How many years was it after the war, or was it before the war that you knew this man? A Before the war.
Q Did you know him before the war or after the war? A No sir, I didn't know him before the war.
Q Well, how many years after the war? A I got acquainted with him in '72.
Q Well about how many years was that after the war, do you know? A No, I don't know exactly.
Q Can you state how long you knew him, how many months or whether you knew him a year or more or less? A About a year.
Q You knew him how long? A About six years.
Q You are certain it was '72? A Yes sir, from '72 until '76, and then I lost trace of him.
Q From '72 until '76, you think that's six years? A I should think it ought to be six years, aint it?
Q You don't know anything about the man who has applied here, you don't know whether it is the same man you are talking about or not, do you, you don't know whether the Frank Whitmire you are talking about is the Frank Whitmire who has been in that petition before this Commission? A No sir, I could not swear it.

BY COMMISSION: This will be filed in Cherokee Freedmen D-974, D1090, and this case at bar.

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

M D Green

Subscribed and sworn to before me this February 24,1908.

E B Fleming

Commissioner.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Frank Whitmire, D 956;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

(Page)

Bernard Langer
Kenneth G. Kenton
(Bangkok)

Bangkok, Thai, Jan. 1, 1981

Bangkok Post, 1981

Bangkok Post, D. E. Hoffman (Bangkok)

Tsiesnpanhor

Section circumscribes, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40,

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly stremuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case reopened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

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

OFFICE OF

ATTORNEYS FOR THE CHEROKEE NATION

CHEROKEE FREEDMEN ENROLLMENT

No. F. D.

VINITA, IND. TER. 190

George Davis -

Frank Whitmin lived about half way between Parkville & Farley, Platte Co, Mo from about first of June 1872 till the last of Nov 1876.

Davis knew that it was about first of June 1872, because that is when he first went to live in that neighborhood.

Davis remembers that it was about the last of November that he saw Frank, because that was the last time he was in that neighborhood.

Frank lived about 9½ miles north of Parkville.

ATTORNEYS:
L. B. BELL,
W. W. HASTINGS,
JAMES S. DAVENPORT.

J. C. STARR, SEC.

OFFICE OF

ATTORNEYS FOR CHEROKEE NATION

BEFORE THE DAWES COMMISSION, CHEROKEE FREEDMEN ENROLLMENT.

Please return this letter with your reply or mention this Number: F. D.....

Case. 956 — Parkville. Mo.
Frank Whitmin. et al. Jan. 23rd 1902

Witness
G[redacted] Davis
Parkville. Mo.

Statement

Says That I am 57 years of age a drayman by Profession I Have resided in Parkville for Twenty four years. I Knowed a Colored man by The name of Frank Whitmin He had a family said he Came From The Cherokee nation There was a Colored man with him by the name of John Harper I First became acquainted with Frank in the year 187[illegible] near Waldron Mo He lived Three or 4 mile north of said Town He lived There about 4 years after I became acquainted with him

Other probable Witnesses
West. Conley.
Gus Wash
Waldron Platte Co Mo

Case 956
Frank Whitman
Witness
Samuel Coleman

Cause 956 - Frank Whitmire
Witness
Samuel Coleman,
Parkville Mo

States That
He Knows Frank Whitmire
That he became acquainted
With him about the year 1872
at Farley Platte Co Mo He
had a wife and four Children
Then He continued To reside
in the County and near
said Place until about
the year 1879 - or 80 I lived
a neighbor to him a part
of the time about a half a
mile away I hauled his effects
To the depot When he left there
he said he was going To
The Cherokee nation

Case no 956
Frank Whitney
Witness
George Davis,

Case 956. Frank Whitmire

Witness
George Davis
Po Parkville Platte Co Mo

Says He Knows Frank Whitmire
I first became acquainted
with him in the year 1872
in Platte Co Mo near Waldron
I- lived a neighbor to him
all that year and know that
He lived there about four
years

No. D 956

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. 1901

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

.....
Marshal for the Cherokee Nation.

I, the undersigned attorney for the within named applicant hereby accept service of the within notice on this the ..... day of SEP 18 1901, 1901.

.....
Attorney for applicant.

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

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

.....

on the ..... day of A.D.1901

.....

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

.....
Notary Public.

NOTICE!

IN THE MATTER OF the application of Frank Whitmire for enrollment as a Cherokee citizen:

Case No. D 956

To Frank Whitmire or Mellette & Smith his attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept. 26th 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 on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 16 1901

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

F. D. 95-6

NDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on .....

.....

by delivering a true copy thereof on the

..... day of ..... A. D. 190

Given under my hand this .....

day of ..... A. D. 190

.....

Marshal for the Cherokee Nation.

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

..... day of ..... . 190 .

.....

Attorney for applicant.

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

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

.....

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

.....

Subscribed and sworn to before me this

.....

Notary Public.

Proof of Service made
and original filed with the
DAWES COMMISSION
FEB 6 1902

NOTICE!

IN THE MATTER OF the application of Frank Whitmire et al for enrollment as Cherokee Freedmen:

Case No. F. D. 956

To Frank Whitmire or Mellette & Smith His Attorneys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on FEB 17 1902 at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this FEB 4 1902

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

Mrs Hicks - white Minnie
against Frank Hicks - to
substantiate Burton's statement.
Frank Whitmore came from Parkville, Platt Co, Mo.
Wife dead, she came from Arkansas.

969 -
Frank Whitmore came in 1881
The year Geronimo was killed
He came from Platte County Mo -
Town of Parkville -
He was acquainted. ~~with~~ Tom Sylvia -

1

Cher. Fr. D. 957

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DEPARTMENT OF THE INTERIOR

In the matter of the Cherokee case
of Mary Ann Riley, et al.

BEFORE ASSISTANT ATTORNEY GENERAL.

BRIEF ON BEHALF OF CLAIMANTS

The question which we desire to present for the present is the effect in law of the claimants' being on what is known as the Kerns Clifton Roll. This roll, as is well known, arose in the case of Whitmire, Trustee, vs Cherokee Nation, 30 Court of Claims, pages 138 and 180. This suit was instituted pursuant to an Act of Congress approved October 1, 1890, which is sufficiently set forth in the case referred to without lengthening this brief with a copy of it. The Court of Claims decided the contention in favor of the Freedman, but there arose in the minds of the Court a great deal of difficulty as to how to arrive at the identity of the complaimants; so the Court in a decree entered May 8, 1895, decided that the census of the Freedmen known as the Wallace Roll should be adopted, and the payment made thereby, and that decree accordingly adopted that roll as the means of arriving at the identification of the Freedmen.

The argument of the Court in contending that that was a proper roll certainly has some force in our contention that the Cherokee Nation is estopped from attacking the Kerns Clifton roll. The Court, in sustaining the validity of that roll and its binding effect on the Cherokee Nation, says:

> "It appearing that the defendant, the Cherokee Nation, did not participate in the preparation of said roll, but that ample opportunity was afforded it to do so, it is therefore adjudged and decreed that its refusal to do so is as effective as if it had actually taken part in the preparation of said Wallace Roll, and it is concluded thereby."

In the meantime the Cherokee Nation had decided to take an appeal from the decision in that case, and subsequently filed motions for a rehearing and new trial as well as an application for an appeal to the Supreme Court. While the Court was considering these motions a consent decree was entered on February 3, 1896. This decree may be found on page 70 of the Sixth Annual Report of the Commission to the Five Civilized Tribes to the Secretary of the Interior for the fiscal year ending June 30th, 1899.

Now, the only change of any material fact made in this new decree was the elimination of the Wallace Roll and the substitution of the Roll of 1880. Now, this decree stands in full force and effect. It has never been done away with, changed or modified. The Cherokee Nation and the United States were parties to the suit, in which it was made, and the claimants herein were parties, and were put on a roll approved under the direction of that decree. The decree authorized the Court to find and adjudicate the rights of Cherokee Freedmen in law and in equity in and to all of the property of the Cherokee Nation, that is, their right to share in the distribution of the funds then in litigation and also as well in the future distribution of any lands, money or other property of the Nation. After deciding then what rights the Freedmen had, there follows this provision:

> "And it is further adjudged and decreed that the complainants in this suit and those whom they represent, being the freedmen and free colored persons aforesaid and their descendants living and in being on the 3d day of May, 1894, are entitled to participate hereafter in the common property of the Cherokee Nation in the same manner and to the same extent as Cherokee citizens of Cherokee blood or parentage may be entitled, and that in the distribution of the proceeds and avails of the public domain or common property of the Nation among the citizens thereof by distribution per capita at any time hereafter, the defendant, the Cherokee Nation, and the defendant, the United States, as trustee of the Cherokee Nation, be enjoined and prohibited from making any discrimination between the Cherokee citizens of Cherokee blood or parentage and Cherokee citizens who are or were freedmen who had been liberated by voluntary act of their former owners or by law, as well as all free colored persons who were in the Cherokee country at the commencement of the rebellion and were residents

therein at the date of said treaty, or who returned thereto within six months thereafter, and their descendants, to the prejudice of the latter."

It will be noticed that the persons protected there are "The complainants in this suit and those whom they represent, being freedmen and free colored persons, aforesaid."

A similar expression occurs in the paragraph below which refers back, naturally, to the "complainants in this suit."

It was then necessary to determine who were the just claimants in that suit, and in determining this, a roll was to be made which was to be part and parcel of the decree itself. Says the Court:

"Such payments to be made upon a roll of said freedmen and free colored persons and their descendants, as prepared and approved by the Secretary of the Interior, in accordance with provisions hereinafter set forth in this decree.

And it is further ordered and adjudged that for the purpose of ascertaining and determining who are the individual freedmen of the Cherokee Nation now entitled to share in the distribution of said sum, etc."

Again, it says:

"The said Commissioners in ascertaining the identity of the freedmen entitled to share under this decree shall accept what is known as the authenticated Cherokee Roll, etc."

The Commissioners, being three in number, were composed of one person representing the freedmen, one representing the Cherokee Nation, and one representing the United States They made this roll, and it was approved by the Secretary of the Interior, and the payments made thereon. Our clients were on that roll. They were persons whom those Commissioners ascertained as freedmen entitled to share under that decree. They were judicially found to be complainants in that suit, and not only were they entitled thereunder to share in the distribution of the funds then in controversy , but they shared in the injunction mentioned in that decree, which enjoined the

Nation and the United States from making any discrimination between them, complainants in that suit and citizens of Cherokee blood. They are as much the sharers in that decree as if their names had been mentioned with plaintiffs in the suit, and the injunction had said that the nation and the United States were enjoined from discriminating against Mary Riley and her descendants.

These people were judicially declared to be citizens of the Cherokee Nation and freedmen; they were judicially declared to be entitled to all the rights which they got under the treaty of 1866. It was the valid judgment of the Court saying that they had brought themselves under the provisions of that treaty, and were entitled to all rights and privileges of it, and therefore that the Cherokee Nation and the United States were forever enjoined from keeping them out of the provisions of such treaty. The only exception made was that the person who should make application to go on the roll should not have forfeited or abjured his citizenship at the date of the entering of the decree. Not only was this roll made and entered under the decree of the Court and approved by the Secretary of the Interior, but the Cherokee Nation was a participant in its making. Its representative was present, cross-examined witnesses, with the amplest opportunity of presenting testimony, and contesting the rights of every person claiming to be entitled as a freedman to citizenship and rights of the Cherokee Nation. It is therfore estopped in contesting the right of the claimants to share in the lands and moneys of the Cherokee Nation. It is true that in the latter part of the paragraph quoted, there is a definition of what class of freedmen became Cherokee citizens, but that goes back to the expression, "claimants in this suit and those whom they represent," and it was provided in the decree how the Commissioners should determine who came within that definition, and the placing of a man's name on the roll brought him within that definition, and his name being on that

roll, approved by the Secretary of the Interior, he became, by virtue of the decree of the Court, a citizen, within the terms of that decree, and within the terms of the law, and with his citizenship so adjudicated, no Court or law could go behind it, until that adjudication is in some way modified or set aside.

We do not believe therefore that Congress intended by the Cherokee treaty to go behind that roll, but even if it did, Congress could not disturb the judgment of that Court.

Wade on Retroactive Laws, Sec. 172, page 203, says: "The rights secured to either party to a suit by an adjudication of the matter in controversy between them are propriatary rights which the Constitution will protect.

> "The rights secured by the judgment are such as the law gives to the prevailing party when it is rendered. To materially enhance or diminish those rights is to work a deprivation of the rights of one or the other of the parties. In Atkinson vs. Dunlap, 30 Me., 111, notwithstanding a previous conflicting decision by the same Court, it was held that a statute allowing previously adjudicated cases in which existing remedies had been exhausted and the judgments had become final by the expiration of the time limited for appeals or reviews, was manifestly unconstitutional, citing 2 Me. 275 and 15 Pa. St. 18."

Contra, Henderson & Nashville R. Co., vs. Dickerson, 17 B. Mon. 177, the same author in the same section, 171, says, in discussing this case, that it "was decided prior to the adoption of the 14th amendment to the National Constitution, otherwise the objection might have been noticed that the re-opening of a controversy in which final judgment had been rendered amounted to a law depriving the judgment-creditor of property without due process of law.....T The eye of the Court seems to have been so firmly fixed upon the supposed hardships under which the failing party labored - of having no 'opportunity which other litigants had, to correct any errors that may have been committed' - that it overlooked the vicious principle which gave the legislature plenary control over final judgments.

If the constitutional provisions referred to were insufficient to protect judgments, final and conclusive, under the law as it existed at the time of their rendition, because there was no appeal, then they would be insufficient to secure the rights of judgment-creditors after affirmance by the Court of last resort."

"Litigation would have no end so long as the legislature maintained the power to reopen a case in which possible errors may have been committed. 'The law of the land,' instead of being the law as it existed when th rights under it accrued, would mean nothing more permanent than the transient caprice of the legislature. These bodies ordinarily find sufficient occupation in correct-ing their own errors without undertaking to rectify those committed by the Courts and juries. 'A judgment-creditor may by legislative tergiversation be kept out of his own for an indefinite period of time, and he will not be permitted to enforce his judgment until the legislature has grown tired of granting appeals to his adversary."

In Hill vs. Sunderland, 3 Vt., 570, "it was held that a legislative act giving the right of appeal from the decision of road commissioners was void, as applied to an award already made, under a law as it existed at that time."

"Legislature cannot interfere. The power to open or vacate judgments is essentially judicial. Therefore, on the great constitutional principle of the separation of the powers and functions of the three departments of government, it cannot be exercised by the legislature. While a statute may indeed declare what judgments shall in future be subject to be vacated, or when or how or for what cause, it cannot apply retrospectively to judgments already rendered, and which had become final and unalterable by the court before its passage. Such an Act would be unconstitutional and void on two grounds; first, because it would unlawfully impair the fixed and vested rights of the successful litigant; and, second, because it would be an unwarranted invasion of the province of the judicial department."

Black on Constitutional Prohibitions, Sec. 197, pages 250, 251, 252, says:

"If the legislature cannot invade the province of the courts by imposing upon them, by retroactive statute, the necessity of adopting a different interpretation of an existing law from that which they had already placed upon it, it follows, a fortiori, that the legislature cannot directly control the action of the courts by setting aside their judgments or ordering a reconsideration of adjudications they have duly and formally reached. Hence an Act of the legislature awarding a new

trial in an action which has been decided in a court of law is unconstitutional. Thus it was said by Chief Justice Gibson: 'If anything is self-evident in the structure of our Government, it is that the legislature has no power to order a new trial, or to direct the court to order it, either before or after judgment The power to order new trials in judicial, but the power of the legislature is not judicial. The legislature has gone no farther than to order a rehearing on the merits; but it is not more intolerable in principle to pronounce an arbitrary judgment against a suitor than it is injurious in practice to deprive him of a judgment, which is essentially his property, and to subject him to the vexations, risk and expense of another contest. Hence it will appear that a statute of this character is not only a practical assumption of judicial power, but also is obnoxious to the provisions which guard vested rights from invasion, and is therefore properly within our subject, and objectionable because of its retroactive effect upon past transactions.'"

Section 198, pages 252 and 253: "On the same principle it is held that the legislature has no constitutional power to grant to a party litigant a right to an appeal or writ of error, in a case where no such right existed when judgment was pronounced, or where the right has been definitely forfeited."

Section 199, page 253: "In accordance with the principles already announced, it is well ruled that a statute authorizing the opening of judgments rendered since a certain anterior date, impairs vested rights and infringes in the judicial department of the Government."

Merrill vs. Sherburne, 8 Amer. dec. 52
Stanford vs. Berry/ 15 Amer. Dec. 691
Ratcliffe vs Anderson, 31 Gratt, 105, 31 Amer.Rep. 716
Willingsly vs George, 5 Colo. 80
Hewitt vs Colorado Springs, 5 Colo. 184
Burch vs Newberry, 10 N. Y. 374.
Snyder vs Palmer, 32 Wis., 406
Denny vs. Matton, 5 Allen, 479, 79 Amer. Dec. 784
Bush vs. Williams, 24 Ark. 96
Martin vs. So. Salem Land, No. 26, S.C. 591
Penn vs. Wheeling, etc., Bridge Co. 18 How. 421
Storr vs Runkle, 32 Tex. 398
In re. Handley, 49 Pac. 829.
1 Freeman on Judgments, Sec. 90
Smith Stat and Const. Law, Sec 340
6 Amer. and Eng. Enc. of Law, p 1038, 2nd Ed.

In the case of McCullough vs. Commonwealth of Virginia, 172 U. S. 102, L. Ed., 382, Mr. Justice Brewer, who delivered the opinion of the Court, makes this very clear statement of the law which we think has equal application to the legislation of Congress:

> "But there are more substantial reason than this for not entertaining this motion. At the time the judgment was rendered in the Circuit Court of the City of Norfolk, the Act of 1882 was in force, and the judgment was rightfully enteren under the authority of that Act. The writ of error to the Court of Appeals of the State brought the validity of that judgment into review, and the question presented to the Court was whether at the time it was rendered it was rightful or not. If rightful, the plaintiff therein had a vested right which no State Legislation could disturb. It is not within the power of a legislature to take away rights which have been once vested by a judgment. Legislation may act on subsequent proceedings, but when those actions have passed into judgments, the power of the legislature to disturb the rights created thereby ceases."

Black's Constitutional Law, page 259, Sec. 99, goes even further, and says:

> "But a case which has been submitted for decision to a Court of Record is not subject to any control by the legislature.
>
> Lanier vs. Gallatus, 13 La Ann. 175

Sutherland, on the Statutory Construction, p. 628, Sec. 480, is strong and conclusive:

> "When a right has been perfected by a judgment, the fruits of recovery cannot be diverted by new legislation, nor subjected to new hazard by reviving a new right to appeal or some other mode of review."

Congress can no more pass laws which have the effect of divesting vested rights than can the state legislature.

This inhibition was imposed by the 5th Amendment to the Constitution, which declared that no person should be deprived of his property without due process of law.

Wade on Retroactive Laws, Secs. 156, 157, 264.
Steamship Co. vs. Jolliffe, 2 Wall., 450
Fletcher vs. Peck, 6 Cranch, 87
Memphis vs. U. S. 7 Otto, 293
7 Lawson's Rights and Remedies, Sec. 3850
Black on Const. Prohibitions, Secs. 176, 183, 207
Sutherland on Statutory Constitutions, Sec. 480
3 Amer and Eng Ency of Law, pp. 756 - 760, 2nd Ed.
The Society, etc., vs. New Haven, 8 Wheat, 493.
Wilkinson vs. Leland, 2 Peters, 657
Ferguson vs. Williams, 13 N. W. Rep. 49

In the cases of Watson vs Mercer, 8 Pet. 88, and Satterlee vs Matthewson, 2 Pet., 380, do not contravene this. These cases arose under State laws, and at the time they were decided, there was no clause in the Constitution of the United States prohibiting the States from passing laws that had no other effect than to divest vested rights. No such decision would now be rendered since the 14th Amendment to the Constitution. Nor would any such have been made had the Act under consideration in those cases been passed by Congress, for it was forbidden, as we have shown above, from passing laws divesting vested rights. In other words, there was nothing in the act involved in these cases in violation of the Constitution of the United States as it then stood, and that was the only error the Court could pass on.

Wade on Retroactive Laws, Sec. 159, 191, 261.

Respectfully submitted
William Stoddard

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 29, 1901.

In the matter of the application of Mary Ann Riley for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Mary Ann Riley, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A My name is Mary Ann Riley.
Q How old are you? A I am going on 81.
Q What is your postoffice? A Bartlesville.
Q What district do you live in? A Coowescoowee.
Q You want to be enrolled as a Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My daughter.
Q How old is your daughter? A I don't know her age, she will give her age when she comes.
Q Anybody else? A No one else but me.
Mr. Smith: Where do you live? A I live on Horse Shoe Bend of Game
Q That in the Cherokee Nation? A Yes, sir.
Q How long have you been living there? A I can't tell you how long I have been there, I can't and tell the truth.
Q You haven't got any children I guess that are living with you?
A I have one daughter.
Q She isn't living with you? A She is a married woman.
Q What is her name? A Her name is Mary Hazelrig.
Q Who is she married to? A George Hazelrig.
Q Where does she live? A Lives about five miles from me on the other side of Coon Creek.
Q Where is that, in the Cherokee Nation? A Yes, sir, in the Cherokee Nation, all of it.
Q Were you a slave? A Yes, sir, I was.
Q Then how old is your daughter; was she born before the war or after the war? A She was born before the war.
Q How old was she when the war commenced? A I can't tell you because I never knew I had to go through any such business as this, and I never tried to keep her age or nothing.
Q You can tell me about your daughter Mary, how big a child she was when the war commenced, can't you? A When the war commenced I reckon she was about 6 years old, maybe.
Q Who did you belong to? A I belonged to Stand Waite.
Q Was he a Cherokee Indian? A Yes, sir.
Q Living in the Cherokee Nation? A Yes, sir.
Q Where did Stand Waite live when the war came up? A He was living on Brush Creek, that is the place I think they called it, I think that is the place he gave in, Brush Creek.
Q In the Cherokee Nation? A Yes, sir.
Q Where was you at that time? A I was right at his house, right with him.
Q Where was Mary? A She was there too at the same place.
Q Was Mary with you? A Yes, sir, we both belonged to Mr. Waite.
Q Now what became of you during the war, were you taken out of the Nation or did you go out, or what became of you while the war was going on? A I was taken out by the soldiers.
Q Well, where were you taken to? A They carried me to Fort Scott.
Q Took Mary too? A Took Mary too.
Q When did you come back to the Cherokee Nation? A We came back to the Cherokee Nation in '66.
Q Who did? A Who came?
Q Who did you come with? A Me and Mary and my husband and my son,

Q What was your husband's name? A Thomas Waite.
Q What was your son's name? A Joseph Waite.
Q Whereabouts did you come to when you came back to the Nation after the war? A We came to Aunt Susie Colbert's.
Q What part of the Nation? A I can't tell you what part of the Nation to save my life because I never thought of any such a thing, but we came to Aunt Susie Colbert's.
Q Who was she? A She was a Cherokee freed woman, is all I can tell you.
Q Was she a Cherokee slave, a freedman, or something of that sort?
A Yes, sir.
Q Well, where have you been living now since you came back here?
A Been living on the Horse Shoe Bend of Caney.
Q Have you lived in the Cherokee Nation ever since you came back? A I have never been out of the Cherokee Nation anywhere since I came to the Cherokee Nation, never been anywhere out of the Cherokee Nation.
Q Well, what became of your daughter Mary, where did she live after you brought her back here? A We all lived together around here until we got split up, scattered out from one another.
Q When did Mary marry? A Mary married, I can't tell you exactly when, because I don't know, I don't want to sit up here and tell a whole lot of something I don't know anything about, I can't tell you when Mary married.
Q What became of your son, what did you say his name was? A Joseph Waite.
Q Where is he? A He is dead and in the grave.
Q Where is your husband, is he dead too? A In the grave.
Q Is any of your family alive exce t you and Mary? A That is all I know of, there is some left but I don't know where they are.
Q How do you happen to be called Riley now? A I will tell you how I been called Riley, just like other people when they marry off they take the man's name, that is the way I got it.
Q Did you marry a man named Riley after Waite died? A I married him right there in Mr. Waite's Kitchen.
Q Married who? A Thomas Waite, he belonged to Waite and I belonged to Waite and he took his father's name.
Q Well, what was that? A Riley.
Q So Thomas Riley was sometimes called Thomas Waite? A Yes, sir.
Mr. Hastings: Now Aunt Mary, where did your daughter Mary marry, at whose place? A I can't tell you at whose place she married, she married here in the Cherokee Nation and she went away from me to marry, she went a long way from me to marry, I don't know how far they went to get married, but she married in the Cherokee Nation.
Q In what town was she married? A I don't know whether in town or not.
Q Who was ~~xxxliving xxxxxxxxxx~~ near you when your daughter married? A You want to know who is my nearest neighbor, is what you want to know?
Q Yes? A Well Bob Duncan.
Q Was he living near you at that time? when Mary married? A Yes sir, he was the nearest man.
Q Who also lived around you? A Sam Beck was the next closest man.
Q How far was that from Fort Scott? A Oh well, she married here in the Cherokee Nation.
Q Well, what part of the Cherokee Nation, that is what I am trying to find out? A I wish I was able to tell you, but I told you I don't know, I told you I don't know.
Q You don't know one year from another? A No, I don't, you speake the truth then, God knows you speke the truth, because I never had the liberty in this

the liverty in this world to know that.

Q You don't know this year? A No, sir.

Q You don't know when you came back? A I know I came back to the Cherokee Nation, I know that is all.

Q That is all you know? A That is all, I know I came to the Cherokee Nation.

Q You know you are in the Cherokee Nation now? A Oh bless God, yes.

Q What was Waite's wife? A Her name was Sallie.

Q You know that, don't you? A Yes, sir, I do sure know it.

Q Now I am trying to find out near what point or near what settlement or on what creek or what river or what part of the Cherokee Nation you first came to when you came back here? A I never seen any river when I came here, I never seen any river about Aunt Susie Colbert's, I came to her place first, but when I went down where I am living now, Caney River, is the first river I seen.

Q I want to know where Aunt Susie Colbert lives? A I can't tell you, all I can tell you, I can tell you she lives in the Cherokee Nation, because I told you when I was down here I told you I couldn't tell because I never thought anything about this stuff in the world and I never even thought of it, thought I would be coming to the Cherokee Nation to live, that is all I had to think about, thought I just had to come to the Cherokee Nation and live, I didn't know I would ever be brought up about these dates.

Q Where did you see L. D. Daniels first after the war? A I saw him in the Cherokee Nation when I first came back.

Q What place? A The first place I ever saw L. D. Daniels to be acquainted with him, I had seen him, but the first place I had seen him to be in anyways personally acquainted with him, was at Goose Neck Bend.

Q That was the first time, was it? A Yes, that was the first time, and that wasn't the first time I had seen him passing by, I didn't know the man.

Q That was after the war, wasn't it? A After the war.

****

Taking of testimony continued by Stenographer Chas. von Weise.

****

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

Bruce C. Jones

Sworn to and subscribed before me this the 12th day of July, 1901.

Commissioner.

Application of Mary A. Riley et al.

Continued from Stenographer Bruce G. Jones.

Muskogee, I. T. June 20th 1901.

L. D. Daniels called and sworn as a witness for the applicants.

By Mr. Smith:

Q What is your name? A. L. D. Daniels, age 36, post office Gibbons
Q How long have you lived in the Cherokee Nation? A. All my life.
Q Do you know this applicant? A. Yes sir.
Q When did you first know her? A About 1878, after I moved up here in this district.
Q Did you know her before the war? A. No sir.
Q Was that the first time you saw her in the Cherokee Nation after the war? A. Yes sir.
Q Where was she living then? A. Her husband bought a place 4 miles from me on Pecan creek.
Q Where is Pecan creek, in the Cherokee Nation? A. Yes sir.
Q How far is it from where you live now ? A Five miles from my home place.
Q Where has the applicant been living since 1878? A Near Bartlesville on Caney, north of there.
Q Is that in the Cherokee Nation? A. Yes sir.
Q Has she any childr n? A. Yes sir, one girl as I know of.
Q What is her name? A. I cant call her name , I never was at her place but twice.
Q Do you know of your own knowledge what her sixty daughter is named now? A. I think she is married to a man named Hazelbridge .
Q Do you know where she is living now? A. On Big Caney, Sequoyah district, Cherokee Nation.
Q How long has this daughter been living there? A. I dont believe I know exactly, something over twenty years.

By Hastings:

Q Was this daughter married when you first went up there? A I dont know, she may have been, I am not certain.

By Commission of applicant:

Q Did you ever draw strip money? A. I drawed twice.

Applicant not found on the 1880 or 1896 rolls of the Cherokee Nation.

Born Clifton roll examined and the applicant found as follows:
Page 145 No. 4014, Mary Ann Waite, Sequoyah district.

Applicant not found on the Wallace roll of the Cherokee Nation.

By Smith of applicant:

Q Where is your daughter Mary? A Camped over there a little ways.

By Com'r Needles:

Mary A. Riley applies for herself; she cannot be identified on any of the rolls except the Born Clifton roll; she swears that she was a slave of one Stand Waite, went to

Fort Scott and returned in 1879 and married Ann Jane Wolfe [illegible] satisfactory proof of his marriage [illegible] Commissioner, this will be linked for enrollment as a [illegible] Freedman on a Dawes card endorsed the usual [illegible] [illegible] all that will be entitled by mail.

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

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

Chas. Yoe Wolve

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

[illegible]

Commissioner.

10 — 7X0459

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 18 1901

ACTING CHAIRMAN

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

Supplemental testimony in the case of Mary Ann Riley, C.N.D. #257.

Lewis T. Brown, agent for applicant present-

Jas. Davenport, Cherokee attorney present.

Rab Rogers, called and sworn by Commissioner T. B. Needles, testified as follows for the applicant-

BY BROWN:

Q What is your name? A. Rab Rogers.
Q What is your age? A. 66.
Q What is your post office address? A. Lenapah.
Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
Q Do you know Mary Ann Riley? A. I am not acquainted with her.
Q Do you know Mary Ann Watie? A. I never seed the woman much, I know the old man, and they say this is the old woman.
Q Are you acquainted with this woman's father? A. I knowed old uncle Tom Watie, I knowed him.

By the Commission-

Q You dont know Mary Ann at all then? A. No sir.
Q She is an old woman? A. I guess so
Q You dont know who she was or who she belonged to? A. No sir I dont know to saw.

By Brown-

Q What relation is Tom Watie to Mary Ann Watie? A. Which is Mary Ann?
Q Do you know Tom Watie, or did you during his life time? A. Yes sir
Q Who did he belong to? A. Stand Watie.
Q Was he a Cherokee citizen by blood? A. Yes sir.
Q Did Tom Watie leave the Cherokee Nation during the war of the Rebellion? A. I seed him in Gibson, I dont know if he left.
Q When was that? A. In '66, with a woman named Liddie Ridge.
Q Did he live with her until his death, that is from '66? A. I seed him the next summer on Spring creek
Q Where did he die? A In the Cherokee Nation near Bartlesville.
Q Did he continue to live in the Cherokee Nation from '66 until his death? A I would just say he lived here all the time.

By the Commission-

Q Do you know his children? A. No sir.
Q Do you know his woman sitting here? A. I just seed her the other day.

By Davenport-

Q You saw he had another woman? A. I seed him at Liddie's.
Q Do you know who she was? A. Yes sir Liddie Tucker, and sometimes called Liddie Ridge
Q Was she living with him? A. No sir Sam Wofford was living with her.
Q Where were you then? A. In Fort Gibson

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Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the pro-

ceedings in the above cause and that the foregoing is a full, true and correct transcript of his stenographic notes therein.

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

Commissioner.

Freed D 880

[illegible] Interior,
[illegible] Tribes,
[illegible], May 21, 1909.

In the matter of the application of [illegible] ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mailette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 496, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mary E. Watts or Riley, D 957;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a citizen of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Freed. D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case D D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mary Ann Riley, D 957;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1866, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

The motion of the attorney for the applicant will be entertained and the decree of the Court of Claims filed in the case of Mariah Hayden will be made a part of the record by reference in all the cases above named with the exception of those which come within the provisions of the temporary injunction recently granted by Judge Gill of the United States Court, of the Northern District, Indian Territory.

Mr. Smith:

The applicant further moves that as to the above named cases including the Mariah Hayden case that counsel for the applicant be allowed within thirty days to file any of the proof of any or all of the record other than the decree already referred to

in the case of Moses Whitmire, trustee, vs Cherokee Nation, on file in the Court of Claims to the counsel of the Cherokee Nation if it is desired to do so.

W. W. Hastings:

The Cherokee Nation most certainly strenuously objects to the allowance of this permission or to the granting of this request for the reason that most of these applicants have had more than a year in which to file all of their testimony that they desired to file to make out their case before the Commission and that notice was given them all by agreement in March last, that the cases would be closed so far as testimony was concerned by the special permission of the firm of attorneys representing these applicants, on the 31st day of May, 1902, and that this being the 31st day of May, 1902, we say that under the rulings of the Commission, that under the agreement between the attorneys, that the testimony in all these cases is to close and should be closed by the Commission, and that no extension should be granted in any case and no case re-opened unless there is some special and particular reason shown either by the Cherokee Nation on the one side or the applicant on the other why an extension of time is necessary or desired.

The Commission:

The law provides that the roll of Cherokee freedmen shall be made in strict compliance with the decree of the Court of Claims rendered the 3rd day of February, 1896, and as the Commission must take judicial notice of the judgment roll of said Court in the proceedings referred to the motion of the attorneys for applicants for additional time to file certified copies of the proceedings of the said Court is denied.

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

(Signed) E. G. Rothenberger.

Subscribed and sworn to before me this 14th day of June, 1902.

(SEAL) (Signed) P. G. Reuter,
Notary Public.

I, E. C. Bagwell, a stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a true and perfect copy of the original testimony in the above entitled cause as filed with the Commission, which copy was made by me.

E. C. Bagwell.

Subscribed and sworn to before me this July 29, 1902.

P. G. Reuter
Notary Public.

Cherokee Freedmen D 987
D 987

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

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Mary A. Riley, C. F. D. 987; and in the matter of the application of Mary Haselrig, et al., C. F. D. 987, for enrollment as Cherokee freedmen.

It appears that on the 7th day of March, 1904, the principal applicants and the Cherokee Nation were duly notified by letter that an opportunity would be given each of them to appear before the Commission at its offices in Muskogee, Indian Territory, on April 6, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

APPEARANCES:
Mary A. Riley appears by her attorneys W. C. Van Hoy and J. M. Givens.
Mary Haselrig appears in person and by her attorneys, W. C. Van Hoy and J. M. Givens.
Cherokee Nation by its attorney, W. W. Hastings.

MARY HASELRIG, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Mary Haselrig.
Q How old are you? A I guess about 40.
Q What is your postoffice address? A Dewey, Indian Territory.
Q You are claiming right to enrollment as a Cherokee freedman?
A Yes, sir.

By Mr. Hastings:
Q How old did you say you are? A About 40; I don't know exactly.
Q Were you born before or since the war? A Before the war?
Q Do you remember when the war came up? A No, sir, don't know anything about it.
Q You don't know with whom you were living? A I was with my mother and father is all I know.
Q You don't know with whom of your own independent knowledge?
A No, sir.
Q You were taken out during the war? A Taken out? I don't remember.
Q You were taken to Kansas, weren't you? A No, sir.
Q Didn't you swear before the Commission that you went to Kansas?
A Not me.
Q What town up in Kansas did you live near to? A I don't know of any. I remember of Fort Gibson.
Q That is all you remember? A Yes, sir.
Q When you were first old enough to remember where were you living?
A Living in, near Fort Gibson, or somewhere, I---
Q What direction from Fort Gibson? A Couldn't tell you anything about that.
Q Was it towards sunrise or sunset or north or south? A I don't remember nothing about that.

Q About how far from Fort Gibson? A About a mile, maybe two, I don't know exactly.
Q Were you living in a house or tent? A In a wagon.
Q Just lived in a wagon? A Yes, sir.
Q How long did you live in a wagon? A Don't remember.
Q Just camping there? A Yes, sir.
Q Well, how long? A Don't know anything about it.
Q Did anybody live near there? A Couldn't tell you.
Q Where did you get anything to eat? A Just where we could.
Q Don't you remember anybody that your parents got something to eat from? A Just where they could get it.
Q How long did you stay around there? A I couldn't tell you anything about it.
Q Did you stay there a week? A I don't know, I reckon we stayed there longer than that.
Q Did you stay there ten days? A I reckon so, I couldn't know; I was not old enough to take notice of that.
Q Did you see anybody that you knew out there? A I couldn't tell you; sometimes we would see somebody and sometimes not.
Q Do you remember now of ever seeing anybody from there? A Yes, I remember of seeing John Baldridge.
Q Did he live out there with you? A No, sir, I don't think he did.
Q Did he live right near to you there? A Passing back and forth, I reckon.
Q Don't you know that you never saw him? A I have seen him, yes, I have.
Q Tell me some other man on earth that you saw while there? A Seem like I remember a man by the name of L. D. Daniels.
Q You think you remember him, do you? A Yes, sir.
Q That was while you were near Fort Gibson? A Yes, sir.
Q L. D. Daniels swears that he never saw you until '76, what do you think about that? A I don't know.
Q Still you are willing to swear that you saw them there at the same time? A No, I think I saw him there.
Q John Baldridge didn't have any house there, did he? A Not as I know of; didn't know anything about it.
Q You were not acquainted with him were you? A I have seen him.
Q Before that? A Yes, sir.
Q Where did you see him? A He come around there.
Q You were in the wagon there? A Yes, sir.
Q And couldn't get anything to eat? A They got it wehrever they could.
Q Were you camped in the prairie or timber? A We camped in the timber.
Q Were there any creeks around there? A I don't remember about creeks.
Q Any springs? A I don't remember no wells.
Q Or springs? A I don't remember.
Q Where did you get water? A Out of the springs.
Q Thought you said there wasn't any? A No, I didn't say it.
Q Was there any corn in the fields? A I don't remember any.
Q Don't ever remember seeing anybody ever there, except John Baldridge pass along? A Yes, sir.
Q That is all is it? A Yes, sir.
Q Do you remember whether that was in the morning or evening? A I don't know.
Q What year is this? A I couldn't tell you; don't know anything about it.
Q What month is it? A I believe they say it is April; I don't know; you ought to know; I am not educated.

Q You don't know one year from another do you? A Only what the people tell me.
Q Where did you go from that neighborhood about Fort Gibson? A We came on out on Verdigris, about there.
Q Did you find anybody living there then? A We stayed a while at Aunt Susie Colbert's.
Q Where was that on Verdigris? A I think it is on Snow Creek.
Q Near what town? A Not any town that I know of.
Q Wasn't there any place you went to trade? A Not as I know of.
Q How long did you stay there? A We didn't stay there so very long, ~~xxxxxx~~
Q Two or three days? A We may have stayed longer than that.
Q Did you? A I don't know sir.
Q Why don't you? A Because I never thought anything about the time.
Q Did you stay a month? A I don't know.
Q Did you stay there ten years? A Don't know anything about it.

Q Don't you know the difference between a month and ten years?
A I know what the people tell me is a month.
Q Well, don't you know about staying there? A We may have stayed there a month.
Q Where did you go from there? A Out on Caney.
Q Where you are living now? A Where we live now.
Q Who were neighbors to you then? A Nobody but some colored folks.
Q Who were they? A Daniels.
Q L. D. Daniels? A Not L. D. Daniels; I mean my sister.
Q Any Cherokees living out there then? A I don't know of any.
Q Any white people at all? A Not as I know of.
Q Any town out there? A There wasn't when we came there.
Q Where did you get what you eat? A We got what we eat from Coffeyville.
Q Town of Coffeyville? A Yes, sir.
Q Did Joe Parker live there? A I don't know.
Q Any Delawares living there then? A I don't know them.
Q Don't know them y et? A No, sir, I know a very few of them, because I don't go around any place, stay at home and tend to my business.
Q Who were neighbors to Susie Colbert on Snow Creek? A I couldn't tell you.
Q Did they have a house when you went there? A I think they did.
Q Don't you know? A They were in a log house.
Q Did they have a field? A A little garden spot.
Q A little garden spot? A Yes, sir.
Q You don't know any of her neighbors? A No, sir.
Q You have never had Susie Colbert to testify for you? A No?
Q Yes. A Not as I know of.
Q Why have you never had John Baldridge testify for you befo re today? A I don't know, sir.
Q When did you first remember that you seen him at Fort Gibson?
A I couldn't tell you when I first remember.
Q You don't know what direction you came from Fort Gibson? A No.
Q You don't know how long you stayed there? A I think two or three weeks.
Q And then you went from there to Susie Colbert's, on Snow Creek?
A Yes, sir.
Q And they had a little house and patch in and others had houses along? A I never noticed any.
Q Then you went from there over where you are living on Caney, is that it? A Yes, sir.
Q You stayed at Susie Colbert's how long? A About a month.

JOE DAVIS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Joe Davis.
Q How old are you? A 49.
Q What is your postoffice address? A Vinita, Indian Territory.
Q Are you claiming to be a Cherokee freedman? A Yes, sir, I am a Cherokee freedman.
Q Do you know Mary A. Riley? A Yes, sir.
Q Do you know Mary Hazelrig, her daughter? A Yes, sir.
Q How long have you known them? A Well, sir, I couldn't tell--a long time, though.
Q How old is Mary Riley? A I don't know her age.
Q Is she a very old woman; can't you give an idea? A No, sir, I couldn't; she is awful old.
Q How old is Mary Hazelrig? A I would judge her to be somewhere about 40 or 45.
Q Was she born before the war? A She must have been.
Q Did you know either of these women before the war? A No, sir.
Q When did you first get acquainted with them, how long after the war? A Well, I don't know; it must have been four or five years after the war.
Q You don't know anything, then, of your own knowledge as to whether they were slaves of Cherokee citizens before the war? A No, sir, I don't.
Q Where were they living when you first became acquainted with them?
A When I first became acquainted with them they were living, I believe, on the other side of the Verdigris.
Q On what place? A Somewhere near where the old Lane place is now.
Q Near what town? A Five or six miles from Coffeyville.
Q Could you tell about what year that was? A No, I don't know exactly.
Q Do you know about how many years ago that has been? A It has been some 25 or 30 years ago, probably longer than that.
Q Where have they continued to live since you have known them?
A I don't know; they have been living out on Caney for a number of years; they moved from there out on Caney.
Q They have lived in the Cherokee Nation since you have known them?
A Yes, sir.
Q Did you know the husband of Mary Riley? A Yes, sir.
Q What was his name? A Some called him Tom Riley; some Tom Ridge. He was my grandfather.
Q Was he a slave of a Cherokee citizen? A Yes, sir, so they say.
Q When was he married to Mary Riley, before the war? A I couldn't tell you; I think it must have been.
Q Did he go out of the Cherokee Nation during the war? A I couldnt tell you that from my own knowledge.
Q When did you first see him in the Cherokee Nation after the war?
A When I first seen him, it was in '66, so they say.
Q Where at? A Fort Gibson.
Q What time of the year was that? A It was sometime along in the summer; it has been so long I can't recollect.
Q Was he living there at that time? A Yes, sir, he was staying there.
Q Did he have anyone with him, his family or children? A I didn't see his family.
Q Do you know whether he was married at that time to Mary Riley?
A I don't know from my own knowledge. I didn't see her; I heard him say he had a family.

Q How long did he live there at that time you speak of having seen him in Fort Gibson in '66? A I couldn't tell; I moved away from there in '66 sometime.
Q How long did he live after that? A I think it has been about 10, 11 or 12 years.
Q Did he continue to live in the Cherokee Nation from the time you saw him in Fort Gibson until the time of his death? A I think he did.

By Mr. Van Hoy:
Q Where did he die, Joe? A On Caney.
Q How old were you? A About 9 or 10 years old.
Q Did you live there at Fort Gibson for sometime after? A Yes, sir, during the war quite a while after the war.
Q Could you give me an idea about how long Tom Riley was there after the war? A No, I ~~xxx~~ went away sometime in the fall, up on Snow Creek.
Q When did you see him next? A I seen him along sometime, I don't remember, been three or four months afterwards, he used to come up there on Snow Creek to see me.

By Mr. Hastings:
Q What was Tom Riley doing in Fort Gibson when you saw him there?
A I couldn't tell; he had just come back home.
Q Did you see him more than once? Yes, sir.
Q In Fort Gibson? A Yes, sir, I didi
Q Was he living in a house? A He must have been.
Q Were you ever in his house? A No, sir.
Q Do you know what part of town he was living in? A No, sir, I don't; it has been so long; I would either see him in town or he would come to where I lived.
Q You don't remember anything about that? A No, sir, I don't.
Q You know as a matter of act that his wife wasn't there, don't you? A Well, I don't know, I didn't see her.
Q You know from what he said that she wasn't there? A I don't know, I didn't see her.
Q You know that she was in Kansas at that time, don't you? A She may have been.
Q You know that he told you that at the time, don't you? A I think he did if I aint mistaken.
Q He told you she was there didn't he? A I think he went back after his family.
Q You never saw her for four or five years, did you? A No, I never
Q You never saw him living in a house over there, did you? A No, sir, I don't know where he lived at or who with. It was directly after the war. I heard my ~~xxx~~ grandpa was in town, and he come to see me.
Q You think that was in '66? A I knew it was.
Q In the spring? A In the summer.
Q How many times did he come to see you? A I don't recollect.
Q You don't remember of his stopping and doing any work? A Not as I recollect.
Q Did he say what town in Kansas his family was at? A I don't remember.
Q You don't remember of his living in any house at Fort Gibson, or what he was engaged in or anything like that? A No, sir, I don't remember.
Q What were you doing there? A Wasn't doing anything; wasn't big enough to do any work. I might have carried in chips or a bucket of water or something ; didn't have any occupation.
Q How old were you then? A I suppose I was about 10 years old.

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

By the Commission:
Q What is your name? A John Baldridge.
Q How are you? A 74.
Q What is your postoffice address? A Coffeyville.
Q You claim to be a Cherokee freedman? A Yes, sir.
Q Do you know Mary A. Riley? A Yes, sir.
Q Do you know her daughter, Mary Hamelrig? A Yes, sir.
Q Do you know whether or not they are Cherokee freedmen? A I know their mother is.
Q You know Mary Riley is? A Yes, sir, she was Stand Watie's slave.
Q She was the slave of Stand Watie? A Yes, sir.
Q Was she taken out of the Cherokee Nation during the war? A Yes, sir.
Q Where was she taken to? A South.
Q Do you know where South? A She was right along with her master, Sand Watie.
Q Do you know where he went? A South, he was in the federal army.
Q Did she follow him into the army? A Last account she was.
Q Was this child, Mary Hamelrig, born before the war? A No, sir.
Q Do you know when Mary Riley returned to the Cherokee Nation after the war? A She came back along in the spring of '65, with old man drew.
Q Was he a Cherokee? A Yes, sir.
Q Where did she come to? A Fort Gibson.
Q Was Mary Riley married at that time? A She said she was married xx, but I couldn't swear to that.
Q Was her husband with her at that time? A No, they wasn't right together; she was with a man is what she claimed.
Q Did she have any children with her at that time? A No, sir.
Q What was her husband's name? A They called him Tom Ridge or Riley is what she claimed.
Q When did you first know this child, Mary Hamelrig? A It was along somewhere about '73 or '74.
Q How old was she then? A Nothing but a girl.
Q Do you know when she was born? A No, sir.
Q Do you know where she was born? A No, sir.
Q Did Mary Riley continue to live in the Cherokee Nation after you saw her shortly after the war at Fort Gibson? A No, I couldn't say.
Q When did you next see her after then? A I saw old lady along about the latter part of '66.
Q Where was that? A She was in Fort Scott.
Q Fort Scott, Kansas? A Yes, sir, but the old man he was here.
Q She was married then? A Her and Tom Ridge was together I don't know whether they were married, xxxxxxxxxxxxxx
Q Did she have any children at that time by Tom Ridge? A She had this girl that's xxxx they claim.
Q Was that girl with her in Fort Scott? A No, sir.
Q Where was she? A The girl?
Q Yes. A I couldn't tell you where she was at that time. I knowed where the old lady was. I was up there with some scouts and saw her on the streets and had a little talk with her.
Q Was Mary Riley living in Fort Scott at that time? A Yes, sir she was staying there.
Q Do you know how long she lived there? A No, sir.
Q When did you next see her? A It was a good while.
Q How many years? A I don't know exactly, I never paid any attention. Her Pa was with me, and I knew---
Q Mary Hamelrig's father? A Yes, sir.
Q His name was Tom Ridge? A They called him Tom Ridge, or Riley.

Q When did you next see Mary Riley in the Cherokee Nation?after you saw her in Fort Scott in '66, as you say? A Couldn't say.
Q Was Tom Ridge the slave of a Cherokee citizen before the war?
A I suppose he was.
Q Who did he belong to? A I couldn't tell you; they say to old man Ridge; I don't know.
Q Did he go out of the Cherokee Nation during the war? A They took him south, too.
Q When did Tom Ridge return to the Cherokee Nation after the war?
A After we come to Fort Gibson, he was over here at Frozen Rock along about the year '66, I think, and he was around about here about that time and then disappeared.
Q He was around Frozen Rock in '66? A Yes, sir, and then he disappeared.
Q When did you next see him in the Cherokee Nation? A I saw him in the spring of '66.
Q Where was he then? A He come right to my house. I lived there right close to where P. P. Ross used to live.
Q Near what town? A Fort Gibson, and he come there and stayed right with me when I was sick and waited on me.
Q How long? A He stayed with me a little over a month or two months.
Q Was there anybody with him when he come there? A No, sir.
Q Where did he go when he left you? A He said he was going up Grand River and from there I don't know where he went.
Q When did you next see him? A I saw him in '74 and '73, along there when I moved up Verdigris.
Q Was that the first time you had seen him since the spring of '66, when he waited on you? A Yes, sir, yes, the first time.
Q You don't know where he had been between '66 and '74? A No, sir.
Q Was he living in the Cherokee Nation when you saw him again?
A In '74?
Q Yes. A Not in particular as I know of.
Q Did he have any family, wife or children at that time? A He claimed he had them.
Q Were they with him? A He said he was living with this girl's mother at that time, and his other wife was on Grand River. Her name was Winnie Ratliffe.Q Well, when did you see Tom Ridge again after '73 or '74? A I just naturally can't recollect when, right close along about '73.
Q I believe you state you don't know when Mary Riley came back to the Cherokee Nation from Fort Scott? A No, sir.
Q And you don't know where Mary Hazelrig was at that time? A No, sir.

By Mr. Hastings:
Q Where were you living before the war, John? A I lived up on the Illinois river, close to Oil Springs.
Q Where was Tom Riley living before the war? A I couldn't tell you.
Q You didn't know him before the war, did you? A No, sir.
Q Then you never saw him until during the war, or after the war?
A No, sir, not to know him.
Q You never saw Mary Riley before the war, did you? A No, sir, she lived down here somewhere about Canadian.
Q Down in Canadian District? A Yes, sir.
Q Down about Webbers Falls? A Somewhere in that neighborhood.
Q You never lived there? A No, sir.
Q You never saw her there? A No, sir.
Q You never saw Mary Hazelrig before the war? A No sir.
Q She wasn't born until after the war? A No, sir.
Q About how many years after the war until she was born? A I couldn't tell.

Q As many as five or six? A I wouldn't swear anything about it; I don't know.
Q Don't you know she wasn't born until after the war? A She was not born until after the war.
Q The first time you ever saw her was up in Fort Scott? A I saw her mother there.
Q Didn't you see her there? A No, sir.
Q Are you right certain Mary Riley lived near Webbers Falls, in Canadian district? A I couldn't swear it, but there's where Stand Watie lived, and she was his slave.
Q You don't know she belonged to Stand Watie? A Just got their word for it.
Q You never saw her at Stand Watie's house before the war? A No, sir.
Q You say Tom Riley belonged to the Ridges before the war? A That is what they claim.
Q You know which one of the Ridges? A I don't know.
Q John Ridge? A I couldn't tell.
Q You never saw him before the war? A No, sir.
Q You are certain that Mary Ann Riley went south? A Yes, sir, they brought her back.
Q How do you know? A They allcame right there to Fort Gibson together. Clem Rogers was along.
Q Clem Rigers came right along did he? A Yes, sir, and Sam Day.
Q They all come together? A Yes, sir.
Q Now, John, it might surprise you if she swore that she went North and didn't go south? A Well, I don't know; I don't know a thing about it.
Q Then you are liable to be mistaken? A I seed her in Fort Scott.
Q Then if she swears that she went to Kansas, instead of going south she is mistaken? A I couldn't say that.
Q You never saw her South? A I couldn't say that.
Q You saw her in '66, in Fort Scott? A The old lady, yes, sir.
Q And this child wasn't yet born? A I don't know; this child was born since the war.
Q What time was it in '66 when you saw her in Kansas? A Latter part of '66.
Q Were you at her house? A No, I met her on the street, and saw her there.
Q You saw her and spoke to her? A I talked to her.
Q You don't know where she was living? A No.
Q How many years after that did you see her again? A I don't know.
Q 20 years? A Not that long.
Q Where did you next see her? A Here.
Q Where at? A In my part of the country; up on Verdigris.
Q Well about how long after you saw her in Fort Scott? A I saw her in Fort Scott directly after the war closed.
Q When did you ever see the old man living up there? A I never saw him living up there in Fort Scott.
Q Up on the Verdigris? A He stepped with me in '74.
Q Had he come from Fort Scott there? A No, he come from Kansas somewhere.
Q Where did he say his wife was? A He said he lived with one wife and was going to see the other. He said he lived with Winnie Ratliffe, if I aint mistaken.
Q Where wasshe living? A About Grand River somewhere.
Q Where was Mary Ann Riley? A Said he left her in Kansas.
Q That was in '74? A Yes, sir, when he told me that.
Q You had never seen Mary Ann Riley from the time you had seen her in '66, at Fort Scott, until you saw her in '74? A No, sir.

Q Where did you see the old man? A I told you he stopped with me at Fort Gibson.
Q Where did you next see him? A I saw him on the Verdigris.
Q When? A That was in '74.
Q You never saw him from '66, when you saw him near Fort Gibson, until you saw him in '74? A Yes, sir, he stayed with me and I never saw him any more until '74.
Q And you never saw his wife between those times? A No, sir.
Q And you never saw this girl, Mary Hazelrig between those times? A No.
Q Wasn't there anyone with you when you saw him at Fort Gibson? A I couldn't tell you.
Q Was he horseback or on foot. A It was right in town.
Q Didn't have any wagon? A No, sir.
Q No horse? A No, sir.
Q Anybody there at home with you? A Coo Vann was with me and some of the boys was waiting on me.

JAKE DAVIS, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Jake Davis is my name.
Q How old are you? A About 60 or 64, somewhere along there.
Q What is your postoffice address? A Tahlequah.
Q You claim to be a Cherokee freedman? A Yes, sir.
Q Do you know Mary A. Riley? A No, sir, I know Joe Riley, I knowed Joe Riley in Gibson.
Q Who was he? A I don't know, sir, that's all the one I know.
Q Was he the husband of Mary Riley? A I guess he was; I don't know Mary Riley.
Q Do you know Mary Hazelrig? A No, sir I don't.
Q Was it Joe Riley or Tom Riley? A Yes, Tom Riley.
Q Was Tom Riley the slave of a Cherokee citizen? A I guess he was; he wasn't when I got acquainted with him.
Q When was that? A In '66.
Q Didn't you know him before that? A No, sir.
Q He was in Fort Gibson then? A Yes, sir.
Q You don't know then whether he was the slave of a Cherokee or not? A No, sir.
Q Did he have any family there with him when you knew him in '66? A Not as I know of he didn't; it has been quite a while and I don't recollect.
Q What time of the year was it you got acquainted with him? A In the spring.
Q How long did you continue to know him? A About a year, I reckon.
Q Then did he move away? A He moved away and went somewhere.
Q Have you seen him since that time? A No, sir, never have seen him since.
Q You never heard of this Mary Riley nor Mary Hazelrig? A No, sir.
Q You don't know whether that Tom Riley was ever married or not? A No, sir, I don't.
Q You don't know whether he was out of the Cherokee Nation during the war or not? A No, sir, I don't; when I got acquainted with him it was '66, in the spring.
Q And you continued to know him there in Fort Gibson a year? A Yes, sir.

By Mr. Van Hoy:
Q Uncle Jake, you just knew a man named Tom Riley in Fort Gibson, in '66? A Yes, sir.

By Mr. Hastings:
Q What year is this Jake? A Now?
Q Yes. A I don't know, sir, what year it is.
Q What year was it Kerns-Clifton made a roll here and you drew big money on it? A I forgot.
Q Jake, what year was it Wallace made a roll here? A I can't tell you.
Q What year were you married in? A I don't know.
Q Here's a man that you never knew before the war; did you? You know that man you are talking about? A No, sir, I never knowed him.
Q And you have never seen him since? A No, sir.
Q And now, 40 years nearly after, they are trying to make you know him? A No, sir.
Q And you can't be certain about these dates, because you can't remember dates? A No, sir.
Q Its pretty hard to remember dates, isn't it? A Yes, sir.
Q This is a man you never saw before? A No, sir.
Q And you haven't seen him since? A No, sir.
Q And you never saw his wife? A No, sir.
Q Nor his daughter? A No, sir.

By Mr. Van Hoy:
Q Uncle, what makes you think it was '66? A Everybody say it was; that's what I go by.
Q How soon after the war was it? A Not so long after the closing of the war; not so overly long; don't know just how soon; wasn't long, though.
Q You can remember facts by the war can't you? A Yes, sir.
Q You can remember what occurred soon after the war in some cases? A Yes, I can remember. I aint got not learning and I can't tell anything.

By Mr. Hastings:
Q And you aint going to be positive, are you, Uncle Jake? A No, sir.

MARIAH FRENCH, being first duly sworn, testified as follows:

By the Commission:
Q What is your name? A Mariah French.
Q How old are you? A I am going on 49.
Q What is your postoffice address? A Lenapah.
Q Do you claim to be a Cherokee freedman? A No, sir.
Q You are a state woman? A Yes, sir.
Q Do you know Mary A. Riley? A Yes, sir.
Q How long have you known her? A I have knowed her ever since the fall of '66.
Q Do you know her daughter, Mary Hazelrig? A Yes, sir.
Q How old is she? A I don't know.
Q Was she born before the war or after? A I couldn't tell you that; she was as large as I was and I don't know.
Q Do you know whether or not Mary Riley and her daughter, Mary Hazelrig, were slaves of Cherokee citizens before the war? A I don't know no Cherokee slaves.
Q Where was she then? A She was on Snow Creek.
Q That's in the Cherokee Nation? A Yes, sir.
Q What time of the year was that? A It was in the fall that I knowed her.
Q Was she living up there? A Yes, sir, she had come down to Uncle Colbert's, some called him Uncle Mayho.

Q Did she have any children at that time? A No, sir, I didn't see any; I didn't think she did.
Q How long did she continue to live there with Colbert? A She stayed there until late in the winter and they had a falling out and she left
Q That was the winter of----? A '66.
Q Where did she go then? A The next time I saw her, they had taken a little tent up on Vinegar Creek.
Q How long did she continue to live there? A I don't know.
Q When did you next see her? A The next time I saw her was at Vinita at the time of this enrollment.
Q Before the Dawes Commission? A Yes, sir.
Q When did you see her daughter, Mary Hazelrig, and get acquainted with her? A I got acquainted with her there.
Q Did you know Mary Hazelrig's father? A Old Uncle Tom Watie was her father; that's what we called him.
Q Was he married to this Mary Riley? A When I seen them they were together.
Q Do you know whether they lived together for any length of time? A Yes, sir, they lived together there at Colbert's.
Q They were there together? A Yes, sir.
Q Was this girl there then, Mary Hazelrig? A Yes, sir, he had his children there with him. There was another girl or two then.
Q What sized girl was Mary Hazelrig at that time? A She was larger than I was. I was a good big chunk of a girl, in my 14th year.
Q Then after they left Uncle Colbert's and went up on Vinegar Creek you never saw them any more until when? A I never say them any more until I saw them at Vinita.
Q You don't know where they had been living after they left Colbert's until you saw them in Vinita? A After they left Colbert's they lived on Vinegar creek.
Q How long? A I don't know.
Q Was this man Watie living with Mary Riley at that time? A Yes, sir, she passed for his wife.
Q Do you know anything about whether Watie was the slave of a Cherokee citizen before the war? A I don't know;I never come here until '66. My stepmother come here as a Cherokee freedman and we were the first settlers on Snow Creek and stopped.

By Mr. Hastings:
Q You didn't come here to be a witness in this case, did you? A No, sir.
Q Do you recognize that you are under oath? A Yes, sir.
Q You knew of these facts before? A Why, I knew old Uncle Tom---
Q You knew of these facts? A I knew when he come here, yes, sir.
Q When did you first tell these people about what you know? A I never told them.
Q They just simply put you on the stand here? A No, sir, Mr.Amos Adair told them I was here, and they wanted me to witness for them.
Q Did Amos Adair come here when they did? A Yes, sir/ Amos come before they did.
Q You had never seen these people before? A No, sir, we had never seed them till they come there.
Q Now, if Uncle John Baldridge testifies that in '74, that this woman, Mary Riley, was in Kansas, and had come down there, and that Tom Riley was there, and said his family was in Kansas, he hasn't told the truth, has he? A No, sir.

Q If L. D. Daniels swears that they didn't come down before that time he didn't tell the truth, did he? A He couldn't have.
Q How far do you live from Colbert's? A I don't think it was over half a mile.
Q Did Tom Watie and this woman come there in a wagon? A Yes, sir.
Q Where did they come from? A They claimed they came from Kansas.
Q Straight from Kansas there? A That's what they said.
Q Do you know from what town in Kansas? A No, sir.
Q They stayed there the rest of that year? A No, sir, they fell out and left there.
Q Where did they go? A Up on Vinegar Creek.
Q Now if John Baldridge says that in '66, he saw Mary Riley living in Fort Scott he is mistaken, is he? A Yes, sir, unless she went back up there after she left Uncle Colbert's.
Q How much are you getting to testify in this case? A Not a nickle
Q Don't you know that you never saw this woman there in '66? A Yes; I saw her.
Q You don't claim to be a citizen here, yourself? A I am adopted woman; I was raised in the states.
Q Where did you first see them living in a house up there? A In Uncle Colbert's house.
Q Did they keep house there at Colbert's? A They lived in the house with Uncle Colbert's and had some things in the wagon.
Q How long did they stay there? A Till late in the fall.
Q And went from there to Vinegar Creek? A Yes, sir.
Q You are certain of that are you? A Yes, sir.
Q How far was that from Colbert's? A It was four or five miles.
Q How long after they left Colbert's was it before you saw them on Vinegar Creek? A We went to Coffeyville and saw a little tent there on Vinegar, and didn't know who it was--
Q Was it on the road? A No, sir, it was off to one side of the road.
Q How long did they stay there where that tent was? A I couldn't tell you.
Q About how long? A I couldn't tell you, because we didn't go to Coffeyville very often.
Q Did they stay a month: A I couldn't tell you.
Q Did they stay there two months? A No response.
Q Can't you form any estimate at all? A No, sir, what I tell you I know. I didn't pay attention.
Q You did pay attention, though, while they were at Uncle Colbert's? A I did, because they were at our house every day.
Q Did Uncle Colbert have a house them? A Yes, sir, a log house.
Q Who else lived there? A Noone else much; Ames Adair lived right below us in an Osage hide house.
Q Well, after you lost them on Vinegar Creek how long was it before you saw them again? A At Vinita.
Q How many years afterwards? A A great while.
Q What year was it you saw them at Vinita? A When this Commission was enrolling.
Q This present Commission? A Yes, sir.
Q From the time you saw them on Vinegar Creek up until 1901, you never did see them? A No, sir.
Q You don't know where they lived? A I don't know; they said they were living on Caney.
Q You don't know how long they lived on Vinegar? A No, sir.
Q Are any of Colbert's people living now? A Yes, sir.
Q Who are they? A Old Aunt Susie is all.

JOHN BALDRIDGE, re-called for the purpose of additional cross-examination, testified as follows:

By Mr. Hastings:
Q You were running around all over the country in '66, weren't you?
A Yes, sir, I was a soldier and scouted at that time and was a soldier nine months right here.
Q Were you on Grand River any in '66? A Yes, sir.
Q Were you in Fort Scott in '66? A Yes, sir.
Q On Snow Creek? A Yes, sir.
Q Were you up there about Colbert's in '66? A Old man Colbert's?
Q Yes. A No, I don't remember ; at that time I was up there along latter part of the year of '66, but we were on the scout and never stopped.
Q Were you up in there during that fall of '66? A Went through time and again.
Q You never saw Tom Riley anywhere, except what you have already testified to? A That's all.
Q Were you on Vinegar Creek? A Been through, but never stopped.
Q You never saw him? A No, sir.
Q Never heard of him? A No, sir, I was in the government service--
Q Now, about what time of the fall of '66 did you see Mary Ann Riley in Fort Scott, Kansas? A It was along, I couldn't just say, about the middle of the fall, early in the fall. I couldn't just exactly be positive.
Q Did she say where her husband was? A No.
Q Did you ask her? A No.
Q Did she say what she was doing? A No.
Q She didn't say who she was working for? A No, they called him Tom Riege, ~~Rm~~ Tom Watie and Riley.

MARIAH FRENCH, re-called for the purpose of additional cross-examination, testified as follows:

By Mr. Hastings:
Q Your name is Mariah French? A Yes, sir.
Q Now, you are certain that you knew these people at Colbert's?
A Yes, sir, I knew them at Uncle Colbert's.
Q You say they moved from there in the fall up on Vinegar Creek?
A Yes, sir, late in the fall.
Q On which side of the road when you went to Coffeyville did you see their tent. A On the right hand side.
Q You are positive? A Yes, sir.
Q How many times did you see this tent there, going backwards and forwards to Coffeyville? A I hardly ever went to Coffeyville.
Q But you knew that it was on these trips that you saw this tent?
A Yes, sir.
Q Did you go out to it? A Yes, sir, one time my father drove out to it.

By Mr. Van Hoy:
Q You say you were the first settlers on Snow Creek? A Yes, sir.
Q Near What town is Snow Creek? A Near Coffeyville; Coffeyville was the nearest then.
Q Which is nearest now? A Coffeyville is nearest now.
Q Who was the next family to come in after you? A Amos Adair.
Q Who next? A The Colberts.
Q Do you remember the Albertys? A They come in afterwards.
Q Were there any Indians? A Yes, sir.
Q What tribe? A Osages.
Q What did you people do for a living? A We raised corn and stuff.
Q Do you think you knew all the colored people that come in after the war? A We paid particular attention; there was none there.
A [illegible]

Q Who was your father? A Steve Little.

Q Did Ames Adair bring his family? A Yes, sir.
Q How much family did he have? A Two children and two women.
Q Do you remember how many in the family of Uncle Colbert? A Himself, wife and one little boy they called Johnnie, they were raising.
Q Tell me how far Ames Adair's house was from yours? A Can't tell you exactly. We lived on the west prong of Snow Creek and he lived on the East side across the creek.
Q On which side of the Verdigris was Susan Colbert's house? A Just above on the west side of the lake.
Q Which side of the Verdigris River were you on? A On the west side.
Q It made a horseshoe bend? A Yes, sir.
Q Did you have to cross it ? A Yes, sir, there was a big lake between us and Uncle Colbert and Colbert lived across that lake.
Q Is that lake on the East side of the Verdigris River? A On the east side if you are on this side, but we are on the West side.

By Mr. Hastings:
Q Who did you trade with at Coffeyville, can you recollect? A Yes, sir, I can recollect.
Q Who had a store there? A We used to trade with Wells and brothers.
Q And they had a store there at the same time you mention seeing this tent? A They had a store then in what's called Old Parker; Coffeyville wasn't a town then.
Q You are testifying about going to Coffeyville? A It was called Coffeyville; Old Colonel Coffey did more trading than anyone.
Q They had a store there at that time? A Yes, sir, old Parker aint a town now.
Q Was there a town called Coffeyville at the time? A Yes,, it was named Coffeyville, and that's what we called Coffeyville.
Q Do they call it Coffeyville? A They called it Coffeyville after old Col. Coffey.
Q Is it where Coffeyville is now? A Yes, sir.
Q That is where you saw these people when you were passing along? A Yes, sir.

Commission:
Upon request of the attorneys for the applicants, and the Cherokee Nation, this case is continued, for the introduction of further testimony.

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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 April, 1904.

Charles H. Sawyer

Notary Public.

Q-15-

Cherokee F D-957-957.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., NOVEMBER 14, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of MARY A. RILEY ET AL., as Cherokee freedmen.

It appears that on October 14, 1904, the attorneys for the applicants and the attorneys for the Cherokee Nation were duly notified that on November 14, 1904, the applicants would be permitted to appear before the Commission and submit further testimony in the above entitled case.

APPEARANCES:
Applicants by their attorneys, Hutchings, Murphy & Veasey.
Cherokee Nation by its representative, W. W. Hastings.

JOSEPH SMITH, being first duly sworn, testified as follows:

BY MR. VEASEY:
Q What is your name? A Joseph Smith.
Q How old are you? A 66.
Q What is your present post office address? A Coffeyville, Kansas.
Q How long have you been living in Coffeyville? A Every since 1872.
Q Where did you live previously to that? A Lawrence, Kansas.
Q For what length of time did you live there? A About 8 years.
Q Are you acquainted with Mary A. Riley who is one of the applicants for citizenship in this case? A I am.
Q Were you acquainted with her in Lawrence, Kansas, during the time you was there? A Yes sir.
Q Were you acquainted with Tom Riley or Ridge? A Yes sir.
Q Did he bear any relationship to that woman? A Her husband.
Q When did you first become acquainted with Tom Ridge or Riley?
A Along in '64.
Q He was then in Lawrence, Kansas? A Yes sir.
Q Did you know his wife also at that time? A Yes sir.
Q Could you state to the Commission how long he remained in Lawrence, Kansas, after '64 after your first acquaintance with him?
A He was there in '65, part of '65 and I saw him again along in '66.
Q Were your relations with him of an intimate kind? A In the church.
Q What is your profession? A Apreacher.
Q Of what church? A Baptist church.
Q Was he, Tom Riley, a member of the church you was? A Yes sir.
Q During the time that you knew him in 1865 or 1866 did he ever state to you that he intended to return to the Indian Territory?
Mr. Hastings: Objected to by the counsel for the Cherokee Nation because the same is a declaration in interest and is heresay and is therefore inadmissable.
Commission: Objection noted, witness will answer.
A Yes sir.
Q You may state to the Commission his exact language? A He claimed to be a citizen of the Cherokee Nation, his home was here and he left sometime in '65 and said he was coming to the Cherokee Nation He came back sometime in '65 along in the fall sometime and he left again sometime in the fall of '66.

Q How long did you remain in Lawrence after the fall of 1866? A I remained in Lawrence until 1872.
Q During the time you was in Lawrence, from the fall of 1866 to your going to Coffeyville, did you see Tom Riley on any other occasion? A No sir.
Q During that time did his wife and such children as they had at the time remain in Lawrence? A Yes sir.
Q Did you during the time of his absence inquire as to his whereabouts from the members of his family? A Several times.
Q What statements did they make to you in that regard?
Mr. Hastings: Objected to as a declaration in interest and heresay, and therefore inadmissable.
Commission: Objection noted, witness will answer.
A They said he was supposed to be in the Territory, yes sir.
Q Did you see Tom Riley at any time after you moved to Coffeyville?
A Yes sir.
Q Where? A Place called Gooseneck Bend at his sisters.
Q Where is Gooseneck Bend? A About twelve miles south of Coffeyville.
Q In the Indian Territory? A Yes sir.
Q Could you tell the Commission what year that was? A I think I can, it was in '74.
Q Did you see him any time subsequent to that? A Yes sir.
Q Where and when? A In Gooseneck Bend at different times.
Q Did you ever see him after this occasion you have mentioned?
A Yes sir.
Q State when and where? A Bartlesville.
Q When did you first see him at Bartlesville? A That must have been along in '78 or '79.
Q Did he have his family with him then? A Yes sir.
Q His wife was this Mary A. Riley the applicant in this case? A Yes sir.
Q When you saw him then had they improved a place at that point?
A Yes sir, a little place there.
Q Do you know where his family lives now? A Yes sir.
Q Is that the same place he had improved in 1878 or 1879? A Yes sir.
Q Do you know where he died? A Yes sir.
Q When? A In 1895.
Q You know as a matter of fact that his family is still living on the place they improved in 1879 near Bartlesville? A Yes sir.
Q Where did he die? A At Bartlesville.
Q On this place? A Yes sir.
Q Were these people ever a member of the church that you had charge of? A Yes sir.
Q Where was that? A Gooseneck Bend.
Q Were there any rules which the church had in regard to the membership of the church? A Yes sir.
Q As regard their being married? A Yes sir.
Q What was that rule? A We didn't accept any except those supposed to be married according to law.
Q When these people were in Lawrence, Kansas, did Tom Riley hold this woman out to be his wife? A Yes sir.
Q He did that to you? A Yes sir.
Q And they lived together as husband and wife? A Yes sir.
Q Was that the case at Gooseneck Bend? A Yes sir.
Q And likewise true when they were at Bartlesville? A Yes sir.

Q Did you baptize these people? A I did.
Q At what place? A Gooseneck Bend.
Q Same church they were members of? A Yes sir.
Q When was that? A I think it was along about '77 or '78, Tom Bushyhead and them were running for Chief.
Q Just shortly before they moved to Bartlesville? A They were living at Bartlesville when I baptized them.

BY MR. HASTINGS:
Q What was Tom Riley's wife's name? A Mary.
Q Do you know Mary Haselrig? A I do.
Q Is she their daughter? A I guess she is she used to be their child.
Q You knew her in Lawrence, Kansas? A I didn't, I knew they had some children is all.
Q Did you know Tom Riley's wife in Lawrence? A I did.
Q You knew her name? A Yes sir.
Q Do you know whether they called Mary Haselrig "Sis" in Lawrence or not? A I don't know.
Q Did you know a boy of theirs they called "Beny?" A I did.
Q He is the same one they called Allen? A I don't know about that.
Q Beny was just a nickname? A I don't know about that.
Q Did you know a boy they had by the name of Joe? A Yes sir.
Q Where were they living when you first knew them? A In Lawrence on the north side of the river.
Q Of Kaw River? A On the west side of the river.
Q How far from Lawrence? A In Lawrence.
Q Right in the town? A Right in it, yes sir.
Q Did you know a white woman up there by the name of Mrs. Mary E/ Archer? A No sir.
Q Did you know a man there by the name of W. R. Smith? A No sir.
Q Did you know a colored woman up there by the name of Rachel Ware in Lawrence? A No sir.
Q Did you know a colored man by the name of Peter Jenkins? A Yes sir.
Q How far was Tom Riley living from Peter Jenkins when you knew them? A I don't know where Jenkins lived.
Q On what street did Tom Riley live? A I don't know any of the streets.
Q Were you ever at Tom Riley's house? A Yes sir.
Q What kind of a house? A Commonn little shack.
Q Don't know what street? A No sir.
Q In north or south Lawrence? A South Lawrence.
Q He had some children there at the time, did he? A Yes sir.
Q You never saw him himself down here in 1874? A 1874.
Q That is the first time you ever saw Tom Riley in the Territory? A Yes sir.
Q His family was still living in Lawrence? A Certainly.
Q They had continued to live in Lawrence from 1864 or 1865? A Yes sir.
Q And his family was living there when you left in 1872? A Yes sir
Q Did you have occasion to visit his family after you missed Tom up there up until the time you left there in 1872? A No sir, I just met them.
Q Just like you did other people around there in town? A Yes sir.
Q And you saw them frequently until you left in 1872? A Yes sir.
Q And you never saw any of the members of his family down here until 1879 out about Bartlesville? A Yes sir.
Q But you saw Tom himself here in 1874? A Yes sir.

Q But you didn't see the members of his family about that time?
A Only his boy Joe.
Q But the family came down in 1879? A About that time.
Q You inquired of him where his family was and he told you in Lawrence? A Yes sir.
Q You knew where Hazelrig married this woman? A No sir, I don't.
Q Were you called up there in 1873 when they were married in Lawrence? A No sir.
Q Didn't Tom ever tell you at any of these times that his daughter Mary had married George Hazelrig in Lawrence? A No sir.
Q Did you know George Hazelrig up there? A I did.
Q He was a stage man? A I don't know.
Q Was he a Cherokee darkey? A I don't know, he might have been.
Q You never heard him say anything about coming down here? A No sir.
Q Tom and his wife owned a home there? A I don't know about that.
Q Did they continue to occupy this same house all the time that you knew her there? A I don't know, so far as I know they did.
Q You don't know where this man Jenkins lived? A I think he lived in what they called north Lawrence.
Q That was near where Tom Riley lived? A He lived on the south side.
Q Did you know a colored man by the name of John Williams? A No sir
Q Did you know a colored man by the name of Andrew Garrett? A No sir.
Q A minister by the name of Charles W. Garrett? A No sir.
Q What was Tom doing up there for a living between 1864 and 1874?
A I couldn't tell you, travelling about the best he could.
Q You saw him there practically all of the time all up until 1872 at the time you left? A No sir.
Q You didn't see him in 1868, '69 and '70? A No sir.
Q You were never ever at his house were you? A No sir.
Q How far did you live from them? A I suppose about a quarter.
Q What was Tom doing up there before he left? A He wasn't much of a hand to work, his wife did most of the work.
Q He and his family spent a good part of the time in jail didn't they? A I never heard of them being in jail in my life.

BY MR. VEASEY:
Q How old was Tom Riley at the time you first knew him? A I suppose 40 some odd.
Q You saw you met him at Gooseneck Bend sometime in 1874 or 1875?
A Yes sir.
Q What, if anything, did he say about his family? A
Mr. Hastings: Objected to because it would be a declaration in interest and heresay and inadmissable.
Commission: Objection noted, witness will answer.
A He desired to get his family to him and I think he was trying to get some of his friends to help him get his family here.
Q Did he have any improvements at that time? A No sir not that I know of.
Q Did you ever have any conversation with the wife of Tom Riley relative to her coming to the Territory while he was in Lawrence?
Mr. Hastings: Objected to as heresay and a declaration in interest and inadmissable.
Commission: Objection noted, witness will answer.
A Never heard her say anything about it.

BY MR. HASTINGS:
Q You are not a citizen of the Cherokee Nation? A No sir.
Q You are a colored man living in Coffeyville? A Yes sir.
Q You never did live in the Cherokee Nation? A Yes sir.
Q When? A Long about '74.
Q Where were you living at that time? A At the mouth of Possum Creek in the Cherokee Nation.
Q How long did you live there? A About a year and a half.
Q That is all you ever lived in the Cherokee Nation? A Yes sir.

BY THE COMMISSION:
Q When did you first begin living in Lawrence? A I moved into Lawrence in the Christmas about the first of January of 1863, I first went to Lawrence in the fall of '62.
Q Did you get acquainted with Tom Riley and his wife when you first went there? A No not for a few months after I got there.
Q You don't know where Tom Riley went when he left Lawrence, Kansas, in 1865 or 1866? A No sir.
Q The first time you saw Tom Riley in the Cherokee Nation was about 1870 what? A About 1874.
Q Prior to that time you don't know where he went? A No sir.
Q Do you mean to tell the Commission that the family of Tom Riley, including his wife, Mary A. and the daughter, now Mary Haselrig, the same children lived in Lawrence, Kansas, continuously from 1863 up until you left there in 1872? A Yes sir.
Q That is a fact? A Yes sir.
Q These parties never came to the Cherokee Nation until after you left Lawrence? A Not to my knowing.
Q Would you have known it if they had come? A I think so.
Q You knew as a matter of common knowledge that they were residents of Lawrence while you were there? A Yes sir.
Q Had a home there, house and lived there? A Yes sir.
Q When was the last time you saw Tom Riley in Lawrence, Kansas?
A Along in 1866.
Q What time in the year? A It was along in August, 1866.
Q What aged woman was this Mary Haselrig? A I suppose she was just a---I didn't know her at that time.
Q Can you name the family? A Only Joe and Bony and another boy.
Q Name these you do know beginning with Tom and his wife? A Tom and his wife Mary, Joe and Bony and another boy I can't remember his name.
Q Were these children small when you knew them? A Yes sir.
Q You say these boys live near Bartlesville now? A Yes sir.
Q In the Cherokee Nation? A Yessir.

BY MR. VEASEY:
Q You don't mean all of the parties you named live near Bartlesville
A The old man and Joe and Bony are all dead.
Q You knew that Mary A. Riley lives at Bartlesville? A Yes sir.
Q Do you know whether any member of his family accompanied Tom to the Territory in the fall of 1866? A I think Joe and one more boy come with him, Joe came with him and never went back.
Q Joe was his son? A Yes sir.
Q He is the one that has died since? A Yes sir.
Q When did you come to Lawrence first? A Came into Lawrence in the fall of '62.
Q Did the Rileys come there after that? A Yes sir after I come.
Q What were the circumstances under which they came there? A The poor circumstances, they were very much in need.

QQ Were they brought there by soldiers or otherwise? A No sir, come there on their own accord.
Q When you were living at the mouth of Possum Creek did you know anything about improvements that Tom Riley was supposed to have in that neighborhood?
Mr. Hastings: Objected to as being leading.
Commission: Objection noted, witness will answer.
A Yes sir.
Q Do you know where it was? A Yes sir.
Q State to the Commission whereit was? A About a mile west of the mouth of Possum Creek.
Q You learned that in 1874?
Mr. Hastings: Objected to as being leading.
Commission: Objection noted, witness will answer.
A Yes sir.

BY MR. HASTINGS:
Q What became of that improvement? A Rotted down.
Q Went back to the public domain? A No sir, somebody around there-------
Q He never had anything but a cabin? A Had a cabin there.
Q Never lived in it? A I don't know.
Q Never improved it? A I don't know there was a little spot there, I don't know who did it.

JOHN J. ROSE, being first duly sworn, testified as follows:

BY MR. VEASEY:
Q What is your name? A John J. Rose.
Q What is your age? A About 58.
Q Where do you live? A Tahlequah.
Q Were you acquainted with Tom Riley or Ridge during his life time?
A Yes sir.
Q Where were you living during the years of 1865 and 18667? A The latter part of '65 I went to Kansas, Leavenworth about three weeks and the rest of the time at Lawrence.
Q Where did you meet Tom Riley? A In Lawrence.
Q Had you ever known him previously? A No sir.
Q When did you meet him? A Between the first and 10th of November '65.
Q How long did you continue to live in Lawrence or in the neighborhood? A About three years.
Q Did Tom Riley continue to live there during that length of time?
A No sir he wasn't there all of the time, I seed Riley in November when I come out of the army, there was quite a number of Cherokee freedmen in the same regiment, 32 in the same company I was in, and we left Leavenworth intending to come back to the Cherokee Nation and I was sick at the time and the convenience of travelling was so bad I stopped at Lawrence and there was a general jubilee in the camp there at that time and that is where I saw old man Tom Ridge in the camp. I was there I guess about two weeks then I left that camp in north Lawrence.
Q Did you meet his wife at the same time? A If I did I didn't know her.
Q You say he lived in Lawrence during the entire time you were there? A Yes sir he was among the refugees.

Q Was he in Lawrence during the three years you remained there after 1866? A No sir not to my knowledge, the next time I saw Tom was in February the following year may be in March.
Q Of 1866? A Yes sir to the best of my recollection.
Q When did you see him next after February or March of 1866? A
A Next time was down here in the nation.
Q When was that? A That was I think in '73.
Q Do you remember about the time he left Lawrence? A He left Lawrence with the boys, they stayed there about three weeks and he come with them. There was Israel Johnson and Jack Nelson and Ike Rogers, they were the boys in the army and besides there was several others, I couldn't call the names now.
Q Do you know that he went back to the nation or is that heresay?
A They all come on south and I though that they come here. I found him here but I didn't come with him.
Q Did you see him any time from the fall of 1866 forward while you was at Lawrence? A No sir.
Q The next time that you saw him was in 1873 in the nation? A Yes sir.
Q Where was that? A On California Creek, on ynr creek there, he stayed all night there.
Q Did you become acquainted with his family at the time you was at Lawrence? A No sir.
Q When did you fist become acquainted with Mary A. Riley, one of the applicants in this case? A It was along perhaps in '74 or '75, I couldn't just say what year, but it was something like that when I met this Mary Riley near Bartlesville where she now lives.
Q You say that was in 1874 or 1875? A Somewheres along there, I couldn't say exactly.
Q Had they made a place in that neighborhood? A At the time I was acquainted with them they were living on Bartles place where he had a saw mill near the mouth of Snow Creek.
Q Do you have personal knowledge of their having made a place since that time? A Yes sir.
Q Do you know where Mary A. Riley lives now? A Yes sir.
Q Is that the place they first made? A Yes sir that is the only one that I knowed of their making down there.
Q Do you know any circumstance which induced Tom Riley to leave Lawrence and come to the Territory at the time he did? A The only circumstance that I knowed, the soldiers coming back home he wanted to come back with them to the Cherokee Nation.
Q At that time did the freedmen who were in Lawrence know of the adoption of the Treaty? A The Treaty wasn't adopted at that time in February, Tom Riley was talking about what they were going to do for they said they were coming back, they were going to take them back and give them rights same as Cherokees.
Q That was the last time you saw him, in February or March of 1866?
A Yes sir.
Q Before Riley started for the Territory what, if anything, did you hear him say in regard to his residence where he was going to and what for?

Mr. Hastings: Objected to as heresay, and a declaration in interest and therefore inadmissable.

Commission: Objection noted, witness will answer.

A I didn't see him, was just going back home that is all, he was talking to them boys, he knowed them and didn't know me.
Q Did he tell you for what purpose he was going back home? A He just says I am going with you. I had give up going, they were talking there in the camp and he come with the rest of the boys, he left there with them coming south.
Q Do you have personal knowledge of those soldiers who started actually reaching the Territory? A I seen them since.

Q The same ones that were in the party that he started with? A Yes sir.

Q Have you knowledge of their being enrolled as citizens since then, any of those that were in the party with him? A No the persons that come with him have been killed and died out before they get to this roll business, they have been enrolled on other rolls.
Q How about their descendants? A I don't know whether their cases are settled or not.
Q When you met Tom Riley in the Territory in 1873 did you have any conversation with him with reference to bringing his family back? A Yes sir he stayed all night and we talked about that trouble.
Q State to the Commission what he told you? A At the time he was talking to me he said he was going to bring his family here, he didn't want to be going backwards and forwards to Kansas, it was to far, at that time there was several families coming in. From the best I could learn his wife was contrary toward coming back here. They made it so hard for her before they got out of here that she didn't want to come back.

BY MR. HASTINGS:
Q You are a colored applicant for citizenship in the Cherokee Nation? A I am a colored man after a white man's rights.
Q You are an applicant to be enrolled as an inter married citizen?
A Yes sir.
Q Your first wife was also on a doubtful card was she? A Yes sir.
Q What was your first wife's name? A Emily Dannenberg.
Q You met her in Lawrence? A Yes sir.
Q You married her in Lawrence didn't you? A Yes sir.
Q What year? A '67.
Q You belong to a freedmen protective association don't you? A No sir.
Q Didn't you ever belong to a freedmen association? A No sir.
Q Never did any kind? A That aint got anything to do with this case.
Q Did you belong to them? A No sir.
Q Have you ever belonged to them? A No sir.
Q You never have in the last 4 or 5 years belonged to any freedmen organization? A No sir.
Q Who is the President of that organization? A What organization.
Q That Freedmen Organization? A I don't know anything about it, I have heard lots of time about it but I don't know anything about that.
Q You never saw Tom Riley in the Cherokee Nation until 1873 or 1874?
A Somewhares about that time, yes sir.
Q That is the first time you have any personal knowledge of his being here? A Yes sir the first time.
Q Were you ever at his home at Lawrence in 1865 or 1866? A No sir.
Q Did you ever see his wife in Lawrence in 1865 or 1866? A If I did I didn't know it.
Q Did you ever see George Haselrig's wife, now Mary Hazelrig in Lawrence? A Not that I knew of.
Q You saw Tom Riley in 1865, in February, 1866, did you ever afterwards see him in Lawrence? A No sir not to my knowledge.
Q And you never saw him again until you saw him in 1873? A Here at California Creek.

Q When was the first time you ever saw his wife? A That is the ti time I mentioned, somewhere along in '74 or '75 I don remember what time it was.
Q Were you at their house at that time? A I was at the house they were living in.
Q Where was that house from Bartlesville now? A Down on the river close to where that wire bridge is on the west side of the river.
Q How far from Bartlesville? A About two miles.
Q Did they have other children with them then? A They had one they called Joe that is dead now.
Q Was Allen or Rony with them? A I don't remember.
Q Was Mary Hazelrig with them? A I think not she may have been.
Q That is the first time you ever saw Mary Hazelrig? A I don't remember.
Q Was she married to George when you first saw her? A I think so.
Q How many children did she have? A I don't know.
Q You don't remember when you first saw her? A Somewheres along right after the time that I mentioned to you that I knew the old man on Caney River.
Q You think that was when Bushthead was running for Chief? A It might have been, I couldn't say.
Q What is it you fix this date by? A What date.
Q At the time you say you fix that by Bushyhead's chieftancy?
A No sir.
Q Why do you think it was 1874 or 1875? A Because I just left work on the Caney River and that was when I found these women folks.
Q Did they move from Lawrence down there? A I don't know.
Q Didn't you hear them say? A No sir.
Q Did they and Tom come together or who come first? A I saw Tom before I saw the family.
Q Did you see the Hazelrigs when they come there? A I seed them there.
Q The first you noticed was George there with his wife, was he?
A George was there and his wife was there, I don't know whether they come together.
Q How many children did they have when you first saw them? A I don't know.
Q Do you know they had any? A There was some children there.
Q Do you know whether Tom Riley had another girl besides this Mary Hazelrig or not? A I think so.
Q What was her name? A Julia I believe.
Q Was she there with them? A Notright there at that house she was then living in a house that belongs to Whiteturkey now, she was working there.
Q She wasn't married? A Julia wasn't then, since then she married Musgroves.

STEVEN LITTLE, being first duly sworn, testified as follows:

BY MR. VEASEY:
Q What is your name? A Steven Little.
Q How old are you? A I am 80 years old.
Q Where do you live now? A About two and a half miles northeast of Lenapah.
Q Where was you in the year 1866? A On Snow Creek.
Q Is Snow Creek in the Cherokee Nation? A Yes sir.
Q How do you know that you was on Snow Creek in the Cherokee Nation in 1866? A The Osages told me that was the Cherokee Nation.

Q How do you know it was the year 1866? A Cause I just got out of the army and I come down there to take care of some cattle for Irving and Jackman .
Q Down in the Territory? A Yes sir to take care of 180 head of cattle for Irving and Jackman down on the Caney at Woodruff crossing.
Q What time of the year was it that you came to the Territory?
A I think April 3rd.
Q In 1866? A Yes sir.
Q Did you know Tom Riley in his life time? A I did.
Q Did you see Tom Riley in 1866? A I seed him there and hoped him build a house.
Q Where did you see him? A At my house.
Q On Snow Creek? A Yes sir at my house on Snow Creek.
Q What time of the year? A It was near about this time may be a little before, but it was going into autumn of the year.
Q Tell the Commission about helping him build a house? A He come there to my house and he had two badger hides and my boy wanted badger hides and he cut the logs and he told my boy if he would haul the logs together to that to build a house, he would let him have the badger hides, and he took the oxen and drug the logs and about 4 or 5 or 6 days is when We went there to put up a cabin.
Q Who put it up? A I, myself, Amos Adair, and myself and him.
Q Who is him? A Tom Ridge.
Q Is Tom Ridge the same as Tom Riley? A Yes sir.
Q The same man? A They come to me about Tom Riley and I didn't know anything about him.
Q What sort of a house did you put up for him? A A round log house about 12 by 14.
Q How many rooms? A One.
Q What sort of a roof did it have? A Board roof, I made the boards
Q Did you talk to Tom Riley as to why he was building the house there? A Yes sir.
Q What did he say? A To take a claim there to bring his family.
Q Did he tell you where his family was? A He said they were in Kansas, I heard him say that lots of time but I don't know what town it was.
Q How long did you know Tom Riley after that? A After that I knowed him about ten years.
Q Did he have a fixed place of living or did he move about? A He went from place to place hunting and trapping.
Q You say he did a lot of hunting? A Yes sir.
Q Where did you see him ten years later? A He come to my house going to his sister's.
Q Who was his sister? A Aunt Grannie Nan.
Q Where did she live? A Right across the road from me, the Jess Vann place.
Q Was this in the Indian Territory? A Yes sir.
Q You have never lived out of the Indian Territory since? A No sir not since I come in it.
Q Did you see Tom Riley at any time during these ten years? A I don't think I did, I had forgot him when he come to my house and he asked me if I didn't recollect him and I did and he told me then where he had a place at.
Q Where was he living? A On Caney he said.

BY MR. HASTINGS:
Q How long did you see him about your place in the fall of 1866?
A He was there off and on, he would come and go to where he made a cabin.
Q Did he stay there a week? A No sir not at my house.
Q I mean in the neighborhood? A Yes sir, he stayed there a month.
Q Then he left the cabin did he? A He left that cabin and I never seen him any more.
Q For a bout ten years? A Yes sir and he come to my place again.
Q That cabin rotted down there did it? A I couldn't tell you that.
Q Did you live right near there? A I lived near there.
Q About how far from where this cabin was built? A About two miles.
Q You never knew of Tom Riley living in this cabin after he left there did you? A No sir.
Q The cabin rotted down did it? A I think Lane--it was tore down and made a corn crib.
Q You have a daughter by the name of Mariah French, haven't you?
A I have.
Q And she is an applicant for citizenship? A I don't know.
Q Is Agnes Little any kin to you? A She is a daughter-in-law of mine.
Q She is an applicant for freedman citizenship? A I suppose she is an freedman.
Q You are a colored man? A Yes sir.
Q You never saw Tom Riley except that one time as you claim about a month in the fall of 1866 for about ten years? A Yes sir.
Q You never did see his family in the Cherokee Nation or any members of it except he, himself,? A No sir.
Q He didn't have any of his boys with him at that time? A No sir.
Q He told you his family was in Lawrence, Kansas, when you first saw him there? A I don't know that it was Lawrence, but it was in Kansas somewhere.

BY MR. VEASEY:
Q Did you continued to live where you first made your place for ten years? A I didn't live there ten years, I lived there about eight years.
Q Then where did you move? A I moved on the Neosho and stayed there four years.
Q Was that where you saw Tom Riley? A No sir that was at my old place on the Verdigris.

ALEX BOUDINOT, being first duly sworn, testified as follows:

BY THE COMMISSION:
Q What is your name? A Alex Boudinot.
Q How old are you? A I think I am on the roll about 56.
Q What is your post office address? A Nowata.

BY MR. VEASEY:
Q Where was you living in 1865 or 1866? A In '66 I was in Gibson.
Q Was you acquainted with Tom Riley or Ridge during his lifetime?
A Yes sir, I knowed him good.
Q Did you see him during the year 1866, if so where? A I seen him in Fort Gibson.

Q What time, during the year 1866? A It was along close to Christmas when I seen him there.
Q How long did he stay in Fort Gibson? A He was there a good while in Fort Gibson, he would go away and come back, he didn't stay there all the time, he was there off and on.
Q Did you live with him, how did you know about his whereabouts?
A He lived with me at Spring Creek? A
Q Did he live with you at Fort Gibson? A No sir.
Q When did he live with you on Spring Creek? A I can't call the dates of the years, I think it was along in February in '70.
Q How far is Spring Creek from Fort Gibson? A I think about thirty miles.
Q Can you tell when you moved up on Spring Creek? A I left Gibson in '70 and went to Spring Creek.
Q During the time from 1866 when you first saw Tom Ridge until 1870 when you went upon Spring Creek did you see him during these four years? A Yes sir, Often and on all the time, he would come and stay awhile and then would go away.
Q Do you know where he went? A No sir.
Q Did he have any members of his family with him? A He had his son Joe with him.
Q When you saw him in 1866 did you have any conversation with him regarding his making the Indian Territory his home?
Mr. Hastings: Objected to as heresay and a declaration in interest and therefore inadmissable.
Commission: Objection noted, witness will answer.
A Yes sir.
Q What did he say about it? A Said he had come home to live.
Q Do you know anything about his owning an improvement in the nation any place? A He had a place upon Possum Creek.
Q Did you ever see the place? A Yes sir, he just had a little log cabin.
Q How many rooms to it? A Just one.
Q When did you first see that? A I seen that, I went to Gooseneck Bend in '73, I believe it was.
Q Was Tom Ridge or Riley with you then? A No sir he wasn't, we built and when they moved the family up there he come.
Q You at one time lived at Gooseneck? A Yes sir.
Q And you say he come there after you moved there? A Yes sir and stayed with us, he would come up and go off and I don't know where he went, he would be gone a week or a month.
Q Who did he live with on Spring Creek in 1870? A With me and his sister Granny Nan.
Q You say the first time you saw that cabin was in 1873? A Yes sir.
Q About how old did it appear to be? A It was such an old cabin.
Q The Fort Gibson you refer to in your testimony is the Fort Gibson, Indian Territory? A Yes sir.
Q That is where you first saw him? A Yes sir.
Q That was in December, 1866? A Yes sir, close to Christmas, I don't know dates.

BY MR. HASTINGS:
Q You say you don't know dates very well? A No sir.
Q What year did they make the Kern-Clifton payment? A I can't tell you.
Q What year did they make the Wallace roll? A I can't tell you that date either.
Q What year did the Dawes Commission commence making the roll, what year did you appear before the Dawes Commission to be enrolled? A Last year when they were at Nowata.

Q Last year? A If it was, I don't know the dates.
Q I was asking you if you knew the date? A I don't know the date, I couldn't keep it.
Q It is difficult for you to know one year from the other? A I know one year, but I don't know the dates.
Q What kin, if any, are you to Tom Riley? A Not any.
Q You say this cabin looked like a new cabin when you saw it in 1873? A I said it was old.
Q About how old did it look? A It must have been built about eight months I guess, it wasn't old like logs get when it is built three or four years.
Q That is when you saw it in 1873? A Yes sir, when we moved up to Gooseneck.
Q Wasn't anybody living in that cabin? A Not when I first went.
Q You never saw Tom Riley live in it? A No sir.
Q You never saw his wife or children live in it? A No sir.
Q Are you married? A Yes sir.
Q What year did you marry in? A I married about seven years ago.
Q Do you know what year you married in? A Time of the payment at Sibson, I don't know the dates.
Q Have you any children? A One.
Q What year was it born in? A He is five years old.
Q What year was he born in? A I tell you I couldn't tell the dates.
Q You aren't very good on telling dates? A No sir.
Q When was the first time you ever saw Tom Riley's wife living in the Cherokee Nation after the war? A The first time I ever seen her I was working in Bartlesville when she come home, I don't k know the dates of the week or months, but when I come home she was at my home.
Q What year was that? A I told you I couldn't call the years.
Q What year did you come home from Bartlesville? A I can't tell you.
Q You don't know the years? A No sir.
Q But you saw her at your place? A Yes sir.
Q Did she have some children there? A Yes sir one or two.
Q What were their names? A Dog if I knew what their names was.
Q Don't remember even the names of the children? A No sir, cause I didn't stay around there, I was working at Bartlesville and come home and stay two nights and went back.
Q You don't know the year that was? A No sir.
Q Is Tom Riley living or dead? A I think he is dead.
Q What year did he die? A That is something again I can't tell you.
Q You heard of his death? A I heard he was dead.
Q But you don't know the date? A No sir.
Q You are not very good on the dates of the years? A No sir.
Q Did Mary Riley have a girl when they come there? A Yes sir.
Q Was the girl married? A When they come down there that girl had two or three children.
Q When you was working at Bartlesville and came home, you found Tom Riley's wife and daughter who had married there? A Yes sir she had two or three children.
Q Was George Haselrig along with them? A No sir he wasn't with them, just them women there at that time.
Q They were direct from Kansas then? A I guess so, I don't know.
Q How old was Mary Haselrig's oldest child at that time? A About four or five years old.
Q The next one? A The next one must have been three.
Q And the next, a baby? A Yes sir.
Q She had three then at that time? A Yes sir.

Q And there is no way in the world for you to call that date?
A No sir I can't fix that date.
Q You are not good on the dates of the years? A No sir.
Q What did Tom Riley do there about Fort Gibson? A He wan't doing anything.
Q Just living about? A Just staying around there.
Q You just saw him here and there? A Yes sir.
Q How old was this boy Joe? A He was a grown man.
Q At that time? A Yes sir, bigger man than you.
Q Was he along with his father? A Yes sir.
Q What become of Joe? A He is dead.
Q What year did he die in? A There you commence again.
Q You are not good on dates of years? A No sir I told you.
Q Where did Joe die? A At Bartlesville.
Q How long ago? A It has been a good long time.
Q Then you never saw him for a number of years after that? A I seen him oftener than that.
Q Did Tom Riley ever go back to Kansas and live with his wife?
A If he did, I didn't know it.
Q You was not there to see? A Nosir.
Q You just don't know do you? A If he went back, I don't know it.
Q He might have gone back and you not know it? A Yes sir, but if he did I don't know it.

BY MR. VEASEY:
Q Do you remember the close of the war? A I know when the war closed.
Q Where was you? A I was south with Bill Boudinot.
Q Was that in the Cherokee Nation? A In the Choctaw Nation.
Q How long after then did you go to Fort Gibson? A I come to Fort Gibson in February.
Q Of the year the war closed? A Yes sir, I was out there and this man told me I was freemand could go home and I says, I am going home.
Q Was that the February of the year the war closed or of the year afterwards? A The same year the war closed I come to Fort Gibson.
Q In February before or after the war closed? A In February after the war closed, he didn't tell me I was free until after the war closed.
Q How many months after February of that year was it before you saw Tom Riley? A I saw him in '66 pretty close to Christmas.
Q How do you know it? A We all were to Tahlequah to hear the Treaty read and it said it was in '66, we all marched down there, Ross was chief at that time.
Q You saw Tom Ridge the same year they read the Treaty in Tahlequah? A Yes sir I saw him the same year they read the Treaty.

BY MR. HASTINGS:
Q Which Ross was chief? A Bill Ross, I knowed him good.
Q He was the chief at that time was he? A Yes sir.
Q What month of the year was it? A I don't know it has been so long, I didn't keep it.
Q And you didn't keep the date of the year? A No sir.

BY MR. VEASEY:
Q Did you see Tom Ridge in the Indian Territory once a year after 1866 until 1873? A I seen him oftener than that.
Q Did you see him as much as once a year? A Yes sir.

Q Did you see him every year until he moved to Gooseneck? A I seed him every year until he moved to Bartlesville, his sister and another old lady they called Granny Betsy and this woman, my wife, we all stayed in the same house together.
Q And he stayed with his sister? A Yes sir and now and then he would pick up and go off, he wouldn't tell me where he went, and then he would come back.
Q Did he make his sister's place his home? A Yes sir until he got that home at Bartlesville.
Q What took him away from home so much? A I don't know, I never knew him to work very much.

BY THE COMMISSION:
Q When did you first see this Mary Riley and Mary Hazelrig in the Cherokee Nation? A At Gooseneck.
Q When since the war? A I can't tell the date, it was along sometime way late, way after the time when they were there.
Q Eight or ten years after the Treaty? A I think it was ten years after we went up there.
Q During all this time did you state Tom Riley was living there with you and his sister, did you know where his family was?
A He said his family was in Kansas.
Q Did you say that you saw Tom Ridge in the Cherokee Nation from about 1866 up until 1874 or 1875? A Along there some place.
Q And he claimed his family was in Kansas? A Yes sir, he would come here and I don't know where he would go.
Q You don't know where his family was? A No sir.
Q And you never saw them in the Cherokee Nation until several years afterwards? A No sir, he said they were at Lawrence, Kansas.

BY MR. VRASEY:
Q Did he ever tell you why he didn't bring his family to the Territory? A Yes sir, he wasn't able to.
Q Did he tell you he wasn't able to? A Yes sir, said when he get able to he was going to bring his family home.

TOM WALKER, being first duly sworn, testified as follows:

BY MR. VRASEY:
Q What is your name? A Tom Walker.
Q How old are you? A 80 years old.
Q Where do you live? A At Fort Gibson.
Q How long have you lived there? A I have lived there about 36 years, maybe 40.
Q Was you living there in 1866? A Yes sir.
Q Did you know Tom Ridge or Riley during his life time? A Yes sir I knowed Tom Ridge.
Q Did you see him in the year 1866, if so, where? A I saw him at Fort Gibson at Uncle Johnson Meggs in December, 1866, sometime in December.

BY MR. HASTINGS:
Q What time did you see him there? A It was in the year '66.
Q What time in the year? A In December.
Q You never saw him until December, 1866? A That is the first time I saw him.
Q Was you living at Fort Gibson all this time before that? A Yes sir.
Q You had been living there all the year of 1866? A Yes sir.

Q And you had never seen Tom Ridge there before that? A No sir.
Q About how long did he stay there when you saw him? A A week or two.
Q Then he left did he? A Yes sir.
Q How many years was it until you saw him again, as much as ten years? A It must have been longer than that.
Q Well fifteen years? A I can tell you to make you remember, I never have counted it up, it was the time that Mr. Joel Mayes runed against Benge.
Q That was in 1891 wasn't it? A That was the next time I saw him.
Q You saw him in December, 1866, as you claim and then didn't see him until 1891? A That is right.
Q How near Fort Gibson did you live? A About a mile.
Q You was in Fort Gibson frequently? A Yes sir, sometime I lived closer than that.
Q Just directly after the war where did you live? A About a quarter of a mile.
Q How long did you live within a quarter of a mile of Fort Gibson?
A Until about 1870.
Q And you never did know or see Tom Riley any more after December, 1866, until 1891? A No sir
Q Did Riley have any members of his family with him? A No sir, he didn't have any folks there, he was just by himself, he was Uncle Johnson Meggs uncle.
Q His wife wasn't with him? A No sir.
Q Where was she? A I don't know.
Q Was she on Spring Creek? A I don't know.
Q Was she in Kansas? A I don't know.
Q Didn't have any children with him at all? A No sir just by himself.
Q Did you know any of his children?? A I got acquainted with them after that.
Q What were their names that you got acquainted with, Jos? A I knowed Joe Riley.
Q During the war? A No sir after.
Q When did you first see Joe after the war, did you see him before 1891? A Yes sir.
Q How long before 1891? A I saw him when they were building that Female Seminary at Tahlequah.
Q You mean that new Female Seminary? A Yes sir.
Q You knew that was burned down in April of 1887, don't you? A It was before that when I saw him, they built one there----
Q You mean that colored school? A No a Cherokee school.
Q That Female Seminary in the north part of town? A Yes sir.
Q It was while they were building that that you saw Joe Riley?
A Yes sir he come from Kansas, the way I understand it some man in Kansas had a contract for building it.
Q And he came with him? A Yes sir he was a work hand.
Q Don't you know that the old Female Seminary burned down upon Easter Sunday in April of 1887? A I remember when that burned.
Q That was it wasn't it? A Yes sir.

BY THE COMMISSION:
Q Have you been enrolled by this Commission? A Yes sir.
Q Are you on the 1880 roll? A Yes sir every roll the Cherokees has got.
Q When was it you first saw this man Tom Riley in the Cherokee Nation? A The first time I saw him was in December, 1866.
Q You are positively of that? A Yes sir.

Q How long do you think he remained in Fort Gibson? A About two weeks.
Q Then what you want to testify is that you didn't see him any more until 1891? A Yes sir, I guess it was 1891, I don't remember, it was the time that Mayes runed against Benge for chief.
Q And you don't know where he was during that time? A No sir.
Q You never saw him during that time? A No sir.
Q Did you ever know his family? A No sir.
Q Never knew them at all? A No sir met them, I got acquainted with Joe Riley.
Q Did you ever know Mary A. Riley, Tom's wife? A No sir.
Q Did you ever know Mary Haselrig? A No sir.

JAMES NEAL VANN, being first duly sworn, testified as follows:

BY MR. VEASEY:
Q State your name? A James Neal Vann.
Q What is your age? A 47 years.
Q What is your postoffice? A Choteau.
Q Where was you during the war? A On Grand River.
Q Who was you living with? A My grand mother.
Q Who was she? A Nan Foster.
Q Did you know Tom Ridge or Riley during his life time? A Yes sir.
Q Did you see him during the year 1866? A Yes sir.
Q Where and at what time of the year? A It was along sometime close to Christmas, in December.
Q Where did you see him? A At my grand-mothers.
Q Did you see him at any other time after December of 1866? A Yes sir.
Q Where and when? A On Verdigris about in 1874.
Q Had you seen him any between these two periods? A No sir.
Q Do you know anything about his owning a place in the Cherokee Nation? A Yes sir.
Q Where was that? A On Possum Creek.
Q Did you ever have control or charge of that place? A Yes sir.
Q When? A 1875 and '76.
Q Who put you in control of it? A He did.
Q What sort of a place was it? A A little log cabin and about eight acres in cultivation.
Q How many rooms to the log cabin? A One.
Q What sort of roof did it have? A Boards.
Q Flat boards? A Yes sir.
Q How long did you remain in control of it? A About two years.
Q Did you turn it back to him? A No sir.
Q What did you do with it? A I turned it over to William Woodard.
Q Who told you to do that? A I got a letter from the old man Tom that told me to do it.
Q Did you see him any after you had given up control of the place?
A Yes sir.
Q What year? A Every year after that until he died.
Q Where did you first see him after you had given up that place?
A There at my grand-mothers.
Q When was that about? A '75, '76 or '78.
Q Did he say anything about his family? A Yes sir.
Q Did he say where they were? A Yes sir.
Q Do you know anything about his family finally coming to the Territory? A Yes sir.

Q When was that? A If I mistake not it was about 1878.
Q Where did they come if you know? A There to my uncle's and grand-mothers.
Q What sort of a settlement was that? A A good settlement.
Q What was it called? A Goeseneck Bend.
Q When did your grand-mother move there? A In 1873.
Q Did you move with her at that time? A No sir.
Q When did you come there? A 1874.
Q That was when you saw Tom again? A Yes sir.
Q What became of him after 1878? A They moved out on Caney.
Q Is that the place near Bartlesville? A Yes sir.
Q Where the old lady is now living? A Yes sir.
Q You know Mary A. Riley? A Yes sir.
Q Was she the woman that was said to be the wife of Tom Riley?
A Yes sir.
Q What sort of a fellow was Tom Riley, of a roving disposition?
A He travelled a right smart.
Q How old was you when you saw Tom Riley in 1866? A I don't know I must have been 12 or 13 years old.
Q You don't know exactly? A No sir, I was big enought to drive a team to Kansas.

BY MR. HASTINGS:
Q What year was you born? A I don't know.
Q What year was you married? A In 1874.
Q You never saw him from 1866 until 1874? A No sir.
Q How long did you see Tom Riley in 1866? A He didn't stay at grand-mothers very long.
Q A week? A Yes sir, I guess longer.
Q About what time of the year was that? A Along about Christmas or before.
Q Do you know whether he went back to Kansas or not? A He went up the river, I don't know.
Q Kansas was up that way? A Yes sir.
Q And you never saw him any more until 1874? A No sir.
Q He told your people that his family was in Kansas at the time?
A Yes sir.
Q He never had any members of his family with him? A Not at that time.
Q When did you first see the members of his family in the Territory? A I think it was about 1878.
Q Did you see George Hazelrig and his wife? A Yes sir.
Q That was in 1878? A Yes sir.
Q The year they come from Kansas? A Yes sir.
Q How many children did Mrs. Hazelrig have then? A I think three.
Q They were born in Kansas? A Yes sir, I think so.
Q George Hazelrig was a state raised man? A Yes sir.
Q He had never been in the Territory before? A Not as I know of.
Q Their mother, Tom Riley's wife, had remained in Kansas until 1878 so far as you know? A Yes sir.
Q You turned that cabin over to William Woodard? A Yes sir.
Q What finally became of it? A The best of my understanding George Lane got hold of it, but I don't know how.
Q Who broke out that 8 or 10 acres? A I couldn't tell you.
Q Tom Riley didn't did he? A I don't know, it was there when I moved there.

Q Tom wasn't there when you moved? A No sir.
Q He was in Kansas? A I don't know.
Q Didn't he write you a letter from Kansas to give this place over to Mr. Woodard? A Yes sir about 1876.
Q He wrote you from Lawrence? A Yes sir he had been there, he made a crop with my grand-mother.
Q You didn't see that? A Yes sir I did.
Q You said you didn't see him from 1866 until 1874? A Yes sir I said so, but you didn't ask me how long after that that I saw him.
Q How long was it? A He stayed there with my grand-mother in 1876 and made a garden.
Q Did he come from Kansas down there then? A I don't know.
Q Did he tell you his family was in Kansas? A Yes sir.
Q When he wrote about this place he wrote from Lawrence, Kansas, did he? A Yes sir.

BY MR. VEASEY:
Q Do you know why he was making that crop at that place? A Yes sir.
Q What was it? A For his family he said.
Q What do you mean by that? A So that when they came it would be something for them to go on.
Q Are you on the 1880 roll? A No sir.
Q Did you ever have a conversation with Tom Riley about his being on the 1880 roll? A Yes sir.

BY THE COMMISSION:
Q Are upon any one of the rolls of this Commission? A Yes sir.
Q Has your enrollment been approved by the Secretary of the Interior? A No sir.
Q You are an applicant for citizenship here before the Commission?
A I got a straight card when they enrolled me.

The hearing of this cause was here adjourned until

November 15, 1904.

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NOVEMBER 15, 1904.

APPEARANCES:
For Applicants, Hutchings, Murphy & Veasey.
For Cherokee Nation, its attorney, W. W. Hastings.

MARY E. ACHER, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:
Q What is your name? A Mary E. Acher.
Q What is your post office address? A Lawrence, Kansas.
Q How old are you? A 61 last June.
Q How long have you lived in the vicinity of Lawrence, Kansas?
A Since April of 1866.

Q Where were you living during the war, did you live in the town?
A During the war I lived in Illinois, in 1865 my father moved to Kansas the 12th day of October, he landed in Coffee County, Kansas.
Q Is that the county in which Lawrence is situated? A No sir in the spring of 1866 we moved. April 1, 1866 we moved to Lawrence.
Q Did you move to the town? A Yes sir, April 1, 1866.
Q How long did you continued to live in the town? A I lived there from April 1st to October 1st and then we moved in the Delaware reservation.
Q What was your father's name? A C. C. Coble.
Q How long did you live upon the Delaware reservation? A I lived there from October 1, 1866 until June, 1867.
Q Where did you move then? A Back to Lawrence.
Q Had you married in the meantime? A Not until 1868, March 4th.
Q How far was this Delaware reservation from Lawrence? A About four miles.
Q Across the river? A I lived on the north side and didn't cross the river to get there.
Q Near what river? A Kaw River, it rns right through Lawrence, and I lived on the north side.
Q Did you know a colored man by the name of Tom Riley? A I did.
Q Did you know his wife, Mary? A Yes sir.
Q Where did you know them? A I knew them on the Delaware reserve, I engated Mary Riley to do our family washing there, October last or fist of November, 1866.
Q Did they live there? A They lived on the Indian reserve, yes sir, right at the foot of Sarcoxie hill.
Q Had you known them before? A No sir that is the fist year that I saw them.
Q Did they have any other members of the family? A They had a daughter, I remember very well they called Sis, I don't know her other name, and a son called Bony. They called the girl Sis, I was extraordinarily acquainted with the old lady because she sister belonged to us.
Q You knew her husband? A Yes sir, I knew him.
Q How long did you continue to know Tom Riley and his wife? A I knew them right along from the time of November 1st or October last 1866 until June, 1867, then I moved back to Lawrence and I knew no more of them until I was married and moved again on the Indian reserve.
Q When was you married? A March 4, 1868.
Q And then did you move back to the Delaware reserve? A I married and moved back to John Sarcoxie's house, he was the Chief of the Delawares.
Q Did you find Tom Riley and his wife there then? A Yes sir they had moved from the little house he lived in across the road.
Q About how far had he moved? A Not over a quarter of a mile, may be not that far, just a little ways from where I lived. Mrs. Riley was in my house on the date after I went to house keeping and I saw them from then on.
Q Did you see the husband frequently? A Yes sir and the boy.
Q How long did you continue to know this family after you was married? A I moved away from there March, 1870, and I didn't know anything of them after that, I lost trace of them then. I moved back to Lawrence and am living there yet.

Q Did you see them any time after that in Lawrence? A I don't remember that I did, I don't remember.
Q Do you know whether they had moved over to Lawrence before you left or not? A It seems to me that I left them on the reserve, I moved in the spring.
Q Did Tom Riley live there with his wife all this time? A He did, they lived all together to the best of my knowledge.
Q Did you ever miss him from his family any length of time? A No sir I never heard of it if he went away.
Q You say the woman did your family washing? A Yes sir did my father's family.
Q Did they wash for you after you was married? A Yes sir, one time, she washed some bed clothes for me after I married.
Q About how far did they live from you before you was married?
A About three quarters of a mile, I lived on Turkey Creek and they lived on Mud Creek, I think about three quarters of a mile.
Q How far did they live from you after you was married? A Couldn't have been over a half mile or three quarters of a mile at the outside.
Q And they lived there all the time you stayed? A All the time I stayed there, they lived at these two places.

BY MR. MURPHY:
Q What is your age? A 61.
Q When was you first married? A 1868.
Q In what year was you born? A 1843, wouldn't that make me 61 this last June or would it.
Q You was how old when you was married? A I was married March 4, and I would have been 25 on June 16th.
Q Who was it that washed for you after you returned to Lawrence in 1868, after this woman, the wife of Tom Riley washed for you once?
A Mrs. Riley washed for me once after I married.
Q Who washed for you then after that? A A woman by the name of Fenimore.
Q How many times did she wash for you? A All the time I lived on the reservation.
Q Do you now remember how many times this Mary Riley washed for you before you went away? A She was our regular wash woman in the fall of 1866 and the spring of 1867 until June.
Q What month in 1866 did she commence working for you? A In November.
Q What day in the month? A I can't call the day, either the very last of October or first of November.
Q Is there any other fact that you can recollect in October or November, 1866, 38 years ago? A None only that she was our general wash woman when we wanted washing done.
Q Did you have any other servants? A None.
Q Have any one else working for you? A No sir.
Q And she lived three quarters of a mile from you? A As near as I can remember, yes sir.
Q What was the business of your father? A They had a contract of getting out ties for the Southern Kansas Road.
Q You lived in the timber? A Yes sir.
Q Were there other negroes in the vicinity? A There might have been, I wasn't acquainted with them then.
Q How did this Riley spell his name? A I can't tell you about that for I don't know, they went by the names of Tom and Mary Riley.
Q Which was the older, Tom or Mary? A I couldn't say that for I am not good at judging ages, I suppose he was the oldest, he was quite an old gentleman.

Q How old was she? A I couldn't say just how old, her children were grown nearly.
Q He never worked for you? A None but the old lady.
Q Anf they lived three quarters of a mile from your home? A Yes sir.
Q What was he doing? A I suppose just general work.
Q You don't know what he was doing? A No sir, just working around.
Q How far did you live from the Indian Territory line? A I don't know.
Q How far? A I don't know, I lived about four miles from Lawrence.
Q What county is that? A Douglas County.
Q Did this man Tom Riley ever go by the name of Tom Ridge? A Not to my knowledge.
Q Do you recollect the name of any other colored family in that neighborhood at that time? A A family by the name of Spence Bell, but in my girlhood I didn't know them.
Q You didn't assofciate with these people? A No sir.
Q He may have worked at different places and distances from his home? A He might have, I didn't keep trace of him.
Q You was concerned of her? A She was the one I knew best.
Q Wasn't he of a roving nature going about the country and hunting and fishing? A I don't know she was the one I knew most about.
Q Fomx aught you know he may have been away for several months at a time? A I don't know whether he went or not, I didn't keep trace of the family.
Q There were many people in the locality that you was acquainted with as well as this family? A No sir not much.
Q There was a neighborhood of people there? A No sir, mostly Indians and the colored people.
Q How many white families in your immediate neighborhood? A Only one that I remember.
Q You didn't keep in touch with the Indians and colored families there? A No sir not much.
Q You was not concerned whether Tom Riley was in the Indian Territory, Nebraska or Missouri? A No sir.
Q So far as he was concerned he was a great fellow to be away from home wasn't he? A I couldn't say about that, I never remember of her saying he was away.
Q Did you ever hear them discuss their rights aw Cherokee freedmen?
A No sir.
Q You knew he was in the army? A If I knew it, I have forgotten it
Q Whether he was or wasn't you remember about the soldiers coming there do you in 1865 or 1866? A I wasn't there in 1865.
Q Well 1866? A I remember about the soldiers camping at my place but it seems to me it was later than that, I know it was, it must have been in the fall of 1868.
Q The soldiers returned from the war in 1868? A They were going to Fort Riley.
Q I am speaking of the soldiers engaged in the war between the states? A I don't know about that.
Q Tom Riley didn't concern you at all? A No sir.
Q He may have come to the Indian Territory and stayed several months for aught you know? A I don't know anything about that.

BY MR. HASTINGS:
Q You never did miss him from up there? A No sir I never heard of his being away.

BY MR. MURPHY:
Q And yet that might have occurred and you were not concerned about this colored man? A Not very much.
Q He may have been away six months and you not remember it? A I didn't keep trace of him.
Q He might have been away fro six or eight months for aught you know? A Yes, but I never heard of it.

BY MR. HASTINGS:
Q You never missed him away from there at any time? A No sir.
Q And if he was away you never heard her speak of it? A No sir.

DAVID ACHER, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:
Q What is your name? A David Acher.
Q Are you the husband of the lady who just left the stand? A Yes sir.
Q When was you married to her? A On the 4th day of March, 1868.
Q Where had you lived previous to that time? A My home was in Lawrence, Kansas, but I was through the country a great deal at different places.
Q How far did your wife's father's family live from Lawrence at the time you married? A About six miles.
Q Was that section of the country designated by any name? A They lived at what was called Fall Leaf at the time.
Q Was there any Indian reservation out there? A It had been extinguished at that time, I think the title was extinguished about 1864 or 1865.
Q After you was married in 1868 where did you go to live? A We moved into a house near Mr. John Sarcoxie.
Q Who was he? A A Delaware Indian.
Q Was there any Delaware land there? A The title had been extinguished but they hadn't got away. He was expecting to go away from there and come down here.
Q You went to live there with him? A Yes sir we went into the house with him, and were there ten or twelve days before they got away.
Q Did you know a colored man by the name of Tom Riley? A I knew the Riley family, that was the name they were supposed to go by.
Q Did you know him by that name? A I don't know that I heard that name mentioned, they called him old man Riley.
Q Did you know his wife's name Mary? A No sir.
Q Did you know the other members of his family? A I knew a young man who went by the name of Bony Riley, and a young lady that generally went by the name of Sis Riley at that time, I don't know what her real name was.
Q When did you first learn to know this family? A I heard of them as soon as I moved into the neighborhood, they lived on the same piece of land I was going to farm, probably three quarters of a mile from where I lived to where their shanty was, I didn't go there until April or May.
Q Of what year? A 1868.
Q But you found them living there in March, 1868? A Yes sir.
Q About the month after you moved there? A Yes sir, sometime along in April or May after I moved.

Q You found them living there? A Yes sir, in a shanty about four miles east of Lawrence.
Q How long did you continue to know old man Riley, and his family living there? A They were there when I left the place in the latter part of March, 1870, we moved back to Lawrence.
Q Did you have occasion to see old man Riley before during that three or four years? A Yes sir I saw him frequently.
Q How far did you live from him? A About three quarters of a mile.
Q You think you left him there when you moved to Lawrence in 1870?
A I am pretty sure the family was there.
Q Do you remember seeing the old man himself frequently? A I can't say positively that I saw him every time I went by there, I went down occasionally in the woods getting some cord wood cut, and the railroad went by the shanty pretty close, probably eight or ten rods, sometimes I would see the old man about the shanty and sometimes I wouldn't.
Q Did you ever miss him or know of his running away from that neighborhood during that time? A No sir I never heard of it, I never heard anything about it.
Q If he ever left during that time you never knew of it? A No sir.
Q Your attention was never called to it if he left? A No sir, I never had any particular business with the family.
Q And you never missed seeing him for any length of time?
Mr. Murphy: Objected to as slightly leading and suggestive.
Commission: Objection noted, witness will answer.

A No sir, I don't think I did, I don't know that I saw him every time I passed by there.
Q But your attention was never called to his being gone? A No sir.

BY MR. MURPHY:
Q When did you first know the Rileys? A Along about April or May of 1868.
Q When was you married? A On the 4th of March, 1868.
Q And shortly after that you knew of the Riley family? A Along sometime during the next month or so.
Q You say that was about four miles from Lawrence? A The shanty was about four miles.
Q How far did you live from them? A About three quarters of a mile.
Q Nearer to Lawrence or farther away? A Neare to Lawrence, they were southeast from the house where I lived.
Q When you went to Lawrence you didn't go by this place? A No sir.
Q Lawrence was your marketing place and trading place? A Yes sir.
Q The only one in that country? A Yes sir.
Q You didn't have to go by his place to Lawrence? A No sir.
Q You didn't have occasion to go by his place frequently? A I don't know just how frequently it was, I was taking charge of all timber there for the parties that claimed the place.
Q Tom never troubled the timber did he? A Not so much the timber as the cord wood.
Q Was he much of a worker? A I don't know about the old man, I never saw him work.
Q You was more concerned about the woman, was you not, Mrs. Mary Riley? A I don't know as I ever saw her.
Q Didn't she wash for you people? A She washed for my wife's folks before I was married .

Q Did she ever wash for you after you was married? A No sir.
Q Never did? A No sir, we didn't have any darkey with the family.
Q You never had them around at all? A No sir.
Q You knew the family lived there just as other families lived there? A Yes sir, just passing around.
Q Of course this colored family didn't move in your society at all?
A No sir.
Q Tom Riley was kind of a fisherman wasn't he? A I don't know.
Q Never could find out? A I don't know as I ever heard any one say whether he did anything of the kind or not.
Q You didn't know just when he went away from home and come back?
A No sir.
Q For aught you know he might have gone to the Indian Territory, Cherokee Nation south of where you lived and built him a house there and stayed a few months and returned without you knowing it? A It is possible, I don't know, I never kept any track of him, what he was doing.
Q You knew the woman and Bony and the children more than you knew him? A I knew them all just about the same.
Q Isn't it a fact that you have recalled the names by becoming refreshed since rather than remembering it through the 38 years?
A I have never thought very much of it in fact never thought anything of the family until my memory has been refreshened in regard to it.
Q You don't remember the names of any other colored family and children that lived there 30 years ago? A No other colored family lived on the place.
Q But in the neighborhood? A There was a family by the name of Bell lived there.
Q Did you know his first name or any of the children? A Spence Bell.
Q But the children? A They had no children.
Q Do you remember his wife's name? A No sir.
Q Do you remember the Sarcoxies? A Yes sir.
Q What were their names? A I don't know, the old gentleman's name was John Sarcoxie, he was the one I lived in the house with, I don't know what his wife's name was.
Q And they lived in the house with you? A Yes sir.
Q How long? A About ten days, from the 4th of March until, I think about ten days.
Q You don't recall the woman's name that lived in the house with you, the colored woman's name? A All the name I ever heard for her was Ann.
Q They were Indians? A Sarcoxie was pretty near white.
Q You didn't know Tom Rile in 1866 or 1867? A I didn't.
Q For aught you know he may have spent those two years in the Cherokee Nation? A Yes sir he might have been away from there, I had no knowledge of the family up until the time I moved there.
Q You didn't know them yourself until 1868? A No sir.
Q Did you know of any other Riley's in that country, colored people?
A I think not.

W. R. SMITH, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

BY MR. HASTINGS:
Q What is your name? A W. R. Smith.
Q What is your age? A 71 years past.
Q What is your post office address? A Lawrence, Kansas.

Q How long has Lawrence, Kansas, been your post office? A Since 1896.
Q Where did you live during the war and the first few years after the war? A During the war I lived in Coffee County, Kansas, entered the service there.
Q And where did you live at the close of the war? A In 1866 I moved to Lawrence, Kansas.
Q How long did you continue to live in Lawrence at that time? A Lived there about a year and a half.
Q Where did you go to from Lawrence at the end of the year and a half? A I went to Leavenworth County on the Delaware reserve.
Q How far was that from Lawrence? A About four miles.
Q About what time did you move out to this Delaware reserve? A I moved there the first of April, 1868.
Q Out on the Delaware reserve? A Yes sir.
Q Did you afterwards move to town? A Yes sir, but the next move I made was two miles northeast of there and I lived there until 1896.
Q You said about a year and a half after 1866 you moved out on the Delaware reserve? A Yes sir, I moved April 4, 1868.
Q Did you know a colored man by the name of Tom Riley? A Yes sir.
Q Did you know his wife? A Yes sir.
Q When did you fist learn to know them? A In the spring of 1867, a year before I moved there, they were then living at that point.
Q At what point were they living? A About four miles east of Lawrence at Sarcoxie Hill.
Q How did you come to know the Rileys in 1867? A I leased a peace of land from the Sarcoxies and cultivated a crop on their lands in the summer of 1867, and that is when I got acquainted with them.
Q How far did they live in 1867 from the land you leased and cultivated? A About a quarter of a mile.
Q You say then that you moved out there in 1868? A Yes sir.
Q And you say the Rileys had moved what distance in the meantime?
A Yes sir, about a half mile further down in the timber.
Q How far did that make them from where you moved to? A About three quarters of a mile.
Q Did you move out upon this same land you had cultivated in 1867?
A Yes sir the land I cultivated was the Sarcoxie homestead, that particular eighty, but there was another large tract of land a gentleman in Lawrence had control of and I had the two in connection.
Q You had supervision over them? A Yes sir from sometime in 1868.
Q Up until when? A Until 1873, about five years.
Q You say that you knew old man Riley out there in 1868 when you moved out? A Yes sir they were right at those two place all that time.
Q Did you know any other members of his family? A Yes sir.
Q Did you know their names? A There was one boy called Bony, he went there by the name of Bony it was said his name was Allen, but I never knew him only by Bony a boy from 16 to 19 years old.
Q Did they have any girls? A Yes sir had one called Sis.
Q Did they have any other boys that you recall? A Yes sir I remember one morning I dropped there on business with the old man and I saw a younger one than Bony sitting on a log there, and I saw him at different times around, and it was generally understood that he was a member of the Riley family, and I think there is another but I am not sure.

Q Did old man Riley ever work for you? A No sir, he may have done odd jobs but I don't recall that he did.
Q He never did any continuous work for you? A No sir he was a tenant on the place there.
Q Cultivated a crop? A A little crop, yes sir, ten or twenty acres.
Q What year was that? A In 1868 and 1869.
Q Do you know whether he cultivated a crop in 1867 or not? A He didn't have much of a crop, he had a patch he leased from the Indians.
Q And he cultivated a crop in 1868? A Yes sir in 1868 and 1869.
Q Did you have occasion to see him frequently? A Yes sir every day almost.
Q Did you ever hear of his being away from there during those years of 1867 frequently, of 1868 and 1869? A It was possible for him to have been away a week or few days, but not more than that.
Q You never missed him away from there? A No sir, understand me, he may have been gone for a few days, I can't recall it now.
Q Do you know where this family went to from there? A They went to Lawrence.
Q Did you ever afterwards see him in Lawrence? A Yes sir he and the boy Pony at different times.
Q Do you know how long you continued to see him in Lawrence? A Not positively but some two or three years I should think.
Q You never was at their home in Lawrence? A No sir.
Q How far did they cultivate land from where you did in 1868 and 1869? A It was only a short distance, the owner of the land had laid it off in ten acre blocks, and he had one or two blocks.
Q A part of this same land you had supervision over? A Yes sir, I cultivated a crop there myself.
Q And he had part of the same land that belonged to the same man?
A Yes sir.
Q What is your occupation? A Farmer, of course I haven't done much of it in the last six or eight years, I live in town.
Q Was you in the army? A Yes sir.
Q The Union army? A Yes sir, put in three years.
Q Are you a citizen of the United States? A Yes sir I think I am, I feel that I am, if I am not I am without a home .

BY MR. MURPHY:
Q What is your name? A W. R. Smith.
Q When did you return from the army in the war between the states?
A Mustered out at Leavenowrth in November, 1865.
Q Were there a number of returning companies and regiments there mustered out? A Yes sir several.
Q Were there any in 1866? A That is quite possible, I can't recall it and my location would not have given me an opportunity to know, I can't answer but probably there was.
Q Was you acquainted with the soldiers who fought on the Union side from the Indian Territory and know where they were mustered out at the close of the war? A I know one colored regiment.
Q From the Indian Territory? A No sir not from the Indian Territory.
Q Do you know of any of the colored people who fought on the Union side being mustered out at Leavenworth, Kansas, about 1865 and 1866? A I know one regiment that was organized in Kansas.

Q Do you know the colored soldiers that fought on the Union side, were they mustered out at the close of the war, those from the Indian Territory? A There may have been colored soldiers there in this regiment that belonged and I think were in the 79th, there were some I presume from this Territory.
Q From the Cherokee Nation? A Yes sir and other nations in the Territory.
Q They would naturally enlist there and be mustered out there?
A Yes sir those were mustered out at Leavenworth in November, 1865.
Q You didn't know this man Riley and his family until 1867? A The spring of 1867.
Q Where was you living at that time, when you first knew them?
A In Lawrence.
Q How far from Lawrence were they living? A About four miles.
Q How often did you see them during the year 1867? A I couldn't answer exactly, but some weeks every day most.
Q Was you running around in that neighborhood at that time? A Yes sir , from the Sarcoxies in the summer of 1867, I made my residence in Lawrence.
Q This man didn't work for you did he? A I don't recall it.
Q Don't you recall his son Bony and the women people did the most of the work there around the home on this little tract of land they cultivated? A They did the work I presume, of course.
Q The old man didn't do much did he? A He done to my recollection about as much as any, but when it come to cultivating that tract of land, the old gentleman didn't do much of that I think.
Q He was more of a rambling nature, didn't he do hunting and trapping? A I don't recall it though it might have been.
Q You didn't have such relationship with these colored people that you would know of their going in and coming back? A They might have been away from there a week at a time, but I don't recollect it.
Q The family might have lived there, the boys and girls be there, and the old man away for months and you not know it? A I don't think that was probable.
Q And during the year 1868 that might have been true wouldn't it?
A I don't think so.
Q They lived farther from you in 1868 a half mile, and you didn't see them so frequently? A I don't think there was any difference.
Q But they had moved farther away from you a half mile? A Yes sir.
Q And lived there in the timber? A Yes sir.
Q You didn't know anything about this man Tom Riley in 1866? A No sir.
Q Nor during January, February, March and April of 1867? A Not until the crop season of 1867.
Q Mr. Tom Riley might have been down in the Indian territory in 1866 and up to probably as late as April, 1867 for aught you know? A I couldn't answer that, I don't know.
Q There was no occasion for your knowing of his coming away and going back any more than any other colored family that lived near? A No sir, after they left there in 1870 as I stated before I only saw the old gentleman and the boy occasionally for two or three years in the city.
Q And he might have during that time had a home in the Indian Territory with his sister and been down in there and returned? A He might have done that after 1870 after he left the farm.

Q He may have been away all of the year 1866 and up to April, 1867, and they may have been away for months at a time in the latter season you knew him in 1870? A No not for Months in 1870.
Q Two or three months? A I think that wasn't possible.
Q Where was you living in 1870? A At this same place.
Q When did he move to town? A In the spring of 1870 to my best recollection.
Q Then there was two or three months at a time that you didn't see him? A Yes sir.
Q In 1866 you didn't see him at all? A No sir.
Q Then up until the early spring of 1867 you didn't know him?
A No sir.
Q During the time prior to your knowing him in the early spring of 1867, he could have come to the Cherokee Nation, Indian Territory? A I don't know anything about that.
Q If he moved to town in 1870 and you lived in the country he could have come to the Territory and been here at various times for two months at a time and you not know it? A After 1870 I only saw him occasionally.
Q And during that time he may have come here? A Yes sir and ~~xxxxx~~ ~~xxxxxx~~ spent a great deal of time in the Territory so far as I know, I saw him occasionally up there after 1870.
Q Do you recall any other colored family in the neighborhood at that time? A I don't know that I can, there was a colored family by the name of Andrew Barnett.
Q Did you know his wife's name? A No sir.
Q His children? A No sir.
Q Or when he moved? A No sir.
Q Or how long he lived in one place? A He was there, and I am able to recall another colored family.
Q You don't remember the name of any other? A One other colored tenant there I believe.
Q Do you know of the son of this man Riley by the name of Joe?
A No sir, I have heard ofhim but never knew him.
Q He didn't stay at home? A I don't recall him, he certainly couldn't have been there without me seeing him, there was another son ~~xxx~~ but I don't know whether he was a stepson or not, I think there was another one that belonged to the wife.
Q He didn't stay at home? A I don't recall seeing him.
Q Did you know a daughter about ten or twelve years old at that time by the name of Mary? A No sir, I only recall one and she went by the name of Sis, her age I don't know, she worked around for people, I think perhaps she was a seamstress.
Q That daughter? A Yes sir.
Q How old was she? A She must have been anywhere from 17 to 20, I don't know, I can't recall her age.
Q When did you first recall this old instance of 30 years ago?
A Some people dropped down in our town.
Q Who were they? A Mr. Paramore.
Q Coming there with reference to your testimony in this case?
A Interviewed me, yes sir.
Q And your recollection has been largely refreshed by talking it over since that time? A It was all very vivid to me at the start except one item, my memory may have been refreshed on that point, that is the date of Riley's leaving, 1869 or 1870, at first I doubted whether it was 1869 or 1870, but I am now satisfied that it was 1870.

Q When you was first interviewed about it you had, however, to be refreshed before you could recollect these old matters? A In so far as cultivating that crop in 1867 on the Sarcoxie homestead and at the time that they left. They left that locality under circumstances that would cause me to remember it all my life, I didn't need any refreshing on that.
Q Are there any other parties that you recall that happened about that time that happened with reference to any other colored family that you can now name? A No sir, I can't recall another colored family that was on that tract of land at that time except this man Barnett.
Q I mean in that vicinity, neighborhood? A Yes sir, a little later on about that time there was a colored fellow that lived in the neighborhood by the name of Bell.
Q Did you know him yourself? A Yes sir.
Q What was his wife's name? A I don't recall it.
Q How many children did he have? A I don't know, they had some.
Q Do you know the names of the Children? A No sir.
Q Do you remember when they moved into that neighborhood? A No sir not positively, might have been 1868 or 1869.
Q And do you know how many acres of land he cultivated? A No sir he wasn't on this tract of land.
Q Do you remember when he moved away? A No sir not positively yet that old fellow did some work for me.
Q How frequently did you see his family? A Not often.
Q How many people have you talked over these old matters with since 38 years ago, since you have thought of coming here to testify?
A Not but two and that very limited.
Q Some of the neighbors? A Mr. Acher and wife, they are relatives of mine.
Q You exchanged views and recollections about it? A On nothing where there was no disagreement except in 1868 or 1869 at the time they left.
Q Did you recall readily these names of the children? A I recalled the one known as Bony, I came in contact with him.
Q You recall Sis? A I remember seeing her.
Q And you recalled the name of the wife of Rile? A I would not swear that Mrs. Riley's name was Mary ot any other name, she was there but I don't recall her name.
Q The fact is that you hadn't thought of this matter for 38 years?
A Yes sir, there had been two or three times in that time meeting up with parties who had lived there and we talked of this old matter but not except in a general way.
Q You would not discuss the relationship of a colored family in meeting your old friends there? A Not likely to but I know of an incident or two in this case that we would be liable to do it but I don't recall that we ever did.

BY MR. ARTNESS:
Q What special incident was it about their moving that you recall would cause xx them to move? A The conduct of the family, what you might call business management was such that all citizens, especially on the part of the young man, the citizens of that neighborhood could not stand it.
Q In other words it was an objectionable family? A Yes sir.
Q Did you ever hear old man Riley speak of where he came from?
A I can't recall that I did.
Q Did you ever hear him say to whom he belonged? A I never did.

BY MR. MURPHY:
Q This objectionable feature you speak of had reference to the boy did it not? A Yes sir.
Q And not to the father or mother? A Just the boy, the father shielded him.
Q The father or mother did nothing that was reprehensible that you wanted to get rid of them? A As a matter of fact I don't know any bad act on the part of the old people but they upheld the boy, kept him there.
Q Most parents do that? A It is right to a reasonable extent I presume, it is a natural propensity.

BY THE COMMISSION:
Q Will you give me an idea as to the first time you got acquainted with them, what time of the spring of 1867? A Along in the month of April.
Q That is your best recollection? A Yes sir.
Q You knew them out there four miles from Lawrence until 1870?
A Yes sir.
Q That is what you want to testify is it? A Yes sir.

RACHEAL WARE, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Rachel Ware.
Q What is your post office? A Lawrence, Kansas.
Q How old are you? A I don't know exactly they didn't give it to me when I was young and I didn't get it.
Q You was a slave before the war? A Yes sir, a child.
Q Did you live in Lawrence during the war? A No sir.
Q When did you come to Lawrence? A I come right after the raid had here had at Lawrence.
Q Was you there at the close of the war? A Yes sir.
Q Have you lived in Lawrence ever since? A Yes sir, this book will tell you how long I have lived there.
Q This bible? A Yes sir.
Q Did you know a colored man and his family whose names was Tom Riley? A Yes sir.
Q Did you know his wife? A Yes sir.
Q What was her name? A I just don't exactly know her name, but I knew them, I know the childrens names.
Q Did they have some children? A Yes sir.
Q What were their names? A One Pony, one was named Mariah, they call her Mary here I understand, and they had one named Bettie and one named Joe Riley.
Q Where did these people live when you first became acquainted with them? A They lived over the river but I don't know just where over there.
Q Did they ever move to Lawrence? A Yes sir they moved to Lawrence but where they moved from I don't know, they moved to Lawrence from over the river.
Q How far from you did they move when they moved to town? A Right in my house when they moved.
Q You had seen them before had you? A Yes sir I had see them before.
Q How long had you see them before that? A Quite awhile but didn not keep account of the time.

Q But when they moved to your house you did keep account of it?
A Yes sir.
Q You don't know anything about this,?X A No sir I didn't cause I didn't keep account I could have but didn't do it.
Q Is there any record or anything by which you can tell when the Rileys moved into your house in Lawrence? A I tell you I don't know the exact date they moved in my house, but I know when they moved, they didn't stay there long only until they could get a house, about a month or something like that, we had two rooms and I let them in my house.
Q You say you have some data by which you can tell when they left there? A Yes sir.
Q What is that? A I will tell you when they left my house, my child was born, about seven months old, and it was sick and when they moved out it died in a week after they moved out, and it is right here, I had everything put down about my children and marriage in my bible.
Q And that child was alive when they were there? A Yes sir.
Q And it died in a week after they left? A Yes sir.
Q Did you have put in this bible the date of the death of your child? A Yes sir.
Q What was the name of that child? A Frederick Ware.
Q Can you read? A No sir.
Q Is this record in your bible here? A Yes sir and it is correct.
Q This is your family bible is it? A Yes sir.
Q Was this date placed in there about the time of the death of the child? A Yes sir it was placed in there then.
Q And the record that is in this bible here is the record of the death of this child that you refer to? A Yes sir.
Q Can you read it? A No sir.
Q But that is the record? A Yes sir cause I got it put down straight.

Mr. Hastings: I desire to offer in evidence the bible referred to by the witness and ask that the record of the date of the death of Frederick Ware, the child referred to, be copied and made a part of the record in this case.

Mr. Murphy: The attorney for the applicant asks permission before the record is received to cross examine the witness with reference to this bible.

Commission: All right go ahead on that proposition.

BY MR. MURPHY:
Q Who wrote this in this book? A The minister, I don't know whether it was Lee or not, it has been quite awhile.
Q What was this childs name that died about this time? A Frederick Ware.
Q You don't remember who wrote this in here? A Not exactly I had a minister do it.
Q Do you recall the name of the minister? A I can't remember that hardly, I don't think of that.
Q It is the one you had before you came down here is the minister that entered this? A He isn't here I could have gotten his name but he is gone now.
Q How many years has he been gone? A Quite awhile.

Q How long after this child died did he put this down here? A right away after it died.
Q Did you have these other entries made in here at the time you made the first one? A No sir only as they come.
Q You had some entries made here about another child that died?
A That was Leather.
Q Was that entered at the same time of the other? A No sir Ella first and Freddie next.
Q Who entered theone as to Leather? A I don't know what minister.
Q The same one as about Frederick? A No sir, he was gone then.
Q And who made the entry about Ella? A I forgot who he is.
Q How long have you had this bible in your possession? A I got it right after the first child was born, and that is Ella.
Q Do you know whether he wrote it in there properly or not? A Certainly I do.
Q How do you know? A I got it from the lady who waited on me and she had it put down that day.
Q But you don't know what is in that bible? A No but I got it, the other people at home to show it is the same.
Q You have never been able of your own knowledge to determine whether that entry ias to the death of this child Fred is correct?
A I can't but I should have called at the Court House and got it.
Q Well you don't know of your own knowledge whether that entry in there is the date of the death of your child? A Yes sir, it is.
Q How do you know? A I have had it read over to me by different ones.
Q Do you remember when your child died? A I had it put down.
Q What date was it? A The day is in there, I was particular to have it all put down, my brains would not remember it and I had it all put down in the bible so it could be remembered.

Mr. Murphy: We object to the introduction of the record as not being sufficiently identified.
By the Commission: The record as introduced by the Attorney for the Cherokee Nation is taken from the bible identified by the witness and reads as follows: "Frederick Ware departed this life Jan. 18th, 1870."

BY MY HASTINGS:
Q You speak of the Rileys leaving your place about a week before the death of this child, do you know where they went? A Yes sir, they went the second Week from me up to Mr. Jenkins.
Q Did you know them after they went up there? A Yes sir, in the house a many a time and they were back to mine cause I was kind enough to let them stay in my house.
Q How long did you continue to know this family from that time? A
A Until they came away down here, went away from there any how.
Q Did this girl marry? A Yes sir, married George Haselrig, the one I called Mariah.
Q Did you know the correct name of that boy they called Beny?
A They called him Allen but the nick name was Beny.
Q And he was always called by that name? A Yes sir.
Q About how many years did you continue to know them in and around Lawrence from the time they first lived in the house with you?
A Around and about, it was 15 years I know.
Q Did you see old man Tom Riley frequently during that time? A
A Yes sir all the time often and on.

Q Did you ever hear of him being away from there any considerable length of time? A No sir.
Q You never knew of that? A No sir.
Q You say they had a boy named Joe? A Yes sir he was the oldest boy I guess.
Q And they moved up next to Mr. Jenkins? A Yes sir, second block from me up there on the hill.

BY MR. MURPHY:
Q What was the father's name of Beny? A His name was Joe Riley, they called him Joe, old man Joe Riley.
Q He was the man that lived there for 15 years? A Yes sir.
Q What was the mother's name? A I have slipped her name somehow or other, not paying attention, I don't know exactly what her name is, forgot it that's all.
Q What did this Joe Riley do that you spoke of? A The old man.
Q Yes? A He just nocked around and about and worked for Mr. Jenkins.
Q Did he ever go out of town at all? A Not after they left my house as I know of.
Q You didn't know him until 1870 did you? A I knew them before they came to my house but I don't know just what date it was.
Q How long did you know them before they come to your house? A I don't know exactly, quite awhile.
Q You knew them a few weeks or months? A Yes sir.
Q A way back in 1866 or 1867 you didn't know them? A I don't know much about the numbers is the trouble if I knew them I might tell.
Q This man Riley might have gone down to the Indian Territory in 1866 and 1867 and lived there for aught you know before you knew him? A Before I knew him that might have been, I knew him when he lived on the river.
Q But before you knew him? A I don't know anything about that.
Q He lived in your house about a month? A Yes sir.
Q His name was Joe? A Yes sir.
Q And you don't remember his wife's name? A I scurter forgot but I would know by asking the other lady, I didn't think to do it before I come in here.
Q But you do remember distinctly the old man's name, Joe? A Yes sir.
Q You knew him best of all? A No sir knew them all knew him by Joe cause some of my folks were named Joe

BY MR. HASTINGS:
Q They had a girl that married George Haselrig? A Yes sir.
Q You know that? A Yes sir.
Q They had a boy did they? A Yes sir.
Q What was his name? A His name was Beny.
Q Now Annie are you certain about what old man Riley's name was?
A Joe Riley.
Q You think it was Joe? A I don't think anything about it.
Q You feel certain it was that? A I was thinking about his son.
Q Then you was mistaken in calling him Joe? A His son was named Joe, but the old man was named Tom.
Q His name was Tom? A Yes sir I was thinking of Joe.
Q You was mistaken and got his name mixed up with his son? A Yes sir.

BY MR. MURPHY:
Q Did you have a brother named Tom the reason you remember it?
A No sir but some of my connection was named Joe.

PETER JENKINS, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Peter Jenkins.
Q What is your age? A 61 years the 4th of last August.
Q What is your post office address? A Lawrence, Kansas, Douglas County.
Q How long has Lawrence been your post office? A Lawrence has been my post office for 40 years.
Q Then you lived there during and just after the war, did you?
A Yes sir.
Q Did you know a colored man in Lawrence, Kansas, by the name of Tom Riley? A Yes sir, I think I did, he went by the name of Tom Riley in Lawrence.
Q Did he have a family? A Yes sir.
Q How far did he live from you? A When I first recollect of seeing him he was I guess about four miles out of town.
Q Did he afterwards move to town? A Yes sir.
Q How long did you know him beforehe moved to town? A I just don't recollect about how long any more than this, I went to his house when I was out in the country before I moved to town shortly after I moved to town, I had kind of a law suit.
Q How near did they afterwards move to you? A I lived on Lot 842 and they lived adjoining lots to me.
Q Do you know where they moved from to your place? A I leased this lot from St. Clair, the real estate man, and I rented it to him to put a house on it at the time.
Q Did he put a house on it? A He bought a house and had it moved on it.
Q Then did he move into that house? A He did.
Q With his family? A He did.
Q Do you know where he moved from? A He moved from Mr. Ware's place, Cy Ware's place.
Q Was that the husband of this ~~xxx~~ woman that just left the stand?
A Yes sir.
Q How long did he continue to live at this place adjoining you?
A I couldn't say positively all I can say when he left there he told me he was going to the nation?
Q About how long did he remain there to the best of your judgment?
A Between ten and twelve years.
Q Did you see the old man there frequently as you would see any other neighbor? A It was just this way, I will have to acknowledge the truth, I was a contractor and taking work there and very often I hired the old man to help me he was a good hand, for several years I hired him to help me and I saw him when he worked for me.
Q Did you know the members of his family? A I didn't pay a great deal of attention to thechildren.
Q Did you know George Hazelrig? A I did.
Mr. Murphy: Objected to because the question was leading and suggestive.
Commission: Objection noted.
Q Did you know who George Hazelrig married? A He married one of Tom Riley's daughters.
Q How long did you know George and his wife up there? A He married her when she was there in school.

Q How long did they continue to live there in Lawrence after that time? A I can't tell you just how long that was, though when George come down to the Cherokee Nation I bought a ticket and put him on the train.
Q And you don't remember the date? A No sir I couldn't, I paid no great attention to it, he had been working for a man by the name of Tom Dee and Tom Dee paid him some and I knowed Tom Dee would pay me the moneyI paid out for George.
Q You say you knew them there for ten or twelve years? after they moved to that house there by your place? A Yes sir.
Q Did you say you knew they came to the Territory afterwards? A I know only what he told me, that is what I said.
Q Did they live in the same house all this time or did they move?
A He lived there until he come away, sold the house for $40.00 and left Kansas to come down in the nation, said he was coming.
Q They had the ground leased? A Yes sir.
Q And the house belonged to him? A Yes sir.
Q And all these years they kept house there? A Yes sir.
Q Did they have a boy by the name of Bony? A They called him Bony, his name was Allen, I believe they had two boys, and Allen I can recollect, I think they called him Bony, I recollect him because I had a great deal of trouble with him.

BY MR. MURPHY:
Q You state that old Mrs. Riley moved a house on the place there?
A I didn't say old Mrs. Riley, I said Mr. Riley.
Q You don't know the year do you? A No sir.
Q You don't know when you first got acquainted with them, what year? A I explained it in the first place.
Q I am asking you do you know the year you first got acquainted with Tom Riley? A I don't know sir.
Q You don't know whether it was 1870, 1875 or 1880? A I couldn't say I know it was during the war that I got acquainted with him in the first place.
Q When did the war close? A I can't tell you when I can't read or write and I didn't keep any memorandum.
Q You don't know how long they had been in the Cherokee Nation or Indian Territory before you knew them? A No sir not before I knew him.
Q Do you remember the name of his wife? A As near as I know her name was Mary.
Q Who told you that? A She told me.
Q How many years ago was it that you knew them? A I couldn't tell you.
Q Twenty? A May be twenty maybe more or less.
Q You don't know whether it was 20 or 40? A It aint 40.
Q Do you think it was as much as 30? A I don't know, I will soon tell you to my best recollection about how long I have lived at the place. I have lived there 37 years and I suppose he come there about 5 or 6 years after I come there.
Q You don't know where he went to after he left there? A No more than he said he was going to the nation.
Q Did he say he was going back home? A That was my understanding.
Q Do you remember the names of any other children besides Allen?
A I believe he had one girl named Rettie.
Q Is that the one that was married to Hazelrig? A I don't think so, I always called that one Mariah, I don't know whether it was the name or not.
Q What year was they married? A I can't tell you I kept no memorandum.
Q Your name is Jenkins? A Peter Jenkins, yes sir.

Q Do you know this Mrs. Ware? A I do.
Q How long have you known her? A About 37 years.
Q How long did this man Riley live with the Wares? A I couldn't tell you that I didn't keep any track of them, come from Wares house to mine.
Q Do you remember the year they lived in Wares house? A No sir.
Q Had you thought of any of these things for 32 or 33 years until you got to talking them over with some one that was sent up there about this case? A I couldn't -----
Q You hadn't talked it over? A No sir, I was just telling them about the people.
Q Or refreshed your memory? A No sir he didn't tell me anything he just questioned me about it.
Q And you had forgotten it? A Yes sir, but I could recollect different things that had passed.
Q Did you suggest the names to him of these Rileys or did he tell you? A He didn't suggest the names to me, he asked me if I could remember them and I studied it awhile and I told him I would study it over and let him know and the next day he come to me and asked me if I could recollect any of the names and I told him I believe one boy was named John, wasn't sure, and one was named Allen but they called him Benny.
Q Was there one named John? A I don't know, I thought so.
Q You are 61 years old? A Yes sir, but I never paid much attention to children.
Q Do you still live in that neighborhood? A I am living in the same house I have been living in nearly 40 years.
Q Can you recollect the names of the children of any other colored family that lived there 37 years ago? A I might a few.
Q Just tell a few to the Clerk here? A Jack Johnson's family was there when I come there, he had one boy named Green and one named Jim.
Q Are they any relations to you? A Not a bit.
Q Are they living there yet? A The old lady is there, one of the boys is dead and the other is out west.
Q Do you recall any of the names of the colored people who lived there 30 years ago and moved away 20 years ago? A They were there but I can't recollect it.
Q You remember the names of those who still live there better than those who moved away from there? A Yes sir.
Q You recollect their names better? A Yes sir.

BY MR. HASTINGS:
Q You know these people come to your place from this Ware place, and this Ware is the same woman that was on the stand before you?
A Yes sir.
Q You say you have lived at your place about 37 years? A Yes sir, in the same place I am living in.
Q You said you had been living there four or five years before these people moved there? A Yes sir to the best of my knowledge it might be that length of time and it might be shorter.
Q But that is your best judgment? A Yes sir.
Q And they lived there a number of years did they? A Yes sir.
Q And they all come away together, that is Tom Riley and his wife?
A I can't swear to that because I know the old man told me, I was talking with him and he says Mr. Jenkins I aint going to be here very long I sold my house this morning and I says who is going to buy it and he says West is going to buy it and says he wants to know if you will let it stay on the ground and I says he can buy your time then he can make arrangements when it is up, and that is about the time he bought it and I don't know how long the old man stayed afterwards.

Q How long did he live that near you there? A I told you I couldn't swear to it.
Q What is your best judgment? A Between 10 and 12 years.
Q Did you ever hear him say who he belonged to before the war?
A Yes sir he told me that.
Q Who did he say he belonged to? A Stand Watie I think it was.
Q Nobody approached you and asked you about this on behalf of the Cherokee Nation, who asked you to make any other statements than the absolute truth has there? A No sir, besides it would not be worth while.
Q They only asked you to tell what you knew about it? A Yes sir.
Q And that is all you have testified to? A Yes sir.

BY MR. MURPHY;
Q This Tom Riley would go away from home and stay quite a little while at different times during the years he was there on your place? A He told me he was going to the nation once or twice, he didn't stay there long.
Q You don't know what years that was? A No sir I couldn't tell about that.
Q How long would he stay on these trips down in the nation? A About 30 days as near as I can tell.
Q He made a number of these trips? A I couldn't tell once or twice he told me he was coming down but I couldn't tell how many trips.
Q He told you about what he was doing down here? A No sir, I had no particular talk with him he said he had some children down here he wanted to see.
Q Did he tell you about having a place to stop down here with his sister? A I don't recollect about that.
Q Did so in the early part of the time you knew him? A No sir it was along I suppose 3 or 4 years after I got acquainted with him.
Q You don't know how many times he had been coming before that or how long he would stay? A No sir.

JANE WILLIAMS, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Jane Williams.
Q What is your age? A I don't know exactly, about 57.
Q What is your post office address? A Lawrence, Kansas.
Q Was you living there during the war? A I come there just about the close of the war.
Q Where did you come from? A From Fayettville, Arkansas, I was born in Independence, Missouri.
Q Did you know Tom Riley? A Yes sir.
Q Did you know his wife? A Yes sir.
Q When did you know them? A I couldn't exactly state the time but I knew them from about between ten and twelve years.
Q Where did you know them? A Right in Lawrence.
Q Did they live there? A Yes sir.
Q How far did they live from you? A Just a fence between, I lived on the south side of the fence and they on the north.
Q How long after the war when you first become acquainted with them? A Quite awhile after the war.
Q About how many years after the way? A It must have been 6, 7, 8 or 10 years after the war, may be more than that.
Q Do you know where they moved from when they moved to where you knew them, or were they living there? A When I first knew them they lived at Mrs. Wares.
Q And they moved from there to this place you speak of? A Yes sir.

Q You can't place the exact time they moved there? A No sir.
Q Do you know Mr. Jenkins who just left the stand? A Yes sir.
Q Was you and he ever married? A Yes sir.
Q Was that the time you knew Rileys? A Yes sir.
Q It was while you and Jenkins were living together? A Yes sir.
Q Did you know the members of the Riley family? A Some of them.
Q Did you know any of the boys names? A Yes sir all that lived there.
Q What were their names? A Joe was the oldest.
Q A boy? A Yes sir.
Q Who was the next one? A Mariah.
Q A boy or girl? A Girl.
Q Was she ever married up there? A Yes sir.
Q Who did she marry? A George Haselrig.
Q Still she lived there and you knew her? A I think so I am not positive.
Q Did you know any other boys? A Allen, called him Bony.
Q Any other members of the family? A John and Rettie.
Q What was the old lady's name? A Mary.
Q What was the old man's name? A Thomas.
Q Did you see him frequently? A Yes sir.
Q Did you miss him from there during this ten or twelve years for any length of time? A No sir he come away from there before the old lady did, but I don't know just how long.
Q How long before the old lady came? A I don't know perhaps a month or two months.
Q Before leaving that time during this ten or twelve years did you ever miss him away from there any considerable length of time?
A No sir.
Q And he lived just across the fence from you? A Yes sir.
Q And you knew him all this time? A Yes sir.
Q You knew George Haselrig and his wife? A Yes sir.
Q Did they continue to live there after they were married? A Yes sir I think all the time, but it seems to me they moved from there but I am not sure.
Q But you don't remember the exact dates when they moved ~~away~~ to and away from there? A No sir.
Q Do you know what old man Riley did around there? A He chopped wood and did anything he could.
Q Do you know whether he owned a house there or not? A He owned a house but not the lot.
Q Did the lot belong to your husband? A He had charge of it, it belonged to another man, but he had charge of it.

BY MR. MURPHY:
Q What was the year in which you first knew Tom Riley? A I don't know.
Q Do you read and write? A No sir.
Q You don't know where Tom Riley had lived before you knew him?
A I heard he lived on Mud Creek but I don't know.
Q You don't know how long he lived there? A No sir.
Q He always called the nation his home didn't he? A Yes sir.
Q And you knew that that was considered by him as his home? A Yes sir.
Q You often heard him talk about it? A Yes sir.
Q And his family? A Yes sir.
Q And don't you remember of his coming down to the nation several times during the 10 or 12 years you knew him? A No sir I don't.

Q If your former husband swore to that fact he would be mistaken?
A I couldn't say, likely he knew more about it than I did, I would be away from home.
Q How often would you be away? A I would go out every day and come home at nights.
Q He might have been gone to the nation and stayed there quite awhile and come back and you not have known it? A Certainly he could have.
Q And he might have built a house down here and prepared to live here for aught you know? A Yes sir he might have.
Q And he might have made several trips here during that time and you not known it? A Yes sir.
Q But his family stayed there after he came the last time? A Yes sir.
Q And they followed him? A Yes sir I suppose so.
Q He had been away from there as much as a year before they come?
A Not that long that I know.
Q But several months? A I know he was away.
Q You knew at that time that they come to the nation? A That is where they started.
Q Was Tom Riley much of a hand to work or did his wife and children work? A He would go out and work sometimes for a week or two at a time.
Q Didn't he run around a good deal? A I don't know about that.
Q Did you know where he lived before he came to Kansas? A No sir.
Q But you do know and so testify that he considered the Cherokee Nation his home? A Yes sir I suppose he come from there.
Q And he talked about going hom there? A Yes sir.
Q And for aught you know he made several trips there and stayed quite a while? A Yes sir.

BY MR. HASTINGS:
Q You never missed him for any length of time and if he made these trips you don't know it? A No sir.
Q He was your neighbor living just across the fence, and if he come away you don't know it? A No sir I don't know anything about it if he come.

BY THE COMMISSION:
Q Can you give the Commission an idea as to when you first knew him?
A No sir, I don't know as I can fix the date.
Q When did you first come to Lawrence? A I have been there 40 years, I was there in Quantrell's raid.
Q When with reference to that now did you know Tom Riley and his family? A It was several years after that, they come there long after I was married to this man and was the mother of two or three children.
Q You knew him up there how many years? A I think about ten or twelve years.
Q They lived neighbors to you during that time? A Quite awhile, yes sir.
Q And you would see the old man there at home? A Yes sir.
Q You visited them and they visited you? A Yes sir sometimes.
Q You say you don't know of his being to the Territory? A He started from there and said he was coming to the Territory.
Q That was when they left there finally? A No sir once before that
Q Do you know how long he was gone that time? A No sir not exactly, quite awhile but not long.

Q What do you mean by quite awhile? A May be two or three months, and maybe not quite so long.
Q Was that a short while before they left there coming here finally? A I think it was somewhere in the spring, I don't know.
Q Did his family live in Lawrence all that time? A All the time he was gone.
Q Mary Haselrig love there? A Yes sir.

CHARLES W. GARRETT, being first duly sworn, testified as follows

BY MR. DAVENPORT:
Q What is your name? A Charles W. Garrett.
Q What is your age? A 54.
Q What is your post office address? A Ottawa, Kansas.
Q How long have you lived at Ottawa, Kansas? A Since 1870.
Q Where did you live before going to Ottawa? A Lawrence, Kansas.
Q What years did you live at Lawrence, Kansas? A From June, 1864, up to 1870.
Q While living there did you get acquainted with a family named Riley? A I did.
Q Did you learn what the old man's name was? A All I heard was Tom Riley.
Q Where was the family living when you get acquainted with them?
A They were on the Delaware reserve east of the town on Mud Creek.
Q That was in what year that you first get acquainted with them?
A I didn't become personally acquainted with the old man until 1866 I saw him before but I didn't become personally acquainted with him until 1866 or 1867.
Q Do you remember the names of any other members of the family?
A I remember a boy called Bony, I don't know whether that was his name or not.
Q Did you know any other members of the family? A We called a girl Mary the oldest girl and he had some other children.
Q How far did you live from them at the time you got acquainted with the Riley family? A It must have been six or seven miles, we lived right near north Lawrence and they lived on the reserve, and it must have been six or eight miles from town.
Q Was you ever at the reserve where they lived? A We lived on the reserve a couple of months but didn't get acquainted with them while we were there, and we didn't like it and moved out.
Q What were the circumstances under which you get acquainted with the Riley family? A My brother-in-law and old man Riley bought some wood , they said they bought it and I guess they did, and they used to haul wood from the railroad right-of-way in the fall of 1866 and 1867 and that is how come me to get acquainted with the old man and the boy.
Q How far is that right-of-way from where old man Riley and the family lived? A Not very far.
Q About how far? A It may have been a couple of miles, I couldn't say exactly.
Q How long did they continue to live there? A I left them there.
Q When did you leave there? A I left there in the fall of 1870 and moved away.
Q About how often would you be down to the Riley place where they lived? A We wasn't down to his house but about four or five times a week.
Q Did you see the old man Riley when you was down there? A Yes sir he would be there we was cutting wood.

Q You first recollect seeing the Riley family there in 1866 or 1867?
A Yes sir, but I knew of them before that.
Q They were living there when you moved away in 1870? A Yes sir they lived in Lawrence.
Q Had they moved from the reserve to town? A Yes sir on the south side of the river, I don't know exactly at what part of town.
Q Do you know whether the old man was with the family when they moved to town? A Yes sir he lived there with them, I wasn't at his house but I saw him in town.
Q What is your occupation Charlie? A I am now a common worker, pr ach sometimes, and am a cook, brick mason, and do most anything.
Q You are a minister of the gospel? A Yes sir, preach sometimes.
Q Do you know a colored preacher by the name of Smith up at Lawrence? A Yes sir, he lives in Coffeyville now, I guess he is the man.
Q A colored preacher living in Lawrence several years ago? A Yes sir he wasn't a preacher in Lawrence but he come to be a preacher after that, I worked with him on the Union Pacific road handling ties.

BY MR. MURPHY:
Q You hadn't gotten to preaching when you was in Lawrence? A No sir I wasn't ordained until about four years ago.
Q How do you know it was in 1866 or 1867 when you got acquainted with them? A I know it was that date.
Q What year was you born? A According to what my mother says in 1850, I got her word for it is all I know.
Q How old was you when you come to Lawrence? A You can guess about how old I was.
Q Don't you know? A When I became acquainted with him personally.
Q How old was you then? A I was a young man, of course 17 or 18.
Q Don't you remember how old you was? A I can count it and tell you.
Q Don't you recollect it? A I said I was 17 or 18.
Q When you first met him? A Yes sir.
Q Then how long did you know him? A From then up until I left town.
Q When did you leave town? A In 1870.
Q How do you recall it was the winter of 1866 and 1867 when you first got acquainted with him? A We left that neighborhood in 1864 and I went to work right a way for a man there and I worked two years there before I come to town and after I come to town and started to school in 1866, and then we would go back and forth and help my brother-in-law get this timber on the reserve.
Q What year did they get that? A In 1866 and 1867.
Q Wasn't that after you went to school? A No sir.
Q When did you come to town to go to school? A Right after the crops were laid by?
Q What year? A 1866.
Q Wasn't it the next year they bought the wood? A It was in the winter of 1866 and 1867.
Q How do you know? A Because I know.
Q Do you remember any other family you met in the winter of 1866 and 1867 besides the Rileys? A I don't know particular I was always meeting somebody.
Q What makes you recall at the particular time you met the Rileys was in the winter of 1866 and 1867? A When I first become personally acquainted with them

Q Though there isn't any date you fix it by? A I aint got any figures set down to that effect.
Q Do you know how long ago it was of the year 1866? A It has been 34 years.
Q And you knew them 34 years ago? A I knew them at that time.
Q And that is the first you ever knew them is 34 years ago? A If I count it right it was somewhere about there.
Q You don't fix it by any other fact? A I told you in the beginning that I knew of them and had seen the old man and his folks frequently passing but never come in contact as we are talking, but in the winter of 1866 and 1867 when my brother-in-law and him bought the wood on the right-of-way I went with them down there.
Q What else happened in 1866? A I don't know what all.
Q Can you recollect any fact that happened in 1866 and 1867 except buying this wood? A I might if I would go back and hunt it up things that I didn't pay any attention to, if my attention was called to it.
Q Have you ever had any occasion to refresh your mind about what happened in 1866 and 1867 until your attention was called to it in the last few months? A Yes sir.
Q What other time? A In 1876, if my memory serves me right, this here Bony Riley come in our neighborhood and stole a horse and went way down in Anderson County and sold it and my brother and I that is now a witness was a witness against him to prove the horse.
Q How do you know that was in 1876? A It was Centenial year.
Q Was you at the Centenial Exposition? A No sir I was at home in Ottawa.
Q I believe you say that you lived there in 1870? A Yes sir.
Q Where did you go then? A To Ottawa.
Q Did you know Tom Riley after that time? A I saw Tom Riley coming through Ottawa.
Q When? A He made a visit through there in 1871, I am not sure and I talked with him myself, and then I heard of him passing through again.
Q Where was he going then? A Going to the Territory I suppose.
Q Don't you know that when you first knew him he claimed the Cherokee Nation as his home? A I never heard him say so.
Q Don't you know that this was his home? A No sir cause I was a boy and I never had much talk with the old man about where he was raised.
Q You don't know of anything else that happened in 1866 and 1867 except the buying of that wood by Riley and your brother-in-law?
A No sir that is all the attractions that I know of.

BY MR. DAVENPORT:
Q What year was it you started to school? A I come to start to school in the fall of 1866.
Q You had moved into that neighborhood in 1864? A My folks lived right in north Lawrence but me, I was working on a farm.
Q You folks lived there in 1864? A MYes sir.
Q And you went on a farm and worked two years and then started to school in the fall of 1866? A Yes sir.
Q What fall was it that your brother-in-law and Riley bought the wood on the right-of-way with reference to the time you started to school? A In the same fall.

ANDREW GARRETT, being first duly sworn, testified as follows:

BY MR. DAVENPORT:

Q What is your name? A Andrew Garrett.
Q What is your post office address? A Ottawa, Kansas.
Q What is your age? A 47 years.
Q How long have you been living at Ottawa? A Ever since the spring of 1870.
Q Where had you lived prior to that time? A Lawrence, Kansas.
Q You are a brother to Charlie Garrett? A Yes sir.
Q Do you know what time your family moved to Lawrence, Kansas?
A Yes sir, in 1864.
Q While you was living at Lawrence, Kansas, did you get acquainted with the family of colored people named Riley? A Part of them.
Q What part of the family? A Thomas and Mary and one called Bony.
Q Where were they living when you got acquainted with them? A When I first heard of them on the Delaware reservation, and when I first began to see them they were living somewhere near town.
Q In the town? A I don't just know whereabouts in town.
Q Do you remember what year you first got acquainted with them?
A About 1866.
Q How long did you remain at Lawrence, Kansas? A We came away from there in 1870.
Q Were the Rileys living there when you left there? A Yes sir, the young Rileys were.
Q Which one? A Bony.
Q Do you know where the daughter was? A I don't know much about the daughter.
Q And you moved away from there to Ottawa in 1870? A Yes sir.
Q How often did you see the old man Riley while you lived there?
A Just from time to time, I don't know just how often.
Q Do you know anything about when the Riley family moved away from Lawrence? A No sir.
Q You moved away and left them there in 1870? A Yes sir.
Q Do you know whether or not they were living in town at that time? A No sir.

BY MR. MURPHY:

Q What year was you born in? A I am 47 years old.
Q You don't know the year? A You figure up and see.
Q Do you know? A I think about 1857.
Q How old was you when you first knew the Rileys? A I was going on ten years old when I first heard of the Rileys.
Q That was about 1867 then, how long did you know them? A We moved away from there in 1870.
Q Then you knew them from 1867 to 1870? A I said from 1866, but we heard of them in 1864.
Q Didn't you just testify that you learned of them when you was ten years old? A I said I was about nine years old.
Q You testified a moment ago that you first heard of the Rileys or knew of the Rileys when you was between nine and ten years old and you say you was born in 1857 is that correct? A Yes sir, I guess so.
Q How long was it between the time you first knew of them and when you got acquainted with them? A In 1866.
Q How many months or years was it? A I don't know about the special months.
Q Was it a year from the time you first knew of them? A I couldn't make that definite.
Q About how long? A That is hard for a man to do.

Q About how long from the time you first heard and knew of them until you got acquainted with them? A I guess from that time about 1866 or 1867.
Q You don't know how many months it was? A No sir.
Q Do you know anything about the years? A I told you about---- time.
Q What is your best recollection? A I told you when I first heard of them and when I first saw them I saw them from time to time up until I left the place and we moved from Lawrence in 1870.

BY THE COMMISSION:
Q You claim you came to Lawrence in 1864? A Yes sir.
Q And you have testified that you got acquainted with these parties in the winter of 1866 and 1867 you think, how long was it after you came to Lawrence before you heard of these people? A I heard of Tom Riley to my best judgment as I stated to you a bit ago in, I think, in the summer of 1864 after we got there, I didn't become acquainted with them until 1866 or 1867.

BY MR. MURPHY:
Q What else happened in 1866 that you remember besides getting acquainted with the Rileys? A What do you mean, in what direction
Q Anything? A I don't know what did happen.
Q Did you keep a record of the Rileys? A No sir.
Q You have the same kind of a record of other things as you have of the Rileys? A If you tell me what you want to come at maybe it will come to my memory.
Q Who else did you meet in 1866 besides the Rileys? A Lots of people.
Q Tell me some of them? A I knew men around Lawrence by the name of Hill.
Q What time in 1866 did you get acquainted with the Hills, do you know? A I said in 1866.
Q What time of the year? A It was in the early part of 1866.
Q You was how old then? A I have told my age to you.
Q You was about nine years old do you tell this department that you can recollect who you got acquainted with when you was nine years old? A I said lots of things happened that I don't know anything about which didn't concern me.

NELSON F. CARR, being first duly sworn, testified as follows:

BY MR. HASTINGS:
Q What is your name? A Nelson F. Carr.
Q What is your post office address? A Bartlesville.
Q How old are you? A 60.
Q You are a Cherokee citizen? A Yes sir.
Q How long have you lived in the vicinity of Bartlesville? A 37 years.
Q Do you live on the same place that you live on 37 years ago?
A Yes sir.
Q Do you know Mary Ann Riley? A Yes sir.
Q Did you know her husband Tom Riley? A Yes sir.
Q Do you know George Hamelrig and his wife? A George is dead, I did know him.
Q Do you know his wife? A Yes sir.

Q Did you know them before the war? A No sir.
Q When did you first become acquainted with the Rileys? A When they moved into that settlement about 1880 or 1881, perhaps 1882, I couldn't say exactly.
Q You think it was between 1880 and 1882? A Yes sir.
Q How far did they settle from you on Caney? A A mile and half.
Q Had they stayed anywhere in that neighborhood prior to that time? A Not that I know of, I didn't hear it.
Q Is that the first place they settled in that neighborhood? A Yes sir.
Q Do you remember the circumstance of their coming there? A Yes sir, the old gentleman, Thomas Riley made some boards for me in April or May of 1884, and that was a short time after they came there.
Q Do you know where they come from when they came there and settled on that place within a mile and a half from you? A It was said that they come from Lawrence, Andy Daniels told me they did.
Q Did they come along at the same time? A No sir they come in 1868.

BY MR. MURPHY:
Q Did you know Thomas Riley before 1880? A No sir.
Q Did you know of his building a log cabin up there in 1866 or 1867?
A No sir.
Q Did you ever talk with him about his old home having been in the Cherokee Nation before he came at this time? A Yes sir, he said he used to belong to Stand Watie.
Q Was a slave of his? A Yes sir.
Q Did he tell you that he had come to the Territory after the war?
A No sir I never heard him say so.
Q Didn't he claim to have returned to the Cherokee Nation after the war? A I never heard him say anything in regard to it.
Q You knew he had relatives here before you knew him? A His first wife died there close to where I lived.
Q What year was that? A It was before 1880 and his son died there.
Q When? A Before Hazelrig moved into the settlement.
Q And before Riley moved there? A Yes sir.
Q About what year was it that Joe died? A It would be 1876 or 1877 I think.
Q And his first wife what year did she die? A Before Joe died, it would be, I couldn't say exactly what year.
Q Didn't he have a sister down in there? A I didn't know tha this first wife, Joe Riley's mother, and Mrs Andy Daniels mother, died there.
Q Then he had lived in the Cherokee Nation before he came in 1880?
A I couldn't tell you.
Q He lived here when his wife died here? A No sir.
Q Nor when his son died? A He had three wives.
Q Where was he living when his first wife died? A I couldn't say it was before she came to the country.
Q Where was he living when Joe died? A I couldn't tell you.
Q You aren't testifyihng that he didn't come to the Cherokee Nation and live before you knew him in 1880? A No sir.
Q Or he could have done so and you not know it? A Yes sir.
Q Didn't he come here before his family came? A His wife that he lived with last came before he did, came with the Hazelrigs and he came a short time afterwards into that settlement.

Q Wasn't he a sort of a rambling nature, running around the country and hunting and trapping? A I never knew him to.
Q You don't know about his first coming here in 1866? A He didn't come into that country over there.

BY MR. HASTINGS:
Q He had three wives did he? A Yes sir.
Q One of them died up there about 1878 or 1879? A Yes sir.
Q He wasn't around there then? A No sir.
Q You never saw him about her place? A No sir never did.
Q And your understanding was when he come there was in 1880 or 1882 that they were from Kansas? A Yes sir.

MR. HASTINGS: The Cherokee Nation offers in evidence a certified copy of the record of a replevin action brought by Thomas Mayfield vs. Rose White in Lawrence, Douglas County, Kansas, being an action for certain hogs in October, 1865, same is marked Exhibit "A."

The Cherokee Nation offers in evidence a certified copy of the record before Justice of Peace, George A. Banks, placing one George Hazelrig under a Peace Bond in Douglas County, Kansas, on the 20th day of December, 1869, same being marked Exhibit "B."

The Cherokee Nation offers in evidence a certified copy of the record of George A. Banks, Police Judge in the Town of Lawrence, Douglas County, Kansas, on October 9, 1870, fining one Tom Riley upon a charge of being caught in a house of ill fame, same being marked Exhibit "C."

The Cherokee Nation offers in evidence a certified copy of the record in the case of the City of Lawrence, Kansas, vs. George Hazelrig, charged and plead guilty to disturbing the peace on November 23, 1870, same being marked Exhibit "D."

The Cherokee Nation offers in evidence a certified copy of the record in the case of the City of Lawrence, Kansas, vs. George Hazelrig, charged with carrying concealed weapons and attention is called to this case to the fact that the record recites that one Joe Riley was a witness in said case and also upon the defendant, George Hazelrig's bond of June 6, 1871, same being marked Exhibit "E."

The representatives of the Cherokee Nation offer in evidence a certified copy of the Police Court record in the case of the City of Lawrence vs. George Hazelrig now being No. 690, charged with breach of the peace on June 19, 1871, and attention is invited in that case to the fact that Joe Riley was a witness, same being marked Exhibit "F."

The Cherokee Nation offers in evidence a certified copy of the Police Record of the City of Lawrence vs. Allen Riley, being case No. 35, wherein the said Allen Riley was charged with the violation of Ordinance No. 174 on December 2, 1872, the same being marked Exhibit "G."

The Cherokee Nation offers in evidence a certified copy of the record of the District Court of Douglas County, August term of 1873, being the case of the State of Kansas vs. Allen Riley, wherein the said Allen Riley was convicted of larceny, the same being marked Exhibit "H."

The Cherokee Nation offers in evidence a certified copy of the Police Court Records of the City of Lawrence in the case of the City of Lawrence vs. Joseph Riley, No. 542, charged with violating Ordinance No. 174, where in Joseph Riley is charged with cohabitating as man and wife with a woman and not being married. Attention is called to the fact that the records disclose that the parties were married and the case dismissed at the instance of the defendant July 21, 1873, same being marked Exhibit "I."

The Cherokee Nation offers in evidence a certified copy of the marriage license of George Haselrig of Lawrence, Kansas, age 23 years, and Nancy J. M. Riley of Lawrence, Kansas, age 16, dated February 8, 1873, same being marked Exhibit "J."

The Cherokee Nation offers in evidence a certified copy of a subpoena issued from the State of Kansas, County of Douglas, commanding Tom Riley and Mary Ann Riley to appear as witnesses before the District Court on the 20th day of August, 1873, and the record in the same document showing that the same was served upon the said Thomas Riley and the Mary Ann Riley on the same date that the subpoena was issued, viz., August 19, 1873, same being marked Exhibit "K."

Q The Cherokee Nation offers in evidence a certified copy of the record of the District Court of Douglas County, Kansas, October term 1874 in the case of the State of Kansas vs. Allen Riley, No. 521, wherein the said Allen Riley is charged with grand larceny, same being marked Exhibit "L."

The Cherokee Nation offers in evidence a certified copy of the records of the Justice Court, George W. Smith, in the case of Thomas Riley vs. Jacob Hartz, Civil Action, No. 1321, being a civil action for debt filed on the 6th day of November, 1876, same being marked Exhibit "M."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record of Lawrence, in the case of the City of Lawrence vs. Lou Riley, No. 1636, dated June 25, 1877, charging the said Lou Riley with wilfully and unlawfully disturbing the peace of one J. T. Estes, the same being marked Exhibit "N."

The Cherokee Nation offers in evidence a certified copy of a Civil Action, being No. 53, before Justice of the Peace, L. S. Steele, in the State of Kansas, Douglas County, being the case of Thomas Riley vs. C. Ware, filed on January 30, 1879, same being marked Exhibit "O."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Allen Riley, charging the said Allen Riley on February 17, 1879, with the larceny of a looking glass and frame from John Anderson, same being marked Exhibit "P."

Q The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Mary Jane Riley, charging the said Mary Jane Riley with the larceny of certain articles mentioned therein of which she was convicted on April 14, 1879, same being marked Exhibit "Q."

The Cherokee Nation offers in evidence a certified copy of the record of a civil action brought by Thomas Riley vs. J. H. Simmons in the Justice Court before George W. Smith, in Douglas County, Kansas, dated the 7th day of May, 1878, same being marked Exhibit "R."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. George Haselrig and Mrs. Tom Riley, charging them with violating Ordinance No. 114, being the larceny of some coal of date, November 21, 1879, same being marked Exhibit "S."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Allen Riley of the larceny of personal property of the value of $4.50, dated December 12, 1879, wherein the Court found the defendant guilty, the same being marked Exhibit "T."

The Cherokee Nation offers in evidence a certified copy of the record of the Police Court in the case of the City of Lawrence vs. Allen Riley charging him with carrying away the personal property of one Thomas Riley, being an overcoat of the value of $3.00, January 9, 1880, same being marked Exhibit "U."

The Cherokee Nation offers in evidence a certified copy of the Justice of the Peace Court Record in the case of the State of Kansas vs. George Riley, dated July 22, 1881, same being marked Exhibit "V."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. George Haselrig, dated November 19, 1881, charging the said George Haselrig with being in a state of intoxication upon the street, wherein the said George Haselrig was fined, same being marked Exhibit "W."

The Cherokee Nation offers in evidence a certified copy of the Police Court Record in the case of the City of Lawrence vs. Allen Riley, dated December 31, 1880, charging the said Allen Riley with the larceny of five iron fence casting to the value of fifty cents each, wherein the said Allen Riley plead guilty, the same being marked Exhibit "X."

The Cherokee Nation offers in evidence a certified copy of the records of the District Court of Douglas County, Kansas, in the case of the State of Kansas vs. Allen Riley, No. 711, wherein the said Allen Riley was convicted of Grand Larceny and sentenced to serve a year in the penitentiary of the State of Kansas on the 9th day of April, 1881, the same being marked Exhibit "Y."

[illegible]

[illegible] above for the reason that the same are irrelevant, [illegible] in no way pertain to the issues in this case.

[illegible] THE COMMISSIONER:

Objection noted: Exhibits referred to will be filed with and made a part of the record in this case.

C A S E C L O S E D.

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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 2nd day of January, 1905.

Charles N. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR.

In the matter of the application for the enrollment of Mary Ann Riley, et al., as Cherokee Freedmen, Cherokee Freedmen D 957, et al.

Before the Assistant Attorney General.

On behalf of the Cherokee Nation.

In this case the attorney for applicants in presenting his brief seems to admit the contentions of the Cherokee Nation as to the applicants' failing to comply with the terms of the treaty of 1866, and desires to rely upon the fact that the Cherokee Nation is estopped from disputing the right of applicants because their names are found on what is commonly known and called the Kern-Clifton roll, and his entire argument is taken up with the question of the names of applicants being found upon this Kern-Clifton roll. The attorney for applicants contends that the suit to determine the rights of the Cherokee freedmen having been instituted under and by virtue of an act of Congress of October 1, 1890, and the fact that a decree was entered by consent, authorizing and empowering a roll to be made of the Cherokee freedmen, that when this roll was made, or the names of those freedmen placed upon what was known as the Kern-Clifton roll, that the Cherokee Nation was forever estopped from disputing this roll, but we do not agree with the contention of applicants' attorney for the reason that, we say, the Kern-Clifton roll was not such a roll as to preclude the Cherokee Nation or the applicants who desired to apply to the Commission to the Five Civilized Tribes from making an application and having their ~~name~~ applications heard, or the Cherokee Nation from contesting the right of a negro who was found on the Kern-Clifton roll.

The history of the legislation relating to the freedmen cases will be noted as follows: that the Wallace roll which the Court of Claims confirmed in decree rendered May 8, 1895, was set aside by the decreeof the Court of Claims of date of February 3, 1896, and the Wallace roll was never a recognized roll of the Cherokee Nation. The Kern-Clifton roll made in 1896 by the commissioners appointed by the decree of date February 3, 1896, was set aside by act of Congress of June 28, 1898. By the special recommendation of the Commission to the Five Civilized Tribes, who was fully advised as to the fraudulenc of said roll, and we contend that the Kern-Clifton roll is not a recognized roll of the freedmen citizens of the Cherokee Nation, and we are forced to conclude that Congress had in mind on May 31, 1900, as it did on June 28, 1898, so far as Cherokee freedmen were concerned the authenticated roll of 1880, and we do not believe that the Wallace roll or the Kern-Clifton roll can under any construction reasonably be considered rolls of the Cherokee Nation. Another reason for our contention is that the words "rolls of citizenship" are defined in the act of June 7, 1897, to constitute and mean "the last authenticated rolls of each tribe which have been approved by the Council of the Nation and the descendants of those appearing on said rolls and such additional names and their descendants as have been subsequently added either by the Council of said Nation, the duly authorized courts thereof or the Commission under the act of June 10, 1896. It will be noticed that the words

"recognized citizen" used in the act of May 31, 1900, has throughout the whole legislation by Congress been considered to mean recognized citizens of the Cherokee Nation

It is contended by counsel for applicants that the decree of February 3, 1896, was a final decree and was a judicial determination of applicants' rights and that commissioners having been appointed in accordance with the terms of the decree of February 3, 1896, their action was res adjudicata and that the Commission to the Five Civilized Tribes is compelled to take the Kern-Clifton roll without question and to enroll all living applicants whose names appear upon said roll, together with their descendants. Numerous authorities have been cited by attorney for applicants all of which cites some case where there are property rights involved, in which cases it is conceded that the final adjudication cannot be disturbed, except on the ground of fraud. In this case the question to be determined is not the question of vested property rights, but is a question of citizenship to be determined by the Department under and by virtue of the different acts of Congress, which have been referred to in the first part of this brief. None of the rolls are to be accepted as binding upon the Cherokee Nation, save and except the roll of 1880. We contend that the Kern-Clifton roll is not a roll of the Cherokee Nation which is binding upon the Cherokee Nation or any applicants who made application to the Commission within the time prescribed by law. It is unnecessary to discuss the many frauds and perjuries committed while the Kern-clifton roll was being made, but it will be noted that the Commission to the Five Civilized Tribes was cognizant of the fact that freedmen in great numbers were enrolled which the testimony then established were not entitled to be enrolled under the treaty of 1866, and a large number whose names appeared upon the roll of 1880 were omitted therefrom, and the investigation of the commission to the Five Civilized Tribes only justified the action of the commission in reporting to Congress in 1898 that the Kern-Clifton roll was unreliable, fraudulent and untrustworthy and that the same should be disregarded and set aside, which we contend that Congress did by providing that the Commission should made a roll of Cherokee freedmen "in strict compliance with the decree of the court of Claims of date February 3, 1896." By the use of the wordx "strict" it will be noted that Congress recognized that the provisions of this decree had heretofore been disregarded and it was desired to emphasize that fact. It will be noted that Congress did not mention the Kern-Clifton roll which was made subsequent to the decree of date February 3, 1896. In its legislation relating to the making of a roll by the Cherokee Nation Congress, therefore, went behind the Kern-Clifton roll and directed that a new roll be made. We, therefore, deem it unnecessary to follow at great length the argument of counsel for applicants in his argument upon this question, that the Cherokee Nation is now estopped from disputing applicants' rights and the making of the Kern-Clifton roll was conclusive against the Cherokee Nation and that the Cherokee Nation is now precluded from questioning the rights of any one found upon the Kern-Clifton roll.

In this connection we desire to call attention of the Department to the decision of Stevens, et al., versus the Cherokee Nation and the United States (174 U. S. 446). This case is carefully prepared and discusses the right of Congress to pass legislation relating to appeals and to determine the rights of parties claiming citizenship in the Cherokee Nation. In this case it was decided by the court that citizenship in the Cherokee Nation is not such a property right as could not be disturbed. The court said "and the mere expectation of a share in the public lands and moneys of these tribes, if hereafter distributed, if the applicants are admitted to citizenship, cannot be held to amount to such an absolute right to

property that the original cause of action which is citizenship or not, is placed by the judgment of a lower court beyond the power of re-examination by the higher court though subsequently authorised by general law to exercise jurisdiction." This case seems to us to be clear upon this question and the Supreme Court of the United States in determining this question as it did seems to have laid down the proposition that Congress had the right to legislate and provide as to how the final determination of citizenship questions should be determined in the respective Indian tribes, and it seems that this case alone would govern and it would be useless to further discuss the question argued by attorney for applicants. No question having been discussed by him except the question of estoppel of the Cherokee Nation because of the fact that applicants' names are found on what is commonly known as the Kern-Clifton roll.

The history of citizenship leading up to the decision of the Stephens case began under the act of Congress of June 10, 1896. In this act Congress conferred jurisdiction upon the Commission to the Five Civilized Tribes to hear applications for citizenship in the Cherokee Nation, either side being given the right to appeal to the district court whose decision was final. After those final decisions were rendered Congress passed an act July 1, 1898, permitting an appeal to be taken to the Supreme Court of the United States, and the Stephens case was one of the cases appealed under the provisions of that act, and the Cherokee Nation earnestly contended that the decision of the district court was final, that the same was res adjudicata, and that the case could not be reopened, but as the above quotation from the decision in the Stephens case shows, the court decided that an expectation in the share of the public lands and moneys of the Cherokee Nation was not such a property rights as could not be disturbed by an act of Congress granting an additional remedy. The manner in which the citizenship of claimants is attacked by the Cherokee Nation is the only way in which a fraudulent roll could be attacked. However, in this case the attorney for applicants does not discuss and does not urge the enrollment of applicants upon the ground that they were slaves of Cherokee citizens residing in the Cherokee Nation at the breaking out of the war, or that they were free colored persons residing in the Cherokee Nation at the beginning of the rebellion, and that they remained in the Cherokee Nation during the war or that they returned to the Cherokee Nation within six months after thedate of the treaty, but discuss the sole question of estoppel by reason of applicants' names being on the Kern-Clifton roll. We think that the decision in the Stephens case clearly settles this question beyond the peradventure of a doubt, but the same point was practically decided in the case of Roff versus Burney (168 U. S. 218) where the Supreme Court of the United States decided, "The citizenship which the Chickasaw legislature could confer it could withdraw," and if the Chickasaw Legislature could withdraw citizenship it certainly is not a property right, and certainly if the Chickasaw Legislature could withdraw citizenship, the Congress of the United States can withdraw citizenship provided even in the first place it had not been fraudulently conferred.'"

It is a well settled principle of law that fraud vitiates everything and we are inquiring as to contend that Congress must have been determined that the Kern-Clifton roll was a fraudulent roll for the reason of their directing the Commission to disregard it and make a new roll "in strict compliance" with the decree of the Court of Claims of date February 3, 1896.

We contend that by reference to the testimony in this case which is wholly undisputed by applicants that the testimony conclusively shows that applicants did not comply with the terms of the treaty of 1866, and therefore their names appearing upon the Kern-Clifton roll was a fraud upon the Cherokee Nation, not being supported by proof, and that the Cherokee Nation is not bound by the said roll,

and that Congress in its investigation and preparation for the final determination and closing of the rolls of the Cherokee Nation was determined that the Kern-Clifton roll was a fraud and therefore set it aside and disregarded it.

In conclusion we respectfully submit that applicants have failed to establish any right in themselves to be enrolled as Cherokee freedmen, and that the fact that their names appear upon the Kern-Clifton roll is not sufficient in law or equity to give them any standing before the Department or to entitle them to enrollment. We respectfully submit that the decision of the Commission to the Five Civilized Tribes is correct and should be affirmed.

Respectfully submitted,

_____

_____

_____
Attorneys for the Cherokee Nation.

MDG

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

ALLISON L. AYLESSWORTH,
SECRETARY.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-957.

Muskogee, Indian Territory, March 7, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Mary A. Riley for enrollment as a Cherokee freedman, you are advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced tending to show whether or not the applicant returned to the Cherokee Nation, after the rebellion, within the time specified in the treaty of 1866. In this connection it is desired that testimony, other than that of the applicant's, be introduced.

Said Mary A. Riley has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Wednesday, April 6, 1904, at nine o'clock A. M., and introduce testimony as above requested.

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

Respectfully,

Commissioner in Charge.

Refer in reply to the following:
Land.
13479-1905.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON. March 6, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated February 13, 1905, transmitting the record of the application for enrollment as Cherokee Freedmen by Mary Ann Riley for herself; by Mary Hazelrig for herself and her children, William A., Jesse, Lucy, Alexander, Joseph E., James M.T., Jacob L. and Fred Hazelrig; and by Mary Brown for herself and her minor children, Robert Lee and George R. Brown.

February 13, 1905, the Commission decided adversely to all the applicants.

The record shows that Mary Ann Riley and Mary Hazelrig are mother and daughter and were the slaves of a Cherokee citizen at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and did not return thereto on or before February 11, 1867. The other applicants are the children and grand children of the applicant, Mary Hazelrig, were born since 1866, and possess no rights to enrollment except as descendants of Mary Hazelrig. None of the applicants is identified on the 1880 authenticated Cherokee roll. Mary Ann Riley is identified on the Kern-Clifton roll and the other applicants are identified on the

Wallace and the Kern-Clifton rolls.

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

Very respectfully,

C.F.Larrabee

Acting Commissioner.

W.W.W.
W.

Refer in reply to the following:

DEPARTMENT OF THE INTERIOR,

Land.
73469-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

September 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Department letter of September 6, 1905 (I.T.D. 9336-1905) I have the honor to enclose a letter from the attorneys of the Cherokee Nation, dated September 11, 1905, transmitting a copy of a brief in behalf of that Nation, in Cherokee Freedmen enrollment case of Mary Ann Riley et al.

The record was forwarded to the Department March 6, 1905.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.M.
W.

Refer in reply to the following:

(C O P Y)

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

Land.
101869-1905.

January 5, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to letter of the Commissioner to the Five Civilized Tribes, of December 15, 1905, saying he is in receipt of Departmental letter of October 13, 1905(I.T.D. 11128-1905), enclosing a copy of an approved opinion of the Assistant Attorney General of August 31, 1905, in the Cherokee freedmen enrollment case of Mary Ann Riley, et al., in which opinion reference is made to a letter dated June 15, 1905, from W. W. Ewing, "on behalf of the applicants, in the nature of an application for rehearing."

Commissioner Bixby refers to the fact that the Department says that while it is suggested in the opinion that it is within the discretion of the Secretary of the Interior to grant the application, it is not deemed advisable to do so, as the application does not answer the requirements of the ordinary rules for motions for review, it not being sworn to or supported by affidavits of the witnesses intended to be introduced if a rehearing should be ordered, and a copy of it not having been served on the attorneys for the Cherokee Nation. The Department also says that the address of Mr. Ewing is un-

known to it, that a letter addressed to him at Washington, D. C., the address given in his letter, was returned unclaimed, and that on July 8, 1905, W. T. Hutchings filed an argument for the applicants.

He further quotes the Department as saying:

> In, order, however, that further opportunity to file a proper motion may be given, it is requested that you advise the claimants, their attorney, and Mr. Ewing, if you know his address, that 30 days from such notice will be allowed within which to file such motion for rehearing, showing proper service of a copy thereof and all papers filed therewith upon the attorney for the Cherokee Nation.

He reports that on November 4, 1905, the principal applicants in the Cherokee freedmen case of Mary Ann Riley et al., and their attorney, W. T. Hutchings, were advised of the Department's instructions and notified that they would be allowed 30 days from that date within which to file in his office, for transmission to the Department, such motion as they desired to make in the case, evidence of service on the attorneys for the Cherokee Nation of all papers filed to be furnished, and that the postoffice address of Mr. Ewing being unknown to him, the applicants and their attorney were requested to advise him, if possible, of Mr. Ewing's address, but no reply has been made to the letters mentioned and no motion for a rehearing has been filed.

The letter of Mr. Ewing , dated June 15, 1905, transmitted with the Departmental letter, is returned.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

EBH-Y.

Washington, D. C., June 18, 1906.

Honorable Thomas Ryan,

Secretary of the Interior.

Dear Sir:

By reason of personal interests in the matter, I desire to call your careful attention to the application of Mary Ann Riley and her children for enrollment on the Cherokee Freedmen Roll.

This case has been acted upon by the Dawes Commission and by the Commissioner of Indian Affairs and is now in your office for final action.

I learn by the record in the case that up to this point the application has been denied.

Since the case has been forwarded to Washington by the Dawes Commission, I have personally investigated the status of Tom Riley, deceased, who was the husband of Mary Ann Riley and also the status of all those named in the application for enrollment.

I devoted the better portion of a week to this personal investigation and examined a large number of those whose testimony was taken at the time the case was tried as well as others who knew of their own personal knowledge the exact facts in the case.

As grounds for the requests herein preferred,

I will make the following statements of fact and statements of my honest belief after a careful personal investigation:

1. I assert as a fact that Tom Riley, the former husband of Mary Ann Riley, the applicant, was a slave with the Cherokee Indians for a period of 47 years. He was also known as Tom Ridge and Tom Waty, these names being applied to him because they were the names of his former owners.

2. Tom Riley, his wife Mary Ann Riley and three children, also slaves of the Cherokee Indians, were taken by the Federal soldiers out of the Indian Territory to Fort Scott, Kansas, and turned loose.

3. I assert as a fact and believe I can prove conclusively that Tom Riley, after living in Kansas a short period of time returned to Possum Creek, Indian Territory in the fall of 1866, that having been his home for so many years, it was the natural place for him to turn to after the Treaty of 1866, and to preserve any rights which might attach to him as a Cherokee Freedman.

4. I assert as a fact and can establish beyond any question of a doubt that he built himself a house on Possum Creek in the Indian Territory immediately after his returning in the fall of 1866. This fact can be established by the testimony of at least four witnesses who have a personal knowledge of the facts.

5. I assert that Tom Riley moved his family to this home which he built as soon thereafter as the conditions would warrant their removal and he was able to do it.

6. It is my honest belief, and I do not believe any testimony can be adduced to the contrary, that Tom Riley never established a home or owned any land elsewhere than theplace of his early associations, to wit, in the Cherokee Nation, where he was a Cherokee slave.

7. It is my honest belief and I can prove without doubt, that Tom Riley, from the date of his return to the Cherokee Nation in the fall of 1866, continued to spend annually a part of his time in said Nation and to speak of it and regard it at all times as his domicile. The evidence will show that the Cherokee Nation was, in law and in fact, his home from the fall of 1866 to the date of his death in 1890. That, he spent only such time with his family in Kansas as was absolutely necessary under the conditions which confronted him both in the Indian Territory and in Kansas to make the necessary preparations to take his family with him and live permanently in the Cherokee Nation and to provide for their support in that country. Riley's first return to the Territory was unquestionably for the purpose of establishing his residence under the treaty of 1866, as evidenced by the preparations

which he made to make a permanent home for himself and family. This is borne out and made further indisputable by the fact that he afterwards moved his family to this very home and carried out in good faith, and according to law, his intention in the first place.

8. I learn upon examination of the record in the case on file in your office, that Tom Riley and Mary Ann Riley, his wife, and their children, whose names were Mary Hazelrig and her children, and Mary Brown and her children, were on the Kern - Clifton rolls and that they participated in the distribution of the proceeds of the sale of the land in the Cherokee Strip as well as participating in the distribution of other funds to the Cherokee people as "aid" or "bread" money as popularly termed by the beneficiaries.

9. It is also my firm belief that for the purpose of obtaining work, in order that he might provide for his family, he moved from Possum Creek to the Big Caney River, near Bartlesville, where he secured work and remained in peaceable and quiet possession of the property which is now in dispute in this case for a period of 27 years and his right to possession has never been questioned until the discovery of oil, when the land had become valuable and has tempted others to resort to underhanded methods with a view to depriving him of it.

10. It is my honest belief that I can prove, in case a rehearing is granted, that the testimony adduced at the original trial, tending to show that Tom Riley resided in the State of Kansas during the years after he returned to the Indian Territory in the fall of 1866 was procured by undue influence and improper inducements.

I write this letter to you and ask, in order that justice may be done and in order that no hardship may be worked on a worthy family, who are, in my opinion, entitled to enrollment, that the papers in the case be referred to the Assistant Attorney General to pass upon the question as to the status of Cherokee Freedmen whose names were placed on the roll in pursuance of the decision of the Court of Claims in Whitmire v. Cherokee Nation, and, in the event the record in the case does not clearly furnish sufficient justification for your reversal of the action of the Dawes Commission, a rehearing may be ordered in order that the facts and all of the truth may be better presented than it was in the original trial.

Now Mr. Secretary, I want to impress upon your mind the importance of giving to the applicants in this cause a rehearing, for the reason that their side of the case was not properly presented to the Dawes Commission and was hurriedly prepared without time for careful consideration

and preparation of the case as the importance of it demanded, and also by reason of the dense ignorance of the applicants and their being absolutely without funds and were old and feeble.

The delay occasioned by a rehearing in this case will in no wise injure the Government or the rights of the Cherokee Nation, for the reason that the truth must prevail. On the other hand, a more careful investigation of the facts and a reconsideration of the same may result in enabling the Department to act intelligently when the case is finally determined and possibly avoid a great injustice to the applicants in this case.

I earnestly ask your serious personal attention to this matter and trust that you will grant the request, believing that the grounds I have given in this letter are sufficient to justify the ordering of a rehearing that justice may be done to all parties, and it is especially represented that because of the ignorance and feebleness of the applicants and those claiming under them, they should have the protection of the Department in order that their full rights might be given to them.

Respectfully,

W. H. Ewing.

DEPARTMENT OF THE INTERIOR, S.P.
WASHINGTON.

I.T.D.9336-1905. September 6, 1905.

L.B.

Messrs. Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Ind. T.

Gentlemen:

The enclosure in your letter of July 19, 1905, namely, "brief on behalf of the Cherokee Nation in the matter of the applications for the enrollment of Mary Ann Riley et al., as Cherokee freedmen", was duly received but in some way has been mislaid and cannot be found. You are requested to forward to the Department a copy of said brief at your ealiest convenience in order that the case may be finally disposed of.

Respectfully,

Jesse E. Wilson
Assistant Secretary.

Y.P.

DEPARTMENT OF THE INTERIOR, LRS

WASHINGTON.

I.T.D.11128-1905 October 13, 1905.

LRS

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

There is inclosed a copy of an approved opinion of the Assistant Attorney-General of August 21, 1905, in the Cherokee freedman case of Mary Ann Riley. Therein reference is made to a letter of June 15, 1905, from W. H. Ewing, "on behalf of the applicants, in the nature of an application for rehearing."

While it is suggested in the opinion that it was within the discretion of the Secretary of the Interior to grant the application, it is not deemed advisable to do so, as the application does not answer the requirements of the ordinary rules of motions for review. It is not sworn to and is not supported by the affidavits of the witnesses intended to be introduced if the rehearing should be ordered, and a copy of it has not been served upon the attorneys for the Cherokee Nation.

The Department does not know where Mr. Ewing can be found. A letter of July 21, 1905, addressed to him at Washington, D. C., the address given in his letter, was returned unclaimed. He has not been admitted to practice before the Department.

In order, however, that further opportunity to file a proper

motion may be given, it is requested that you advise the claimants, their attorney, and Mr. Ewing, if you know his address, that 30 days from such notice will be allowed within which to file such motion for rehearing, showing proper service of a copy thereof and all papers filed therewith upon the attorney for the Cherokee Nation.

July 8, 1905, W. T. Hutchings filed an argument for the claimants.

Mr. Ewing's letter is inclosed, to be returned in due time.

Respectfully,

(Signed) E. A. Hitchcock
Secretary.

Through the
Commissioner of Indian Affairs.

2 inclosures. (Land 13479-1905).

(Copy)

DEPARTMENT OF THE INTERIOR

Office of the Assistant Attorney-General

J.R.W.
V.G.P.
S.V.P.

I.T.D. 2232, 3086, 3087, 5561, } 1905.

Washington. August 31, 1905.

The Secretary of the Interior.

Sir:

I received by reference of June 19, 1905, the record in the case of Mary Ann Riley and others, applicants for enrollment as Cherokee freedmen, with request for my opinion "whether the applicants in said case are entitled to enrollment."

The applicants are Mary Ann Riley, born about 1820; her daughter, Mary Hazelrig, nee Riley, born about 1855, for herself and minor children William A., Jesse, Lacy, Alexander, Joseph R., James M. T., James L. and Fred; Mary Brown, nee Hazelrig, for herself and minor children Robert Lee and George R. The Commission to the Five Civilized Tribes found that:

Mary Ann Riley and Mary Hazelrig are mother and daughter, and were the slaves of a Cherokee citizen at the commencement of the Rebellion; that they were taken out of the Cherokee Nation during said Rebellion, and did not return thereto and establish a residence therein, within the time specified in the decree of the Court of Claims, rendered February 3, 1896, in the case of Moses Whitmire, trustee, &c. vs. The Cherokee Nation et al., for the return of Cherokee freedmen to said Nation. The other applicants herein are children and grandchildren of the applicant Mary Hazelrig, were born since 1866 and possess no rights to enrollment other than as descendants of the said Mary Hazelrig. None of the applicants herein can be identified on the Cherokee authenticated tribal roll of 1880, or the Cherokee census roll of 1896. . . . The applications . . . should be denied . . . . it is so ordered.

The applicant Mrs. Riley is identified on the Kerns-Clifton roll and Mrs. Haselrig on that roll and the Wallace roll of freedmen. The Indian Office recommend approval of the action of the Commission. Counsel for applicants make no contention upon the facts as found by the Commission. I therefore accept them as true for the purposes of this opinion.

Counsel, however, contend that by their enrollment upon the Kerns-Clifton roll --

> These people were judicially declared to be citizens of the Cherokee Nation and freedmen; they were judicially declared to be entitled to all the rights which they got under the treaty of 1866. It was the valid judgment of the Court saying that they had brought themselves under the provisions of that treaty, and were entitled to all rights and privileges of it, and therefore that the Cherokee Nation and the United States were forever enjoined from keeping them out of the provisions of such treaty. The only exception made was that the person who should make application to go on the roll should not have forfeited or abjured his citizenship at the date of the entering of the decree. Not only was this roll made and entered under the decree of the Court and approved by the Secretary of the Interior, but the Cherokee Nation was a participant in its making. Its representative was present, cross-examined witnesses, with the amplest opportunity of presenting testimony, and contesting the rights of every person claiming to be entitled as a freedman to citizenship and rights of the Cherokee Nation. It is therefore estopped in contesting the right of the claimants to share in the lands and moneys of the Cherokee Nation. . . . . .
>
> We do not believe therefore that Congress intended by the Cherokee treaty to go behind that roll, but even if it did, Congress could not disturb the judgment of that Court.

The reference is to the adjudication in the case of

Whitmire, Trustee, v. The Cherokee Nation (30 S.Ct., 138, and 180-196). Jurisdiction was conferred upon that court by the act of October 1, 1890 (26 Stat., 636), among other things---

to hear and determine what are the just rights in law or in equity of the . . . . . Cherokee freedmen, who are settled and located in the Cherokee Nation under the provisions and stipulations of article nine of the aforesaid treaty of eighteen hundred and sixty-six, in respect to the subject-matter herein provided for.

Sec.2. That the said . . . .freedmen shall have a right . . . . . to begin and prosecute a suit or suits against the Cherokee Nation and the United States Government to recover from the Cherokee Nation all moneys due either in law or equity and unpaid to the said . . . . freedmen, which the Cherokee Nation have before paid out, or may hereafter pay, per capita, in the Cherokee Nation, and which was, or may be, refused to or neglected to be paid to the said . . . . freedmen by the Cherokee Nation, out of any moneys or funds which have, or may be, paid into treasury of, or in any way have come, or may come, into the possession of the Cherokee Nation, Indian Territory, derived from the sale, leasing, or rent for grazing purposes on Cherokee lands west of ninety-six degrees west longitude, and which have been, or may be, appropriated and directed to be paid out per capita by the acts passed by the Cherokee council, and for all moneys, lands, and rights which shall appear to be due to the said . . . . freedmen under the provisions of the aforesaid articles of the treaty.

This was a jurisdiction to determine the rights in the common tribal property of the freedmen as a class, and neither in terms nor by necessary implication did it extend to determination of what particular persons composed and constituted such class or who were freedmen.

May 8, 1895, in its opinion (30 C.Cl., 186), the court after discussion said: "The court therefore takes the Wallace

roll as furnishing the true number for the freedmen, 3524, "but this was to be corrected (ib., 188), by exclusion of the dead and of those who had ceased to be citizens and by adding descendants born after March 3, 1883, and prior to May 3, 1894, and "when thus amended and changed it shall represent the freedmen entitled to participate in the fund." In the decree (ib., 193,) it was adjudged that the "freedmen and free colored persons aforesaid and their descendants are entitled to participate hereafter in the common property of the Cherokee Nation," &c. This decree was annulled and another by consent was entered (6th Ann'l Rep. Commission to the Five Civilized Tribes, page 70), with a paragraph in substantially the same terms, but the basis adopted was the Cherokee freedmen's roll of 1880, prepared by the tribal authorities. That roll was to be corrected by a commission appointed by the Secretary of the Interior, one member of which was nominated by the Cherokee Nation. The Kerns-Clifton roll was prepared by this commission. There was no provision for review by the court of the proceedings of this commission by appeal or exceptions. On the contrary, this commission was directed to report its roll, not to the court, but to the Secretary of the Interior, and when it was approved by him the fund in control of the court was to be paid to the persons borne on that roll.

The effect of an adjudication of right of citizenship

to the persons borne on the Kerns-Clifton roll can be maintained only on the theory that the court delegated its judicial powers to the Commission and the Secretary of the Interior. A mere statement of this proposition refutes the contention. That a court can not delegate its judicial power is a fundamental proposition needing no citation of authority. The right of persons on the Kerns-Clifton, not borne on the Cherokee 1880 freedmen roll, wasnever in any sense adjudicated. As to them the Kerns-Clifton enrollment was an administrative proceeding or act simply. It being a purely administrative proceeding, remained subject to revision and correction in any manner then or thereafter provided by law.

The court in Whitmire v The Cherokee Nation, supra, as part of itsoriginal and final decree, defined the classof persons whose rights were thereby established and who were to be enrolled by making reference to article nine of the treaty of July 19, 1866, --

> with respect to the rights of said freedmen who had been liberated by voluntary act of their former owners or by law, and all free colored persons who resided in the Cherokee country, at the commencement of the rebellion and who on the said date resided therein, or who returned thereto within six months thereafter, and their descendants; . . . . It being understood that the freedmen and their descendants and free colored persons above referred to shal include only such persons of said class as have not forfeited or abjured their citizenship of said Cherokee Nation at the date of the entering of this decree.

Except in punctuation the definition of the class of

persons was clearly intended to be a substantial quotation (in past tense) of that in article nine of the treaty, so that the treaty provision itself was given to the Commission as guide for its action, restricted by the added direction as to forfeiture and abjuration of Cherokee citizenship. Having this precept as a limitation on its powers, the enrollment of other persons not within the class so defined was in excess of the powers of the Commission and never sanctioned by the court.

The difference of punctuation above noticed, and any construction founded on the punctuation of article nine of the treaty, is in the present case immaterial. It is unnecessary to re-enter into a discussion of the proper construction of this provision of article nine of the treaty, heretofore fully considered in my opinion of March 22, 1904, and in that of May 9, 1905, in case of Darrell Daniels. If the six months' period was applicable to this class, the applicants, as the Commission find, did not comply with it; if it was not applicable, they were merely made Cherokee citizens by the treaty, with "all the rights of native Cherokees," and became at once liable -- without benefit of a six months' period -- to operation of section 2 of article one of the Cherokee Constitution, if they settled and became legally domiciled at Lawrence, Kansas. If either state of facts be conceded to be true, it, in my opinion, follows that

the Kerns-Clifton Commission exceeded its powers in assuming to grant their enrollment.

That enrollment having been, as above shown, an administrative act, and not a judicial one, was subject to review and correction in any manner that Congress should by law direct. The act of June 28, 1898 (30 Stat., 495, 502), directed the Commission to the Five Civilized Tribes that:

> It shall make a roll of Cherokee freedmen in strict compliance with the decree of the Court of Claims rendered the third day of February, eighteen hundred and ninety-six.

Congress confirmed some Indian tribal rolls. It might as easily have confirmed the Kerns-Clifton roll, and naturally would have done so had it regarded that roll as either an adjudication of right or even only an accurate roll. Instead of so doing, it directed compilation of a roll in strict compliance with the terms of the decree. This implies that Congress did not regard the Kerns-Clifton roll as made in compliance with that decree, else it would have confirmed that roll, as it did the tribal roll of 1880.

If the facts were conceded to be as stated in the findings, it would follow that the Commission acted in strict compliance with the direction given by Congress in the act of 1898, supra. It is represented, however, that in fact Tom Riley returned to the nation in 1866, and some evidence in the

record is to the effect that he left Kansas with the announced intention of returning to the nation as early as February, 1866, before the date of the treaty. Since reference of the case to me a further paper is filed on behalf of the applicants in the nature of an application for rehearing which, among other things, represents --

that Tom Riley never established a home or owned any land elsewhere than the place of his early associations, to wit, in the Cherokee nation, where he was a Cherokee slave . . . . that the testimony adduced at the original trial tending to show that Tom Riley resided in the State of Kansas during the years after he returned to the Indian Territory in the fall of 1866 was procured by undue influence and improper inducements . . . . that the case was not properly presented to the Dawes Commission and was hurriedly prepared without time for careful consideration and preparation, and also by reason of the dense ignorance of the applicants.

It is within the discretion of the Secretary, and entirely proper for him to grant such application.

Very respectfully,

Frank L. Campbell,

Assistant Attorney-General.

Approved: August 31, 1905.

THOS RYAN,

Acting Secretary.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
D-957.

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

Muskogee, Indian Territory, November 4, 1905.

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

Gentlemen:

In connection with the Cherokee freedmen enrollment cases of Mary Ann Riley, et al., you are hereby advised that this office is in receipt of Departmental letter of October 13, 1905, inclosing an approved opinion of the assistant attorney General of August 31, 1905, in said case. Reference is made in said opinion to a letter of June 15, 1905, from W. N. Ewing, on behalf of applicants in the nature of an application for rehearing.

The Department advises that it is not deemed advisable to order a rehearing, as the application in the form of a motion does not answer the requirements of the ordinary rules of motions for review. The Department directs as follows:

> In order, however, that further opportunity to file a proper motion may be given, it is requested that you advise the claimants, their attorney, and Mr. Ewing, if you know his address, that 30 days from such notice will be allowed within which to file such motion for rehearing, showing proper service of a copy thereon and all papers filed therewith upon the attorney for the Cherokee Nation.

The attorney for the applicants has this day been notified that he will be allowed thirty days from date hereof within

which to file with this office such motion as he desires to make to have this case reopened, a copy of which he has been advised he will be required to serve on you.

There is inclosed herewith, for your information, a copy of Departmental letter referred to, together with a copy of the opinion of the Assistant Attorney General of August 31, 1905.

Respectfully,

Incl. S-90

Commissioner.

REFER IN REPLY TO THE FOLLOWING

Cherokee
F D 957 et al.

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

Muskogee, Indian Territory, April 24, 1906.

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

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the applications for the enrollment of Mary Ann Riley; Mary Brown and her minor children, Robert Lee and George R. Brown; and Mary Hazelrig and her children, William A., Jesse, Lacy, Alexander, Joseph E., James M. T., Jacob L., and Fred Hazelrig, as Cherokee freedmen, was affirmed by the Secretary of the Interior April 16, 1906.

For your information there is inclosed herewith a copy of the Department's decision referred to.

Respectfully,

Acting Commissioner.

Incl. GL-38.
GHL

D. C. 13947-1906 (C O P Y) J.W.M.
LLB

DEPARTMENT OF THE INTERIOR

I.T.D. 2232, 3085, 3087, 5861,
6119, 6489, 6651, 11126, WASHINGTON.
12336, 12090-1905.
300-1906

L R S April 16, 1906

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

The Department has further considered the record in the Cherokee freedman case of Mary Ann Riley et al., which was the subject of the approved opinion of the Assistant Attorney-General of August 31, 1905.

In a decision rendered by the Commission to the Five Civilized Tribes February 13, 1905, the application of the claimants in this case was denied. Reporting in the matter March 6, 1905, the Indian Office recommended that this decision be approved.

By the preponderance of testimony it is shown that the principal applicant herein, Mary Ann Riley, and her husband, Tom Riley (or Ridge or Watie), deceased, were, prior to the war of the rebellion, the slaves of a Cherokee citizen residing in the Cherokee Nation. During said war they removed, or were taken, into the State of Kansas. As early as 1863 or 1864 they took up their residence at or near Lawrence, Kansas, about 135 miles north of the northern boundary of the Cherokee Nation. A per-

tion of the time while living near Lawrence, they resided on or near what was formerly known as the Delaware reservation. Later, and about the year 1870, they moved into the town of Lawrence. There they continued to reside for several years thereafter, probably up to 1880. It seems clear that the residence of the wife and children, as outlined above, was continuous. There is, however, testimony tending to show that the head of the family, Tom Riley, was seen several times in the Cherokee Nation during the years 1866 and 1867, but it is not doubted that practically all of his time during said years was passed with his family in or near Lawrence, and that being of a roving disposition, his trips to the territory were mere visits. It is not shown that Tom Riley attempted to establish a permanent residence in the nation within the time fixed by the treaty, except that he constructed, with the help of others, a cabin therein in 1866 which he occupied, however, but a month or two, and then without his family. It is further shown that after moving into the town of Lawrence Tom Riley purchased a house and held the same for some time. There is also testimony, apparently reliable, showing that his daughter, Mary Riley, the mother of the minor applicants herein, was married in 1873, while a resident of Lawrence, to George Hazelrig, who was not a citizen of the Cherokee Nation. Copies of certain court

records, both civil and criminal, also form a part of the record herein, and show that various members of the family continued to live in Lawrence until as late as 1880.

The Department concludes that Mary Ann Riley, Mary Haselrig, and the children of the latter did not remove to the Cherokee Nation until several years after the treaty of 1866. Further that the said Tom Riley did not establish a bona fide residence therein within the time required, and, that even though itbe conceded that he did so, he subsequently identified himself sufficiently with another nation by his purchase of a home and residence in Kansas to effectuate a loss of his Cherokee citizenship, if such he ever had. In like manner, assuming that Mary Haselrig ever acquired Cherokee citizenship, the same was lost by her marriage to a non citizen and residence beyond the limits of the Cherokee Nation.

Accordingly, the decision of the Commission to the Five Civilized Tribes, adverse to the applicants, is hereby affirmed.

Copies of Indian Office letters of March 6, 1905, September 20, 1905, and January 5, 1906, are inclosed.

Respectfully,

Thos. Ryan

First Assistant Secretary.

3 inclosures.

~~F. D. 35~~

~~[illegible]~~ Mary a. Riley Cose
Mary Hazelrig Cose.
✓✓ J. C. Jones " "
✓✓ Benjamin Files Jr. Scott Co.
✓✓ Elizabeth Doors " "
✓✓ Elbert Rucker " "
✓✓ W. H. Nichens ✓✓ Cosby Fortney
✓✓ B. F. Fortney, ✓✓ Simon Scales
✓✓ Jasper " ✓✓ Elizabeth Runyon

[illegible] Mary Hazelrig [illegible]
[illegible] Tom Wake
[illegible] Tom Ridge [illegible]
[illegible] Tom Riley [illegible]
[illegible] Mary ann [illegible]
[illegible]

[illegible] alonzo
[illegible] alonzo [illegible]
[illegible] Eli Hayood
[illegible]

1

Cornish French in
Leo Hazelwig with + Chicam
I first saw Leo Hazelwig a
short while before the Wallace
enrollment – probably as
much as 2 years –
He was at Amy Cordings on
Carey in Co. Dist –
~~They~~ Hazelwood made no
claim then to pound for a
Statement
– Amy Cordings, –
I know – Mary Ann Riley or
Watie, I lived on Carey, ride
near Bartlesville C. N.

2

She came from Kansas. some three or four years before the Wallace Rock was made.
I saw her girl at Bartlesville
Before I went to Bartlesville
I lived on Verdigris about Goosneck Bend. when I first saw, Mary Ann Riley I had been away from Goose neck Bend about two years —
I knew Susie Colbert at Goosneck Bend lived about five miles from. never was about Mrs Colbert a great deal, I never heard of Mary Ann Water or Riley at Mrs Colbert

at any time before I moved away from Boonneck Bend. When I saw her at Bartlett's first – She said that she was just from Kansas. just moved in –

END
OF
REEL