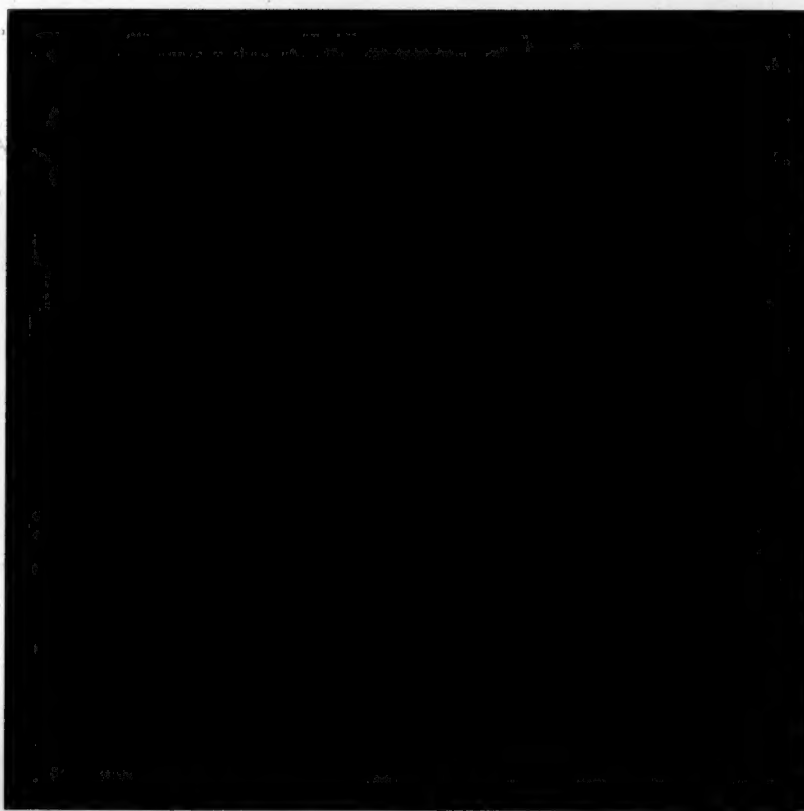
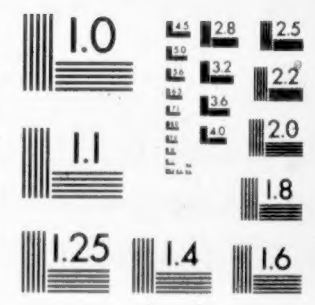
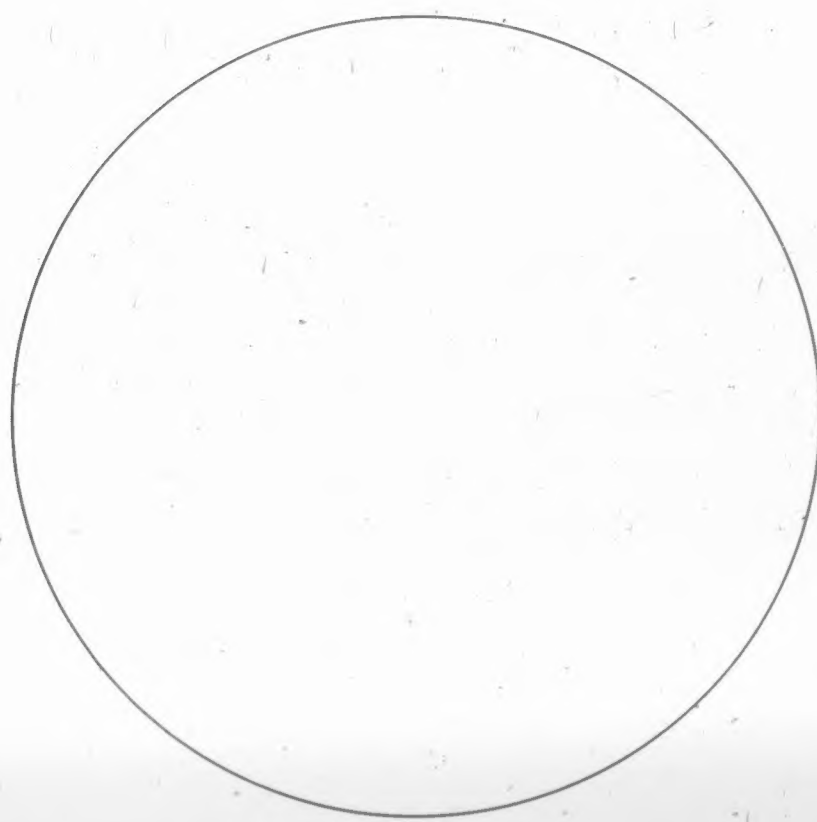
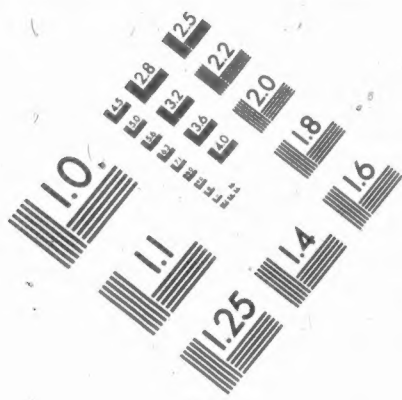
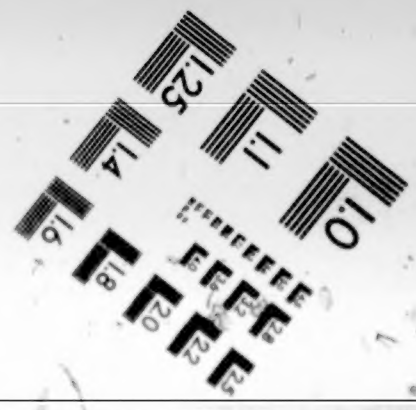
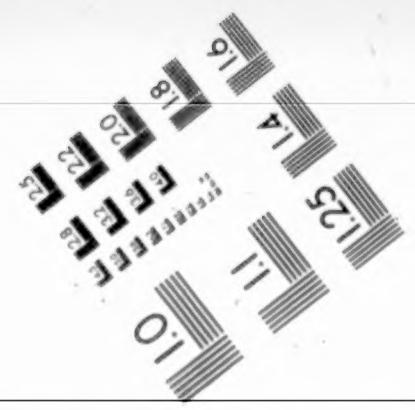
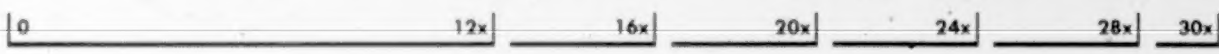


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

ROLL 363

CHEROKEE FREEDMEN R115 - R166

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 8th, 1901.

In the matter of the application of Polly Vann for enrollment as a Cherokee Freedman; said Vann being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

APPEARANCES:

Mr. I. P. Bledsoe, Agent for Applicant.

Mr. J. S. Davenport, Cherokee Representative:

- Q Give me your name? A Polly Vann.
Q How old are you? A I can't tell you.
Q Well come as near as you can? A I guess I am 150.
Q You are pretty old are you? A Yes, sir.
Q Well, you are 75 or 80 are you, Auntie? A I don't know, I was born in Georgia.
Q Does that make you 150? A I don't know.
Q What is your post office? A I can't tell you.

ABRAHAM HAIR, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q What is your name? A Abraham Hair.
Q What is your post office? A Wimer.
Q Do you know this old lady here? A Yes, sir, I know that old lady.
Q Have you known her a good while? A Yes, sir.
Q What is her post office now? A Welch.

POLLY VANN, Applicant, recalled:

- Q You live down there about Welch do you, Auntie? A Yes, sir.
Q Is that in Cooweescoowee District? A Yes, sir.
Q Do you want to be enrolled as a Cherokee Freedman? (nods yes.)
Q Is anybody you want to enroll or are you just by yourself?
(By herself.)
Q Well, you say you came from Georgia? A Yes, sir.
Q Did you come when the Cherokees came? A Yes, sir.
Q Have you lived in the Cherokee Nation ever since the Cherokees brought you from Georgia? A Yes, sir.
Q You were out of the Cherokee Nation during the war, were you?
A Yes.
Q Where did you go, to Kansas? A I went to Kansas.
Q What was the name of your Master when the war broke out?
A Sonny Vann.
Q Was he a Cherokee citizen? A Yes, sir.
Q Well, what time did you come back from Kansas, what year was it?
A '66.
Q Well, have you lived here ever since? A Yes.
Q Have you always been called Polly Vann? A Yes.

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

- Q Did they ever call you Polly Wildcat? A That was my husband's name.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

ABRAHAM HAIR, witness, recalled:

- Q Who did this old lady belong to when the war came on, do you know? A No, sir, I don't know.
Q How long have you known her? A I have knowed her ever since the war.
Q What name has she always gone by? A Wildcat since I knowed her.

Polly Vann.--2.

Q They always called her Wildcat did they? A Yes, sir, that was her husband.

Q What was her husband's full name? A Well, I don't know that.

APPLICANT: My husband's name was Cherokee Wildcat, Morris Vann.

Q How long has her husband been dead? A He has been dead some eight or nine, ten years as far as I remember.

Q The old lady can't talk very well, I will get you now to answer some questions for me; how many children has the old Lady?

A Six.

Q Give me their present names, are there any boys?

A No, sir, all girls.

Q Give me their names? A One is named Betsy.

POLLY VANN, Applicant, recalled:

Q Have you a child named Betsy? A Lizzie.

Q Well now give me your other child, what is the one next to Lizzie?

A Dinah.

Q What is the balance of Lizzie's name, Lizzie what? A Lizzie

Macy.

Q And Dinah is she married? A They have been married.

Q Is she living with a man named Smith? A She left him.

Q She had a husband named Smith? A They never told me what his name was.

Q Did you ever hear that his name was Smith? A No, sir.

ABRAHAM HAIR, witness, recalled:

Q Well, old man, do you know anything about it? A No, sir, that is her child, I know that.

POLLY VANN, the Applicant, recalled:

Q Now, the next child after Dinah? A Mag Johnson.

Q And the next child after Mag? A Peggie Jackson.

Q And the next one after Peggie? A Jennie Pointer.

Q Have any of these children applied to be put on the roll yet?

A No, sir.

Q How old is Lizzie A All grown.

Q Were these five children all with you during the war?

A Yes, sir.

Q In Kansas? A Yes, sir.

Q Did they all come back with you? A Yes, sir.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and names of applicant's children not found thereon.

Q You didn't get any strip money? A Never did.

Q Did any of your children? A Yes, sir, one of them, living with a Cherokee.

Q What is the name of that child? A Nancy.

Q Nancy what? A Nancy Vann, belonging to my Master's son.

Q Did you ever draw any money at all from the Cherokees?

A No, sir.

Q At any time? A No, sir.

ABRAHAM HAIR, Witness, recalled: BY MR. BLEDSOE:

Q Abraham, you say you never knew this woman before the war?

A No, sir.

Q Where did you first see her after the war? A I saw her up here on Snow Creek.

Q That is in the Cherokee Nation? A Yes, sir.

Q What time was that? A Spring of '66, at old Ben Alberty's.

Q Who was with her then? A Her children and old Uncle Ben and his wife.

Q Do you know ~~ix~~ what children were with her there of these you have mentioned? A Yes, sir.

Q What were they doing there A Just stopped there.

Q Did you see her at any time after that? A Yes, sir.

Polly Vann.--3.

- Q When did you see her next? A The next year afterwards.
Q Where did you see her then? A Down on Grand river.
Q In the Cherokee Nation? A Yes, sir.
Q Have you seen her at any time since? A No, sir, not at all.
Q You haven't seen her at any time since you saw her down on Grand river.
Q Until you saw her here? A No, sir.
Q You don't know then on your own knowledge whether she was a Cherokee slave or not? A Yes, sir, I know she ~~was~~ was.
Q Did you know her Master? A No, sir, I knowed him but I didn't know her, I knowed her Master.
Q Who was her Master right at the commencement of the war?
MR. DAVENPORT: I object to that because he said he didn't know her.
A I knowed her, Vann was her Master.
Objection sustained by Commission.

THOMAS MAYFIELD, being sworn and examined by Commissioner C. B. Breckinridge, testified as follows:

- Q Give me your name. A Thomas Mayfield.
Q How old are you? A I am about 86 or 7.
Q What is your post office? A Spavinaw.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you on the roll of 1880? A No, sir.
Q Where were you during the war? A Well, I was at home, I went to Kansas.
Q Were you a slave before the war? A Yes, sir.
Q Did you belong to a Cherokee citizen? A Yes, sir.
Q Were you a slave here in the Cherokee Nation? A Yes, sir.
Q Who was your master? A Walker Mayfield and Jane Mayfield.
Q How long have you known this woman, the applicant here? A Oh, that's a mighty old woman, I can't tell you exactly how long I have known her, I have knowed her ever since the war.
Q Was she a slave here in the Cherokee Nation before the war?
A Yes, sir.
Q Whom did she belong to? A Sonny Vann.
Q Did he live near you? A Lived in a mile and a half of me.
Q You knew her there as his slave? A Yes, sir.
Q The old lady is not as old as she thinks she is; she thinks she is a hundred fifty years old? A I don't know, she come from the old Nation.
Q Well, did you see anything of her while the war was going on?
A No, sir, she went out before I went out.
Q You didn't see her up in Kansas? A No, sir.
Q When did you see her and where did you see her first after the war was over? A At the Kern-Clifton ~~xxx~~ Court.
Q And that is the first time you saw her? A That is the first time I saw her since the war.

BY MR. BLEDSOE:

- Q Do you know anything, Mr. Mayfield, in regard to her children; do you know the names of them? A A I don't know the names of them well, but I know when she lived there she had as high as three or four.

WILLIAM FOREMAN, being sworn and examined by Commissioner C. B. Breckinridge, testified as follows:

- Q Give me your name. A William Foreman.
Q How old are you? A 64.
Q What is your post office? A Wagoner.
Q How long have you lived in the Cherokee Nation? A All my life.

Polly Vann,--4.

Q Are you a Cherokee by blood? A Yes, sir.

Q Do you know this woman here? A Well I know her now; I knowed her the last few months; well I saw her I reckon in '66, I ain't positive as to her being the same woman, she claimed that she seen me then; she claims that I saw her but I ain't positive.

Q Since then you haven't seen her until the few months past?

A No, sir.

Q Did you know this woman before the war? A No, sir.

Q You didn't know her until the time you may have met her in 1866?

A Yes, sir.

Q What made you believe she was the same woman? A Well I met a woman over on Snow Creek. There was a man by the name of Evans had some cattle up here on the Military road and he didn't want to go by the Military road because the grass was not good and he got me to pilot him across from the Verdigris river near where old Parker is, they called it, to the Kansas line. I went with him and helped him get the cattle across the river.

Q Well, what did this woman have to do with it? A We crossed the Creek very high up five or six miles probably above the landing on account of avoiding the timber and on our way back I come straight back and crossed probably three miles below where we crossed the cattle and in coming back we run across a camp and I stopped and there were several negros there, old man by the name of Ben Alberty, Big Ben they called him, belonged to John Alberty.

Q Had you known him before? A Yes, sir. And I stopped there and got dinner and there was an old woman there that spoke Cherokee and could not talk much english and I talked some with her and asked her about the folks and one thing and another and I have never saw her since that I know of until about two months ago I saw her up at Timbered Hill on the Neosho river.

Q What did this woman tell you? A She told me that I was the same man.

Q What did she tell you up there on the Neosho river?

A She told me about the folks.

Q Did she tell you about her folks? A No, sir.

Q She told you who she was traveling with? A I remember old man Alberty.

Q You didn't remember her by face? A No, sir, it has been a good while ago and I didn't remember, it has been a good while ago; but she says I was the same man.

Q How does she come to remember you? A I don't know; she says I am the same man.

Q How did she happen to speak to you about it? A She wanted me to be a witness for her and I told her that I could tell what I knew about it.

Q Where do you live now? A At Wagoner.

Q And where does this woman live? A Over on the Chouteau river.

Q And how did she happen to know that you were living and that you were in existence? A I don't know that she knew until I met her over at Timbered Hill, passed there.

Q When did you pass there? A It has been about a month ago.

Q What were you doing up there? A I was looking out for an allotment.

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

Q You met her up there? A I come on to her place, there where she said her home was; she claimed to recognize me and said she wanted me to be a witness for her.

Q Did she recognize you as soon as she saw you? A After we spoke she asked me if I was not the same man and I told her I had forgot it and didn't remember.

Q How did she happen to recognize you and ask you that question?

A I could not tell you.

Q Just looked at you and recognized you? A She was talking

Frenchman and I asked her if she talked Cherokee and she said yes and I spoke a few words and she seemed to recognize all right and she talked to me about coming before this Court.

Polly Vann.--5.

Q Had you ever seen or heard of her from the time you took dinner?
A I don't know, I might have seen her at the payments.

BY MR. DAVENPORT:

Q You don't know anything about her family at all? A No, sir.
Q Now, Mr. Foreman, you are the same Mr. Foreman, that testified in the Robinson case? A Yes, sir.
Q It was in the Robinson case that you got \$125 for testifying for them didn't you? A I got a note for that effect and collected it later on.
Q Now have you got any notes in this case to testify? A No, sir.
Q Any other case at this time we have been taking that you have got money to testify in? A No, sir.

ABRAHAM HAIR, Witness, recalled: BY MR. DAVENPORT:

Q Abraham, are you on the 1880 roll? A No, sir, I don't think I am.

POLLY VANN, the Applicant recalled:

Q Aunt Polly, have you some children living down at Vian? A Yes, sir; I live in Sequoyah District.
Q When you returned to the Cherokee Nation after the war what place did you come to, what district? A Let's see, I come back to Sequoyah District.
Q Well do you live in Sequoyah District now? A No we came back, we live in this, Timbered Hill.
Q You have a daughter, Peggie, living haven't you? A I come back with my.
Q She is living with you? A Yes, sir.
Q She lives at Vian doesn't she? A She lives at Sallisaw with an Indian, he dived with the Indians.
Q Where does your daughter, Peggie, live, up here by Timbered Hill with you? A Yes, sir.
Q Where does Dinah live? A Canadian.
Q Well, didn't Dinah live at Vian when the Kern-Clifton Commission was talking the testimony? A Nancy I guess; Nancy never come out she stayed with her Master when the war time and never came out
Q Didn't Dinah live at Vian in 1896 when the Kern-Clifton Commission was taking testimony? A I can't tell you.

COM'R BRECKINRIDGE: The applicant claims to have been a slave in the Cherokee Nation and the slave of a Cherokee citizen at the time the war began between the states. This is confirmed by one of her witnesses: She states that she went to Kansas while the war was going on and returned in 1866. She is not identified upon any roll, and there is no evidence to indicate when she returned from Kansas except that of one of her witnesses who thinks he may have seen her in 1866 and if so he has not seen her from that time until a few months passed. It is further shown by the testimony of this witness, William Foreman, that he has made in one instance an extortionate charge for giving testimony in a case of this character, and the testimony of such a witness is not deemed of much credibility. Under these conditions considering the vagueness of the testimony, the absence from all rolls and the unreliability of the character of the only witness who has any impression whatever of having seen the applicant in or about the year 1866, there appears at this time no ground upon which her enrollment can be justified and her application for enrollment will be

Pelly Vann.--6.

listed for rejection, she being classed as a Cherokee Freedman, that being the character of her application.

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J. O. Rossen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony 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 20th of June, 1901.

[Signature]

Commissioner.

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

Dr B
1860

In the matter of the application for the enrollment of
Polly Vann as a Cherokee Freedman.

DECISION.

The record in this case shows that on June 8, 1901 Polly Vann appeared before the Commission, at Chelsea, Indian Territory, and made application for her enrollment as a Cherokee Freedman. Further proceedings were had in the matter of this application at Muskogee, Indian Territory on November 23, 1904.

The record in this case shows that the applicant was about 90 years of age at the time application was made for her enrollment; that she was the slave of a Cherokee citizen at the beginning of the war of the Rebellion; and that during said war she went out of the Cherokee Nation into the state of Kansas, and, although ample opportunity has been given, the evidence introduced fails to show that she returned to said Nation prior to February 11, 1867.

The name of the applicant can not be identified upon the 1860 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Eliza Bryant et al. (I.T.D. 544-1904) and Ed Williams (I.T.D. 4230-1904), the application of Polly Vann for enrollment as a Cherokee Freedman should be denied, in accordance with the provisions of Section twenty-one of the Act of Congress approved June 23, 1898 (30 Stat., 425), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

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COPY. Cherokee Freedman R 118

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

In the matter of the application for the enrollment of
Polly Vann as a Cherokee Freedman.

--:

DECISION.

THE RECORD IN THIS CASE SHOWS: That, on June 8, 1901, Polly Vann appeared before the Commission to the Five Civilized Tribes at Chelsea, Indian Territory, and made application for enrollment as a Cherokee freedman. Further proceedings in the matter of said application were had on November 23, 1904, at Muskogee, Indian Territory.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant Polly Vann, was the slave of a Cherokee citizen at the commencement of the rebellion, was taken from the Cherokee Nation during said rebellion, but, after ample opportunity having been afforded, the applicant has failed to establish by satisfactory evidence, that she returned 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 Cherokee freedmen to said Nation. Consequently, her application for enrollment 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. 4056-04).

William Foreman, in behalf of applicant, testifies that she returned to the Cherokee Nation in 1866, with one Ben Alberty. In the consolidated case of Emma Powell et al. Cherokee Freedman D 475 et al., in its decision rendered on April 18, 1905, the Commission to the Five Civilized Tribes found that the said Ben

Alberty did not return to the Cherokee Nation after the rebellion, within the time specified in the said Whitmire decree, and the proceedings in said consolidated case were duly forwarded to the Department, where they are now pending.

The applicant in this case can not 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), Polly Vann is not entitled to enrollment as a Cherokee Freedman, and her application for enrollment as such is accordingly denied.

(SIGNED) James Dixby.
COMMISSIONER

Dated at Muskogee, Indian Territory,
this SEP 29 1905

Cherokee Freedmen B-115

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I. T., NOVEMBER 23, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Polly Vann as a Cherokee Freedman.

On October 17, 1904, the applicant was notified by registered mail, and on October 25, 1904, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Polly Vann as a Cherokee freedman, would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on the 23rd day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application, at which time the case would be taken up for final consideration. Receipt has been acknowledged of the Commission's letter by attorney for applicant.

Now on this 23rd day of November, 1904, this cause coming on to be heard, pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

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H. M. Vance, being duly sworn, states that as stenographer to the commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 23rd day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. M. Vance

Subscribed and sworn to before me this 14 day of December 1904

Charles H. Sawyer
Notary Public.

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COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 8 1901

[Handwritten signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN. JUN 8 - 1901

Date

Post Office

District

1. Name

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

Mother

2. Name of wife

Owner's name

Year

Page

No.

District

Parents:

Father

Mother

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by

Stenographer

I certify that the above is a true and correct copy of the original as shown to me by the applicant.

COMMISSIONERS
TAMM BIXBY,
THOMAS B NEEDLES,
C R BRACKINRIDGE,
W E STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

HEREIN REPLY TO THE FOLLOWING

Cherokee Freedman
R 115

Muskogee, Indian Territory, February 25, 1904.

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

Dear Sir:

In the matter of the application of Polly Vann for enrollment as a Cherokee Freedman you are advised that before the Commission can render a decision in this case it will be necessary that further testimony be introduced as to the date of her return to the Cherokee Nation after the close of the war of the rebellion. It is desired that testimony other than her own be introduced.

The said Polly Vann 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 April 5, 1904, 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.

Cherokee Freedmen

R 115

Muskogee, Indian Territory, February 25, 1904.

I. P. Bledsoe,

Agent for Polly Vann,

Choteau, Indian Territory:

Dear Sir:

In the matter of the application of Polly Vann for enrollment as a Cherokee Freedman you are advised that before the Commission can render a decision in this case it will be necessary that further testimony be introduced as to the date of her return to the Cherokee Nation after the close of the war of the rebellion. It is desired that testimony other than her own be introduced.

The said Polly Vann 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 April 5, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

mdy

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

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

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 115

ALLISON L. AYLESWORTH,
SECRETARY
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25, 1904.

Polly Vann,

Welch, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a 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 the date of your return to the Cherokee Nation after the close of the war of the rebellion. It is desired that testimony other than your own be introduced.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday April 5, 1904, and introduce testimony as above requested.

Respectfully,



Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen

R-115.

7
DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES. *JS*

Muskogee, Indian Territory, September 29, 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 29, 1905, rejecting the application of Polly Vann for enrollment 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 this office is advised of the same.

Respectfully,


Commissioner.

LS

Incl. 8-74

OPY.

Cherokee Freedman
R-118.

Muskogee, Indian Territory, March 2, 1906.

Folly Vann,

c/o C. Pointer,

Timber Hill, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of February 12, 1906, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

(SIGNED) *C. R. Breckinridge.*
Commissioner in Charge.

Cherokee Freedmen
R-116.

COPY.

Muskogee, Indian Territory, September 29, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application of Polly Vann for enrollment as a Cherokee freedman, including the Commissioner's decision dated September 29, 1905, rejecting said application.

Respectfully,

SIGNED:

J. W. [Signature]
Commissioner.

LS.

Incl. S-75

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

COPY.

R-116.

Muskogee, Indian Territory, September 29, 1905.

Polly Vann,

Welch, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting your application for enrollment as a Cherokee freedman. There has heretofore been furnished your agent, I. P. Blessen, Choteau, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded him a copy of the Commissioner's decision.

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

Respectfully,

LS
Incl. S-72
Register

Commissioner.

Cherokee Freedmen

R-116.

COPY.

Muskogee, Indian Territory, September 29, 1905.

I. P. Bledsoe,

Agent for Polly Vann,

Choteau, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting the application of Polly Vann for enrollment as a Cherokee freedman. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

LS
Incl. 9-73
Register

Tame Dixie
Commissioner.

Cherokee Freedmen

COPY:

R-116.

Muskogee, Indian Territory, September 29, 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 29, 1905, rejecting the application of Polly Vann for enrollment 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 this office is advised of the same.

Respectfully,

SIGNED:

James Bixby
Commissioner.

LB

Incl. 5-74

(C O P Y)

Land
78757-1905

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

October 9, 1905

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commissioner to the five civilized tribes, dated September 29, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Polly Vann.

September 29, 1905, the Commissioner decided adversely to the applicant.

The record shows that the applicant 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 after ample opportunity, she has failed to show by satisfactory evidence that she returned to the nation on or before February 11, 1867.

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

Very respectfully,

C. F. Larrabee

Acting Commissioner

M.M.M. (W)

(C O P Y)

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE

D. C. 50414-1905

I.T.D. 13328-1905

November 2, 1905

L R S

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

Sir:

September 29, 1905, you transmitted the record in the matter of the application for the enrollment of Polly Vann as a Cherokee freedman, including your decision of the same date, rejecting said application.

Reporting October 9, 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,

1 inclosure.

(Signed) THOS RYAN
First Assistant Secretary.

PLEASE IN REPLY TO THE FOLLOWING:

Cherokee freedmen

R-115.

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

PLR

Muskogee, Indian Territory, November 10, 1905.

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 29, 1905, rejecting the application for the enrollment of Polly Vann as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 2, 1905.

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

Respectfully,

Incl. S-116


Commissioner.

Cherokee Freedmen

COPY.

R-115.

Muskogee, Indian Territory, November 10, 1905.

Polly Vann,

Welch, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 2, 1905.

Respectfully,

(SIGNED).

Tame Bixby
Commissioner.

LS

Cherokee Freedmen

R-115.

COPY.

Muskogee, Indian Territory, November 10, 1905.

I. P. Bledsoe,

Agent for Polly Vann,

Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated September 29, 1905, reflecting the application for the enrollment of Polly Vann as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 2, 1905.

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

Respectfully,

Incl. S-115

¹⁵⁰
W. C. Coker
Commissioner.

Cherokee Freedmen
R 115

Muskogee, Indian Territory, September 7, 1906

C. Pointer,

Chetopa, Kansas.

Dear Sir:

This office is in receipt, by reference of the Secretary of the Interior, of your letter of August 23, 1906, request that a rehearing be granted in the Cherokee freedmen enrollment case of Polly Vann and her daughter Jennie Pointer and her children.

In reply you are advised the records of this office show that application was made for the enrollment of one Polly Vann as a Cherokee freedman, and that said application was refused by the Secretary of the Interior November 2, 1905. The records fail to show that any motion has heretofore been filed with this office to re-open said case.

The Act of Congress approved April 26, 1906 (Public No. 129), provides, in part, as follows:

C. Pointer---2

"..... and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act:....."

You are further advised that the records apparently fail to show that any application was made to the Commission to the Five Civilized Tribes, or to the Commissioner, for the enrollment of Jennie Pointer or her children mentioned in your letter. If you will advise when, where, and under what name, application was made for her enrollment as a Cherokee freedman, your letter will receive further attention.

Respectfully,

L M B

Acting Commissioner

Muskogee, Indian Territory, September 15, 1906

Jennie Painter (Care of C. Painter),

Route No. 6,

Chetopa, Kansas.

Dear Madam:

This office is in receipt of your letter of September 12, in further reference to your right to enrollment as a Cherokee freedman. You state that you were included, with your sisters, in the application made by your mother, Polly Vann, to the Commission to the Five Civilized Tribes, for enrollment as a Cherokee Freedman.

In reply you are advised that the Act of Congress approved April 26, 1906 (Public No. 129), provides, in part, as follows:

"That after the approval of this Act no person shall be enrolled as a citizen or freedman of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and ~~one~~, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive

evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered, except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: Provided, That the secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December first, nineteen hundred and five, and which was not allowed solely because not made within the time prescribed by law. V

You are therefore, advised that if you still desire to appear before the Commissioner to the Five Civilized Tribes at his office in Muskogee, Indian Territory, you may do so on any date within a reasonable time, when sufficient testimony will be taken for the purpose of establishing whether or not application was made for your enrollment as a Cherokee freedman, within the time provided by law.

Respectfully,

L M B

Commissioner

Cher. Fr. R-116

Cher. Fr. R-116

Jim Garbin - 8.

- Q Is Clarence's mother a citizen? A Yes, sir.
Q Has she been enrolled? A No, sir, she hasn't been enrolled.
Q She is going to apply? A Yes, sir.
A Commissioner: When she comes, tell her to apply for the title.

Case of James Garbin applies for the enrollment of himself. He is identified upon the authenticated roll of 1880 or the census roll of 1896 or the Fern-clifton roll, but is identified upon the Wallace roll. He avers that he is the son of Malzy Garbin, who applied to be enrolled as a Cherokee Freedman and was rejected, on card F-85. Reference is made to the testimony taken in her case, but it will not be necessary to file a copy of the same in the application now being made, by reason of the fact that the said Malzy Garbin had been rejected, by this Commission as having no rights to citizenship, the applicant claiming his rights through his mother, the application of the said James Garbin for enrollment as a Cherokee Freedman will also be rejected.

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

Subscribed and sworn to before me this 19th of June, 1901.



Commissioner.

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

In the matter of the application of Malzy Carbin, et al.,
 for enrollment as Cherokee Freedmen, consolidating the applications
 of

Malzy Carbin, et al.,.....	Cherokee Freedmen	R 85
James Carbin,.....	"	R 116
William Carbin,.....	"	R 118
Nettie Carbin, et al.,.....	"	R 120
Sanford Carbin,.....	"	R 123

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen, were made to this Commission, by Malzy Carbin for herself and her minor children, Lee, Aleck and Ervin Carbin; by James Carbin for himself; by William Carbin for himself; by Nettie Carbin for herself and her minor children, Frank, Lonie and Teenie Carbin, and by Sanford Carbin, among others, for himself. The other parties to his application are differently classified and are not embraced in this decision.

The evidence shows that the said Malzy Carbin was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken to Texas during said rebellion and did not return to the Cherokee nation until December, 1867. The other applicants herein were born since 1866 and are the descendants of said Malzy Carbin, through whom they claim their rights to enrollment as Cherokee freedmen. It further appears that the names of none of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Malzy Carbin, Lee Carbin, Aleck Carbin, Ervin Carbin, James Carbin, William Carbin, Nettie Carbin, Frank Carbin, Lonie Carbin, Teenie Carbin and Sanford Carbin 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.

(SIGN)

 Chairman.

 Commissioner.

 Commissioner.

 Commissioner.

Dated at Muskogee, I. T.,

JUL 10 1893

this _____

10

F. A. [unclear]

10

COMMISSION TO THE FIVE CIVILIZED
NATIONS
FILED
JUN 10 1901

[Signature]

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date JUN 10 1901
Post Office Chelsea T.
District 600

1. Name James L. Kirby Age 25
Owner's name _____ Citizenship _____
Year _____ Page _____ No. 2300 District 600

Parents:
Father _____ - _____ - _____ Citizenship _____
Mother Mary _____ - _____ - _____ Citizenship Cherokee Freed.

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____
Mother _____
Citizenship _____

Names of Children:

	Year	Page	No.	Dist.
3. James L. Kirby				
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by _____ Stenographer _____

~~James L. Kirby as James L. Kirby & _____~~

X Kirby RDS -

COPY.

Cherokee Freedmen
R-116.

Muskogee, Indian Territory, July 22, 1903.

James Carbin,

Chelsea, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the consolidated case of Malzy Carbin, et al., together with a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself 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,

W. H. Hodges

Commissioner in Charge.

Register.

Enc. K-9.

COPY.

Cherokee Freedmen
R-85, R-116, R-118,
R-120 & R-123.

Muskogee, Indian Territory, July 22, 1903.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Malay Carbin, et al., rejecting the applications for the enrollment of Malay, Lee, Aleck, Ervin, James, William, Nettie, Frank, Lonie, Teenie and Sanford Carbin, 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,

S. J. [Signature]
Commissioner in Charge.

Enc. E-14.

COPY:

Cherokee Freedmen
H-88, H-116, H-118,
H-120 & H-123.

Muskogee, Indian Territory, July 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the matter of the application for the enrollment of Malzy Carbin, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of Malzy, Lee, Aleck, Ervin, James, William, Nettie, Frank, Lonie, Teenie and Sanford Carbin, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-15.

Refer in reply to
the following:

Land.
46544/1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Jan. 4, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Malzy Carbin, for the enrollment of herself and her minor children, Lee, Aleck and Ervin Carbin; of James Carbin for the enrollment of himself; of William Carbin for the enrollment of himself; of Nettie Carbin for the enrollment of herself and her minor children, Frank, Lonie and Teenie Carbin; and of Sanford Carbin for the enrollment of himself; all as Cherokee Freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the said Malzy Carbin was the slave of a Cherokee Citizen at the commencement of the Rebellion; that she was taken to Texas during said Rebellion and did not return to the Cherokee Nation until December, 1867; that the applicants herein were born since 1866 and are the descendants of said Malzy Carbin, through whom they claim their right to enrollment as Cherokee Freedmen.

The Commission further finds that none of the names of these applicants appear on the 1880 authenticated Cherokee Roll; by reason of such findings the Commission is of the opinion that the applications herein should be denied, under the provisions of Section 21, of the Act of Congress approved June 28, 1898, (30 Stats., 495).

I have examined the testimony submitted in behalf of these applicants, and I consider that they fail to make out their case. They do not show by satisfactory testimony that they returned to the Cherokee Nation within the time prescribed by the Treaty of 1866, and by such failure I do not consider that they are entitled to enrollment as Cherokee Freedmen, and therefore recommend that the decision of the Commission herein be affirmed by the Department.

Very respectfully,

W. A. Jones,

Commissioner.

WCP-H

(COPY)

D.C.13488.

WCF
J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE

I.T.D. 100-1904.

April 23, 1904.

L.R.S.

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

Gentlemen:-

July 22, 1903, you transmitted the record in the case involving the applications for enrollment as Cherokee freedmen of Malzy Carbin (Cherokee Freedmen R-85,R-116,R-118,R-120 & R-123), for herself and her minor children, Lee, Aleck and Ervin Carbin; of James Carbin for himself; of William Carbin for himself; of Nettie Carbin for herself and her minor children, Frank, Lonie and Teenie Carbin; and of Sanford Carbin for himself, including your decision of July 10, 1903, denying said applications.

Reporting in the matter January 4, 1904, the 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 accordingly affirmed.

Respectfully,

(Signed) Thos. Ryan

Acting Secretary .

1 inclosure.

Cherokee Freedmen
R-116.

Muskogee, Indian Territory, May 6, 1904.

James Carbin,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
N-85 et al.

Muskogee, Indian Territory, May 6, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Malay Carbin et al., rejecting the applications for the enrollment of Malay, Lee, Aleck, Ervin, James, William, Nettie, Frank, Lonie, Teonie and Sanford Carbin as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

THE MATTER OF THE APPLICATION OF

James Barber

FOR ENROLLMENT AS

CHEMIST IN THE ARMY

A. O. Barber, 101st Tenth Regiment, and 100th
U.S. Army, application

copy of certificate
filed with ...
See to certificate of ...
packet in R 25

Char. Fr. R-117

Char. Fr. R-117

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., JUNE 10th, 1901.

In the matter of the application of Butler McNair for enrollment as a Cherokee Freedman and for the enrollment of his wife as a Cherokee Freedman by Intermarriage; said McNair being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your name? A Butler McNair.
Q How old are you? A I don't know, I count myself 50, I can't tell just exactly.
Q Fifty odd? A Yes, sir.
Q What is your post office? A Wimer.
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 apply for anybody besides yourself? A I have got one son here and girl who is married.
Q How this son, how old is he? A He is 25 years old.
Q Have you got any children under 21? A No, sir.
Q Have you got a wife? A Yes, sir.
Q Do you want to apply for her? A She is not a Freedman.
Q You can apply for her, she may have a right by intermarriage?
A All right.
Q How long have you been married to her? A About 16 years.
Q How long have you lived in the Cherokee Nation? A I have lived here off and on since '66.
Q Were you a slave in the Cherokee Nation when the war came on between the North and South? A Yes, sir.
Q Who was your master? A Jim McNair.
Q Was he a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Where did he live? A Down here in Saline District, on Grand river, on the south side.
Q Near what place? A I guess it is closest to Fort Gibson, to where Pryor Creek Station is now.
Q Were you taken out of the country during the war? A Yes, sir.
Q Where were you carried? A Kansas.
Q Give me the name of your father? A George McNair.
Q Is he dead? A Yes, sir.
Q How long has he been dead? A I don't know, he died I guess right at the close of the war.
Q Give me the name of your mother? A Leean.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A I don't know exactly, it has to be I guess 15 or 20 or 22 or 20 years.
Q Whether name McNair at the time she died? A Yes, sir.
Q Give me the name of your wife? A Matilda McNair.
Q How old is your wife? A 59 years old.
Q How long did you say you and she have been married?
A About 16 years.
Q She is a white woman is she? A Yes, sir.
Q Colored woman? A Yes, sir.
Q How many times have you been married? A Just twice.
Q What was the name of your first wife? A Frances Martin.
Q When did you and Frances Martin marry? A I don't know exactly, must have been along about '70, something somewhere along there.
Q Is Frances Martin dead? A Yes, sir.
Q Was she a Cherokee Freedman? A Yes, sir.
Q How long has she been dead? A She has been dead 20 years.
Q Was she ~~she~~ it after her death that you married your wife Matilda?
A Yes, sir.
Q And then you married Matilda? A Yes, sir.
Q About 16 years years ago? A Yes, sir, 15 or 16.
Q You are living now with Matilda? A Yes, sir.
Q Was Matilda ever married before she married you?
A Yes, sir, I don't know.
Q Don't know who she married? A No, sir.
Q Do you know how many times she was married? A No, sir, I

could not say, once I know.

Q What was the name of that man? A ~~Hipson~~ Gibson I believe.

Q Well is he dead? A Yes, sir, he got killed in the service, he was a soldier.

Q You don't know anything about her being married to anybody else except that man Gibson? A No, sir.

Q Where is your wife? A She is up on Big Creek.

Q Gibson was killed during the war was he? A Yes, sir.

Q What name did she go by when you married her? A Tilda Gibson.

Q Is there anybody here knows that you and she were married?

A Yes, sir.

MARCH VANN, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

Q Give me your name? A March Vann.

Q How old are you? A About 41 I guess.

Q What is your post office? A Wimer.

Q How long have you lived in the Cherokee Nation? A All my life.

Q Do you know this applicant here? A Yes, sir.

Q How long have you known him? A All my life.

Q How many times has he been married ~~times~~? A Twice.

Q How long has he been married to his present wife?

A I don't know just exactly how long.

Q Been a good many years? A Yes, sir.

Q Well, about how long, as near as you can come? A I judge about 15 years I reckon.

Q Have he and his wife lived together ever since they were married?

A Yes, sir.

Q How long did you know her before she married? A About three years I guess.

Q Did you ever hear of her being married before she married him, if so, how many times? A I don't know.

Q You don't know how many times? A No, sir, I don't.

Q Did you ever hear of her being married any time?

A Yes, sir, once.

Q What was the name of that man? A Gibson.

Q Did you ever know Gibson? A No, sir.

Q Just knew of him? A Yes, sir.

JIM KAKERUK BUTLER McNAIR, recalled;

Q You have no children by this wife? A No, sir.

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

The 1896 census Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name not found thereon.

Q Did you draw stri money? A No, sir.

Q Did you draw Wallace money? A No, sir.

Q Well, how do you say you came back here in 1866? A Yes, sir.

Q And you have lived here off and on since? A Yes, sir.

Q You are not on any roll, can you explain why you are not on any of the rolls? A I applied to the Wallace court and the Kern-Clifton top.

Q And they didn't put you on? A Yes, sir.

Q When you got back here in 1866 where did you live? A I lived down at Fort Gibson a while.

Q How long? A A little better than a year.

Q And then where did you live? A I stayed with my uncle a while up on Grand river.

Butler McNair, et al.--3.

- Q How long did you stay there? A Didn't stay there so very long.
Q About a month? A Yes, sir, maybe two months.
Q And then where did you live? A I stayed a little while at Mose Riley's, my wife's relations.
Q You mentioned there from your uncle's? A Yes, sir.
Q How long did you live there? A I don't know how long.
Q Month or so? A Yes, sir.
Q And then where did you go? A I went back up to Fort Scott.
Q And how long did you stay at Fort Scott? A I don't know how long.
Q Well tell about how long? A About six months.
Q Where did you go to then? A I come into the Territory.
Q Well, where did you come to? A I come into this neutral lands and stayed in there about eight or nine months.
Q Well, then where did you go? A I met a man by the name of Willard and herded cattle for him.
Q Where did you herd cattle? A Down on Tar Creek.
Q In the Cherokee Nation? A Yes, sir.
Q How long did you work for Willard? A I worked for him until about '70 something.
Q Well, how long? A I worked for him off and on.
Q I want to know how long you worked for Willard the first time? A About two years.
Q Well, what did you do after you quit work for him?
A I come down into the Territory and married.
Q Willard was in the Territory? A Yes, sir, his cattle was.
Q Well where did you go after you left Willard? A I come to the Territory, yes, sir.
Q I want you to tell me where you went after you left Willard?
Q I was working up there.
Q I am talking about after you left him? A I married then.
Q After you quit work for Willard you married Frances? A Yes, sir.
Q Where did you marry her? A Down here in the Territory, at Bud Riley's; not Bud but Mose Riley's father's.
Q Where did you live immediately after you married?
A I stayed there a while.
Q Stayed there how long? A Oh, about six months.
Q And then what did you do? A I went back up in the State.
Q Up in Kansas? A Yes, sir.
Q And how long did you stay there? A I stayed there about three months.
Q And then where did you go? A I come back down here.
Q Where did you come that time when you come back from Kansas that trip? A Come back down to Gibson.
Q How long did you stay at Gibson? A Didn't stay there long, about a week.
Q That accounts for a week, you came down to Gibson where did you go then? A I just worked around from place to place, wherever I would get a job or work.
Q I want to know something about it because you are not an my rolls and you must tell something about it? A I am telling you.
Q You told me you spend one week at Gibson? A Maybe longer than that, and then I went further up in Lynch's settlement.
Q Was that in the Cherokee Nation? A Yes, sir; my wife was sick.
Q Why did you go up to Lynch's when your wife was sick?
A I stayed up there one night, one or two.
Q Now, that accounts for one or two nights? A All right.
Q Now, after you left Lynch's what did you do? A I stayed around there a while.
Q Well, now, after you stayed two nights at Lynch's where did you go? A I stayed right there.
Q Well, tell me where you went after you left Lynch's? A I went back to this side of Chetopa.
Q In Kansas? A No, sir, and herded cattle for a fallow.

- Q How long did you stay about Chetopa? A About six months I reckon, herding cattle.
- Q What did you do after you spend that six months? A My wife died and I left there.
- Q Then you get the wife you have now? A You see my wife died when I was doing all this traveling and I didn't keep house then.
- Q You were up about Chetopa six months and your wife died?
- A Yes, sir.
- Q And then what did you do? A Just traveled around.
- Q Well, where did you go? A Eh I went up in Kansas and sometimes go to Taklequah and sometimes to Gibson.
- Q After a while you married the second time? A Yes, sir.
- Q Well, where did you live after you married your second wife?
- A I lived; this second woman, I have lived sometimes in Kansas, about six months after I married this second woman.
- Q Now, after you married this second woman you lived about six months in Kansas? A Yes, sir.
- Q Where did you marry this woman? A In Kansas.
- Q And after that six months what did you do? A I would come down here and try to hold my rights and I would go back up in the States; I want to x tell you; you see my second, after I married her, her husband was a soldier and he drew a pension and she had property up there and I would go backwards and forwards.
- Q She had property up there? A Yes, sir, she got it about four or five years after I married and she got a pension.
- Q And she continued to live up in Kansas? A Yes, sir.
- Q Now, you have accounted for six months after you married your wife; now I would like for you to account for about 15 years?
- A I lived seven or eight years on Big Creek?
- Q Was that the first seven or eight years after this six months you spent in Kansas? A No, sir.
- Q Is it the last seven or eight years? A Yes, sir.
- Q For the last seven or eight years you have been living on Big Creek? A Yes, sir.
- Q Now, that is a fact? A Yes, sir.
- Q You are living there now are you? A Yes, sir.
- Q And have been living there, say eight? A Yes, sir, six or seven, seven or eight years.
- Q For the last six, seven or eight years you have been living on Big Creek? A Yes, sir.
- Q Where has your wife been ever since you have been living up on Big Creek? A She has been up there most of the time and sometimes she would go up in Kansas.
- Q Well, now, there is about ten years before this you have not accounted for? A I was here in the Territory all the time.
- Q You told me a while ago you weren't? A No, sir.
- Q You told me you were up there looking after your wife's property?
- A I didn't tell that did I.
- Q Well now if you were in the Territory where have you been since you married this wife now; are you going to tell me where you were during that ten years? A Looks to me like I told you.
- Q You told me you married this wife and went up into Kansas and spent six months and there you stopped until you jumped over on this last seven or eight ~~and~~ years you stayed on Big Creek.
- A I told you I lived here all the time.
- Q Well, where, during that time? A In the Territory.
- Q Well where? A I told you I lived in Gibson.
- Q That is away before you married this wife? A Yes.
- Q I am talking about since you married your last wife?
- A Yes, sir.
- Q Are you going to tell me anything about that? A Yes, sir.
- Q Well tell me. A I lived over here in the Lagnah settlement.
- Q When you first married this wife where did you live? A Well I told you when I got her I went through the Territory up there.
- Q Yes, for six months? A And then I said I come back and worked

for this man Vedl.

Q Since you married this wife? A No, sir.

Q I am talking about since? A I told you I married her and I stayed up there six months.

BY J. B. DAVENPORT, Cherokee Representative:

Q Now, what is your present wife's name? A Matilda McHair.

Q Where did you marry Frances Martin? A In the Nation I reckon.

Q Did you testify before the Kern-Clifton Commission? A Yes, sir.

Q Didn't you testify then that you married Frances Martin at Fort Scott, Kansas? A No, sir, I don't think I did.

Q Did you or not testify that you did? A I don't think I did.

Q What was the fact of your marrying Frances Martin; where did you marry her? A I don't think I married her in Scott.

Q You know where you married her? A Frances Martin?

Q Yes, sir. A I don't think I said I married Frances Martin in the States.

Q Well, did you marry her in the Indian Territory or Kansas?

A I guess I married her in the State if you say it.

Q Have you ever heard of such a place in Kansas as Mapleton?

A Yes, sir.

Q Have you ever heard of a man by the name of F. D. Myrick?

A No, I guess not.

Q You never heard of that name; he was a witness before the Kern-Clifton Commission against you? A Yes, I was acquainted with him during the roll.

Q He lived up about Mapleton, Kansas? A I don't know.

Q When the Kern-Clifton Commission was in here to enroll where did you live? A I was living at that time up about Chetopa.

Q You were living in the neighborhood of F. D. Myrick at that time?

A No, sir.

Q If he testified that you were living in his neighborhood he testified to something wrong? A I don't know.

Q Did you ever at any time live or reside in his neighborhood?

A I wasn't living in his neighborhood at the Clifton Court.

Q Have you lived in F. D. Myrick's neighborhood for the last ten years? A No, sir.

Q And wasn't you living there when the Kern-Clifton Commission was sitting? A No, sir.

Q Wasn't that the reason you were rejected? A No, sir.

Q You were rejected by the Commission in your presentee and didn't they announce that to you? A No, sir.

Q Now, you have lived since you married your wife, Frances Martin, in the State of Kansas about 14 years haven't you?

A Oh, I have been here a while and out in the State a while.

Q How long was the longest time you have lived in the State at one time? A I might have lived there a year.

Q Didn't you testify before the Kern-Clifton Commission that after you married Frances Martin that you lived near Fort Scott, Kansas, for three years? A I don't remember whether I did or not.

Q You would remember if you stayed such a long? A I don't know.

Q Didn't you live there about three years after you married Frances Martin? A I don't know.

Q Don't you think you did? A I don't think I did.

Q Now what point on Big Creek have you been living for the past seven or eight years? A I have lived up there close to Viner.

Q How far from Jim Martin's place? A About two or three miles.

Q How far from Frank Sander's? A About seven or eight miles.

Q How far from Al Morris' place? A About two or three miles.

BY J. B. DAVENPORT: Where is your wife living now? A She is at home.

Q Big Creek? A Yes, sir.

Batler McHair, et al.-6.

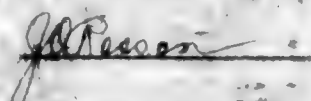
SCM'S HROEKINRIDGE:

The applicant applies for the enrollment of himself and wife. The applicant is not identified upon any roll now in the possession of the Commission and all have been searched. He states that he was a slave in the Cherokee Nation at the beginning of the war and that he returned in 1866. As stated he is not upon any roll and he does not establish in any manner the period of his return and his testimony in regard to his residence since 1866 is extremely uncertain and entirely unsatisfactory, and his application for enrollment at this time is listed for rejection.

As for his wife; the applicant states that he was never previously married, but his first wife was dead when he married his second wife. It is not shown how many times she was previously married except that she had a husband who was killed during the war. It is established that the applicant and his wife were married some 16 years ago, but as the applicant does not appear to possess any right whatever, and as it is so far questionable that his wife would possess intermarried rights, if the law conveys any, even in his own rights were established, she cannot under these conditions possess any rights at this time, therefore the application for her enrollment is rejected.

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



Subscribed and sworn to before me this 24th day of June, 1901.



Commissioner.

(COPY)

To be filed with Nos. R-36, D-1328
D-251, D-252, D-253 and D-357, *and Roll 17.*

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE INDIAN TERRITORY, FEBRUARY 5, 1902

SUPPLEMENTAL TESTIMONY on behalf of the Cherokee Nation
in the matter of the application of MOSES HARDRICK for en-
rollment as a Cherokee Freedman. D-314.

APPEARANCES:

Louis T. Brown for applicant:
W. W. Hastings for Cherokee Nation.

NELSON MOORE, being sworn and examined, testified as follows:

BY HASTINGS:

- Q What is your name? A Nelson Moore.
Q Are you a colored citizen of the Cherokee Nation? A Yes, sir
Q Your name on the 1880 roll? A Yes, sir
Q What is your age? A Forty-eight.
Q Where do you live? A In Delaware district.
Q What is your post office? A Ketchum
Q Who did you belong to before the war? A Elowie Butler and
Darkey Butler, that was his wife, full-bloods.
Q Did you go out of here during the war? A Yes sir
Q When did you come back Nelse? A Fall of '65.
Q Where did you come to? A To the first place we come to the
old Doctor Thompson, Johnson Thompson place, and then from there
to the Bob Daniels place.
Q Now when did you move to the Bob Daniels place? A Right that
same fall, to the Bob Daniels place
Q In the fall of '65? A Fall of '65.
Q Where did you live in the year of '66? A We lived on the same
place, Bob Daniels place
Q How long did you live there? A We stayed there until the
winter of '67.
Q You know a colored man that used to live in that neighborhood
by the name of Mose Hardrick? A Yes, sir.
Q Did you see Mose Hardrick in the year of '65? A No, sir
Q Did you see him in the year of '66? A No, sir.
Q When, if you know, did Mose Hardrick return to the Cherokee Na-
tion after the war? A Well the first time I saw him was in the
spring of '67.
Q About what time in the spring? A Well it was along about
April or May, as well as I can remember
Q You know where he come from? A Well he said he come from
Kansas. I don't know just what part.
Q You know who he come with? A Yes, sir.
Q Well tell us? A Andy Frye and Uncle Tobe Schrimsher and old
uncle Peter Williams and Mack Beno, he is dead now though.
Q Had Andy Frye been down here before? A No sir, not that I
knew of, no sir.
Q You never saw him there until in the spring of '67?
A Spring of '67 is the first time I ever saw him.

BY MOORE:

- Q Mr. Moore, you know Willie Frye? A Yes, sir.
Q Do you know when Willie Frye and Andy Frye married? A No, sir
I don't.

- Q About when? A I don't know at all. I couldn't tell you.
- Q Were they married when war came up? A I couldn't tell you that, I never saw them until ~~after~~ they come there.
- Q You never knew her until after the war? A Not until she moved there in the fall of '65 or '66.
- Q Well now you say Andy Frye returned in '67? A '66.
- Q You said '67 awhile ago? A '66, if I said '67 it is a mistake.
- Q '66 is when they returned; you say Mose Hardrick returned with him? A No, sir, he didn't come with Andy.
- Q Didn't you state awhile ago that Andy Frye and Peter Williams and some man named Schrimsher returned to the Cherokee nation with Mose Hardrick? A No, sir, if I did I don't remember that part of it, because he never come until after Andy come, in the spring of '67.
- Q Andy is on the 1880 roll? A Yes, sir.
- Q Andy come in the spring of '67? A Fall of '66 I say, when Andy come it was in the fall of '66.
- Q About how many weeks was that after Andy come until Mose Hardrick returned? A Oh I couldn't say as to the number of weeks, but it was in the spring.
- Q Well about how many weeks would you think? A I don't know.
- Q How many months? A Oh it would be to the best of my recollection it would be about 6 or 4 or 5 or 6 months, I wouldn't say positively because I don't know exactly.
- Q How did you fix the month in which Mose Hardrick returned to the Cherokee nation? A How did I fix it?
- Q Yes, sir? A I don't understand what you mean by that.
- Q You said he returned in about April or May? A I said as well as I remember it was April or May; it was after grass was up.
- Q You remember the grass being up? A Yes, sir.
- Q How does the fact that the grass was up connect with in your mind with Mose Hardrick's return? A I tell you about my recollection of it being in the spring of '67; Mose Hardrick, Andy Frye and my step-father and Arch Landrum, Uncle Reuben Downing, they all of them went to Lucy Hilderbrands in the spring of '67 to a census taker.
- Q To a census taker? A Yes, sir, to a census taker; that was in '67, what month was that? A That was about June or July as well as I remember.
- Q They took a census in '67 did they? A I reckon they did, that's what they said; they all went off; I couldn't say what they did.
- Q Who returned to the Cherokee nation with Mose Hardrick? A Old man Jeff and my uncle.
- Q What is his name? A Tom Moore, and Uncle Butler McHair as well as I remember, and I didn't know who else of them moved right on the Doctor Thompson place.
- Q That was the first time your uncle Thomas Moore had been to this country wasn't it? A Yes, sir.
- Q Is he the Thomas H. Moore that lived up there now? A No, that is my brother.
- Q The Thomas H. Moore that lives up there now he come back with his father didn't he? A He come back with me and my stepfather; that's my brother.
- Q Were you a witness in this case before the Kern -Clifton Commission? A No, sir.
- Q Were you a witness in this case before John W. Wallace when the Wallace roll was made? A No, sir.
- Q You knew the same folks then that you know now didn't you?
- A Yes, sir.
- Q In what year was the Wallace payment? A Wallace payment, it seems to me like it was in, I declare that's kinder slipped my mind, it was '94 though I think; I forget just what year that was.
- Q Your best judgment is it was '67? A I don't say positively.
- Q How old is your oldest child Mr. Moore? A How old is my oldest child; my oldest child is about 20 years old I think.
- Q In what year was it born? A What year was she born?

Q Yes, sir? A Born in '73 or '4

Q About 26 years old now? A I think she is; she aint quite 26; she will be 26 her birthday.

Q You don't know much about dates do you Mr. Moore? A I dont know just to come down to dates; of course I have to kind of think over the time a little but I never keep no dates.

Q After you think you don't know much more about it then do you? Mr. HASTINGS: Don't answer that; I object to it; it is irrelevant and immaterial and nonsensical.

BY COMMISSION : Objection is sustained.

BY HASTINGS:

Q Now Nelse, in answer to a question awhile ago from me you stated that Andy Frye come down with Mose Hardrick in the spring of '67? Did you intend to say that? A No, sir, I didn't intend to say it, Andy Frye and uncle Tebe Sahrimsher and uncle Peter Williams and them come down in the spring of '66, but Mose Hardrick didn't come with them; I didn't intend to say that, because I know that wasn't so.

Q Who did you intend to say Mose Hardrick come with? A Uncle Tom and Uncle Butler and Uncle Jeff Lyons.

BY BROWE:

Q You testified in the Ned Lyons case didn't you? A Ned Lyons?

Q Yes, sir, you know Ned Lyons? A I know him, but I never did testify in it.

Q Didn't you testify in his case in which you testified to the return of old man Lyons? A No I didn't.

Q You swear that positively? A Yes, sir, if I did I don't know when it was.

Q Why did you mention the time that Andy Frye and Peter Williams returned to the Cherokee Nation? A I was asked about that.

Q By whom? A Didn't you ask me that?

Q In your direct examination, when Mr Hastings asked you who returned to the Cherokee Nation, with Mose Hardrick, why did you mention the name of Andy Frye and Peter Williams? A Because he asked me when did he come.

Q Why did you state the time of Andy Frye and Peter Williams return in answer to that question? A I was asked the question.

Q That's why you stated it? A Time they come.

Q That's the time they come; all right, that's all.

BY MR. HASTINGS:

Cherokee Nation offers in evidence a part of the record from a docket of the doubtful cases of citizens tried in the Cherokee Nation in 1871, which shows the following:

" Mose Hardrick and family, too late, decided against defendant June 6, 1871 ."

The same being taken from a page at the top of which appears the following:

"Delaware,
Colored Doubtful Roll"

Said book being labeled,

"Docket of Doubtful Cases, Cherokee Citizenship , tried in 1871."

On the fly leaf of said book appears the following,

"Docket of applicants Cherokee Citizenship, 1871,

Honorable Chief Justice n. F. Daniel, W. H. Turner, Clerk."

BY BROWE.

Objected to , for the reason that the page upon which it occurs has the head line "Doubtful roll of Colored People" and for the further reason that it is incompetent and for the further reason that the Cherokee nation has not shown that the applicant was present at the sitting.

BY COMMISSION: Objection will be duly noted.

BY HASTINGS:

The Cherokee Nation offers in evidence the following:

from page 35 of Records of the Cherokee Nation entitled
"Docket of the Chambers Commission on Citizenship:"
"Moses Hardrick appl'd 3rd Jany. '78; set for 10 July
continued, 24 July."

A marginal note in red ink at the side of this entry is as follows:

"Decree adverse to claimant."

BY BROWN: This is objected to on the grounds that while this record shows that the case was set for the 10th of July and continued until the 24th of July, it does not show that this application was ever heard; and for the further reason that the Cherokee Nation has not proven that the applicant Moses Hardrick in this case ever applied to the Cherokee Court for admission to citizenship.

BY COMMISSION: Objection will be duly noted.

BY HASTINGS: I reckon there is no objection contention that these records are part of the records of the Cherokee Nation.

BY BROWN: Oh no.

BY COMMISSION: This testimony will be filed and made a part of the record in the case at bar, and the following Freedmen Doubtful Cases: 201, 351, 272, 320, 321 and 192.

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

(Signed) W. D. Green.

Subscribed and sworn to before me this February 6th, 1902.

(Signed) A. 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 above and foregoing copy, and that the same is a true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 15 day of October, 1904.

Charles T. Sawyer
Notary Public

Cherokee Freedmen
R 117.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

A. J. M. 2

In the matter of the application for the enrollment of
Butler McNair as a Cherokee Freedman.

DECISION.

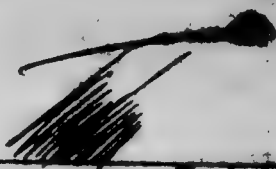
The record herein shows that on June 10, 1901, Butler McNair appeared before this Commission at Chelsea, Indian Territory, and made application for the enrollment of himself as a Cherokee Freedman, and his wife, Matilda McNair, as a Cherokee Freedman by intermarriage, but as the rights of Matilda McNair to enrollment as a Cherokee freedman by intermarriage have been heretofore disposed of, she will not be embraced in this decision. A copy of the testimony of Nelson Moore, taken at Muskogee, Indian Territory, on February 5, 1902, in the application of Moses Hardrick for enrollment as a Cherokee Freedman, Case No. D 314, is filed herewith, and made a part of the record in this case.

The evidence herein shows that the applicant, Butler McNair, was the slave of a Cherokee citizen at the commencement of the Rebellion; that he was 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 Whitwire, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to said Nation, and said applicant can not be identified on any roll of the Cherokee Nation.

It appears that the applicant, Butler McNair, returned to the Cherokee Nation, after the close of the war, with one Moses Hardrick. The Commission have heretofore found, in the case of Moses Hardrick, Cherokee Freedmen D 314, that the said Moses Hardrick 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 above mentioned Whitwire decree, and on October 13, 1904, said finding was approved by the Department.

It is, therefore, the opinion of this Commission that the application for the enrollment of Butler McNair as a Cherokee Freedman, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 26, 1898 (30 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman



Commissioner



Commissioner

Muskogee, Indian Territory,
FEB 13 1905

A. J. M.

Cherokee Freedmen R-117

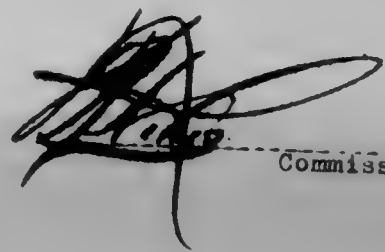
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application for the enrollment of
Butler McNair as a Cherokee Freedman.

--:-

O R D E R

It is ordered that a copy of the testimony of Nelson
Moore, taken at Muskogee, Indian Territory, February 5, 1902, in
the application of Moses Hardrick for enrollment as a Cherokee
freedman, Case No. D-314, be filed with, and made a part of the
record in the application of Butler McNair for enrollment
as a Cherokee freedman, Case No. R-117.



Commissioner

Muskogee, Indian Territory,

this _____ N. _____

NOTICE
For Review of Decision of
Commission denying the
application for enroll-
ment 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:

Havler McHair.

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 26, 1868.

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 _____, 1903.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

FR 117

Marriage Certificate.

Arthur M. Nair

TO

Francis Martin

CERTIFICATE OF MARRIAGE.

I, E. R. Nugent a regular ordained Minister ^{of the Gospel} do hereby Certify that I

SOLEMNIZED THE MARRIAGE

of Mr. Butler M. Nair of Bourbon and Miss Francis Martin ^{said county}
at the residence of Mrs. Croffitt on the 12th day of December 1862

E. R. Nugent
of Preslos Schmeel

State of Kansas,)
BOURBON COUNTY,) ss.

PROBATE COURT.

I Herely Certify, That the above is a true copy of the Marriage Certificate of

Butler M. Nair Francis Martin

as appears of Record in my office in Book "A-B" Page 307 of Marriage Record.

IN WITNESS WHEREOF Meduel Schmeel Probate Judge

My office Clerk of said Court, have hereunto set my hand and

at said Probate Court, this 24th day

of March A. D. 1862

Indeavor Sevier
Probate Judge.

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

In the matter of the application for enrollment of William Davis, et al., as citizens by intermarriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thonine,	Cherokee Freedmen D— 58,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Middleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—183,
John Kinbo,	Cherokee Freedmen D—186,
William S. Mudden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Claggett,	Cherokee Freedmen D—303,
Amanda Martin,	Cherokee Freedmen D—304,
Kliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bel Davis,	Cherokee Freedmen D—326,
Samuel Brown,	Cherokee Freedmen D—346,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maudie Manley,	Cherokee Freedmen D—353,

George Reed, Sr.,
Buck Ledman,
Bell Thompson,
Lewis Scott,
Abe Scott,
Kasper Langston,
Thomas E. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Rose,
Jane Martin,
Leah Peterson,
Alex Johnson,
Martha Vann,
John Scott,
Nancy Ross,
Charles C. Smith,
Susie Colbert,
William Shaggs,
Susie Johnson,
Alfred P. Hopkins,
Kizzie Vann,
Freddie Looney,
Lucy Christian,
Alice Darent,
Mahaley Ward,
Fred D. Thomas,
Bettie Beck,
Ellie Warren,
Millie Robinson,
Mary Weber,
Frances Martin,
Mary Riley,
Emanuel Taylor,
Happy Syles,
Larkin F. Powell,
Stepney Daws,
Malinda Vann,
Frances Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lane,
Jane Brown,

Cherokee Freedmen D-382,
Cherokee Freedmen D-406,
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Cherokee Freedmen D-768,
Cherokee Freedmen D-780,

Samuel Lee Young,
 John Bachman,
 Willis Cox,
 Leonard Bewley,
 Malinda Marshall,
 Charles Claggott,
 Samuel Irvan,
 Mary Ross,
 Maggie Nave,
 Neema Nave,
 Ella Ross,
 Elizabeth Duncan,
 Sadie Adams,
 Georganna Archer,
 John Claggott,
 Hattie Smith,
 Jack Jackson,
 Lula Sanders,
 George Hazelrig,
 Linnie West,
 Maria French,
 Mary Johnson,
 Maggie Vann,
 William Hudson,
 Sarah Rogers,
 Abraham Ballard,
 Laura David,
 John Deckman,
 James B. Perry,
 Isaac Welch,
 Lawson Logan,
 George Hamall,
 Henry Maier,
 George Adams,
 Annie Thomas,
 Louis McConnell,
 Collie Vann,
 Lon Paton,
 Ida Adair,
 Robert Brown,
 Alie Chambers,
 Jerus Jones,
 Aline Hunter,
 Katie Adair,
 Carrie Martin,

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DECISION.

It appears from the record that applications for enrollment as Cherokee citizens by inter-
 marriage, were made by William Davis for himself; by William Thomas for her hus-
 band, Henry Thomas; by John Van for his wife, Ella Van; by Sig Marshall for his wife, Mary Mark-
 ham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson;
 by George W. for his wife, Mary Ella Van; by Thomas Lee for himself; by Thomas Mayfield
 for his wife, Ella Mayfield; by James Miller for his wife, Bessie Miller; by Charles Campbell for him-
 self; by Van for himself; by Tebe Minton for his wife, Susan Minton; by
 Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nancy Fields; by John Kimbo
 for himself; by Tobias Dean for himself; by Tobias Dean for his wife, Susan Dean; by Ella
 Thomas for her husband, James Thomas; by James Campbell for his wife, Mary Campbell; by
 Frank Danlock for his wife, Catherine Danlock; by Jim Alberty for his daughter, Melvina Al-
 berty; by Sam Morris for his wife, Dave Morris; by Jane Clegg for her husband, Alexander
 Clegg; by Charles Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza
 Martin; by Joe Davis for his wife, Bet Davis; by Ellen Brown for
 her husband, Howard Brown; by Mary Ann Watson for her husband, Howard Watson; by Jack
 McConnell for himself; by George Good for himself; by George Good, Sr. for himself; by Buck
 Ledman for himself; by Lewis Scott for himself; by Lewis Scott for his wife; by Abe Scott for
 himself.

... by Robert... for himself; by Thomas... for himself; by Louis... for himself; by Elizabeth Bowlin for her husband, John...; by Katie Davis; by Charles Williams for himself; by John J. Ross for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by William Johnson for her husband, John Johnson; by Joseph... for his wife, Martha...; by James... for his wife, Susie Colbert; by Rosanna Stiggs for her husband, William Stiggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by John... for his wife, Freddie Looney; by Lucy... for herself; by Alice... for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by John Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Miloy for his wife, Mary Miloy; by Emanuel Taylor for himself; by Henry... for himself; by Larkin P. Powell for himself; by Steppney Dawn for himself; by Ellie Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Dr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Siles Hammer Brown for his wife, Jean Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Cigggett for himself; by Samuel Irwin for himself; by David Best for his wife, Mary Best; by George E. Nave for his wife, Maggie Nave; by Lewis Armstrong Nave for his wife, Neema Nave; by Perry Ross for his wife, Ella Ross; by Elisabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgiana Archer; by Nancy Cigggett for her husband, John Cigggett; by Soney Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lela Sanders; by Mary Hambrick for her husband, George Hambrick; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Deardur for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Papp for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Laura McCowan for herself; by John Vann for his wife, Carrie Vann; by Lou Deere for herself; by Robert Adair for his wife, Ada Adair; by John Brown for his wife, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Leom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Lookey for herself; by Mary George for her husband, John George; by Willie McNitt for his wife, Martha McNitt; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldaby for herself; by Charles Daniel for his wife, Sarah Daniel; by Rachel Turk for her husband, Abraham Turk; by David... for himself; by Peter McCall for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Slaughter for himself; by Harish Thompson for herself; by Ellen Sheppard for herself; and by Luis Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Churches citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, applications were also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 821).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (E. T. D. 3348-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Eider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Mudden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvins Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Mande Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles O. Smith, Susie Colbert, William Shaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ella Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Lechie F. Powell, Stephen Doss, Malinda Vann, Frances Jackson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowler, Melinda Murrell, Charles Claggett, Samuel Irwin, Mary Ross, Maggie News, Neenie News, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeanna Hunter, John Claggett, Hattie Smith, Jack Jackson, Lola Sanders, George Huselby, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Mead, George Adams, Annie Thomas, Lebie McCounell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Alice Chambers, Leom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Linn, Felix McClain, Henderson Jones, Belle Vann, Levi Strood, John Supton, Mariah Thompson, Eliza Shoppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 28, 1896, (50 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

- [SIGNED] TAMS BIKBY,
Chairman.
- [SIGNED] T. B. NEEDLES,
Commissioner.
- [SIGNED] C. B. BRIDGEMAN,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

B

JR 117

DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 10 1901

[Handwritten signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 10, 1901*
Post Office *Lyons, La.*
District *Co. 5.*

1. Name *Butler Mc Nair* Age *50.*
Owner's name *Jim Mc Nair* Citizenship *American*
Year _____ Page _____ No. _____ District _____

Parents:
Father *George Mc Nair* *decd* Citizenship _____
Mother *Le Ann Mc Nair* *decd* Citizenship *Col.*

2. Name of wife *Mattilda Mc Nair* *decd* Age *59*
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by *T. S. L.* Stenographer *Rollins*

COMMISSIONERS:
YANG HENRY,
THOMAS B. NEEDLES,
C. E. BRIDGEMAN,
WM. C. HALL,
Secretary.

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

CHEROKEE FREEDMEN

R-117.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, November 11, 1904.

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

Gentlemen:

There is herewith inclosed a copy of the testimony of Nelson Moore taken at Muskogee, Indian Territory, February 5, 1902, in the matter of the application for the enrollment of Moses Hardrick as a Cherokee freedman, together with an order signed by Commissioner Needles making same a part of the record in the matter of the application for the enrollment of Butler McNair as a Cherokee freedman.

Respectfully,

Incl. 8-40.

Chairman.

COPY.

Cherokee Freedmen

R-117.

Muskogee, Indian Territory, January 24, 1905.

Matilda McNair,

Wimer, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

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,

Tame Little
Chairman.

Incl. S-43.

Register.

COPY.

Charles Freeman
J-24 et. al.

Washington, Indian Territory, January 20, 1905.

Sell, Dickerson A. Jernigan,
Sergeant at Law and Charles Taylor,
Mustangs, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of
the Commission to the Five civilized Tribes, dated January 19, 1905,
regarding the encroachment for the settlement of, William Lewis,
Henry Thomas, Ella Vann, Mary Kallahan, Frances Nelson, John Johnson,
Mary Ann Vann, Thomas Lewis, Ella Matthews, Fannie Miller, Andrew
Campbell, Van Johnson Taylor, Susan Johnson, Mary Barlow, Fannie
Fisher, John Miller, William S. Walker, John Dean, Albert T. Thomas,
Mary Campbell, Elizabeth Walker, Elizabeth Walker, Sara Harris,
Elizabeth Walker, Susan Walker, Ella Walker, John S. Walker,
Ella Lewis, Susan Brown, Susan F. Walker, John McCranall, Maria
Walker, Susan Lewis, Dr., Post Office, Will Walker, Lizzie Scott,
Mrs. Scott, Susan Langston, Susan S. Ellis, Lizzie Walker, John
T. Walker, Ella Lewis, Susan Walker, John J. Lee, John
Walker, Susan Walker, Mrs. Walker, Susan Vann, John Scott, Mary
Scott, Susan S. Lewis, Susan Walker, William Walker, Susan
Walker, Alfred S. Walker, Fannie Vann, Fannie Leroy, Mary

Chautau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Cook,
Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary
Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dean,
Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
George Washington Lane, Jane Brown, Samuel L. Young, John Buckner,
Willis Cox, Leonard Bewles, Malinda Murrell, Charles Claggett,
Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross,
Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett,
Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie
West, Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deelman, James
B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masair,
George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou
Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones,
Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily
Looney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett,
Fannie Rogers, William Washington, Squire Warren Owens, Fannie
Goldmy, Susan Daniels, Anderson Turk, David Lane, Felix McClain,
Eugene Jones, Belle Vann, Levi Stroud, John Supter, Mariah
Thompson, Ellen Sheppard and Lula Maltan, as Cherokee citizens
by intermarriage.

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

PROPERTY OF THE UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SIGNED: *James Bixby*

NO. 1

COPY.

Charles Frazier
216 St. St.

Paducah, Indian Territory, January 20, 1908

The Honorable

The Secretary of the Interior,

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Elia Vann, Mary Markham, Frances Helton, John Nelson, Mary Jane Vann, Thomas Lewis, Elia Hayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Maggie McQueen, Mary Harkin, Nellie Fields, John Kinzie, William S. Frazier, Sam Dean, Albert F. Thomas, Mary Campbell, Caroline Smith, Robert Alberty, Dave Morris, Alexander Groggett, Anna Martin, Eliza Martin, John T. Barnes, Bell Davis, Samuel Brown, Edward T. Watson, Jack McConnell, Hanks Manley, George Reed, Sr., Buck Latham, Bill Thompson, Lewis Scott, Ma Scott, Foster Lupton, William E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charline Williams, John J. Ross, Jane Martin, Lena Peterson, Alon Johnson, Martha Vann, John Scott, Nancy Ross, Charles O. Smith, Susie Johnson, William Blagg, Susie Johnson, Alfred F. Hodgson, Elsie Vann, Fannie Leamy, Lucy Cheateau, Alice Laurent, Hannah Vann, Fred L. Thomas, Nettie Beck, Eliza Warren, Millie Robinson, Mary Walker.

Frances Martin, Mary Wiley, Samuel Taylor, Mary Stone, Lucille F. Powell, Stegney Dean, Halinda Vann, Frances Johnson, Annie Sawyer, Mary E. Rogers, George Washington Lane, Funt Brown, Samuel S. Brown, John Sawyer, Willie Cox, Leonard Devine, Halinda Maxwell, Charles Maggett, Samuel Ivey, Mary Moss, Maggie Ross, Susan Ross, Ella Ross, Elizabeth Cooper, Julia Sims, Georgiana Jones, John Clendenen, Mattie Smith, Jack Jackson, Lulu Sanders, George Mansfield, Elsie Fort, Marie French, Mary Johnson, Maggie Vann, William Nelson, Sarah Rogers, Abraham Paffard, Laura David, John Williams, James E. Perry, Isaac Walcott, Isaac Logan, George Howell, Nancy Foster, George Adams, Annie Thomas, Lewis McCannell, Callie Vann, Lee Peters, Ida Adair, Robert Brown, Allie Chambers, Emma Jones, Alice Adams, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leamy, Funt Groves, Matilda McHair, Bettie Vann, Nelson York, Francis Rogers, William Washington, Squire Warren Stone, Francis Schaefer, Susan Daniels, Anderson Turk, David Lane, Fella McHair, Elizabeth Jones, Belle Vann, Levi Stroud, John Hughes, Martha Simpson, Ellen Sheppard and Lulu Nelson, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1908, rejecting said applications.

Respectfully,

Tavia B. [Signature]

Incl. X-3.
 Through the
 Commissioner of Indian Affairs.

COPY

Cherokee Freedman
B-117.

Muskogee, Indian Territory, February 13, 1906.

Butler McNair,

Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of the application of your enrollment as a Cherokee freedman, together with a copy of the Commission's decision, dated February 13, 1906, rejecting said application.

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

Respectfully,

Encl. 1-16.

Register.

(SIGNED) *Tatis Dixby.*
Chairman.

COMMISSIONERS:
TAMM 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
H-117.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 13, 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 February 13, 1905, rejecting the application for the enrollment of Butler McHair 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,

Encl. L-17.



Chairman.

COPY.

Cherokee Freedman
M-117.

Muskogee, Indian Territory, February 15, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Butler McHair as a Cherokee freedman, including the Commission's decision, dated February 13, 1905, rejecting said application.

Respectfully,

Encl. L-18.

SIGNED:

Jame Dixby.
Chairman.

Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Land:
13476-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON.

February 24, 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 a Cherokee Freedman by Butler McNair.

February 13, 1905, the Commission decided adversely to the applicant.

The record shows that the applicant was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Nation during the war, and did not return thereto and establish a residence therein on or before February 11, 1867. He is not identified on any roll of the Cherokee Nation.

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

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.H.
W.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land,
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ness, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ness, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Cheuteau,

Alice Durant, Mahaley Ward, Fred E. Thomas, Bettie Cook, Ellis
Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Gray,
Mabel Taylor, Henry Hynes, Larkin P. Sewell, Stephen Dean,
Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George
Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis
Cox, Leonard Dodson, Malinda Maxwell, Charles Claggett, Samuel
Irvin, Mary Ross, Maggie Hove, Thomas Hove, Ella Ross, Elizabeth
Dixson, Sadie Adams, Georgeann Archer, John Claggett, Fattie Smith,
Jack Jackson, Lula Sanders, George Haselrig, Idissie West, Maria
French, Mary Johnson, Maggie Vann, William Hester, Sarah Rogers,
Sarah Ballard, Laura David, John Buckman, James B. Perry, Isaac
Wich, Lemson Logan, George Howell, Henry Meair, George Adams,
Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Meair,
Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Meair,
Carrie Martin, Benjamin Clark, Billy Looney, John Grevas, Matilda
McMeir, Bettie Vann, Wallace Lett, Fannie Rogers, William Washington,
Squire Warren Swans, Fannie Goldsky, Susan Daniels, Anderson Turk,
David Ross, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud,
John Sanger, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1906, the Commission decided adversely to all
the applicants.

The record shows that none of the applicants makes claim
to enrollment as citizens of the Cherokee Nation, except by
intermarriage with a Cherokee Franking, that none has ever been
sworn to or admitted to citizenship by any tribal authority of the
Cherokee Nation or by any United States tribunal and that none is

identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (L. V. D. 2842-1904) in the Lemuel Wilson case, the approval of the Commission's decision covering in all the applicant's is recommended.

Very respectfully,

G. F. Harshaw

Acting Commissioner.

H.M.H.
V.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L. R. 8

April 17, 1906

Commission to the Five Civilized Tribes
Muskogee, Indian Territory,
Ourtland:

January 24, 1906, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications viz:

William Davis, Henry Thomas, Ella Vann, Mary Martham, Frances Helton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Vather, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William E. Menden, Jane Deas, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Karris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Nell Davis, Samuel Brown, Howard F. Watson, Jack McSwain, Maude Manley, George Reed, Sr., Ruth Ledana, Nell Thompson, Lewis Goett, Abe Goett, Kendar Lupton, Thomas E. Allen, Lewis Vanderford, John L. Bewick, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Pederson, Alex Johnson, Martha Vann, John Goett, Nancy Ross, Charles G. Smith, Sallie Colbert,

William Swagg, Sula Johnson, Alfred E. Hopkins, Kizzie Young,
Freddie Leoney, Lucy Houston, Alice Yarnall, Mahaley Ward,
Tom D. Thomas, Bettie Best, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Miller, Samuel Taylor, Henry
Sykes, Larkin F. Powell, Stephen Bawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary R. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Mackney, Willis Cox, Leonard
Newlen, Malinda Marrell, Charles Claggett, Samuel Irven, Mary
Rees, Maggie Hays, Neema Hays, Ella Rose, Elizabeth Hansen,
Sallie Adams, Georgiann Archer, John Claggett, Mattie Smith
Jack Jackson, Lula Sanders, George Hasselrig, Linnie West,
Beria French, Mary Johnson, Maggie Ann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Beckman,
James E. Perry, Isaac Velah Lawson Logan, George Howell,
Henry Hairs, George Adams, Annie Thomas, Lewis McConnell,
Gollie Vann, Lou Peters, Isa Adair, Robert Brown, Allie Chambers
Lynn Jones, Alice Hunter, Katie Adair, Carrie Martin, Benjamin
Clark, Bally Leoney, John Groves, Matilda McHair, Bettie Vann,
Nelson Lath, Fannie Rogers, William Washington, Squire Warren
Orane, Fannie Goldsky, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson James, Sallie Vann, Levi Strud, John
Bampton, Mariah Thompson, Ellen Shppard and Lela Helton.

Regarding the matter dated 21, 1922, the Public
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,

1 Enclosure

(Signed) Thomas Ryan
Acting Secretary.

COPY.

CHIEF OF BUREAU

Muskogee, Indian Territory, April 17, 1906.

Matilda McKair,

Viner, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

SIGNED

Tamie Dixie
Chairman.

Madison, Indian Territory, April 17, 1903.

Bill, Washburn & Brewster,
attorneys for the Cherokee Nation,
Madison, Indian Territory,
Oklahoma

You are hereby advised that the Commission's
decision dated January 13, 1903, rejecting the applications
for the enrollment of William Davis, et al., as Cherokee citizens
born by intermarriage, was affirmed by the Secretary of
the Interior on April 17, 1903.

Respectfully,

SIGNED, *Tamm Bixby*

~~Madison~~

Washington, Indian Territory, April 27, 1908.

Commissioner in Charge,
Chevokse Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Chevokse citizens by intermarriage, was affirmed by the Secretary of the Interior on April 27, 1908.

Respectfully,

(SIGNED) *Tams Kirby*
Chairman.

D.C. 22957
I.T.D. 2032,8661-1906.

DEPARTMENT OF THE INTERIOR, ILLB G.R.

WASHINGTON.

L.R.S.

June 2, 1906.

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

Sir:

In accordance with the recommendation of the Indian Office of February 24, 1905, the decision of the Commission to the Five Civilized Tribes dated February 13, 1905, denying the application of Butler McNair for his enrollment as a Cherokee freedman, is hereby affirmed, and motion for review of said decision filed with the Department September 7th, 1905, by Messrs. Blue & Bulger and McGowan, Serven & Mohun, on behalf of said applicant, is hereby denied.

A copy of the Indian Office letter is inclosed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedmen
R-117

COPY.

Muskogee, Indian Territory, June 16, 1906.

Blue & Bulger,

Attorneys for Butler McNair,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated February 13, 1905, rejecting the application of Butler McNair for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior June 2, 1906, and that the motion for a review of said case, filed by you September 7, 1905, is denied.

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

Respectfully,

SIGNED

Tame Dixby.

Commissioner.

Encl. H. J. - 50.
H. J. C.

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
R-117

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

Muskogee, Indian Territory, June 16, 1906.

Bell, Hastings and 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 application of Butler McNair for enrollment as a Cherokee Freedman, was affirmed by the Secretary of the Interior June 2, 1906, and that the motion for review of said case filed September 7, 1905, is denied.

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

Respectfully,

Encl. H.J.-51.
H.J.C.

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee
Freedman B-117

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

Muskogee, Indian Territory, June 16, 1906.

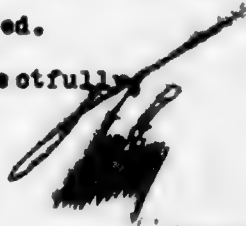
Butler McNair,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes dated February 13, 1905, rejecting your application for enrollment as a Cherokee Freedman was affirmed by the Secretary of the Interior June 2, 1906, and that the motion, filed by your attorneys, September 7, 1906, for a review of your case, is denied.

Respectfully,



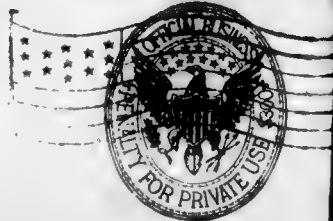
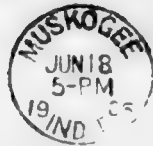
Commissioner.

H.J.C.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



115-117

~~Unclaimed~~

~~Burton, Oklahoma~~

Wimer, Indian Territory.

Cher. Fr. R-118

Cher. Fr. R-118

COMMISSION TO THE FIVE CIVILIZED TRIBES

[Handwritten signature]

RECEIVED JUN 20 1903

COMMISSION TO THE FIVE CIVILIZED TRIBES

RECEIVED JUN 20 1903

FILED
JUN 20 1903

[Vertical handwritten notes]

REJECTED:

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of William Carbin 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 William Carbin.
Q How old are you? A I don't know exactly.
Q About how old? A About thirty.
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 Yes sir.
Q You desire to enroll anybody but yourself? A Just myself.
Q Are you married? A No sir.
Q What is your father's name? A Felix Carbin.
Q Is he living? A Yes sir.
Q What is your mother's name? A Melzie Carbin, daughter of Reuben Downing.
Q Have you ever been recognized as a Cherokee Freedman by the Cherokee authorities? A Yes sir.
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 Yes sir.
Q What roll? A Wallace roll.
Q Did you draw what is known as the Strip money? A No sir.

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 applicant not identified thereon;
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not identified thereon.
Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 109 #2306 Wm Cobbin Cooweescoowee District.

- Q Where were you born? A In the Cherokee Nation.
Q Lived in the Cherokee Nation all your life? A Yes sir.
Q Is your father living? A Yes sir.
Q Was he a citizen? A No sir.
Q Your mother living? A Yes sir.
Q She claims to be a citizen? A Yes sir.
Q You claim your citizenship through your mother? A Yes sir.

Com'r Needles: William Carbin applies for the enrollment of himself; he avers that he was born in the Cherokee Nation; upon examination of the rolls of the Cherokee Nation he cannot be identified upon any roll except the Wallace roll; he avers that he is the son of Melzie Carbin, and claims his citizenship through his mother, averring that his father was a non-citizen; he avers that he was born and raised in the Cherokee Nation; it is found upon examination of the records that his mother Melzie Carbin, applied to be listed for enrollment as a Cherokee Freedman on the 7th day of May, 1901, before this Commission, and her application was rejected, being enrolled upon rejected card number 85; by reason of the fact that the applicant claims his citizenship through his mother, and the mother's application for enrollment has been rejected by this Commission, the application of said William Carbin for enrollment will be REJECTED.

M. D. Green being first duly sworn, states that as stenographer to the

William Carbin 2

1825 59 1877

Commission to the Five Civil Tribes he accurately recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes on record.

M. J. [Signature]

Subscribed and sworn to before me this June 20, 1901.

[Signature]

Commissioner

EXAMINED AND FOUND TRUE

1901

807
B

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

In the matter of the application of Malzy Carbin et al. for enrollment as Cherokee Freedmen, consolidating the applications of

Malzy Carbin, et al.,.....	Cherokee Freedmen	R 85
James Carbin,.....	"	R 116
William Carbin,.....	"	R 118
Nettie Carbin, et al.,.....	"	R 120
Sanford Carbin,.....	"	R 123

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 Malzy Carbin for herself and her minor children, Lee, Alock and Ervin Carbin; by James Carbin for himself; by William Carbin for himself; by Nettie Carbin for herself and her minor children, Frank, Lonie and Teonie Carbin, and by Sanford Carbin, among others, for himself. The other parties to his application are differently classified and are not embraced in this decision.

The evidence shows that the said Malzy Carbin was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken to Texas during said rebellion and did not return to the Cherokee Nation until December, 1867. The other applicants herein were born since 1865 and are the descendants of said Malzy Carbin, through whom they claim their rights to enrollment as Cherokee Freedmen. It further appears that the names of some of the applicants herein are found on the 1868 publications of the Freedmen's Bureau.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Malzy Carbin, Lee Carbin, Alock Carbin, Ervin Carbin, James Carbin, William Carbin, Nettie Carbin, Frank Carbin, Lonie Carbin, Teonie Carbin and Sanford Carbin as Cherokee Freedmen should be denied under the provisions of section twenty-one of the Act of Congress, approved June 25, 1893 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) James Dixie
Chairman.

(SIGNED) T. B. Needles
Commissioner.

(SIGNED) C. P. Breckinridge
Commissioner.

(SIGNED) W. E. Stanley
Commissioner.

Dated at Muskogee, I. T.,

FR 118

MOTION

For Review of Decision of
Commission denying the
application for enroll-
ment 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: **William Corbin.** 118

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, 1866.

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 _____

VB.

J. W. 1/188

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 11 1901


ACTING CHAIRMAN
RECORDED

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 11 1901

Post Office Chelsea T.

District COOWEESCOOWEE.

1. Name William Corbin Age 30

Owner's name _____ Citizenship _____

Year Wallam Page 109 No. 2306 District Coow

Parents: _____

Father Felix Corbin - living Citizenship _____

Mother Malzy " - living Citizenship _____

2. Name of wife _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents: _____

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children: _____

Repeated

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				

Application made by M. Green Stenographer M. A. Green

On Wallace roll as Wm Corbin

X Ref R. 85

Malay Carbin,

Cherokee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Malay Carbin, et al. together with a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1905, rejecting, among others, your application for the enrollment of yourself 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,

J. D. Needles

Commissioner in Charge.

Register.

July 24, 1905.

Commission to the New Government, dated May 1, 1902, at
the consolidated case of *Henry D. Smith, et al., Plaintiffs* and
others for the enrollment of *Malby, Leo, Alton, Martin, Joseph,
William, Nettie, Frank, Louis, Teenie* and *Stanford Cushman*, as
Indians.

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

Respectfully,

T. G. Needles

Commissioner in Charge.

COPY.

Cherokee Freedmen
B-68, B-116, B-118,
B-120 & B-122.

Muskogee, Indian Territory, July 22, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the matter of the application for the enrollment of Malxy Garbin, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of Malxy, Lee, Aleck, Ervin, James, William, Nettie, Frank, Lonie, Teenie and Sanford Garbin, as Cherokee Freedmen.

Respectfully,

T. D. Maddox

Commissioner in Charge.

Through the ~~Commissioner in Charge, Indian Territory~~

Commissioner of Indian Affairs.

Enc. H-15.

Refer in reply to
the following:
Land.
43344/1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Jan. 4, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Malay Carbin, for the enrollment of herself and her minor children, Lee, Aleck and Ervin Carbin; of James Carbin for the enrollment of himself; of William Carbin for the enrollment of himself; of Bettie Carbin for the enrollment of herself and her minor children, Frank, Lonie and Teezie Carbin; and of Sanford Carbin for the enrollment of himself; all as Cherokee Freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the said Malay Carbin was the slave of a Cherokee Citizen at the commencement of the Rebellion; that she was taken to Texas during said Rebellion and did not return to the Cherokee Nation until December, 1867; that the applicants herein were born since 1866 and are the descendants of said Malay Carbin, through whom they claim their right to enrollment as Cherokee Freedmen.

The Commission further finds that none of the names of these applicants appear on the 1866 authenticated Cherokee Roll; by reason of such findings the Commission is of the opinion that the applications herein should be denied, under the provisions of Section 21, of the Act of Congress approved June 28, 1898, (30 Stat., 495).

I have examined the testimony submitted in behalf of these applicants, and I consider that they fail to make out their case. They do not show by satisfactory testimony that they returned to the Cherokee Nation within the time prescribed by the Treaty of 1866, and by such failure I do not consider that they are entitled to enrollment as Cherokee Freedmen, and therefore recommend that the decision of the Commission herein be affirmed by the Department.

Very respectfully,

W. A. Jones,
Commissioner.

WCB-R

(COPY)

D.C. 15488.

W.F.
J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

PER

I.T.D. 100-1904.

April 23, 1904.

I.R.S.

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

Gentlemen:-

July 22, 1903, you transmitted the record in the case involving the applications for enrollment as Cherokee freedmen of Malay Carbin (Cherokee Freedmen R-88, R-114, R-118, R-120 & R-121), for herself and her minor children, Lee, Aleck and Myria Carbin; of James Carbin for himself; of William Carbin for himself; of Nettie Carbin for herself and her minor children, Frank, Leola and Teenie Carbin; and of Sanford Carbin for himself, including your decision of July 10, 1903, denying said applications.

Reporting in the matter January 4, 1904, the 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 accordingly affirmed.

Respectfully,

(Signed) Theo. Ryan

Acting Secretary .

1 inclosure.

Cherokee Freedmen
Roll.

Muskogee, Indian Territory, May 6, 1904.

William Carbin,

Chickasaw, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
B-88 et al.

Nowatagee, Indian Territory, May 6, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Maloy Garbin et al., rejecting the applications for the enrollment of Maloy, Lou, Alonah, Ervin, James, William, Nettie, Frank, Louis, Jennie and Sanford Garbin as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

[Handwritten initials]

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
B-118

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

Muskogee, Indian Territory, May 23, 1906.

William Garbin,
Chelton, Indian Territory.

Dear Sir:-

You are hereby advised that the motion filed by your attorneys September 7, 1903, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

W. O. Beall

Acting ~~Commissioner~~

ENC

Washington, Indian Territory, May 22, 1906.

Price & Baldwin,

Attorneys for Elias A. Arnold, et al.,

Winito, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of departmental letter of May 2, 1906, a copy of which is enclosed herewith, carrying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Elias A. Arnold and others named in said letter.

Respectfully,

Commissioner.

Washington, D.C., May 2, 1906.

Deals, [illegible]

Attorneys for [illegible]

Virtual, [illegible]

Dear Sirs:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulgar, filed September 7, 1905, for review in the Cherokee Freedmen enrollment case of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

ENC

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCÉE, IND. TER.



William Carbin,

~~Clinton~~ Indian Territory.

Isalala

JR-118

Char. Fr. R-119

Char. Fr. R-119

10

7. 29. 119

Department of the Interior,
Comptroller of the Public Lands, Bureau of Indian Affairs,
Washington, D. C., June 11, 1901.

In the matter of the application of Alfred McNair for the enrollment of himself, his brother, sister, and nephew, Alfred Ross, as Cherokee Freedmen; being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q Give me your name. A Alfred McNair.
Q How old are you? A 27.
Q What is your post-office? A Wimer.
Q In what district do you live? A ~~Georgetown~~ now.
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 Yes sir.
Q Who, have you any children? A No sir, I have got brothers and sisters.
Q You are not married? A Yes sir.
Q Is your wife a state woman? A No sir.
Q Do you want to apply for her? A She has done applied.
Q Have you some brothers and sisters that are under age? A Yes sir.
Q How many such brothers and sisters? A I have got one brother and one sister, and my sister's child.
Q Has she ever married? A No sir, my sister that's dead, her child this brother and sister that you speak of, are they full brother and full sister to you? A Yes sir.
Q Is their mother dead? A Yes sir.
Q Is their father dead? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Have you never lived out of the Nation? A Yes, I have been out.
Q Where have you lived? A I haven't lived never lived out, I have been out.
Q Where have you been? A I went up to the topa, Kansas.
Q To different places in Kansas? A No, that's all, Bix and Coffeyville.
Q Give me the name of your father? A Jack McNair.
Q He went by the name of Jack Shock McNair.
Q Was your father alive? A No sir.
Q How long has he been dead? A 16 years.
Q Was he a Cherokee Freedman? A Yes sir.
Q Give me the name of your mother? A Cynthia McNair.
Q Is she alive? A No sir.
Q How long has she been dead? A Three years I think, or four.
Q How old was the name of your brother for whom you want to apply? A George McNair.
Q How old is George? A 18.
Q How old are you? A Yes sir.
Q Is he living now? A Yes sir.
Q Has he lived in the Cherokee Nation all of his life? A Yes sir.
Q Has he lived out? A No sir.
Q Give me the name of your sister? A Willie Jane McNair.
Q Is she alive? A Yes sir.
Q How old is she? A She is 15.
Q Is she living in the Cherokee Nation now? A Yes sir.
Q Has she lived there all her life? A Yes sir.
Q Is she your sister? A Yes sir.
Q How old is the name of that child of a deceased sister? A Alfred Ross.
Q How old is Alfred Ross? A Four years old.
Q Give me the name of his mother? A Mary Ross, Mary McNair it was.
Q How long has she been dead? A She died last year, 1900.
Q How old was she when she died?
Q How old was she when she died?
Q How old was she when she died?

Alfred No. 12 412

Q How long have you lived in the Georgetown? A All my life.
 Q What is the name of the father of this child? A John Ross.
 Q How long has he been dead? A He is dead.
 Q How long have you lived in Georgetown? A Yes sir.
 Q How long have you lived in Georgetown? A Yes sir.
 Q How long have you lived in Georgetown? A Yes sir.

1896 census roll of citizens of the Georgetown and
 expired and applicant and sister Mary not found thereon.
 1896 census roll of citizens of the Georgetown expired
 and applicant and sister Mary not found thereon.
 1896 census roll of citizens of the Georgetown expired
 and applicants listed thereon as follows:
 Page 123 #4493 George H. Blair, (West district)
 Page 123 #4501 Alfred Blair, (West district)
 Page 123 #4499 Willie Blair, (West district)
 Page 123 #4497 Mary Blair, (West district)

1896 census roll of citizens of the Georgetown and
 expired and applicant's father and father not found thereon.
 1896 census roll of citizens of the Georgetown expired
 for applicant's father and father not found thereon.

Q How long have you lived in Georgetown? A Yes sir.
 Q How long have you lived in Georgetown? A Yes sir.
 Q How long have you lived in Georgetown? A Yes sir.
 Q How long have you lived in Georgetown? A Yes sir.
 Q How long have you lived in Georgetown? A Yes sir.
 Q How long have you lived in Georgetown? A Yes sir.
 Q How long have you lived in Georgetown? A Yes sir.

Q How long have you lived in Georgetown? A Yes sir.
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 Q How long have you lived in Georgetown? A Yes sir.
 Q How long have you lived in Georgetown? A Yes sir.
 Q How long have you lived in Georgetown? A Yes sir.
 Q How long have you lived in Georgetown? A Yes sir.
 Q How long have you lived in Georgetown? A Yes sir.
 Q How long have you lived in Georgetown? A Yes sir.

Q How long have you lived in Georgetown? A Yes sir.
 Q How long have you lived in Georgetown? A Yes sir.

Alfred McHair at 114

- Q This man's father? A Yes sir.
Q Father of George? A Yes sir.
Q And Willie James? A Yes sir.
Q And Mary? A Yes sir, and another one, Beulah.
Q Has he another to George? A Yes sir, but then she is Jack's child
all right, and Cynthia's.
Q Did you ever see Jack in the Cherokee Nation after the war,
Jack himself? A No sir, I don't think I did see him.
Q Just the wife? A Yes sir, I saw his wife frequently.

ALFRED McHAIR, being sworn and examined by Deputy Brecken-
ridge, testified as follows:

- Q Give your name? A Columbus McHair.
Q How old are you? A 51 years of age.
Q What is your post-office? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Were you a slave in the Cherokee Nation before the war?
A Yes sir.
Q To whom did you belong? A Bessie McHair.
Q Did you ever know a colored man in slavery time called Jack
McHair? A Yes sir.
Q And a colored woman named Cynthia McHair? A Yes sir.
Q Were they father and mother of this applicant here? A Yes sir.
Q To whom did they belong? A Jack McHair belonged to Cynthia
McHair, Cynthia McHair belonged to Jim.
Q Were they recognized citizens of the Cherokee Nation? A Yes
sir.
Q What became of Jack during the war? A He went North.
Q Did you ever see Jack after the war? A No sir.
Q What became of Cynthia? She died over here at Vinita.
Q Jack is said to have died some 15 years ago, do you know any-
thing about that? A No sir, I don't know.
Q How long a time after he died? A I think it has been about five
years, going on five years or more, but it is over five years, go-
ing on six years.
Q When did you first see Cynthia after the war? A I can't remem-
ber what year it was.
Q Was it about as fifteen years ago? A Yes sir, longer than that.
Q You think it was something longer than that? A Yes sir.
Q Was it about as twenty years ago? A Yes sir, I guess it was
about twenty years ago, or there by.
Q About how old was Cynthia when she died, do you know?
A No sir, I don't know.
Q She was about how old? A Oh yes, she was grown woman when I
saw her.
Q Well, was she ever known a boy, before? A Yes sir.
Q He is still living? A Yes sir, I saw him last week.
Q A girl called Mary, was she?
Q And she is living with his mother? A I haven't seen her for a while.
Q Did you ever see her mother, Mary? A Yes sir.
Q She was a Mary Baker? A Yes sir.
Q Where did she live? A She lived up on Big Creek, I don't know
where it is.
Q How long have you known her? A It is up here, Albert? A Well, I
have known her for over 40 years, he was a good boy like.
Q You know where she is now? A No sir.
Q How long have you known any of these children were born? A No sir.
Q How long have you known any of these children were born? A No sir.
Q How long have you known any of these children were born? A No sir.

Alfred McNair et al 5

Q Have you known Willie Jans long? A No sir, I don't know either one of them very long.

Q How about Mary Ross? A She lived over there at Vinita awhile, I got pretty well acquainted with her.

Q How long ago was that you knew her? A Sometime before the Freedmen Payment; I was acquainted with them, but didn't know a great deal about them.

Q You mean the Strip payment? A Yes sir.

Q How long before the Strip payment was it you knew Alfred, this man here? A I can't tell exactly how long it has been.

Q Did you know him before the Wallace Payment, or can you tell?

A No sir, I didn't get acquainted with him before the Wallace payment.

Q Sometime after the Wallace Payment? A Yes sir.

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

Q Give your name? A Thomas Mayfield.

Q How old are you? A 37 and 8, between.

Q What is your post-office? A Spavinaw.

Q How long have you lived in the Cherokee Nation? A I was born in the Cherokee Nation.

Q Did you come with the Cherokees in old times from the East?

A Yes sir, the Old Nation.

Q Been here ever since? A Yes sir.

Q Were you a slave in the Cherokee Nation when the war came on?

A Yes sir.

Q To whom did you belong? A First to old Mr. Bradburn, -after he died I fell to his heirs.

Q At the time the war came on who did you belong to? A Jane Mayfield.

Q Was she a well known citizen of the Cherokee Nation? A Yes sir, Cherokee.

Q In that day did you know a man named Jack McNair? A Not in them days.

Q Did you know a woman named Cynthia McNair? A Not in them days. But I have been acquainted with her since.

Q Where did you ever see Jack McNair? A I never saw them since the war, they was in Kansas.

Q Was that during the war? A Yes sir, in Kansas.

Q Did you ever see Jack after that? A No sir.

Q Did you ever see Cynthia, his wife? A I haven't saw anything of them.

Q Saw them both about one time in Kansas? A Yes sir.

Q And you have never seen Cynthia since? A No sir.

She is dead, she died here at Vinita, but I never saw her.

Q You heard of her being at Vinita afterwards? A And heard of her dying there, but I never saw her myself.

Q You have then no knowledge of your own about her except when you saw her in Kansas? A That's all.

Q Do you know this young man here, Alfred McNair? A No sir.

Q Do you know his brother, George? A No sir, I guess I don't remember him.

Q You know a sister, Willie Jans? A No sir, nary one of them.

Q Did you know a sister, Mary Ross? A No sir, all young children, and I don't know them.

ABRAHAM HAIR, being sworn and examined by Com'r Breckinridge, testified as follows:

Q Give your name? A Abraham Hair.

Alfred McNair et al 6

- Q How old are you? A About 77 years old.
- Q What is your post-office? A Wimer.
- 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 war came on?
- A Yes sir.
- Q To whom did you belong? A Ollie Hair.
- Q Was that your master or mistress? A Mistress.
- Q Was she a well known citizen of the Cherokee Nation? A Yes sir, Old Georgia Indian.
- Q Back in those days did you know a slave man named Jack McNair?
- A Yes sir.
- Q To whom did he belong? A He belonged, I don't know whether it was Dick or what, one of the McNairs that lived there within five miles of us.
- Q Did you know his wife, Cynthia? A Yes sir.
- Q To whom did she belong? A The same man.
- Q You think they belonged to the same man? A Yes sir.
- Q What became of them during the war, do you know anything about that? A Yes sir.
- Q Where did they go? A They went with the refugees, to Kansas.
- Q Did you ever see either one of them up there during the war?
- A Yes sir.
- Q What time did you come back from Kansas? A I was ~~back~~ back through here off and on '65 and '66 and '62 and one and three, backwards and forwards.
- Q Did you ever see Jack McNair after you saw him up in Kansas?
- A Yes sir.
- Q Where did you see him? A On the Grand river here.
- Q What was he doing on Grand river? A He was ~~was~~ looking for a location right down there about McNair's Salt Lick.
- Q You saw him down on Grand river? A Yes sir.
- Q What did he do down there? A He was looking out a location, just travelling around through there.
- Q When did you see him next? A I never saw him any more.
- Q Never did see him any more? A No sir.
- Q What were you doing down there? A I had been down to Gibson and around through there, ~~travelling~~ driving cattle.
- Q You were living up near the Kansas line? A Yes sir.
- Q Do you know anything about him since you saw him going through the country at that time? A I know his folks.
- Q Did you ever see him any more, ~~was~~ this man Jack? A No sir.
- Q When did you ever see Cynthia after the war? A Well I saw her in '66.
- Q Where did you see Cynthia in '66? A I saw her here in Kansas.
- Q ~~Where~~ did you ever see her in the Nation after the war?
- A Yes sir.
- Q Where did you see her in the Cherokee Nation after the war?
- A I saw her down here on Grand River.
- Q What year was that in, can you tell? A Sixty some thing, along in the fall.
- Q What is that? A It was along in '66, along in the fall.
- Q Who was with her? A I said her people.
- Q What people? A Sisters and mother.
- Q Where was her husband? A He was with her at the time I saw them at the Lick.
- Q Yes, but when you saw this woman with her mother where was her husband then? A I don't know where he was.
- Q Did you say he was dead then? A I think he was.
- Q How long ago has that been? A That has been thirty-six years, or more.
- Q Well, this young man said his father has only been dead sixteen years, and you say he was dead when you saw that woman? A Well I understood he was dead, I didn't see him when I saw that woman.

Alfred McNair et al 7

- Q Did you ever see Cynthia any more from that day afterwards?
A Yes sir.
- Q When did you see her? A I saw her after that, down here on Grand River.
- Q When was that? A Along in the spring or fall, I don't know which.
- Q Spring or fall of what? A Fall I first saw him there.
- Q Well, but I am talking about after that again? A Well after that I saw him again.
- Q Well, where? A On Grand river.
- Q Well when was that? A I couldn't tell you.
- Q Did you see her just that once more? A I saw her twice or three times.
- Q Altogether? A Yes sir.
- Q You don't know how long after you saw her first time before you saw her the second time? A No sir.
- Q Was it a year? A I expect it was.
- Q How long before you saw her the third time, was that another year? A No sir.
- Q Six months? A No, not so long.
- Q And that's the end of it is it, those three times? A Yes sir.
- Q You have never seen Jack then since you saw him as you first sayed? A No sir, nothing but his children and his people.
- Q Do you know anything about this young man here, when did you first know him? A I knowed him when he was quite small boy when I saw them folks.
- Q Was he with him the first time you saw Jack? A He was with his uncle.
- Q Did you know him the time you first saw Jack? A Yes sir, little boy.
- Q Now when you first saw Jack after the war did you know this young man then? A Yes sir.
- Q What do you know about this man's brother, George? A He was quite small, talking child.
- Q Was he with Cynthia the first time you saw her? A No sir.
- Q You know anything about Willie James? A No sir, no more than they claim to be brothers and sisters.
- Q You know anything about Mary Ross, that's dead, Mary McNair she was, Cynthia's daughter Mary? A No sir.
- Q You know anything about where this man has lived all his life?
A Yes sir, he lived awhile there on Grand river and awhile up there on a place they called Russell Creek, and then over there to Big Creek.
- Q What part of Big Creek? A Up there about, I don't know what you call it, up there about where Fuck Sanders and them lived.
- Q Have you been knowinh him ever since he was a child, along in that country? A Yes sir.
- Q How long have you lived where you are living now? A About thirty years.
- Q How far is that from where he lives? A About two miles.
- Q You first located these people as living permanently down on Grand river? A That's where I first saw them.
- Q When did they move up to your neighborhood? A It has been about twenty years since they moved up there from Grand river.
- Q You have known them the last twenty years? A I have knowed them the last thirty years.
- Q Have you known this young man twenty years? A Yes sir.
- Q Has he been living there close to you? A Yes sir.
- Q Hasn't been living about Vinita? A No sir, not that I know of, might have been up there.
- Q How far do you live from the Kansas line? A Twelve miles.
- Q How long have you been living there? A About thirty years.

I was down here on Grand river three years, down about Chouteau. My first settling to have a home was on Big Creek, and then I moved away on Grand river three years; this young man remained there while I was at Grand river, and on my return he visited me on Grand river and still remained there on Big Creek.

Q About what age was this man when you first saw him? A He was a small boy, I couldn't tell, three or four years old or five.

Q Had you seen his father before that? A Yes sir.

Q But that was the time you first saw his mother? A His mother and father.

Q How long before you saw the woman was it that you saw the father? A Saw them together.

Q Did you see them together the first time? A Yes sir.

Q The first time then that you saw Jack McNair and Cynthia McNair after the war they were together, and this man was with them, then a child three or four years old? A Yes sir.

Q You are certain about that? A I ain't certain in his age.

Q Well, but you are certain about seeing the three together?

A Yes sir.

APPLICANT, ALFRED McNAIR, re-called and further examined by Com'r Breckinridge, testified as follows:

Q Where do you claim to have been living since you can remember? A I lived on Grand river awhile.

Q Well, but I am talking about since you can well remember? A Been six on Big Creek, I can remember when we moved.

Q Where have you lived for the last ten or fifteen years? A On Big Creek.

Q How far from here? A Thirty miles.

Q How far is that from the Kansas line? A About ten or twelve miles.

Q Near where Abe Hair lives? A Yes sir.

Com'r Breckinridge: The applicant applies for the enrollment of himself, a minor brother, a minor sister, and a child of a deceased sister; the applicant is identified on the Kern-Clifton roll, but not upon the roll of 1880 or upon that of 1896; he is 27 years of age; neither his father or mother are identified upon the roll of 1880, and the witnesses in the case are either entirely devoid of information relating to the status of the father and mother under the Treaty of 1866, or else give information that shows conclusively that they did not qualify under the Treaty of 1866; the most definite information in point of positive statement is from the witness, Abe Hair, who states that when he first saw the father and mother of the applicant after the war, the father and mother and the applicant were all together, which would place the period along about 1874; apart from that testimony the balance is either a total void or else very feeble; under these conditions it is not seen that there exists any ground whatever upon which to justify the applicant's enrollment, and the application for his enrollment will be listed upon a Cherokee Freedman card for Rejection.

As for his minor brother, George; his status is shown to be the same; he is identified on the Kern-Clifton roll; he is a full brother, and he will now be listed upon a Cherokee Freedman card for Rejection.

As for the sister, Willie Jane; ~~her~~ status is the same, she being a full sister; and she is identified on the Kern-Clifton roll, and she will be listed as a Cherokee

Alfred McHair et al v

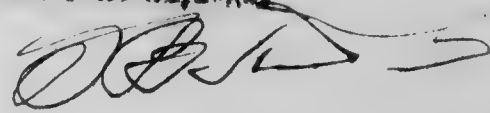
Breedman for Rejection;

As for the child of his deceased sister, Alfred Ross; the child of his deceased sister, Mary Ross. This child can have only the status of his mother, who can only have the status of her father and mother, she being only some 21 years of age at the time she died; therefore this child, Alfred Ross, will be listed as a Cherokee Breedman for Rejection.

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 June 21, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C., Mar. 2, 1902.

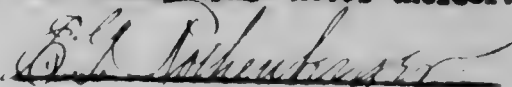
In the matter of the application of Alfred McHairy for the enrollment of himself, brother and sister as Cherokee freedmen.

Applicant appears by I. P. Riedsoe; Cherokee Nation by Hastings and Davenport. Testimony in behalf of applicants.

Jerry Butler, being sworn and examined, testified as follows:

- Q What is your name? A Jerry Butler.
Q How old are you? A Forty-four.
Q A Cherokee freedman on the 1866 roll? A Yes sir.
Q Where do you live? A In Coconawhatchee District, Cherokee Nation? A Yes sir.
Q Do you know Alfred McHairy? A Yes sir.
Q How long have you known him? A I have known him seven or eight years.
Q You know who his father and mother were? A No sir.
Q You don't know anything except by hearsay: do you know how long he has lived in the Cherokee Nation? A Ever since that time, ever since I have known him.
Q Seven or eight years? A Yes sir, I don't know where he lived before.

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


E. L. Schenk

Subscribed and sworn to before me this 20th day of June, 1902.


J. H. Ressler
Notary Public.

Continuation of case of Alfred McNair et al.

Applicants appear by I. P. Blalock; Cherokee Nation by Hastings and Davenport. Supplemental to R-118; testimony in behalf of applicant.

I. P. Blalock:

Johnson Vann, being sworn and examined, testified as follows:

- Q What is your name? A Johnson Vann.
- Q How old are you? A 39.
- Q Where do you live? A I live up on Brush Creek, in the Cherokee Nation. A Yes sir.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
- Q On the 1880 roll? A Yes sir.
- Q You know Alfred McNair? A Yes sir.
- Q How long have you known him? A About 45 years.
- Q Do you know who Alfred's father was? A Yes sir.
- Q Who was he? A George McNair.
- Q Who was his mother? A Louisa.
- Q Was George McNair a slave of a Cherokee citizen? A Yes sir.
- Q Who did he belong to? A Felix McNair.
- Q Was his wife a slave of a Cherokee citizen? A Yes sir.
- Q Who did she belong to? A She belonged to Felix McNair.
- Q Did those people live and die in the Cherokee Nation? A No sir.
- Q Were they slaves at the commencement of the war? A Yes sir.
- Q They weren't sold out? A No sir.
- Q You know what time they returned to the Cherokee Nation after the war if they were taken out? A The old people never returned, they died.
- Q The father and mother of Alfred never returned did they? A Butler's mother I was speaking about.
- Q I was asking you about Alfred, this boy here, when did his father and mother come back? A His father was in the country directly after peace driving a government team.
- Q Who was the father of Alfred? A Jack McNair.
- Q Who was his mother? A Cynthia.
- Q Were they slaves of Cherokee citizens? A Yes sir.
- Q Who was his father? A You asked me who Jack belonged; he belonged to Rick McNair.
- Q Was he a Cherokee citizen? A Yes sir.
- Q Who did his mother belong to? A Felix McNair.
- Q Was he a citizen of the Cherokee Nation? A Yes sir.
- Q Did they both live in the Cherokee Nation? A Yes sir.
- Q Were his father and mother sold out during the war? A No sir.
- Q They were slaves of Cherokee citizens at the commencement of the war? A Yes sir.
- Q Were they taken out of the Cherokee Nation during the war? A No sir.
- Q Did they live here in the Cherokee Nation until they died? A They went out themselves, I guess.
- Q You know what time they came back to the Cherokee Nation after the war? A I don't know just when she came back; I know when Jack came back.
- Q When did Jack come back? A He was driving a government team when I came back.
- Q When was that? A In '66 — that was in '66.
- Q Did they live down here in the Cherokee Nation from that time on? A She did.
- Q Cynthia? A Yes sir.
- Q You know this boy, Alfred, to be her son? A Yes sir.
- Q Have you ever seen him here in the Cherokee Nation? A Yes sir.
- Q Off and on since his birth? A (No response).
- Q When was the first time you saw him to know him, this boy here Alfred? A About in '66, I guess.
- Q You have known him from that time on have you? A Yes sir.

2-Alfred McKair et al.

- L. S. Davenport:** Now you say you know that Alfred is the son of this woman, Cynthia? A Yes sir.
- Q Well how do you know that? A Because she told me it was her child.
- Q You wasn't present when he was folded or soldered either one? A No sir, we don't go that way; I go by your word.
- Q When did you first see Cynthia? A I saw her — you recollect the Wallace Roll? That is the time I saw her.
- Q That is the first time you saw her in your life? A No sir, because I knowed her before the war.
- Q After the war that was the first time you saw her? A Yes sir, she was at the Wallace Court.
- Q Where did she come from? A That I couldn't tell you.
- Q She wasn't living in the country at that time? A Not to my knowing.
- Q Did she have this boy, Alfred, with her at that time? A She didn't have no children with her.
- Q Did you ever know she and Jack McKair to live together as man and wife? A Yes sir, I knowed that.
- Q When was that? A Because I saw Jack myself and he told me he was married.
- Q Do you know that of your own knowledge that they were living together as man and wife? A Yes sir.
- Q After the war did you ever see Jack McKair and her live together as man and wife? A No sir, I never saw them living together; I never was at their house.
- Q You didn't know that to be so? A No sir; I never knew that to be so, the people told me so.
- Q Did Jack have this boy with him immediately after the war when he was driving government teams? A No sir.
- Q When did you first see the boy, about what year was it in? A I told you I saw the boy in '68.
- Q Are you positive of that? A I am not positive of that. You know there is different all time.
- Q Was it within a year or two after the close of the war that you saw the boy? A A year or two, I don't know that.
- Q You came back in '66 didn't you? A Yes.
- Q You saw him in '68? A Yes, it might have been in '69.
- Q If it was '69 then it was three years after, it was two or three years afterwards? A Yes sir.
- Q About how old was he? A About five or six years old.
- The Cherokee Nation desires to call attention to the age of this boy which is given as twenty-seven, which would have made him been born in the year 1874, which absolutely contradicts this witness.

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

Subscribed and sworn to before me this 21st day of June, 1908.

[Signature]
Notary Public.

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

In the matter of the application of Alfred McHair for the enrollment of himself, George McHair, Willie Jane McHair and Alfred Ross as Cherokee Freedmen.

DECISION.

The record in this case shows that on June 11, 1901, Alfred McHair appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of himself, his brother and sister, George and Willie Jane McHair, and his nephew, Alfred Ross, as Cherokee Freedmen.

The evidence shows that all of the applicants herein were born since 1866, and are the descendants of Jack McHair and his wife, Cynthia McHair.

The evidence further shows that the said Jack and Cynthia McHair were the slaves of Cherokee citizens at the commencement of the rebellion, and that during said rebellion they were taken to Kansas, but it is not shown that they returned to said Nation at any time prior to January 19, 1867. It does not appear that the names of said Jack McHair, Cynthia McHair, or of any of the applicants herein are found on the 1860 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Alfred McHair, George McHair, Willie Jane McHair and Alfred Ross, 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)

Tame Pixie

Chairman.

(SIGNED)

I. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

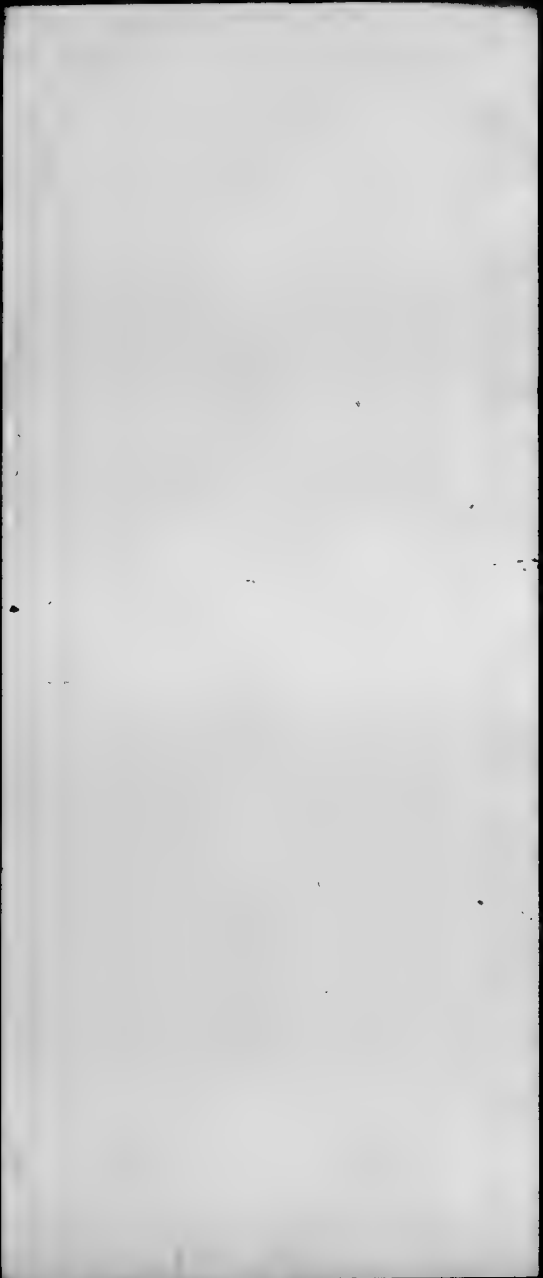
(SIGNED)

W. E. Statley

Commissioner.

Dated at Muskegee, Indian Territory,

this JUL 10 1901



Ambridge 6/24/02

Received from the Commission to the Five Civilized Tribes a copy of the testimony in the
matter of the application of Alfred McMain et al

for enrollment as Friedman of the Cherokee Nation.

Cherokee RR No. 119

36

1111200H

RECEIVED
FBI
MAY 19 1961

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN

Date June 11-1901
Post Office *Waverly*
District *Co. 5*

1. Name *Alfred M. Hair* Age *27*

Owner's name _____ Citizenship _____

Year *183* Page *183* No. *450* District _____

Parents:
Father *Jack M. Hair* Citizenship *Col.*

Mother *Cynthia M. Hair* Citizenship _____

2. Name of wife _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children

3. *George M. Hair* Year *183* Page *183* No. *449* Dist. _____ *16*

4. *Willie* Year _____ Page _____ No. *449* Dist. _____ *15*

5. *Alfred* Year _____ Page _____ No. _____ Dist. _____ *4*

6. Year _____ Page _____ No. _____ Dist. _____

7. Year _____ Page _____ No. _____ Dist. _____

8. Year _____ Page _____ No. _____ Dist. _____

9. Year _____ Page _____ No. _____ Dist. _____

10. Year _____ Page _____ No. _____ Dist. _____

11. Year _____ Page _____ No. _____ Dist. _____

12. Year _____ Page _____ No. _____ Dist. _____

Application made by *W. L.* Stenographer *Green.*

~~*Ref. to Co. S. O. 117.~~

W. L.

COPY.

Cherokee Freedmen
R-119

Muskogee, Indian Territory, July 22, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Alfred McNair for the enrollment of himself, his brother George McNair, his sister Willie Jane McNair, and his ward Alfred Ross, as Cherokee freedmen, including the Commission's decision dated July 10, 1903, rejecting said application.

Respectfully,

T. P. Needles.

Commissioner in Charge.

Enc. D-15

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
R-119

Muskogee, Indian Territory, July 22, 1903.

W. H. 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 July 10, 1903, rejecting the application of Alfred McNair for the enrollment of himself, his brother, George McNair, his sister, Willie Jane McNair, and his ward, Alfred Ross, 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,

J. E. A. [Signature]

Commissioner in Charge.

Enc. D-14

Cherokee Freedmen
R-119

2021
Muskogee, Indian Territory, July 22, 1903.

I. P. Bledsoe,
Agent for Alfred McNair et al.,
Chouteau, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the application of Alfred McNair for the enrollment of himself, his brother, George McNair, his sister, Willie Jane McNair and his ward, Alfred Ross, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

I. B. Woodlee

Enc. D-13
Register.

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS D. NEEDLES,
C. B. BARKHURST,
W. L. STANLEY.

ALBION L. AYLERWORTH,
SECRETARY

FOR SALE 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
R-119

Muskogee, Indian Territory, July 22, 1903.

Alfred McHair,
Wimer, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting your application for the enrollment of yourself, your brother George McHair, your sister, Willis Jane McHair and your ward, Alfred Ross, as Cherokee freedmen. There has heretofore been furnished your agent, I. F. Bledsoe, Cheuteau, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,


Enc. D-18
Register.

Commissioner in Charge

COMMISSIONERS:
TAMM BIRLEY,
THOMAS B. NEEDLES,
C. H. 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.

ANSWER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-119

Muskogee, Indian Territory, July 23, 1903.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the application of Alfred McHair for the enrollment of himself, his brother, George McHair, his sister, Willie Jane McHair, and his ward, Alfred Ross, 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,



Commissioner in Charge

Enc. D-14

Refer in reply to the following:
Land. 46845/1903

Department of the Interior,
Office of Indian Affairs,
Washington, Jan. 5, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Alfred McNair for the enrollment of himself, his brother and sister, George and Willie Jane McNair, and his nephew, Alfred Ross; all as Cherokee freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that all of the applicants were born since 1865 and are the descendants of Jack McNair and his wife Cynthia; and further finding that the said Jack McNair and Cynthia McNair were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they were taken to Kansas, but it is not shown that they returned to said nation at any time prior to January 19, 1867.

The Commission further finds that none of the names of these applicants appears on the 1860 authenticated Cherokee roll. The Commission is therefore of the opinion that the application for

the enrollment of these persons as meritorious should be decided under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495).

I have examined the evidence submitted in behalf of these applicants, and the applicant Alfred McHair testifies that he is twenty-seven years old. He further testifies that his father's name was Jack McHair, also known as Jack Snook McHair, and that he has been dead sixteen years.

He further testifies that his mother was Cynthia McHair, and that she has been dead three or four years. He also testifies that his brother George is eighteen years old and his sister Willie Jane, is fifteen years of age.

The witness Moses Wiley testifies that he is fifty-one years old and that he knew Jack McHair, the father of Alfred McHair; that he went up to Kansas during the war, but when asked when Jack McHair got back from Kansas, replies that he don't know and says "in fact, I don't think he came back at all. I think he must have died. I am not sure but I think he died since they came back."

He further testifies when asked what he knows about Cynthia McHair coming back "I don't know, sir, exactly when she came back. I can't say."

The witness Columbus McHair, testified that he is fifty-one years old. When asked what he knew of Jack McHair during the war,

replies that "well north," and he asked if he was Jack after the war answers "no sir."

The witness then was called to the statement that Jack died sixteen years ago and is asked if he was left in about that, to which he replies "no sir". This witness is not able to show that Cynthia McHair returned to the Nation within the time prescribed by the treaty of 1867, but states that she saw her about twenty years ago for the first time.

The witness, Thomas Hayfield, testifies that he is eighty-seven or eight years old; born in Cherokee Nation; was a slave that he saw Jack McHair in Kansas during the war, but has never seen him since.

The witness Abraham Hair, testifies that he is seventy-seven years old; that Jack McHair and Cynthia went to Kansas as refugees; that he saw Jack McHair on Grand river since the war, where he was looking for a location; that he saw Cynthia in Kansas, and saw her in the Nation after the war on Grand river in July next year, 1867, at 11.

This is the only evidence submitted by the applicants that I can say supports the claim and I do not consider that it is sufficient to take out his case, but it appears that the weight of the testimony submitted is against the claim he makes, and I therefore recommend that the decision of the local office be affirmed, and the Department.

Very respectfully,

WCB-H.

W. A. Jones, Commissioner. A.C.T.

D.C. 11273-1904.

DEPARTMENT OF THE INTERIOR,

SP
LEE
LRS

ITD 102-1904.

WASHINGTON.

April 6, 1904.

Commission to the Five Civilized Tribes,

Señor:

The Department has considered the case involving the application of Alfred McHair for the enrollment of himself, his brother and sister, George and Willie Jane McHair, and his nephew Alfred Ross, as Cherokee Freedmen, received with your letter of July 22, 1903.

Submitting the case January 10, 1904, the Acting Commissioner of Indian Affairs recommends that your decision holding that the applicants are not entitled to enrollment, be concurred in. A copy of said letter is inclosed.

His honor's decision in the above decision, it is hereby affirmed.

Respectfully,

John A. Jones

Acting Secretary.

Very truly yours,

May

COMMISSIONERS
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BUCKENBIDGE,
Wm. O. BEALL
SECRETARY

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

REFER TO IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-119.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 16, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting the application for the enrollment of Alfred, George and Willie Jane McWair and Alfred Ross as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 5, 1904.

Respectfully,

Commissioner in Charge

Cherokee Freedmen
R-119.

Muskogee, Indian Territory, April 16, 1904.

I. P. Bledsoe,
Agent for Alfred McNair et al.,
Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting the application for the enrollment of Alfred, George and Willie Jane McNair and Alfred Ross as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 6, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R-119.

Muskogee, Indian Territory, April 16, 1904.

Alfred McNair,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting your application for the enrollment of yourself, your brother and sister, George and Willie Jane McNair, and your ward, Alfred Ross, was affirmed by the Secretary of the Interior on April 6, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

R-119.

Muskogee, Indian Territory, July, 6, 1904 .

Alfred McNair,

Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of June 7, asking to be furnished with a copy of the testimony taken in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision in your case.

There is herewith enclosed a copy of the testimony, a copy of the Commission's decision rejecting your application, and a copy of the Department's letter affirming the Commission's decision.

You are advised that a copy of the Commission's decision has heretofore been mailed to you at Wimer, Indian Territory, and if your post office address has been changed you are requested to so advise the Commission.

Respectfully,

Encl. S-23.

Commissioner in Charge.

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulzer,

Attorneys for Eliza A. Arnold, et al.,
vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

WMP

Muskogee, Indian Territory, May 29, 1906.

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

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
 Incl. C-2

REFER IN REPLY TO THE FOLLOWING:
2413

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

Wichita, Indian Territory, May 24, 1900.

W. O. Beall,

Wagon, Indian Territory.

Dear Sir:-

You are hereby advised that the motion filed by
your attorney on September 7, 1900, for a review in your Cherokee
freedom enrollment case, was dismissed by the Department
May 2, 1900.

Respectfully,

W. O. Beall,

Acting Commissioner.

2413

Cherokee Freedmen
R 119

Muskogee, Indian Territory, August 30, 1906

Fred P. Branson,
Attorney for Alford McNair,
Muskogee, Indian Territory.

Dear sir:

This office is in receipt, on June 25, 1906,
of a motion made by you for a review of the Cherokee
freedmen enrollment case of Alford McNair.

Said motion will receive the proper considera-
tion of this office, and be transmitted to the Depart-
ment for action thereon, at the earliest practicable
date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

Waskagee, Indian Territory, January 3, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a motion filed June 25, 1906, by Fred P. Branson, Attorney, Waskagee, Indian Territory, for review of the Cherokee freedmen case of Alfred McHair, et al. Attached to the motion is a registry receipt showing that on June 25, 1906, a letter was registered at the postoffice in Waskagee, Indian Territory, by Fred P. Branson, addressed to Mansfield, McMurray & Cornish, So. McAlester, I. T. The motion bears no evidence of a copy thereof having been served on the Attorney for the Cherokee Nation.

The decision of the Commission to the Five Civilized Tribes, dated July 10, 1905, rejecting the application of Alfred McHair for the enrollment of himself, his brother and sister, George and Willie Jane McHair, and his nephew, Alfred Ross, as Cherokee freedmen, was affirmed by the Department, April 6, 1906 (I.T.D.105-1906).

It is stated in the motion that the applicant believes the testimony heretofore introduced in this case

establishes his right to enrollment as a Cherokee freedman, and it is requested, in case "the facts as therein brought out are not sufficient to warrant his enrollment, that the case be remanded, with instructions to the Commissioner to the Five Civilized Tribes to permit petitioner to introduce further testimony." The attorney filing this motion is barred, by the Act of Congress approved June 21, 1906 (34 Stat. 325), from practicing before the Commissioner, the motion is only signed by him, is not sworn to, and is not supported by affidavits. The motion appears to be without merit, it does not point out any error or misconstruction of the law in the Department's decision and there is nothing in the motion to show what evidence, if any, the applicant now desires to introduce in his behalf, or what witnesses he desires to introduce and as to what they will testify.

It is, therefore, respectfully recommended that the motion be denied.

May 2, 1906, the Department denied a motion for review of this case.

Respectfully,

Encl. N-13
JMH

Commissioner.

Through the Commissioner
of Indian Affairs.

K.S.N.

DEPARTMENT OF THE INTERIOR, LLB

WASHINGTON.

January 24, 1907.

D.C. 5756-1907
I.T.D.1040-1907.
L.R.S.

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

Sir:

On July 10, 1903, you rejected the claim of Alfred McNair for the enrollment of himself, his brother, and sister, George and Willie Jane McNair, and his nephew, Alfred Ross, as Cherokee freedmen, which decision was affirmed by the Department on April 6, 1904 (I.T.D.102).

On the 16th instant there was filed by Fred P. Branson a motion for review of the above-recited action, and attention is invited to the fact that said Fred P. Branson is barred by the act of Congress approved June 21, 1906 (34 Stat. L., 325), from practicing before you.

Said motion is filed by him only, is unsworn to and not supported by affidavits, and bears no evidence of service of a copy thereof upon the attorney for the Cherokee Nation; nor is there any evidence offered or reason given why the action of the Department above referred to should be disturbed, and the motion appears to be without merit and is therefore denied.

-2-

The papers in the matter have been sent to the Indian
Office for its files.

Respectfully,

(Signed) Thos., Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

6 inc. to Ind. Of.

REFER IN REPLY TO THE FOLLOWING:

Cherokee N.
R 119.

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

Muskogee, Indian Territory, February 8, 1907.

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

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Alfred McNair, et al., was denied by the Secretary of the Interior, January 24, 1907.

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

Respectfully,

Encl. H-20
JMH


Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee R 119

Freedmen

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

Muskogee, Indian Territory, February 5, 1907.

Alfred McFair,

Wimer, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of yourself, et al., was denied by the Secretary of the Interior, January 24, 1907.

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

Respectfully,

Encl.H-13
JMH

Commissioner.

Cherokee N.
119

Muskogee, Indian Territory, February 5, 1907.

Fred P. Brunson,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion, filed by you, for a rehearing of the Cherokee freedmen enrollment case of Alfred Mowair, et al., was denied by the Secretary of the Interior, January 24, 1907.

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

Respectfully,

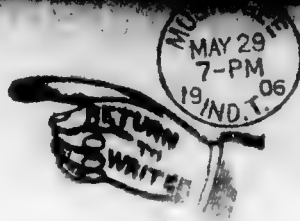
Encl. H-21
JMK

Commissioner.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Feb. 119



Alfred [unclear],

Wine [unclear] Indian territory.



Cher. Fr. R. 120

Cher. Fr. R. 120

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 11, 1901.

In the matter of the application of Nettie Garbin for the enrollment of herself and three children as Cherokee Freedmen.

Nettie Garbin, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Nettie Garbin.
Q How old are you? A Going on 38 years old.
Q What is your post office address? A Chelsea.
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 Are you married? A No, sir.
Q What is your father's name? A My father is named Felix Garbin.
Q What is your mother's name? A Malay Garbin.
Q Your father living? A Yes, sir.
Q Your mother living? A Yes, sir.
Q Have you any children? A Yes, sir.
Q How many? A Three.
Q What are their names? A Frank.
Q How old is he? A He is 5 years old.
Q The next child? A Lonie.
Q Is that a boy? A No, sir, a girl.
Q How old is she? A 3 years old this month.
Q What is the next one? A Teenie.
Q How old is Teenie? A She is 2 months old.
Q Were you married? A No, sir.
Q These children all living with you? A Yes, sir.
Q All born in the Cherokee Nation? A Yes, sir.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir, ever since I can recollect.
Q Your name on the 1880 roll? A What roll is that?
Q That is a mighty good roll if you can get on it? A Yes, sir, I have been on all the rolls.
Q Did you ever draw any money? A Yes, sir.
Q Draw the strip money? A No, sir, draw the Wallace money.
Q You claim your citizenship through your mother? A Yes, sir.
Q Have you a brother named Lee? A Yes, sir.
Q A younger brother? A Yes, sir.
Q Same father and same mother? A Yes, sir.
Q Have you a brother named Alex? A Yes, sir.
Q Same father and same mother? A Yes, sir.
Q Have you a brother named Irvin? A Yes, sir.
Q Same father and same mother? A Yes, sir.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1890 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
The Kern-Glifton roll examined and the applicants not identified thereon.
The Wallace roll examined, and the applicant, Nettie Garbin, identified thereon, page 108, No. 2307, Cooweescoowee district, as Nettie Cobbin.
Q Are you Malay Garbin's eldest child? A No, sir.
Q Have your family always been together? A Yes, sir, all the time.
Q Were you born in the Cherokee Nation? A Yes, sir.

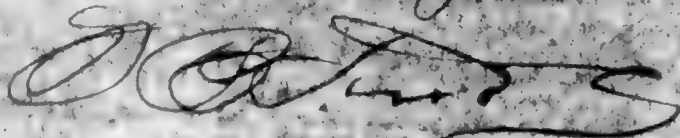
Commissioner: Applicant applies for the enrollment of herself and three children. Her name is not found upon any of the rolls of the Cherokee Nation except the Wallace roll. She is duly identified upon the Wallace roll according to

Hettie Garbin - 2.

page and number of the roll as indicated in the testimony. She avers that she is not married, but has three children, Frank, Lewis, and Jennie, but their names do not appear upon any of the rolls. She avers that she is the child of Felix and Malvy Garbin. She claims her right to citizenship through her mother, Malvy Garbin, and her said mother, Malvy Garbin, it appears from the records of this Commission, applied to be enrolled as a Cherokee Freedman on the 7th of May, 1881, and her application and that of her children, were rejected. Consequently, the application of the said Hettie Garbin for the enrollment of herself and her three children will be rejected, she claiming her right through her mother, and the Commission being thoroughly satisfied from the testimony given in the application of the said Malvy Garbin for the enrollment that she is not entitled to enrollment, and her application is rejected.

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 1st of June, 1881.



Commissioner.

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

205
10

In the matter of the application of Malay Carbin et al.
for enrollment as Cherokee Freedmen, consolidating the applications
of

Malay Carbin, et al.,.....	Cherokee Freedmen	R	86
James Carbin,.....	"	"	R 116
William Carbin,.....	"	"	R 118
Nettie Carbin, et al.,.....	"	"	R 120
Sanford Carbin,.....	"	"	R 123

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 Malay Carbin for herself and her minor children, Lee, Aleck and Ervin Carbin; by James Carbin for himself; by William Carbin for himself; by Nettie Carbin for herself and her minor children, Frank, Lanie and Teenie Carbin, and by Sanford Carbin, among others, for himself. The other parties to his application are differently classified and are not embraced in this decision.

The evidence shows that the said Malay Carbin was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken to Texas during said rebellion and did not return to the Cherokee Nation until December, 1867. The other applicants herein were born since 1865 and are the descendants of said Malay Carbin, through whom they claim their rights to enrollment as Cherokee Freedmen. It further appears that the names of none of the applicants herein are found on the 1880 authenticated Cherokee rolls.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Malay Carbin, Lee Carbin, Aleck Carbin, Ervin Carbin, James Carbin, William Carbin, Nettie Carbin, Frank Carbin, Lanie Carbin, Teenie Carbin and Sanford Carbin as Cherokee Freedmen should be denied under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) James Fixby
Chairman.

(SIGNED) T. B. Needles
Commissioner.

(SIGNED) J. B. Irwin
Commissioner.

(SIGNED) W. E. ...
Commissioner.

Dated at Muskogee, I. T.,

this _____

FR 120

MOTION

For Review of Decision of
Commission denying the
application for enroll-
ment 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:

Nettie Corbin, et al.

L 120

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 26, 1868.

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 , 1906.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

• B.

F.A. 120 :

✓

RECEIVED
MAY 11 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 11 1901
Post Office Chimney T.
District 600

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Repeated

12. Name of wife Mattie Cobbin Age 28

Owner's name _____ Citizenship _____

Year Wallace Page 109 No. 2807 District 600

Parents:

Father Felix Cobbin - living Citizenship _____

Mother Mary " - living Citizenship _____

Names of Children:

27. Frank Cobbin Year _____ Page _____ No. _____ Dist. _____ 5

34. " Year _____ Page _____ No. _____ Dist. _____ 3

47. " Year _____ Page _____ No. _____ Dist. _____ 2

8. Year _____ Page _____ No. _____ Dist. _____ ?

7. Year _____ Page _____ No. _____ Dist. _____

8. Year _____ Page _____ No. _____ Dist. _____

9. Year _____ Page _____ No. _____ Dist. _____

10. Year _____ Page _____ No. _____ Dist. _____

11. Year _____ Page _____ No. _____ Dist. _____

12. Year _____ Page _____ No. _____ Dist. _____

Repeated

Application made by Mrs. [unclear] Stenographer B. E. Jones

On Wallace roll as Mattie Cobbin

~~2, 29, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100~~

X Ref. R. 85

Chero kee Freedmen
R-120.

Muskogee, Indian Territory, July 22, 1903.

Nettie Carbin,

Chelsea, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the consolidated case of Malzy Carbin, et al., together with a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your three minor children, Frank, Lonie and Teenie Carbin, 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.

Register.

Enc. H-11.

COPY.

Charles Freedman
B-116, B-118,
B-120 & B-122.

Muskogee, Indian Territory, July 22, 1903.

W. V. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 13, 1903, in the consolidated case of Malay Curtis, et al., regarding the applications for the enrollment of Malay, Lee, Alack, Edwin, James, William, Nettie, Frank, Louis, Francis and Sanford Curtis, 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,

T. B. Needles

Commissioner in Charge

Enc. 5-11.

COPY

Charles Freeman
P.O. Box 111, Muskogee,
Indian Territory.

Muskogee, Indian Territory, July 22, 1905.

The Honorable,

The Secretary of the Interior.

There is herewith enclosed the record of proceedings had in the matter of the application for the enrollment of Maloy, Martin, et al., together with the Commission's decision, dated July 18, 1905, rejecting the applications for the enrollment of Maloy, Lee, Alcott, Ervin, James, William, Nettie, Frank, Louis, Tommie and Sanford Martin, as Cherokee Freedmen.

Respectfully,

T. B. Needles

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. B-15.

Refer in reply to
the following:

Land.
46844/1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Jan. 4, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Malzy Carbin, for the enrollment of herself and her minor children, Lee, Aleck and Ervin Carbin; of James Carbin for the enrollment of himself; of William Carbin for the enrollment of himself; of Nettie Carbin for the enrollment of herself and her minor children, Frank, Lonie and Teenie Carbin; and of Sanford Carbin for the enrollment of himself; all as Cherokee Freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the said Malzy Carbin was the slave of a Cherokee Citizen at the commencement of the Rebellion; that she was taken to Texas during said Rebellion and did not return to the Cherokee Nation until December, 1867; that the applicants herein were born since 1866 and are the descendants of said Malzy Carbin, through whom they claim their right to enrollment as Cherokee Freedmen.

The Commission further finds that none of the names of these applicants appear on the 1860 authenticated Cherokee Roll; by reason of such findings the Commission is of the opinion that the applications herein should be denied, under the provisions of Section 21, of the Act of Congress approved June 28, 1896, (30 Stats., 495).

I have examined the testimony submitted in behalf of these applicants, and I consider that they fail to make out their case. They do not show by satisfactory testimony that they returned to the Cherokee Nation within the time prescribed by the Treaty of 1866, and by such failure I do not consider that they are entitled to enrollment as Cherokee Freedmen, and therefore recommend that the decision of the Commission herein be affirmed by the Department.

Very respectfully,

W. A. Jones,

Commissioner.

WCB-H

(COPY)

D.C.13488.

WOF
J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FIG

I.T.D. 100-1904.

April 23, 1904.

T.R.S.

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

Gentlemen:-

July 22, 1903, you transmitted the record in the case involving the applications for enrollment as Cherokee freedmen of Malvy Carbin (Cherokee Freedmen R-85, R-116, R-118, R-120 & R-123), for herself and her minor children, Lee, Aleck and Ervin Carbin; of James Carbin for himself; of William Carbin for himself; of Nettie Carbin for herself and her minor children, Frank, Lonie and Teenie Carbin; and of Sanford Carbin for himself, including your decision of July 10, 1903, denying said applications.

Reporting in the matter January 4, 1904, the 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 accordingly affirmed.

Respectfully,

(Signed) Thos. Ryan

1 inclosure.

Acting Secretary .

Cherokee Freedmen
R-120.

Muskogee, Indian Territory, May 6, 1904.

Nettie Carbin,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, the application for the enrollment of yourself and your minor children, Frank, Lonie and Teenie Carbin, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R-25 et al.

Muskogee, Indian Territory, May 3, 1904.

W. V. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Malzy Carbin et al., rejecting the applications for the enrollment of Malzy, Lou, Alick, Ervin, James, William, Nettie, Frank, Lonie, Teenie and Sanford Carbin as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-180

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

Muskogee, Indian Territory, May 26, 1906.

Nettie Carbin,
Chelsea, Indian Territory.

Dear Madam:-

You are hereby advised that the motion filed by your attorneys September 7, 1906, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

W. O. Beall

Acting Commissioner

180

Chicago, Indian Territory, May 20, 1906.

Miss A. Arnold,

Attorney for Miss A. Arnold, of Okla.

Yukon, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of departmental letter of May 2, 1906, a copy of which is enclosed herewith, copying notices filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Miss A. Arnold and others named in said letter.

Respectfully,

Commissioner.

Muskogee, Indian Territory, May 29, 1906.

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

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC

THE MATTER OF THE APPLICATION

Nettie Leubrie et

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

- Original testimony*
- Mem. of application*
- Birth certificate; Frank Corbin*
- Birth certificate; Lavinia Corbin*
- Birth certificate; Annie Corbin*

REFUSED

FILED IN APPLICATIONS UNDER ACT OF 1862

1864

*Copy of testimony filed
with Cherokee Nation*

See Cherokee Freedmen paper

M. 3.85

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOCOE, IND. TER.



711-120

Nettle Hill

~~_____~~ Indian Ter. Co. .

Isola

Chas. F. ...

Chas. F. ...

R

Lewis Wickliff, of al--d.

JUN 26 2001
FBI - MEMPHIS

XB-151

Q Were these children all born in the State of Texas?
A Yes, sir.

Q You married in the State of Texas?
A Yes, sir. I was married to Mrs. J. W. DAVENPORT, Cherokee County, Georgia, about 1860.

Q You have got more children older than these?
A Yes, sir. They were born there too? A Yes, sir.

EXHIBIT VENDING:

Q What is the name of your oldest child? A Jackson is the oldest.
How old is Jackson? He is about 24 somewhere along there.

Q What is the name of the next one? A George.
How old is he? He is about 23.

Q What is the name of the next one? A Sarah.
How old is she? I don't keep track of the age, but she is married; she has two girls, any boys or the other one, and had one that she had; that was enrolled in the Wallace roll.

Q Did you ever apply to the Cherokee Nation to be admitted to citizenship or enrolled?
A I went before them two or three times, Wallace and Dutton.

Q When they refused to enroll you?
A Yes, sir.
Q You never went to the Council?
A No, sir, I never went to the Council, but I didn't know nothing about the enrolling business.

EXHIBIT VENDING: Lewis Wickliff applied for the enrollment of these three and four children, to-wit: John, James, and Lewis. He says that he was a slave of one of the owners of the plantation in the State of Texas during the war, and he was taken to the State of Texas during the war, and he says that he was married there and all his children were born there. He says that he was married there and all his children were born there a few years ago. Upon examination of the rolls his name and those of his children are not found upon any of the

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
CHICKLENA, I.T., JUNE 18th, 1901.

In the matter of the application of Lewis Wickliff for the enrollment of himself and four children as Cherokee Freedmen; said Wickliff being sworn and examined by Commissioner T. B. Headlee, testified as follows:

- Q What is your name? A Lewis Wickliff.
Q How old are you? A About 61 or 2.
Q What is your post office address? A Vinita.
Q What district do you live in? A Cowascoochee.
Q Do you desire to be enrolled as a Cherokee Freedman? A Yes, sir.
Q And do you want to enroll besides yourself? A My children all belong in Texas every one of them, and I have got four that's under age.
Q Do you apply to have them enrolled? A Well, if its legal I would like to.
Q What are their names? A John Wickliff.
Q How old is he? A He is about 16, and Ibis.
Q How old is Ibis? A He is about 13.
Q The next one? A Lennis.
Q Lennis, or Lonse? A Len.
Q How old is Len? A About 10.
Q The next one? A Lewis, Jr., Lewis is 22 about 6.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Lucinda.
Q Is she citizen? A No, sir.
Q What was her name before you married her? A Ellis.
Q Is your name on the roll of 1860? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A I applied before the Wallace and Clifton both, I don't know whether it was put there.
Q Did you get your money? A No, sir.

The Tribal Rolls of Freedmen citizens of the Cherokee Nation examined and names of applicant not found on any of them.

- Q You never drew any money from the Cherokee Nation? A No, sir.
Q For yourself or any of your children? A No, sir.
Q Have you any witnesses here? A Col Bell told me to go ahead and he would identify me.
Q Were you a slave? A Yes, sir.
Q To whom did you belong? A Col. Jim Bell and his wife.
Q Was he a Cherokee citizen? A Yes, sir.
Q Where were you born? A Here in the Territory.
Q Well, were you taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Where to? A Texas.
Q Did you marry in the state of Texas? A Yes, sir.
Q When did you remove to the Cherokee Nation?
A Well, I come three or four different times, but I never moved until I believe it was the year of the Cherokee payment, that year.
Q The Kern-Clifton payment? A The big payment here.
Q Well, there has been a good many big payments? A I don't know, it is the payment, it has been about five or six years.
Q When did you come to the Cherokee Nation first? A I don't know, I don't know nothing about dates, I come the first year I think.
Q The first year of what? A The first year they said we was free, according to Col. Bell's testimony, I don't know that I was free until in '66.
Q When did you come the second time? A I made two trips right straight along before they built the railroad and I never come any more until they got the railroad.

Lewis Wickliff, et al--2.

Q Were these children all born in the state of Texas?
A Yes, sir.

Q You married in the State of Texas? A Yes, sir.

BY MR. J. S. DAVENPORT, Cherokee Representative:

Q You have got some children older than these? A Yes, sir.
Q They were born there too? A Yes, sir.

BY COM'R NEEDLES:

Q What is the name of your eldest child? A Jackson is the eldest.
Q How old is Jackson? A He is about 24 somewhere along there.

Q What is the name of the next one? A George.

Q How old is he? A He is about 23.

Q What is the name of the next one? A Sarah.

Q How old is she? A I lost track of the age, she is married; two girls, Mary Jane is the other one, and had one that is dead; they was enrolled on the Wallace roll.

Q Did you ever apply to the Cherokee Nation to be admitted to citizenship or enrolled? A I went before these two people, Wallace and Clifton.

Q And they refused to enroll you? A Yes, sir.

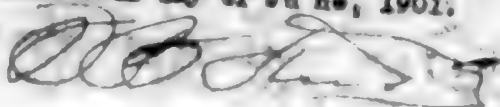
Q You never went to the Council? A No, sir, I was at the Council but I didn't know nothing about the enrolling business.

COM'R NEEDLES: Lewis Wickliff applies for the enrollment of himself and four children, to-wit: John, Ebie, Lon and Lewis. He avers that he was a slave of one Hall and was taken to the State of Texas during the war, and he avers that he was married there and all his children were born in the state of Texas. He removed to the Cherokee Nation a few years ago. Upon examination of the rolls his name and those of his children are not found upon any of the rolls. The testimony develops the fact that he has not complied with the Section of the treaty of 1866 applicable to the return of slaves, consequently the application of Lewis Wickliff for the enrollment of himself and his four children, as enumerated herein, will be rejected.

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J. D. 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.

Subscribed and sworn to before me this 26th day of June, 1901.



Commissioner

Cherokee Freedmen R-121.

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

In the matter of the application for the enrollment of
Lewis Wickliff et al., as Cherokee freedmen.

DECISION.

The record in this case shows that on June 12, 1901, Lewis Wickliff appeared before the Commission at Chelsea, Indian Territory, and made application for the enrollment of himself and his minor children, John, Ibis, Lon and Lewis Wickliff, Jr., as Cherokee freedmen.

The evidence in this case shows that Lewis Wickliff was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of the Cherokee Nation during said rebellion and did not return thereto until after February 11, 1867. The minor children, applicants herein, were born since the last mentioned date and can possess no rights not acquired by their said father. The said Lewis Wickliff cannot be identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Lewis Wickliff, John Wickliff, Ibis Wickliff, Lon Wickliff and Lewis Wickliff, Jr., 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.

[Signature]
Chairman.

[Signature]
Commissioner.

[Signature]
Commissioner.

Dated at Muskogee, I. T.,

[Signature]
Commissioner.

this _____

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:

Louis Wickliff, Sr. ✓ 121
John Wickliff ✓
Louis Wickliff ✓
Tobe Wickliff ✓
Lee Wickliff ✓

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.

Louis, the principal applicant, was a slave of the full name; was taken South by his owner, but was retained there until after Aug. 11, 1866, not knowing that he was free. He returned within a few months after the war.

WHEREFORE, said applicants, by their attorneys, respectfully request that they be enrolled as Cherokee Freedmen.

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.

BILL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

12

4/12/1

11/11/1

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 12 1863

Post Office Vinita 29

District Levo

1. Name Lewis Wickliffe

Owner's name Jas Bell

Year Page No. District

Parents: Father Citizenship

Mother Citizenship

2. Name of wife Rejected

Owner's name

Year Page No. District

Parents: Father Citizenship

Mother Citizenship

Names of Children:

John Wickliffe Year Page No. Dist. 16

His " " " " " " 13

Louis " " " " " " 12

Lewis " " " " " " 6

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by M. I.

Stenographer J. O. Brown

MD9

COMMISSIONERS
TAMM BIXBY
THOMAS B NEEDLES
C R BRUCKINRIDER

WM O BRALL
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-121.

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 Lewis, John, Ibis, Lon and Lewis Wickliff, Jr., 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-74.

COPY.

Cherokee Freedmen
R-181.

Muskogee, Indian Territory, May 3, 1904.

Lewis Wickliff,

Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor children, John, Ibis, Len and Lewis Wickliff, Jr., as Cherokee freedmen, together with a copy of the Commission's decision dated April 30, 1904, rejecting said application.

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

Respectfully,

Jesse Burt

Register

Enc. D-73.

Chairman.

COPY.

Cherokee Freedmen
R-181.

Muskogee, Indian Territory, May 3, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Lewis, John, Ibis, Lon, and Lewis Wickliff, Jr., as Cherokee freedmen, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Tame Bixby.

Through the
Commissioner of Indian Affairs.

Chairman.

Enc. D-75.

Land 30666-1904.

COPY

Department of the Interior,
Office of Indian Affairs,

Washington, May 21, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated May 3, 1904, transmitting the record of the application of Lewis Wickliff for the enrollment of himself and four minor children, John, Ibis, Len and Lewis Jr., as Cherokee freedmen.

April 20, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The evidence shows that Lewis Wickliff was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that he was taken out of the Cherokee Nation during said war and did not return to the Cherokee Nation until some time after the February 11, 1867. The children applicants were all born since February 11, 1867, and can possess no rights not acquired by their said father. The said Lewis Wickliff is not identified on the 1860 authenticated Cherokee roll.

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

Very respectfully,

E. H. [Signature]

Assistant Secretary

Land 50384-1904.

COPY

Department of the Interior,

Office of Indian Affairs,

Washington, May 21, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

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April 20, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee freedmen.

The evidence shows that Lewis Wickliff was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that he was taken out of the Cherokee Nation during said war and did not return to the Cherokee Nation until some time after the February 11, 1867. The children applicants were all born since February 11, 1867, and can possess no rights not acquired by their said father. The said Lewis Wickliff is not identified on the 1868 authenticated Cherokee roll.

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

Very respectfully,

D C. 17596-1904.

WCF JP LRS FHE

DEPARTMENT OF THE INTERIOR,

I.T.D. 4200-1904.

WASHINGTON.

May 26, 1904.

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

Gentlemen:

May 3, 1904, you transmitted the record in the matter of the application for the enrollment of Lewis, John, Ibis, Lon, and Lewis Wickliff, Jr., as Cherokee freedmen, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter May 21, 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 accordingly affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
R-181.

Muskogee, Indian Territory, June 1, 1904.

Lewis Wickliff,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's Decision dated April 30, 1904, rejecting your application for the enrollment of yourself and your four minor children, John, Ida, Len and Lewis Wickliff, Jr., as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 26, 1904.

Respectfully,

Chairman.

1904

Cherokee Freedmen
R-121.

ADDRESS ONLY OF
COMMISSION TO THE FUTURE OF THE FLEET

Muskogee, Indian Territory, June 1, 1904.

W. W. Hastings,
Attorney for 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 Lewis, John, Ibis, Lon and Lewis Wickliff, Jr., as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 26, 1904.

Respectfully,


Chairman.

Cherokee Freedman
R-121

Muskogee, Indian Territory, May 29, 1906.

Lewis Wickliff,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

MMP

Washington, Indian Territory, May 22, 1906.

Wills & Bulger,

Attorneys for Wills A. Arnold, et al.,
Winita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of
Departmental letter of May 2, 1906, a copy of which is enclosed
herewith, denying motions filed by you September 7, 1905 for
review in the Cherokee freedmen enrollment cases of Wills
A. Arnold and others named in said letter.

Respectfully,

Commissioner.

WAB

Wahkago, Indian Territory, May 29, 1906.

Bell, Hastings & Burdett,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sirs:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Mac & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Miss A. Arnold and others named in said letter.

Respectfully,

Commissioner.

ENC.

Cher. Fr. R-122

Cher. Fr. R-122

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 13, 1901

In the matter of the application of Bettie Vann for the enrollment of herself as an intermarried Cherokee Freedman, and for her two children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Bettie Vann.
Q How old are you? A I don't know sir.
Q Well about how old? A Mother said I was 2 years old when peace was declared.
Q Make you about 36 years of age, what is your post-office?
A Vinita.
Q What district do you live in? A Delaware.
Q You apply to be enrolled as a Cherokee Freedman? A No sir, just adopted.
Q Freedman by intermarriage? A Yes sir.
Q Are you what is known as a state woman? A Yes sir, I have got my certificate here.
Q What was your husband's name? A Jesse Vann.
Q Has he been enrolled? A Yes sir. (Produces papers.)
Q You want to enroll anybody besides yourself? A My two children.
Q What are the names of your children? A Mattie Vann.
Q How old is Mattie? A She was born time of the payment.
Q Four years old ain't she, what is the name of the next one? A ~~Just~~ James Vann.
Q How old is he? A 16.
Q Are you married? A No, I ain't married now; my husband is dead.
Q What was your husband's name? A Jesse Vann.
Q Was he a Cherokee citizen? A Yes sir.
Q His name on the roll of 1880? A I don't know what roll it is on; aunt Susan Pease is his mother, Jess Baldridge is his uncle.
Q When did your husband die? A This coming August will be two years.
Q Where was this child James born? A In Florence, Kansas.
Q Is he living? A Yes sir.
Q Where does he live now? A In Vinita.
Q Where was Mattie born? A ~~In the~~ East of Big Cabin Switch, Cherokee nation? A Yes sir.
Q How long have you been living in the Cherokee nation? A I don't know sir, how long, for certain.
Q Well about how long, how long before Mattie was born did you come to the Cherokee nation? A About four years I guess.
Q You think you have been living in the Cherokee Nation then about eight years? A Yes sir, I guess so. We lived on Grand river awhile.
Q Where did your husband die? A In Vinita.
Q Did he come to the Cherokee Nation with you? A Yes sir, he brought me here.
Q He never lived in the Cherokee Nation until that time? A Oh yes sir, he was here before then.
Q How long did he live in Kansas? A I guess he was there about four years.
Q Then he came to the Cherokee Nation did he? A Yes sir.
Q Did you come with him? A Yes sir.
Q Well then that would make you here probably about 17 years?
A Well, I can't really tell you the date of the month or nothing.
Q You lived on Grand river awhile before you moved to Big Cabin, with his mother, what did you say his mother was named? A Susan Pease.
Q What was his father's name? A Gilbert Vann.
Q Susan Pease live? A Yes sir.

Bettie Vann et al 2

Q Gilbert Vann alive? A No sir.

Q How long has he been dead? A He died time of the war, I guess.

Q You don't recollect his father? A No sir, I don't know nothing about him at all.

Q Were you ever married before you married Jess Vann? A Yes sir.

Q Was your first husband dead when you married Jesse Vann? A Yes sir.

Q Have you ever been married since his death? A No sir.

Q You are a widow now? A Yes sir.

Q You never have been married then but twice? A No sir.

Q How often was Jess Vann married? A I don't know.

Q Did you ever know of him being married until he married you?

A No sir.

Q You and he lived together as man and wife until he died? A Yes sir.

BY CHEROKEE REP'VE DAVENPORT:

Q You were living in Florence when you and Jess were married?

A Yes sir.

Q Well now there, a short while, three or four years before

Mattie was born then you moved back to the Territory? A Yes sir.

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

Q And you came to the Territory just after what was known as the Cherokee Strip payment didn't you, - not the Freedman payment, but the Cherokee payment? A I think I heard him speaking some thing about it, but I don't know.

Q You were living in Kansas when that payment was made wasn't you?

A I guess so, I won't say, because I don't know.

Q You came here just the year before the Kern-Clifton payment

was made? A Oh I was here a good while before that.

Q Well you say you came here just about a year before that? A It was longer than that.

Q Was it two years? A I won't say.

Q You do know you wasn't here when the Cherokee Strip money was paid, you were not living either at Vinita, Grand river or Big Cabin when the Cherokees drew their money? A I guess not, I don't know nothing about that court.

Q You are living now at Vinita? A Yes sir.

Q You ~~can't~~ don't claim any rights except through your husband?

A No sir.

Q And he claims through Susan Pea, his mother? A Yes sir.

GEORGE W. LYNCH, being sworn and examined by Con'r Needles, testified, as follows:

Q What is your name? A George W. Lynch.

Q How old are you? A About 32 Born in '52.

Q What is your postoffice? A Vinita.

Q Are you a Cherokee freedman? A Yes sir.

Q Is your name on the roll of 1880? A It ought to be on there, I seen it put on there, I don't know whether it is or not.

Q You know the applicant here? A Yes sir.

Q How long have you known her? A I have known her near about twenty years.

Q She any relation of yours? A No sir.

Q You ~~do~~ know who her mother was? A Yes sir.

Q Who? A Her name when I knew her first was Eliza Banderidge, she is now known as Eliza Youngblood.

Q Do you know her husband? A Yes sir.

Q What is his name? A Jesse Vann.

Q Is he living? A No sir, he is dead.

Q Who was his mother? A Susan Pea.

Q Is she the Susan Pea that has been listed for enrollment here a

Bettie Vann et al 3

few days ago? A Yes sir.

Q Do you know when Jess Vann and his wife, Bettie, came to the Cherokee Nation from Kansas? A Well, Jesse was backwards and forwards pretty much all the time.

Q Well, when did he bring his wife, Bettie, here? A Well it has been about, I judge that it was somewhere about three or four years before the Strip payment.

Q How old would Jesse be if he was alive? A My estimate, I think he would be somewhere about 28 or 30 years old, I don't know his age particular.

Q Susan Pea was his mother? A Yes sir.

BY MR. DAVENPORT:

Q You think he was younger than his wife, considerably then, do you
A I don't know his wife's age; I am just estimating his age; I don't know his age.

Q You know whether he was born before or after the war closed, or do you know anything about his birth? A I don't know about his birth, but I know I saw him when he was a pretty small boy.

BY COM'R NEEDLES:

Q You know where he was born? A Born in the Cherokee Nation, I have got that from him, I don't know of by only personal knowledge.

JOSH VANN, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Josh Vann.

Q How old are you? A About 45.

Q What is your post-office? A Ketchum.

Q You claim to be a Cherokee citizen, Freedman? A Yes sir.

Q Do you know the applicant, Bettie Vann? A Yes sir.

Q How long have you known her? A Known her since '83.

Q Was she ever married? A Yes sir.

Q Who to? A Jess Vann.

Q Did you know Jess Vann? A Yes sir.

Q What was his mother's name? A Susan Pea, or Vann.

Q You know where Jesse Vann said he was born? A I know where mother said he was born.

Q Are you a brother of Jess Vann? A Yes sir.

Q Where were you when you first recollect him? A First I recollect of him I think was when we first went to Kansas, I was very small at that time.

Q He was small also then? A Yes sir, he was a baby.

Q How long did he live in Kansas? A He came back when we did.

Q Well he went back to Kansas? A Yes sir.

Q Where was he married? A I think he was married in Florence.

Q Lived up there with his wife? A Yes sir, he stayed up there.

Q When did he bring his wife to the Cherokee Nation and this child, -he had a child then, you know when he brought his wife and oldest child to the Cherokee Nation? A I don't remember just when he did bring it.

Q Before or after the Strip payment? A Oh it was before that.

Q Did he live here until he died? A Yes sir.

Q You know his children? A Yes sir.

Q What are their names? A The oldest one is named Jimmie, the boy and there is one, they call her Sister.

BY MR. DAVENPORT:

Q He has been here two or three years back hasn't he, Josh, he has never brought his family here until two or three years ago did he?

A Yes yes, he brought his family here before that time.

Q They wasn't here in 1884, when the Cherokee Strip payment was made to the Cherokees? A Yes sir, he was.

Bettie Vann et al 4

Q You wasn't here was you? A Yes sir, I left here in September, 1895.

Q Where was Jess Vann's family living when you left here in '95? A East of Big Cabin Switch.

Q On whose place? A On Jess Vann's place.

Q How far from Hoolie Bell's place? A I don't know, two or three miles.

Q Was it on Big Cabin? A It was west of Big Cabin.

Q How far from Sloan's place? A I don't know.

Q How far from Cap Nelson's? A Near there; I forgot now.

BY COM'R NEEDLES:

Q He lived in Kansas a good while after he married? A He lived there some time.

Q Some years? A He was up there some years; he come down here and farmed one or two years.

Q What was he doing up in Kansas? A He worked there, by day's work, public works.

Q What part of Kansas was it? A Florence, Marion County.

APPLICANT, BETTIE VANN, re-called, and further examined;

BY COM'R NEEDLES:

Q Bettie, how old was Jimmie, your oldest child, when you moved from Kansas down here to the Cherokee Nation? A I guess he was about three or four years old, I don't know for certain.

JOSE VANN, re-called, and further examined.

BY COM'R NEEDLES:

Q When did your brother, Jesse Vann, go to Kansas? A I think he went to Kansas in 1880.

Q But he come back to the Cherokee nation with you and his mother? A Yes sir.

Q And stayed here until about 1880? A Yes sir.

Q Then went up to Kansas and married? A Yes sir.

Q You are not positive what year he came back from Kansas? A Since he married?

Q Yes? A No sir, I aint positive just what year it was, I never paid no attention to it.

Kern-Clifton roll of citizens of the Cherokee nation examined and applicant's husband identified thereon as follows:

page 156 #3854 Jess Vann, Cooweescoowee District.

Wallace roll of citizens of the Cherokee nation examined and applicant's husband identified thereon as follows:

page 145 #3021 Jesse Vann, Cooweescoowee District.

APPLICANT RE-CALLED, and examined by Com'r Needles:

Q Did you draw Strip money for Jimmie? A No sir, he didn't draw no payment for Jimmie, he said somebody else drew Jimmie's money.

Q What was your name when you married Jesse Vann? A My name was Bettie Singleton.

Com'r Needles: Bettie Vann applies for the enrollment of herself as a Cherokee Freedman by intermarriage, and also for the enrollment of two children, James and Mattie Vann, as Cherokee Freedmen; she avers that she was married to one Jesse Vann, a Cherokee Freedman, in the state of Kansas, on the 4th day of September, 1881, by the name of Bettie Singleton, she having before been married to one Singleton; she was married according to the laws of the state of Kansas; she avers that by said Jesse Vann she has two children, to-wit: James and Mattie; the name of said Jesse Vann is found upon the Kern-Clifton

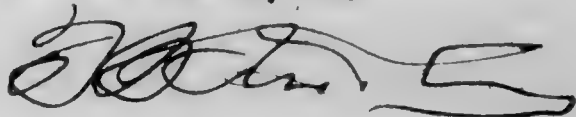
Bettie Vann et al 5

and the Wallace rolls according to page and number of the rolls as indicated in the testimony; his name cannot be found upon the authenticated roll of 1880; as to the residence of herself and Jesse Vann reference is made to the testimony; the name of her oldest child, James, 16 years of age, is not found upon the Kern-Clifton roll; she averring that for some reason the payment was refused. She avers that Jesse Vann is a child of Susan Pea, who was listed for enrollment on Cherokee Freedman card D 415; she claims citizenship for herself by intermarriage, and her two children through her husband, Jesse Vann, and his mother Susan Pea. The testimony taken in the matter of the application of Susan Pea for enrollment D card 415, will be made a part of the testimony in the case at bar, and a copy thereof will be filed herewith. It appearing from the testimony that said Bettie Vann was never married according to the laws of the Cherokee Nation, application for enrollment of herself as an intermarried citizen is refused. Her two children, Mattie and James, will be now listed for enrollment as Cherokee Freedmen on a doubtful card; she makes satisfactory proof of birth of her youngest child Mattie, but makes no satisfactory proof of the birth of her oldest child James, his name not appearing upon the rolls of the Cherokee Nation, it will be necessary for her to file satisfactory proof of birth of James; she will be informed by mail of the decision of the Commission when 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.

M. D. Green

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



Commissioner.

George Reed, Sr.
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kender Lupton,
 Thomas E. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Ross,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Ross,
 Charles C. Smith,
 Susie Colburn,
 William Shaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kingie Vann,
 Freddie Leonty,
 Lucy Choate,
 Alice Durant,
 Mahaly Ward,
 Fred D. Thomas,
 Bettie Beck,
 Mike Warren,
 Mills Robinson,
 Masy Weller,
 Frances Martin,
 Mary Riley,
 Emma Taylor,
 Henry Taylor,
 Lechia B. Powell,
 Bessie Clark,
 Malinda Jones,
 Emma Johnson,
 Annie Taylor,
 Mary Taylor,
 George Washington Lamb,
 Jane Brown,

Cherokee Freedmen D-363,
 Cherokee Freedmen D-406,
 Cherokee Freedmen D-411,
 Cherokee Freedmen D-420,
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 Cherokee Freedmen D-754,
 Cherokee Freedmen D-766,

Samuel L. Young,	Cherokee Freedmen D-761,
John Backner,	Cherokee Freedmen D-760,
Willie Cox,	Cherokee Freedmen D-781,
Leonard Bowles,	Cherokee Freedmen D-767,
Malinda Maxwell,	Cherokee Freedmen D-788,
Charles Claggett,	Cherokee Freedmen D-786,
Samuel Irven,	Cherokee Freedmen D-788,
Mary Ross,	Cherokee Freedmen D-789,
Maggie Nave,	Cherokee Freedmen D-808,
Noema Nave,	Cherokee Freedmen D-816,
Ella Ross,	Cherokee Freedmen D-840,
Elizabeth Duncan,	Cherokee Freedmen D-874,
Sadie Adams,	Cherokee Freedmen D-880,
Georganna Archer,	Cherokee Freedmen D-887,
John Claggett,	Cherokee Freedmen D-814,
Hattie Smith,	Cherokee Freedmen D-828,
Jack Jackson,	Cherokee Freedmen D-828,
Lula Sanders,	Cherokee Freedmen D-878,
George Hazelrig,	Cherokee Freedmen D-827,
Lizzie West,	Cherokee Freedmen D-890,
Maria French,	Cherokee Freedmen D-1010,
Mary Johnson,	Cherokee Freedmen D-1039,
Maggie Vann,	Cherokee Freedmen D-1062,
William Hudson,	Cherokee Freedmen D-1067,
Sarah Rogers,	Cherokee Freedmen D-1078,
Abraham Ballard,	Cherokee Freedmen D-1082,
Laura David,	Cherokee Freedmen D-1085,
John Deckman,	Cherokee Freedmen D-1105,
James B. Ferry,	Cherokee Freedmen R-39,
Isaac Welch,	Cherokee Freedmen R-45,
Lawson Logan,	Cherokee Freedmen R-48,
George Howell,	Cherokee Freedmen R-49,
Henry Masie,	Cherokee Freedmen R-78,
George Adams,	Cherokee Freedmen R-82,
Annie Thomas,	Cherokee Freedmen R-85,
Lewis McConnell,	Cherokee Freedmen R-86,
Callie Vann,	Cherokee Freedmen R-86,
Lou Peters,	Cherokee Freedmen R-86,
Ida Adair,	Cherokee Freedmen R-88,
Robert Brown,	Cherokee Freedmen R-100,
Allie Chambers,	Cherokee Freedmen R-102,
Isam Jones,	Cherokee Freedmen R-104,
Alice Ganter,	Cherokee Freedmen R-105,
Katie Adair,	Cherokee Freedmen R-106,
Carrie Martin,	Cherokee Freedmen R-107,

Benjamin Collins
 Emily Loomer
 John Groves
 Matilda McMillan
 Nettie Vann
 Nelson Lattimore
 Fannie Rogers
 William Washington
 Squire Warrick
 Fannie Goldsby
 Susan Daniels
 Anderson Smith
 David Lane
 Mrs. McWhorter
 Harrison Jones
 Belle Vann
 Levi Stroud
 John Sumpter
 Maria Thompson
 Ellen Sheppard
 Ella Melton
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 Cherokee Freedman B-200

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Ella Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Beulah Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Oreste Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Field; by John Kimbo for himself; by William H. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Gertrude Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Moore for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payson Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John R. Lucas for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Mabley for herself; by George Road, Sr. for himself; by Buck Ledman for himself; by Ben Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Hoott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Choutan for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Steppoy Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irvan for himself; by David Boss for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perty Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Cattie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Ison Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Louney for herself; by Macy Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Battie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldaby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Feltz McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John K. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Mantley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skagge, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawd, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Eda Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelaun Lett, Fannie Rogers, William Washington,

Squire
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twenty

MURK

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Slaughter, Markin Thomspeck, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, should be listed, under the provisions of section twenty-one of the Act of Congress approved June 25, 1898, (30 Stat., 485), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

[SIGNED] TAMS SIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] C. R. BRACKENRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

B

JR 122

COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 13 '90

[Handwritten signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 13 1901
Post Office Trinita St.
District Del.

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Rejected

2. Name of wife Betty Young Age 36
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

- | No. | Year | Page | No. | Dist. |
|-----|------|------|-----|-------|
| 3. | | | | |
| 4. | | | | |
| 5. | | | | |
| 6. | | | | |
| 7. | | | | |
| 8. | | | | |
| 9. | | | | |
| 10. | | | | |
| 11. | | | | |
| 12. | | | | |

Rejected

Application made by no. Stenographer M. P. Green

XREF

COPY.

Charles F. ...
3-14 24 21.

McAlester, Indian Territory, January 24, 1906.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Matham, Frances Merten, John Detson, Mary Jane ~~...~~, Thomas Love, Ella Mayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Lucy Harbin, Nellie Fields, John Kimbo, William S. Madsen, Sam Beas, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Jane Morris, Alexander Claggett, Amanda Martin, Ellen Martin, John E. Barnes, Bell Davis, Samuel Rftwo, Howard P. Watson, Jack McQuinn, Marie Manley, George Reed, Sr., Sam Ladd, Bill Thompson, Lewis Scott, Abe Scott, Kendra Langdon, Thomas E. Allen, Lewis Vanderford, John E. Evelyn, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles S. Smith, Susie Colburn, William Stange, Susie Schneck, Alfred P. Hopkins, Elsie Vann, Freddie Leamy, Lucy Gheuten, Alice Durant, William Ward, Fred J. Thomas, Bettie Beck, Ella Warren, Millie Robinson, Mary Walter,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Lillian F. Powell, Stepaney Dawn, Malinda Vann, Frances Johnson, Annie Butler, Mary H. Rogers, George Washington Lane, Jana Brown, Samuel I. Young, John Buckner, Will's Cox, Leonard Boyles, Malinda Maxwell, Charles Claggett, Samuel Irwin, Harry Ross, Maggie News, Emma News, Ella Ross, Elizabeth Dunson, Sadie Adams, Georgiana Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Kamsbrig, Lizzie Vest, Maria French, Mary Johnson, Maggie Vann, William Holmes, Sarah Rogers, Abraham Halliard, Laura David, John Jackson, James B. Perry, Isaac Welch, Lawson Logan, George Kowall, Harry Keefe, Susan Adams, Annie Thomas, Lewis McCormick, Callie Vann, Lou News, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Sawyer, Katie Adair, Carrie Martin, Margaret Clark, Willie Lester, John Groves, Mattie McFair, Bettie Vann, Malcom Lett, Fannie Suggs, William Washington, Squire Warren Owens, Fannie Galloway, Susan Daniels, Anderson Turk, David Lane, Fella McClain, Frankline Jones, Belle Vann, Levi Stroud, John Supter, Harish Thompson, Ellen Sheppard and Lula Helton, as Cherokee citizens by inter-marriage, including the Commissioner's decision dated January 19, 1905, rejecting said applications.

Respectfully,

SIGNED:

James Dixby

Commissioner

Incl. K-8.

Through the

Commissioner of Indian Affairs.

COPY.

Charles Broome
J-14 et al.

Muskogee, Indian Territory, January 24, 1905.

Ball, Hastings & Lavenport,
Messrs for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Martin, Frances Walton, John Jackson, Mary Jane Vann, Thomas Lewis, Ella Mayfield, Sallie Elder, Reuben Campbell, Van Jackson father, Cassie Hixson, Mary Martin, Nellie Fields, John Kilde, William S. Hudson, James Bean, Albert Y. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Jane Morris, Elizabeth Campbell, Lucinda Martin, Eliza Martin, John E. Barnes, Will Jones, James E. Smith, Howard F. Wailes, Jack McGinnell, Maude Lanley, George Hunt, Wm. Jack Latham, Nell Thompson, Lewis Snett, Abe Scott, Minnie Langston, Frances E. Allen, Lewis Vesterford, John T. Lewis, Mattie Davis, Charles Williams, Sam J. Ross, Jane Martin, Jenn Peterson, Alex Thomas, Martha Vann, John Scott, Henry Ross, Charles S. Smith, Sallie Gilbert, William Martin, Susie Johnson, Alfred F. Hopkins, Klacie Vann, Fannie Lerney, Lucy

Chesnut, Alice Durant, Fidelity Ward, Fred J. Thomas, Bessie Hunt,
Ellie Warren, Willie Brown, Mary Potts, Frances Martin, Mary
Hill, Samuel Taylor, Henry Jones, Estlin S. Powell, Margaret Hunt,
Malinda Wani, Frances Johnson, Lucie Foster, Mary H. Rogers,
George Washington Lane, Jane Brown, Samuel S. Young, John Hamilton,
Willie Cox, Leonard Devine, Malinda Merrill, Charles Clappett,
Samuel Brown, Mary Ross, Maggie Ross, Susan Ross, Ella Ross,
Elizabeth Jordan, Nellie Adams, Georgeann Archer, John Hamilton,
Fattie Smith, Jack Jackson, Luke Sanders, George Hamilton, Lillian
West, Maria French, Mary Johnson, Maggie Van, William Adams,
Sarah Rogers, Abraham Ballard, Laura Davis, John Jackson, James
B. Perry, Isaac Pugh, Levee Logan, George Hamilton, Henry Miller,
George Adams, Annie Thomas, Lewis McGinnell, Callie Van, Lou
Peters, Ida Blair, Robert Brown, Alice Chambers, Iren Jones,
Alice Cooper, Katie Adams, Corrie Martin, Benjamin Clark, Nellie
Loring, John Brown, Malinda Hamilton, Bettie Van, Felicia Bell,
Fannie Rogers, William Washington, Equine Warren Stone, Fannie
Belcher, Susan Daniels, Amosson Turk, David Lane, Felix McCallin,
Harvey's Stone, Belle Van, Levi David, John Taylor, Martha
Thompson, Ellen Clappett and John Adams, as witnesses attested
by intermarriage.

The decision, together with the record of proceedings
had in the case, was sent by both Commissions to the Secretary
of the Interior for his review and approval. The copies of the

Inventory will be made before 10 AM on the 15th and is
subject of the case.

Respectfully,

(SIGNED):

Tams Dixby

Chief Clerk

Book 100.

COPY.

Cherokee Freedmen

No. 122.

Muskogee, Indian Territory, January 24, 1905.

Bettie Vann,

Vinita, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

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

Respectfully,

Incl. 8-94.

Register,

(SIGNED)

Tams Dixby.
Chairman.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 29, 1906.

Refer in reply
to the following:
Land.
7908-1205.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by inter-marriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Walton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Maden Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kline, William S. Madden, Jane Head, Albert F. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Harris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Head, Sr., Buck Helmick, Bell Thompson, Leslie Scott, An Scott, Knoder Lupton, Thomas H. Allen, Lewis Vanderford, John L. Doolin, Katie Davis, Charles Williams, John J. News, Jane Martin, Lena Peterson, Alan Johnson, Martha Vann, John Scott, Nancy News, Charles S. Smith, David Wellcut, William Huggins, Peter Johnson, Alfred P. Hopkins, Klissa Vann, Freddie Lowmy, Lucy Gontson,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis
 Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley,
 Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stegany Dean,
 Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George
 Washington Lane, Jane Brown, Samuel L. Young, John Dickner, Willie
 Cox, Leonard Boyles, Nelliea Furrall, Charles G. Grogott, Samuel
 Irwin, Mary Kase, Maggie Kura, Emma Kava, Ella Ross, Elizabeth
 Hodge, Sadie Adams, Georgeann Archer, John Maggett, Hattie Smith,
 Jack Johnson, Ella Sanders, George Hasolrig, Elsie West, Maria
 French, Mary Johnson, Maggie Vann, William Hanson, Sarah Rogers,
 Graham Ballard, Laura David, John Beckman, James E. Perry, Isaac
 Walsh, Lavana Logan, George Howell, Henry Masir, George Adams,
 Annie Thomas, Lewis McDermott, Callie Vann, Lou Peters, Ite Blair,
 Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Blair,
 Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Nellie
 McKair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,
 Sadie Warren Owsen, Jennie Goldsby, Susan Daniels, Anderson Turk,
 David Lane, Felix McElain, Henderson Jones, Belle Vann, Levi Stroud,
 John Hampter, Harish Thompson, Ellen Sheppard, and Lula Helton.

January 19, 1905, the Commission decided adversely to all
 the applicants.

The record shows that none of the applicants were able
 to establish as citizens of the Cherokee Nation, except by
 intermarriage with a Cherokee Freeman; that none has ever been
 enrolled or admitted to citizenship by any tribal authority of the
 Cherokee Nation or by any United States tribunal and that none is

-3-

identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

M. M. W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I. R. 2

April 17, 1906

Commission to the Five Civilized Tribes.

Diakagee, Indian Territory.

Gentlemen:

January 24, 1906, you transmitted the report in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications viz:

William Davis, Henry Thomas, Ella Vahn, Mary Markham, Frances Melton, John Dason, Mary Jane Vann, Thomas Love, Ella Mayfield, Callie Rider, Reuben Campbell, Van Jackson Luther, Cassie Hildston, Mary Harlin, Nellie Fields, John Kinbo, William E. Marden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Maryina Alberty, Dave Morris, Alexander Claggott, Amanda Martin, Miss Martin, John E. Barnes, Nell Davis, Samuel Brown, Howard T. Watson, Jack McSennell, Maude Hanley, George Reed, Sr., Buck Lehman, Nell Thompson, Lewis Scott, Abe Scott, Kander Lupton, Thomas E. Allen, Lewis Vanderford, John E. Newlin, Katie Davis, Charles Williams, John J. Boyd, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Hunt, Charles E. Smith, Susie Colburn,

William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann,
Freddie Looney, Lucy Cheuteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Lowles, Malinda Murrell, Charles Clagget, Samuel Irvn, Mary
Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chamber
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann,
Welson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
Velix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reference is made to the letter of the 14th of the month
last in which you advised that you had received a copy of
the letter in question.

The Department is now in receipt of the letter in
question and is taking the necessary steps to
investigate the same.

Very truly yours,

Respectfully,
[Signature]

[Signature]
Special Agent in Charge

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

W. M. O. BEALL
Secretary.

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

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-122.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 28, 1905.

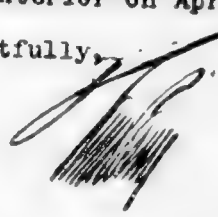
Bettie Vann,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,



Chairman.

COPY

RECEIVED

APR 20 1900

Washington, D.C., April 18, 1900.

Sir,
 I have the honor to acknowledge the receipt of your letter of the 14th inst. in relation to the proposed purchase of the land owned by the Government of the District of Columbia, and to inform you that the same has been referred to the proper authorities for their consideration.
 Very respectfully,
 Your obedient servant,
 JAMES DIXBY,

WITNESSED, James Dixby.

COPY.

William T. ...
... of ...

Washington, Indian Territory, April 20, 1900.

Washington, Indian Territory.

Dear Sir:
The very timely arrival of the ...
April 20, 1900, rejecting the ...
... of William Davis, et al., ...
... was ... by the Secretary of the Interior on April
27, 1900.

Respectfully,

(SIGNED) *James Dixby*
...

Decision

THE MATTER OF THE APPLICATION OF

Bette Van

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

- A. Original testimony June 13*
- B. Memo of application June 13*

*Copy of testimony filed
with Cherokee Nation.*

See Cherokee Freedmen paper

Ms D 725

Department of the Interior

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE, IND.
APR 28
1895

VINITA
JUN 3
1130AM
1895

Return to Writer
UNCLAIMED.

C.F.R. 122.

~~Receivd - Cash,~~

~~Vinita, Indian Territory.~~

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MAR 3 1895

Return to Writer.
UNCLAIMED.

250

265-

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POSTAGE PAID

REGISTERED
JAN 2 1895
MUSKOGEE, IND. TER.

~~Receivd - Cash,~~

~~Vinita, Indian Territory.~~

Cher. Fr. R-123

Cher. Fr. R-123

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(2001) 2. 2. 2001

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Document.

To be filed in the case of Sanford Carthan C. F. & L.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C., May 10, 1902.

In the matter of the application of Bettie Robinson for enrollment as a Cherokee freedman, she being sworn and examined by Commissioner F. B. Hootches, testified as follows:

- Q What is your name? A Bettie Robinson.
 - Q How old are you? A About 49.
 - Q What is your post office? A Catala.
 - Q What district do you live in? A. Oconee.
 - Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
 - Q Who do you desire to enroll besides yourself? A. Just myself, I guess, my children have been enrolled.
 - Q Have you ever been recognized by the Cherokee authorities as a Cherokee freedman? A. Yes sir.
 - Q Is your name on the roll of 1888? A. No sir, I know it ain't.
 - Q Is it on any of the other rolls of the Cherokee Nation? A. Yes sir, I drew three patents.
- The 1888 authenticated roll and the 1898 census roll of the Freedmen of the Cherokee Nation examined and the name of the applicant not identified thereon.
- Q Did you draw your strip money? A. Yes sir.
 - Q By the name of Bettie Martin? A. Yes sir.
 - Q Are you sure you drew this money? A. Yes sir, and my two children.
 - Q How much? A. One hundred and eighty seven and six tenths.
 - Q What children? A. Eliza Foster and Jane Martin is all the children I got.
- The 1888 roll examined and the name of the applicant is found on page 114, 1888, Betty Martin, Pahlagona district.
- Q You say your husband is name Robinson? A. Yes sir.
 - Q Are you married? A. Yes sir.
 - Q What is your husband's name? A. James F. Robinson.
 - Q Is he a citizen? A. Yes sir. He is one of the free parties.
 - Q Is he living? A. Yes sir he is living.
 - Q Have you any children under 21 years of age? A. No sir.
 - Q You only apply for yourself then? A. Yes sir.
 - Q What is your father's name? A. John Martin.
 - Q What is your mother's name? A. Sarah Ann Martin.
 - Q What relation are you to James Martin? A. He is my uncle.
 - Q Were you a slave before the war? A. Yes sir.
 - Q To whom did you belong? A. To John Martin.
 - Q Were you taken out of the country during the war? A. Yes sir.
 - Q Where? A. I went with my mother to Kansas and small?
 - Q This Sarah Ann Martin was your mother? A. Yes sir.
 - Q When did you come back from Kansas to the Cherokee Nation? A. Came in 1860.
 - Q How old were you then? A. I was about six or seven years old.
 - Q You have been living in the Cherokee Nation ever since 1860? A. Yes sir, ever since.
 - Q V. V. Watkins? A. Yes sir, my father.
 - Q Where did your mother come? A. She came from Kentucky where I am living now.
 - Q Lived in the Cherokee Nation ever since? A. Yes sir.

The applicant applied for the enrollment of herself as a Cherokee freedman. She stated that she is the daughter of John and Sarah Ann Martin, and that her mother was the daughter of John and Eliza Foster. She stated that she was born in Kentucky, and that she was taken to the Cherokee Nation in 1860. She stated that she was living with her father and mother at present, and that she was the only child of her mother who was living at present.

To be filed in the case of Sanford Garbin R. 122. (FREEDMAN)

Department of the Interior,
Division to the Five Civilized Tribes,
Winita, I. T. May 17th 1901.

In the matter of the application of Malsy Garbin for the enrollment of herself and three children as Cherokee Freedman; said Garbin being sworn and examined by Commissioner C. R. Brockinridge, testified as follows:

- Q Give me your name? A. Malsy Downing.
- Q How old are you? A. 53 years old, about as near as I can guess.
- Q What is your post office? A. Chelsea.
- Q In what district do you live? A. Cowascoowoc.
- Q Who is it you want to have put on the roll besides yourself? A. Three children.
- Q Is that all? A. Yes sir.
- Q Have you a husband? A. Yes sir.
- Q Do you claim that he is a Cherokee Freedman? A. No sir.
- Q Did he ever get a Cherokee license when he married you? A. No sir.
- Q How long have you lived in the Cherokee Nation? A. I lived here before the war and then I don't know just exactly I staid out of here.
- Q You came back after the war? A. Yes sir.
- Q You came back some time after the war and you have been living here ever since? A. Yes sir.
- Q Have you lived here all your life except during the war a while after the war? A. Yes sir.
- Q Are you a recognized freedman of the Cherokee Nation? A. Yes sir.
- Q Are you on the rolls? A. I guess Indis, I ought to be.
- Q Give me the name of your father? A. Sauben Downing.
- Q Is your father dead? A. Yes sir.
- Q How long has he been dead? A. About 19 years I guess.
- Q Give me the name of your mother? A. Jennie.
- Q Is she dead? A. Yes sir.
- Q How long has she been dead? A. She died directly after the war; I don't know just exactly to tell you the truth.
- Q Give me the names of your children? A. Lee.
- Q How old is Lee? A. I don't know, I have got the ages here.
- Q Is his name Lee Downing? A. Lee Garbin.
- Q Lee is 18 years old is he? A. Yes sir.
- Q Aleck is the next one? A. Yes sir.
- Q Aleck Garbin? A. Yes sir, that is right.
- Q And then what do you call the next one? A. Ervin.
- Q Ervin Garbin? A. Yes sir.
- Q He is 12 years old? A. Yes sir.
- Q Well now, is your name at that time Garbin? A. Yes sir, at this present.
- Q Are these three children all living at this time? A. Yes sir, when I left home.
- Q How many times have you been married? A. Once.
- Q When were you married? A. Directly after the war.
- Q To whom were you married? A. Felix
- Q Felix Garbin? A. Yes sir.

The 1880 authenticated roll of freedmen of the Cherokee Nation examined and applicant's name not found thereon.

The 1890 census roll of freedmen of the Cherokee Nation examined and applicant's name and those of her children not found thereon.

Q Are you on the 1890 roll, Census roll? A. Doesn't tell me about the rolls.

The War Office 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 applicants names found thereon as follows:

page 100 Malsy Garbin, Cowascoowoc district.

page 100 Felix Lee Garbin, Cowascoowoc district.

page 100 Aleck Garbin, Cowascoowoc district.

Q Where did you and your husband marry? A. In Texas.

Q Where was Lee born? A. He was born here.

- Q Where was Alack born? A. Here.
- Q Where was Bryan born? A. Here in the Nation.
- Q Have you got some children older than those? A. Yes sir.
- Q How many? A. Four.
- Q What are their names? A. William is the oldest one.
- Q Which is next to William? A. Jim.
- Q Next to Jim? A. Nettie.
- Q Next to Nettie? A. Samved, and we call him.
- Q How old is William? A. I cant tell you just exactly the year.

POLLY GARRIN, being sworn and examined by Commissioner H. R. Brockbridge, testified as follows:

- Q What is your name? A. Polly Garrin.
- Q Are you the husband of this woman? A. Yes sir.
- Q How old is your child William? A. 25
- Q How old is Jim? A. He is 24
- Q How old is Nettie? A. Nettie's older than Jim, Nettie's 23
- Q How old is Sam? A. He is 21 or two I believe.
- Q Where was William born? A. William was born in Texas.
- Q Where was Jim born? A. Jim was born here in the Nation on the river
- Q Where was Nettie born? A. She was born in Texas.
- Q Where was Sam born? A. He was born here on the river.
- Q How Lee, Black and Ervin, where were they born? A. Out here on Fayer Creek, where I live.

MALBY GARRIN, the applicant, re-called:
(By Mr. Haverport, Cherokee representative)

- Q Malby, to whom did you belong at the breaking out of the war? A. I belonged to old lady Wright, the old lady.
 - Q Where were you living when the war broke out? A. I was living out here somewhere about.
 - Q Well were you living in the Cherokee Nation or Ellis County, Texas? A. I was living in the Nation.
 - Q Now, when did you come back after the war to the Cherokee Nation? A. Just quick as I could come.
 - Q Do you know Sam Couch? A. Yes sir.
 - Q Did you come before or after Sam Couch came to the Cherokee Nation? A. I come with him when he come.
 - Q Well now, you testified before the Kern Clifton didn't you, in your application for admission then? A. Yes sir.
 - Q I ask you if you didn't testify to this before the Kern Clifton if my husband brought me back, I come back exactly after Sam Couch come, didn't you testify that or not? A. No sir.
 - Q Well, you either come back when Sam Couch did or after he did, one of the two didn't you? A. Yes sir, I come when my husband got a chance to send me.
 - Q Sam Couch was a brother of what we call Pete at Okolona was he? A. Yes sir.
 - Q And you are sure you didn't come before Sam did? A. Yes sir.
 - Q Your husband and children come when you did? A. He and my husband sent me.
 - Q You and your husband married in Texas did you? A. Yes sir.
- (By Gov't Brockbridge)
- Q Was your child William born when you come back from Texas after the war? A. Yes sir.
 - Q How old was William when you come back? A. I guess he was about 12 or 13 years old.
 - Q And then after you come back Jim was born, is that right? A. Yes sir.
 - Q So when you first come back to the Cherokee Nation after the war you brought that child, William with you, did you? A. Yes sir, I brought him with me.
 - Q That was on your first trip back to the Cherokee Nation? A. Yes sir.
 - Q And then after Jim was born you went back to Texas? A. Yes sir I never did go back.
 - Q I thought Nettie was born in Texas? A. Yes sir, Nettie was born, well I brought three children, Nettie and I, Jim.
 - Q And that is the third child that you brought with you? A. George he is dead, that was the oldest.
 - Q George of all? A. Yes sir.

Commissioner Breckinridge. The applicant applies for the enrollment of herself and three children; She is not identified on the roll of 1866, or the Kern Clifton roll of the roll of 1866. She is identified on the Wallace roll, but she states that she was carried to the State of Texas during the war and did not return until after her marriage and until after the birth of three of her children, two of whom are now living, and the elder of the two is now 35 years of age. It was after the birth of a still younger child that she first returned to the Cherokee Nation. It is evidence therefore that the applicant did not return to the Cherokee Nation until sometime after the year 1875, and consequently too late for her to qualify under the treaty of 1866. No application is made for her husband who is a Texas man. Under these circumstances conditions the applicant will be listed as a Cherokee freedman for rejection. Of the three children for whom applicant applies, the two older, Lee and Alack are identified on the Wallace roll, but not upon the roll of 1866 or the Kern Clifton roll. They cannot under the conditions stated possess the right not possessed enjoyed by their mother. They are said to be living and they will now be listed for enrollment as Cherokee freedmen on a rejected card, and the youngest child, Ervin, is not upon any roll. This child is said to be living and it also will be listed for enrollment as a Cherokee freedman on a rejected card.

J. O. Henson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the testimony and proceedings in this case, and that the foregoing is a true and a correct transcript of his stenographic notes thereof.

(signed) J. O. Henson.

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

(signed) C. R. Breckinridge
Commissioner.

I, Chas. von Zeise, upon my oath state that the foregoing is a true copy of the original.

Subscribed and sworn to before me this 7th of September, 1901.

(signed) Chas. von Zeise
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Oklahoma, I. T. June 15th 1901.

In the matter of the application of Sanford Garbin for the enrollment of himself, his wife and three children, (two of them being step children) in Cherokee franchise; he being sworn by Commissioner T. B. Hoodless, testified as follows:-

- Q What is your name? A. Sanford Garbin.
- Q How old are you? A. I am about 33.
- Q What is your post office address? A. Okmulgee.
- Q In what district do you live? A. Socoosawocooee.
- Q Do you want to be enrolled as a Cherokee? A. Yes sir.
- Q Who do you want to have enrolled besides yourself? A. My wife and children.
- Q What is your wife's name? A. Eliza Foster before I married her.
- Q How old is she? A. 26.
- Q How many children have you? A. 5.
- Q What are the names of your children? A. Louis Foster.
- Q How old is he? A. 15.
- Q Next one? A. John Foster.
- Q How old is he? A. 10.
- Q The next one? A. Rattie Garbin.
- Q How old? A. 5.
- Q Next? A. Henry Garbin.
- Q How old? A. 3.
- Q Next? A. Rube.
- Q How old? A. 4 weeks.
- Q Is your name on the 1880 roll? A. No sir.
- Q What is your father's name? A. Felix Garbin.
- Q Is he living? A. Yes sir.
- Q Has he been enrolled? A. No sir he didn't apply yet.
- Q What is your mother's name? A. Malie.
- Q Is she living? A. Yes sir.
- Q Has she been enrolled? A. Yes sir.
- Q Is your wife on the 1880 roll? A. No sir.
- Q What is her father's name? A. Bob Foster.
- Q Is he living? A. Yes sir.
- Q What is her mother's name? A. Netie Robinson.
- Q Is she living? A. Yes sir.
- Q Does your wife claim through her father or mother? A. Mother.
- Q Robinson is her mother's name now? A. Yes sir.
- Q Has she been before us? A. Yes sir.
- Q Is your name on any of the rolls of the Cherokee Nation? A. On the Wallace roll.
- Q Did you draw stock money? A. No sir.

The Wallace roll cancelled and the name of the applicant found as follows:- Page 100 No. 2074, Sanford Garbin, Socoosawocooee district.

Applicant not on the 1880, 1888 or Mann-Elinton rolls.

- Q Did you draw stock money for these children? A. No sir, my wife drew for her and her children.
- Q Was you ever married before you married Eliza? A. No sir.
- Q Was she ever married before she married you? A. No sir.
- Q Are these children all living now? A. Yes sir.
- Q Are they living with you? A. No sir not all of them.
- Q Are you and your wife living together? A. Yes sir.
- Q Where are the children? A. Two are with their grand mother and the others is with me.

The Kean roll examined and the name of the applicant's wife and step child identified thereon as follows:
Page 115, No. 3888 Eliza Foster, Tallapoosa district.
Page 115 No. 3881 John Foster, Tallapoosa district.

- Q Is Lewis your child? A. No sir.
- Q Is John yours? A. No sir.
- Q They are names Foster? A. Yes sir.
- Q Is Hattie yours? A. Yes sir.
- Q Her name is Garbin? A. Yes sir.
- Q Is Henry yours? A. Yes sir.
- Q Is Rubie yours? A. Yes sir.
- Q Your wife had these other two children before you married her? A. Yes sir.
- Q But she was never married before? A. No sir.
- Q Where were these children born? A. In Cowpensawee district.
- Q They are all living now? A. Yes sir.
- Q You claim through your mother Malaise? A. Yes sir.
- Q Where were you born? A. I was born in Saline district.
- Q Cherokee Nation? A. Yes sir, on the other side of Grand River.
- Q Where was your wife born? A. In Saline district.
- Q She claims through her mother Betsey Robinson? A. Yes sir.
- Q Was your wife's mother ever named Martin? A. Yes sir.
- Q Who is this boy John Foster living with? A. His grand mother.

By Gen'r Goodles,

Uniform Garbin applies for himself, his wife Eliza, and two children of his wife's, Lewis and John Foster, and three children of his by his present wife, namely, Hattie, Henry and Rubie Garbin. The applicant himself cannot be identified on any of the rolls except the Wallace roll. He avers that he is the son of one Malaise Garbin and he claims his citizenship through his said mother, and upon an examination of the records it is found that the said Malaise has been enrolled on Rejected Card 88, and the testimony taken in the case of Malaise Garbin will be made a part of the record in this case and a copy with his name thereon will be filed herein, and the application of the said Malaise Garbin for the enrollment of himself will be rejected, as he makes no claim other than through his mother Malaise Garbin. He avers that his wife Eliza is the child of Bet Foster and Betsey Robinson, and he makes satisfactory proof as to the citizenship of his wife and this fact was ascertained from the records that the said Betsey Robinson was listed for enrollment on B. Card 3888, and that registration was made in her application to the enrollment of Lewis and John A. Martin, who have been enrolled on B. Cards, 3875 and 3880 respectively, and the testimony in the case of Betsey Robinson, B-340 and of Sarah Ann Martin, B-338 and of Aaron Martin B-339 is hereby referred to and the same will be made a part of the record in this case and copies thereof will be filed with this application. The name of John Foster, for whom he applies, is identified on the Kean roll, and he avers that he is married now, and the other children applied for are identified on the rolls of the Cherokee Nation now in the possession of the Commissioner, consequently it will be necessary for him to make satisfactory proof as to the birth of Lewis Foster, Hattie, Henry and John Garbin and now the said Eliza Garbin, nee Foster, and her three children as named in the testimony will be listed for enrollment as Cherokee Freedmen on a doubtful card, and the applicant will be notified of the final decision by the Commissioner, by mail.



Police Certificate

EXHIBIT 18882
MILWAUKEE

That, you being a being your name as mentioned in the
certificate to the fact that you are mentioned in all the
proceedings in the Department of Justice as a full time
and correct translation of his name is as follows:

Phacovores

Subscribed and sworn to before me this 20th of June, 1961 at
Manda, I. T.

[Handwritten Signature]

Commissioner.

RECORDED
INDEXED
JUN 21 1961
MILWAUKEE

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

In the matter of the application of Malzy Carbin, et al.,
 for enrollment as Cherokee Freedmen, consolidating the applications
 of

Malzy Carbin, et al.,.....	Cherokee Freedmen	R 85
James Carbin,.....	"	R 116
William Carbin,.....	"	R 118
Nettie Carbin, et al.,.....	"	R 120
Sanford Carbin,.....	"	R 123

DECISION.

The record herein shows that applications for enrollment as Cherokee Freedmen, were made to this Commission, by Malzy Carbin for herself and her minor children, Lee, Aleck and Ervin Carbin; by James Carbin for himself; by William Carbin for himself; by Nettie Carbin for herself and her minor children, Frank, Lenie and Teenie Carbin, and by Sanford Carbin, among others, for himself. The other parties to his application are differently classified and are not embraced in this decision.

The evidence shows that the said Malzy Carbin was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken to Texas during said rebellion and did not return to the Cherokee nation until December, 1867. The other applicants herein were born since 1866 and are the descendants of said Malzy Carbin, through whom they claim their rights to enrollment as Cherokee freedmen. It further appears that the names of none of the applicants herein are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Malzy Carbin, Lee Carbin, James Carbin, Ervin Carbin, William Carbin, Nettie Carbin, Frank Carbin, Lenie Carbin, Teenie Carbin and Sanford Carbin as Cherokee Freedmen should be denied under the provisions of section twenty-one of the Act of Congress, approved June 24, 1888 (30 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamm Dix

Chairman.

Commissioner.

Brookings

Commissioner.

CORRECTION



The preceding document(s) has been refilmed
to assure legibility and its image appears
immediately hereafter.

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

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for enrollment as Cherokee Freedmen, consolidating the applications
of

Malzy Carbin, et al.,.....	Cherokee freedmen	R	85
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William Carbin,.....	"	"	R 118
Nettie Carbin, et al.,.....	"	"	R 120
Sanford Carbin,.....	"	"	R 123

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It is, therefore, the opinion of this Commission that the applications for the enrollment of Malzy Carbin, Lee Carbin, Ervin Carbin, James Carbin, William Carbin, Nettie Carbin, Frank Carbin, Lonie Carbin, Teonie Carbin and Sanford Carbin 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.

Tamc Dix

Chairman.

J. A. ...

Commissioner.

J. R. Breckinridge

Commissioner.

Commissioner.

Dated at Washington, D. C.,

this JUL 10 1898

FR123

MISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 13 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 13 1901

Post Office *Cherokee*

District *...*

1. Name *W. J. ...* Age *23*

Owner's name *Wallace* Citizenship *...*

Year *...* Page *...* No. *2309* District *...*

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife

Owner's name

Year

Rejected

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by

W. J. ... Stenographer *Chas. Wallace*

X Ref
X Ref R. 85-

COPY!

Charles Freeman
B-123.

Mustoge, Indian Territory, July 25, 1908.

Sanford Carbin,
Chelsea, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings in the matter of your application for enrollment as a Cherokee Freedman, together with a copy of the decision of the Commission to the Five Civilized Tribes, dated July 16, 1908, rejecting, among others, your said application.

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

Respectfully,

F. B. Needles

Assistant Commissioner in Charge.

Register.

No. B-12.

Cherokee Freedmen
R-85, R-116, R-118,
R-120 & R-123.

Muskogee, Indian Territory, July 22, 1903.

W. W. Hastings,

Attorney for Cherokee Nation,

Tablequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, in the consolidated case of Malzy Carbin, et al., rejecting the applications for the enrollment of Malzy, Lee, Aleck, Ervin, James, William, Nettie, Frank, Louis, Tecnie and Sanford Carbin, 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.

Enc. H-14.

COPY.

Cherokee Freedmen
B-85, B-116, B-118,
B-120 & B-122.

Muskogee, Indian Territory, July 22, 1903.

The honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the matter of the application for the enrollment of Malzy Carbin, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of Malzy, Lee, Alack, Ervin, James, William, Hettie, Frank, Lonie, Teechie and Sanford Carbin, as Cherokee freedmen.

Respectfully,

T. B. Needles,
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-15.

Refer in reply to
the following:

Land.
46544/1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, Jan. 4, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department, the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Malzy Carbin, for the enrollment of herself and her minor children, Lee, Aleck and Ervin Carbin; of James Carbin for the enrollment of himself; of William Carbin for the enrollment of himself; of Nettie Carbin for the enrollment of herself and her minor children, Frank, Lonie and Teenie Carbin; and of Sanford Carbin for the enrollment of himself; all as Cherokee Freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the said Malzy Carbin was the slave of a Cherokee Citizen at the commencement of the Rebellion; that she was taken to Texas during said Rebellion and did not return to the Cherokee Nation until December, 1867; that the applicants herein were born since 1866 and are the descendants of said Malzy Carbin, through whom they claim their right to enrollment as Cherokee Freedmen.

The Commission further finds that none of the names of these applicants appear on the 1880 authenticated Cherokee Roll; by reason of such findings the Commission is of the opinion that the applications herein should be denied, under the provisions of Section 21, of the Act of Congress approved June 28, 1898, (30 Stats., 495).

I have examined the testimony submitted in behalf of these applicants, and consider that they fail to make out their case. They do not show by satisfactory testimony that they returned to the Cherokee Nation within the time prescribed by the Treaty of 1866, and by such failure I do not consider that they are entitled to enrollment as Cherokee Freedmen, and therefore recommend that the decision of the Commission herein be affirmed by the Department.

Very respectfully,

J. A. Jones,

Commissioner.

(COPY)

D.C.13486.

WCF
J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHM

I.T.D. 100-1904.

April 25, 1904.

L.R.S.

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

Gentlemen:-

July 22, 1903, you transmitted the record in the case involving the applications for enrollment as Cherokee freedmen of Malzy Carbin (Cherokee Freedmen R-85, R-116, R-118, R-120 & R-123), for herself and her minor children, Lee, Aleck and Ervin Carbin; of James Carbin for himself; of William Carbin for himself; of Nettie Carbin for herself and her minor children, Frank, Lenie and Teenie Carbin; and of Sanford Carbin for himself, including your decision of July 10, 1903, denying said applications.

Reporting in the matter January 4, 1904, the 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 accordingly affirmed.

Respectfully,

(Signed) Theo. Ryan

Acting Secretary .

1 inclosure.

Cherokee Freedmen
B-25 et al.

Muskogee, Indian Territory, May 4, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Malay Garbin et al., rejecting the applications for the enrollment of Malay, Lee, Alcock, Ervin, James, William, Nettie, Frank, Lonie, Teechie and Sanford Garbin as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R-123.

Muskogee, Indian Territory, May 6, 1904.

Sanford Carbin,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 23, 1904.

Respectfully,

Commissioner in Charge

CHESTER FREEDMAN.

Dea

THE MATTER OF THE APPLICATION OF

Sanford L. Carlin

FOR APPOINTMENT AS

CHESTER FREEDMAN

- A. Original testimony June 13, 1900
- B. Memo of application June 12, 1900
- C. Test from Sarah A. Martin case 5/10/00
- D. Test from Craven Martin case 5/10/00
- E. Test from Muzzy Carbone case 5/10/00
- F. Test from Betty Roberson case 5/10/00

A 11

Copy of testimony filed with Chester 7/10/00

See Levesque Freedmen jacket

No R 85 D 727 D 352 239 D 240

Cher. Fr. R 124

Cher. Fr. R. 124

To be filed with the case of Nathan Ratoliff, REJECTED C.F.S.

Department of the Interior,
Commission to the Five Civilized Tribes
Chelsea, I. T. June 13th 1901.

Hellotte & Smith attorneys for the applicant.

James Deavenport attorney for the Cherokee Nation;

In the matter of the application of Ellis Ratoliff for the enrollment of himself and three children as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles testified as follows:-

- Q What is your name? A. Ellis Ratoliff.
Q Do you know how old you are? A. 37 years old.
Q What is your post office address? A. Coffeyville.
Q In what district do you live? A. Cooweescoowea.
Q Who do you want to have enrolled besides yourself? A. Three children.
Q Do you claim as a Cherokee freedman? A. Yes sir.
Q What are the names of your children? A. Irving.
Q How old is he? A. 15.
Q Next one? A. Oscar.
Q How old is he? A. 18.
Q Next one? A. Nathan.
Q How old is he? A. 20.
Q Are you married? A. Yes sir.
Q What is your wife's name? A. Mollie.
Q Is she a citizen? A. No sir.
Q She is what is known as a state woman? A. Yes sir.
Q Is she the mother of all those children? A. No sir.
Q Is she the mother of any of them? A. Of Oscar.
Q What is the mother of Nathan? A. His mother is dead.
Q What was her name? A. Ann Salaberry.
Q Did you marry to her? A. No sir.
Q Was she a state woman? A. Yes sir.
Q Was she the mother of Oscar? A. Mollie.
Q Was she the mother of Oscar and Irving then? A. Yes sir.
Q Have you ever been married since? A. No sir, only to Mollie.
Q What was your wife's maiden name? A. Molly Brady.
Q Have you any proof of your marriage? A. No sir.
Q Where were you married? A. In Van Buren Arkansas.
Q According to the laws of Arkansas? A. Yes sir.

By Hellotte-

- Q Are you a son of Eliza Ratoliff who was killed here yesterday? A.
A Yes sir.
Q Are you on the Kern Clifton roll? A. Yes sir.

Kern Clifton roll, Page 177 No. 4343, Ellis Ratoliff, Tahlequah district.
Page 177 No. 4346, Irving Ratoliff, Tahlequah district.
Page 177, No. 4344, Oscar Ratoliff, "
Page 177 No. 4345, Nathan Ratoliff, "

By Deavenport-

- Q When were you born? A. On Ganey they say.
Q In what country? A. Cherokee Nation.
Q Where were you living when you first remember? A. The first I remember I was with my mother, she was looking for a man named Brady in Van Buren.
Q You are sometimes called "Kern"? A. Yes sir.
Q You lived in Van Buren a number of years? A. Yes sir, I worked in the railroad yards there.

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- Q You lived there in 1894? A. Yes sir.
Q From the time you can remember up to the time you left there you had lived there? A. Yes sir.
Q You lived in Fayetteville, Arkansas? A. No sir I never lived there in my life.
Q You worked on the Nowatt Division didn't you? A. No sir.
Q When did you move to the Territory? A. I came up here during the payment of the Cherokees.
Q In '84? A. Yes sir.
Q That was the first time you had lived in the Cherokee Nation since you can remember? A. The first time I had my family here.
Q Those children, where were they born? A. In Van Buren.
Q You only have one child of your legal marriage haven't you? A. —

By Applicant to the Commissioner:

I remember now I was married to Lydia Perry and Irving is the child of that marriage.

By Davenport—

- Q Where were you married to the mother of Irving? A. To both of them in Van Buren.
Q You live now where? A. In Coowaseeowee district.
Q How far from Coffeyville? A. 7 miles southwest.
Q Near what place? A. Near the John Lee Brown place, between there and the State line.
Q How long have you lived there? A. A year and a half.
Q You went from Van Buren to that place? A. No sir, went from Delaware district up there.
Q You kept house in Coffeyville last fall didn't you? A. Yes sir.

By the Commission:

- Q You were never legally married to Ann Salsberry? A. No sir.
Q Never lived with her as man and wife? A. No sir.

EASTER WILLIAMS, called and sworn as a witness for the applicant.

By Mr. Mallette—

- Q What is your name? A. Easter Williams.
Q Formerly known as Grimmett? A. Yes sir.
Q What is your age? A. About 50.
Q Are you a recognized freedman citizen of the Cherokee Nation and on the 1880 authenticated roll? A. Yes sir.
Q Are you the Easter Williams who testified in the case of Eliza Ratliff yesterday? A. Yes sir.
Q Do you know this applicant? A. It is her son.
Q In the testimony yesterday, you said something of Eliza Ratliff going to Neosho Missouri during the war and then coming back to Fort Gibson, where was this applicant at that time? A. He was a baby at that time.
Q Was he with his mother? A. Yes sir.
Q At Fort Gibson? A. Yes sir.
Q You don't know where this boy was born? A. No sir.

By Davenport—

- Q You don't know where this boy was born? A. No sir.

Q You know remember seeing Edm at Gain Hill with the Kids? A. No sir
By Con'r Needles,-

Ellis Ratcliff applies for himself and three children, Irving, Oscar and Nathan. He is not identified on the 1880 roll or the census roll of 1896, but he is identified on the Kern Clifton roll. He avers that he married in Arkansas to one Lydia Berry.

Q You married Mollie after your married Lydia? A. Yes sir.
Q Did Mollie have any children before you married her? A. Yes sir but it was mine.
Q After the child was born you married her? A. Yes sir.

He avers that he was first married to one Lydia Berry by whom he had one child, Irving, and the said Irving is identified on the Kern Clifton roll.

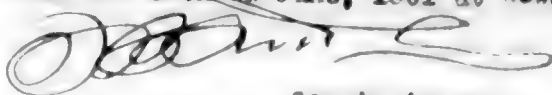
Q Was Lydia Berry dead when you married Mollie? A. Yes sir.

He avers that he afterwards married one Mollie Brady by whom he had one child, Oscar, and the said Oscar is identified on the Kern Clifton roll. He avers that he has one child, Nathan, by one Ann Salsberry to whom he was never married. He avers that he himself is the son of Eliza Ratcliff, who has been listed for enrollment as a Cherokee freedman on D. Card #783 and the testimony taken in said case is hereby referred to and a copy thereof will be filed herewith and made a part of the record of the application at bar. Attention is called to the fact that before he married Mollie Brady, his second wife, his child Oscar, 18 years of age, was born, but he avers that he was his child. The said Ellis Ratcliff will now be listed for enrollment as a Cherokee freedman on a doubtful card and reference is hereby made to the testimony taken in the application of his mother as above stated. His two children, Irving and Oscar will be listed as Cherokee Freedmen on a doubtful card, but in this connection it will be necessary for him to file with this Commission satisfactory proof of his marriage to both his first wife, Lydia Berry and to his second wife Mollie Brady. If said certificates are filed, the citizenship on his son Oscar depends upon the construction of the law as to whether marriage of the applicant with the mother of said child after its birth makes it legitimate. The child Nathan will be rejected because it was born out of lawful wedlock, no marriage having been performed at all, and its mother being a state woman. The applicant will be notified by mail of the decision of the Commission.

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Chas. van Wagon, 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.

Subscribed and sworn to before me this the 29th of June, 1901 at Nowata, I. T.



Commissioner.

E. J. Pizer, Nathan Ratchliffe

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 20, 1901.

In the matter of the application of Eliza Ratchliffe et al. for
enrollment as Cherokee Freedmen.

Testimony introduced on behalf of the Cherokee Nation.

Appearances:

Mollette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

J. H. KIDD, appearing before the Commission and being duly
sworn and examined, testified as follows:

Q Mr. Hastings, what is your name? A J. H. Kidd.

Q What is your age, Mr. Kidd? A I am 56 years old.

Q What is your postoffice? A Clyde, Washington County, Arkansas;
Cane Hill is nearer, but I live near Clyde, one mile this side.

Q What was your father's name? A Tandy K. Kidd.

Q Where did you live before the war, you and your father? A I
lived in Washington County right in Cane Hill.

Q Near where you live now? A Yes, sir.

Q Did your father have a slave before the war named Eliza Ann?

A Well now as for the Eliza part I don't recollect that, we always
called her Ann.

Q You know where your father got her? A Got her out of the Cherokee
Nation.

Q And you know from whom? A Ratchliffe.

Q Do you know whether or not your father owned, or whether he had
her hired? A He owned her.

Q Did he own her when the war came up? A Yes, sir.

Q How long had he owned her when the war came up? A Well now I
don't recollect, I was small, it was some time though before the war;
I can't recollect dates at all.

Q As much as four or five years or more? A Yes, sir.

Q More than that? A Yes, sir.

Q What became of her during the war, Mr. Kidd? A Well when the
war came up we carried our negroes south and we first stopped in
Montgomery County ten miles from Mt. Ida.

Q Is that in Arkansas? A Yes, sir.

Q Well? A We stayed there, as well as I recollect, about 2 years,
and then we moved down into Saline County, I believe it is called.

Q Is that in Arkansas? A Yes, sir, still in Arkansas; went
south to the Miller Salt Works.

Q And then to the Miller Salt Works? A Yes, sir, and we stopped there
and ran the salt works there for some time, and then we moved from
there to the Jacksonville, Texas, Red River County, and we stayed there
on the Jackson farm, as well as I remember, a year, maybe two years,
until the war closed all any rate; we stayed there till the war closed
and after the war closed I was at home here and our teams and negroes
were all out there, and I went myself out after the teams and brought
back all of our old darkies that wanted to come home, and Ann and
Ellis Kidd; he was born before the war, I don't remember his age
though.

Q Now who was the mother of Ellis? A Ann.

Q Did Ellis go these routes with his mother? A Yes, sir; and I
brought them back to Van Buren and they wanted to stop off there,
and several of the old darkies stopped off, and some went home.

Q You left them in Van Buren? A Yes, sir.

Q When was that? A It was the year the war closed.

Q In '65? A Yes, sir; I left her down there, and I was down
there some four years, five years maybe, after that, I don't recollect,
and I went to see Ann, she was our cook, my father's cook before the war.

- Q Well, was she there then? A Yes, sir.
- Q That was four or five years after you left her there? A Yes, sir.
- Q Her boy there? A Yes, sir.
- Q Ellis? A Yes, sir, I suppose so, I never saw him, I saw his mother, I think he was out somewhere she told me, I disremember now.
- Q Did you ever see her after that? A Never seen her since.
- Q You don't know where she has been living since that? A No sir I don't know.
- Q You say Ellis was born before the war up at your place? A Yes, sir.
- Q He went the routes with his mother and came back and you left him at Van Buren with her? A Yes, sir.
- Q They were slaves of your father when the war came up? A Yes, sir.
- Mr. Mellette: How old are you? A I am 56 years old.
- Q Do you know the applicant here, Eliza Ratcliffe? A I know Ann, I don't know whether her name was Eliza or not, we never had that name in the family, we always just called her Ann.
- Q You don't know whether the applicant for enrollment here is the person you are talking about or not? A Well I don't know only from the evidence I have heard since I have been here; I left her as I have said in Van Buren and I haven't saw her since five years after I left her there.
- Q How long ago since you have seen the woman you are talking about? A Oh, it has been, I don't recollect; it was some four or five years after I left her there.
- Q Well that must have been five or six years after the war? A Yes, sir, I guess it was, four or five or six, along there.
- Q You haven't seen her since? A No, sir, not since I made her a visit.
- Q You ever seen the boy? A Never have since I left him there.
- Q Ellis? A Never have seen him.
- Q Do you know a man by the name of Leech? A Leech; yes, sir, there was several families of Leeches living about Cane Hill.
- Q Do you know a Leech that lived in the Cherokee Nation? A No, sir, that is his given name?
- Q I don't know his given name? A That is the family of Leeches there that has been there years and years.
- Q How old were you when the war broke out? A Well I was born in '45.
- Q You were about 15 years old? A Yes, sir, about 15.
- Q Did you stay at home all the time? A No, sir, the latter part of the war, well I was backwards and forwards; before the war I was at home all the time; before the war.
- Q Up to the beginning of the war? A Yes, sir.
- Q Who attended to your father's business? A Why my oldest brother after his death.
- Q When did your father die? A He was killed in Boonsboro the first year of the war.
- Q How do you know that your father bought this woman you are talking about? A I just heard him say it as all I know about it, I didn't see him buy her or pay for her.
- Q It was just the talk? A Yes, sir, I know she stayed with the family all the time until the war closed.
- Q How many slaves did you take south? A I don't remember, it seems to me there was a good big drove of them.
- Q About how many? A Why I can sit down and count them up, but I don't recollect thirty years back all of them.
- Q Well, what was their names? A Well, there is one her name was Fannie, she was a house woman there to, and the man folks was Sam, Peter, and two Docs, I distinguished them by Long Doc and Doc Brady.
- Q Well, that all you can remember? A Oh no, there was Bob, Mellett, she is dead, and Ellen, Caroline and her children, I forget their names.
- Q All you know about this applicant, or about the woman you are tes-

tifying about, is that her name was Ann? A Yes, sir, I know her name was Ann, and she stayed with us till after the war closed.

Q Now where was she when the war broke out? A She was in Gane Hill in Washington County.

Q How far is that from the line? A Well, it is just six miles from Dutch Mills.

Q Dutch Mills in the Territory? A No, sir, it is in the state, Washington County.

Q Then what made you mention Dutch Mills? A Well, it is near the line; you asked me how far from the line, and I told you about six miles from Dutch Mills, that is right on the line.

Q Well did this woman Ann that you speak of ever go over into the Territory during that? A Never, I don't reckon.

Q I am not asking what you would reckon, I want to know whether she did or not? A No, I don't reckon she ever did, I can't tell that certain; you see all that has been a long time ago.

Q Do you remember when she came to your father's house? A Yes, I remember the time when my father brought her there; the man that sold her.

Q Do you know the man that sold her to him? A No, sir, I don't know him, she always called him Mr. Rataliffe, I don't know his given name or anything about that.

Q Did you hear any trade between your father and this man for her? A No, sir.

Q Then you don't know of your own knowledge that your father bought this woman Ann at all? A Nothing more than hearing him talk about it at home, didn't see the trade made; my father bought a great many darkies about that time.

Q Now when you left Gane Hill during the war, where did you go? A We went first to Montgomery County near Mt. Ida, ten miles from Mt. Ida on the South Washita.

Q Did you go into the Indian Territory? A No, sir.

Q How old a woman was Ann at that time? A I don't know her age, she was a woman grown though when my father bought her and she came there.

Q When was this boy Ellis born? A Well I don't recollect when he was born, he was a right smart kid when we went out; I recollect the little fellow, we used to hire him to dance, when he was five or six years old.

Q Well, where was he born? A At Gane Hill at my father's home.

Q How many years before the war? A I don't know, I guess two or three years, I don't recollect.

Q And before you went out you used to hire him to dance? A No, when we were out on the road, the boys would hire him to dance, he was a little fellow.

Q Then he must have been about five years old when you went out?

A Well I don't know, well it was somewhere along five, I can't tell; as I said, I can't recollect dates, I just remember the woman that we called Ann, she was my father's cook for years.

Q You don't know anything about this man Rataliffe? A No, sir.

Q How many slaves did your father have when from the Indian territory? A Let me see; he owned her and one from the Creek Nation; I believe that was all that was from the territory, just them two I think; all I can recollect.

Q What was your father using the slaves for there on Gane Hill?

A Farming.

Q Raising cotton? A No, sir; no, sir, grain.

Mr. Hastings: Were there any other kids that lived at Gane Hill, Arkansas, except your family, before the war? A No, sir.

Q None? A No, sir, none in Washington county.

Q That was the only slave your father got from a man by the name of Rataliffe? A Yes, sir, the only one I have any recollecting of buying out of the Nation, except this Creek.

Q You know that he owned her like you know that he owned other

property? A Yes, sir, he owned her as other property.

CHARLES M. McCLELLAND, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Charles M. McClelland.

Q How old are you? A I am going on 36.

Q Where were you born? A Cape Hill, Arkansas.

Q Where were you living the first few years before the war?

A Cape Hill.

Q You lived there from the time you were born up to the war, most of the time? A Yes, sir.

Q You know this man Kidd that has just testified? A Yes, sir, Jim Kidd, we were raised right together.

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

Q You were brought up together? A Yes, sir, we were between a quarter and a half mile apart.

Q Did you know a slave that they owned before the war, by the name of Elisa, or Ann? A I didn't know Elisa, I knew a girl they had named Ann.

Q You know where they got her? A No, sir, only by hearsay.

Q Well, do you know whether she came from the Cherokee Nation?

A That is what I always understood.

Q Did she have a child? A Yes, sir.

Q What was his name? A Ellis, a little boy.

Q About when was Ellis born? A Well I can't tell you just when but he must have been somewhere between three and five years old in '62, about that age I think, a little fellow running around, I can remember him very well.

Q You say he said his mother belonged to Mr. Kidd? A Yes, sir.

Q Do you know what became of them during the war? A Well the last time I seen them, I stayed with the Kidds in the winter of '63 and '4, I guess it was '63 and '4, I may be mistaken, it might be '62 and '3, but I think it was '63 and '4, in '62 and 3 and they were close to Mt. Ida, Arkansas, and I stayed there for oh I guess two or three months; we were quartered down in the southern part of the state, our battalion was, I got a furlough and went up there and stayed two or three months, I don't know just exactly though, perhaps only two months, and this girl she was there and the boy too then; or the woman

Q Well, did you see them after the war? A No, sir, I have seen Ellis after the war, the boy, he came once, he heard I was at Van Buren and he came up and told me who he was, I think he told me he was working there, breaking in the yards there at Van Buren.

Q You saw him there? A Yes, sir, saw him and talked with him.

Q You never saw his mother? A Not that I know of, no, sir.

Q Don't remember ever seeing her after the war? A No, sir.

Q About how old a woman was his mother? A Well, I don't recollect what age she was, must have been about - well I don't know, you can't tell a negro's age, I don't know how old she was, she wasn't an old woman.

Q She was grown when the war came up? A Yes, sir, she was a young woman, I think about twenty, perhaps might have been 25, but I would think she was somewhere in twenty, I don't know.

Q How long did you know her at Mr. Kidds before the war? A I don't recollect, several years though, I don't remember that, I was just small myself, I was only about 15, but she was there several years.

Mr. Mellotte: Now Mr. McClelland, you don't know that the woman you are speaking of is the one that is applying here for citizenship?

A I don't know anything about that, I know there was a woman there they called Ann Kidd that had a boy named Ellis, a little mulatto boy, we all lived right close together, and the Kidds and us, Jim and I were same age and playmates, and I spent a good deal of my time there; was raised together.

Q You don't know of your own knowledge how she happened to be there

at the Kidd's house? A No, sir, don't know a thing about it; I heard them say they bought her in the Nation.

Q I am asking about your own knowledge? A I didn't see them buy her.

Mr. Hastings: Was there any other Kidds around Gane Hill except this family? A No, sir.

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FANNIE DENTON, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Fannie Denton.

Q What is your age? A As near as I know it, it is about 70 years old.

Q You were a slave before the war? A Yes, sir, long before the war, I came from Louisville, Kentucky, and lived about Warrenville a good long while.

Q Who owned you when the war came up? A T. K. Kidd, he has got a son here somewhere.

Q Where did he live? A He lived at Gane Hill.

Q Arkansas? A Yes, sir.

Q How long had you belonged to Mr. Kidd when the war came up?

A Two or three years I reckon; I stayed about a year up to the home farm, and he said he thought he could trust me to be the housekeeper on the lower farm, and I stayed down there about two or three years I guess, I was there in '61, the wind up I know of '61 is when we all run south.

Q Did you know a slave by the name of Eliza, or Ann Kidd?

A Yes, I knew one of the home farm women, named Ann Kidd.

Q Did she have a child? A Yes, sir.

Q What was his name? A Well his name was Ellis.

Q About how old was Ellis when the war came up? A Well he was about two years old or maybe three, I think he was about that old when we run, for I know them white fellows was around the camp having him dancing.

Q What became of Ellis and his mother? A Well they went on with us, just first one place, I can't tell you to save my life, but just one place and another till we got to Clarksville and stopped.

Q They took you south with the family? A They didn't take us, but we went south to Clarksville, Texas, to the Moores, and one of the Kidds married Moore and there is where we went, and when peace was made there is where we were.

Q After peace was made, there did you go? A I came back home, but Ann stopped at Van Buren.

Q Did she come along as you did up to Van Buren? A It has been so long I nearly have forgot it, but I think Ann came ahead of us, two crowds of men brought us, and I think Ann was in the first crowd, but I saw her at Brodie's Hotel when I come through.

Q When was that, how long after the war? A I think about '65, I will not be positive.

Q That was in Van Buren, Arkansas, you saw her? A Yes, sir.

Q Was the boy with her then, Ellis? A I don't remember but I think he was, I am not positive about that, you know we didn't stay but a few minutes there, I wanted to hire her, but the white people didn't want me to stop there, I had carried thirty thousand dollars all through the war for them, and because I had carried this money they wanted me to be housekeeper at home, and when we got there everything was burned up and broke so they found they couldn't keep me, and I quit housekeeping and taken in work.

Q I want to talk about this woman; whether she come along with you; you saw Ellis was with her in Van Buren in Arkansas in '65?

A I saw her just a few minutes, I saw Ann Kidd, it was Ann Kidd, I am not positive I saw Ellis; later on I did see him when I was at

Q Did you see her again there? A When I went to Little Rock and stayed thirty days, with one of my girls, she was in college going to school, and I was on my return, and just before I got off one of these McClinton boys met me and helped me out of the train with my things, and I went up to Ann's and stayed a day or two right by her.

Q Do you know when that was? A No, sir, I don't, but it was about '88 I think.

Q You think it was in '88? A I am not positive about that, but anyhow I stayed at Ann McKee's.

Q About how many years ago was that? A About '88 I reckon, no it was worse than that; it was about in '88 I think when I was there.

Q She was living there then? A Yes, sir, she had a home of her own there.

Q Did you see Ellis there? A I don't know whether I got to see him that time or not, he was married and him and his wife lived together, but I was at Ann's, she was married to a man named Mackey

Q That is Ann Ratcliffe? A Yes, sir; I don't know whether she was married to him, they were living together and she said that was her husband; she had two little children, grandchildren, of Ellis, I think keeping them there; if I heard their names I would know them but I don't know them now; wasn't one of them Walter, or have any of you his name; and they were two different women's children; them children I am talking about was two different women's children.

Q Well, did you ever see her any more down there? A No, sir, I don't believe I did, she went to the Nation later on.

Mr. Mallette: How much money did you carry during the war? A Thirty thousand dollars, and have got witnesses to prove it; thirty thousand dollars, carried it for old T. K. Kidd.

Q Was it greenbacks? A It was silver and war bonds.

Q You carried it with you how many years? A Well, in '61 I had it, about in '62, down till after peace was made.

Q Peace was made in '62? A No, sir, it was made later on, but about '62 I had it, in '61 or '62 and that is when they gave it to me.

Q And you carried it all during the war? A I carried it the balance of the time.

Q How long? A There is white people at Fayetteville can tell you.

Q I want to know how long you carried the money? A I think from '62 down to about '64, maybe along into '65.

Q Now who took you south? A Why the overseer and one of the boys.

Q What boy? A I think one of the Kid boys, I believe it was, yes sir it was Lucius, and he was killed.

Q Lucius Kidd took you south? A With this overseer, him and the overseer took the darkies south.

Q Was this woman Ann with you? A Yes, sir.

Q Went right along with you out there did she? A No, she couldn't have gone with me, she lived at the home place and I lived at the lower farm, where I kept house, and we camp together on Lees Creek, and I think there is where we camped, and there is where Lucius and all them made the boy dance; he was about two years old.

Q They made the boy dance on Lees Creek? A I think that is where it was.

Q You remember them making him dance on Lees Creek? A I recollect it wherever we were camping that night.

Q How old a boy was Ellis at the time they made him dance? A I can't tell you to save my life.

Q Measure with your hand? A He looked like he was about that high (indicating).

Q About two feet and a half? A He looked just about that high; when we were getting supper they had that little boy dancing.

Q How do you remember that? A Because I was sitting around, I didn't have nothing to do.

Q How do you happen to remember that boy dancing? A They were always having him.

Have you talked about this case before you came here on the

stand? A Never talked only here since I came to this place: I didn't know what they wanted me to talk about.

Q Have you and Mr. Kidd talked together? A Which Mr. Kidd?

Q This one here? A Only since we came.

Q You all talked together in Mr. Hastings' office? A Yes, sir, I did since we came here.

Q Did you ever remember anything about the dancing until you heard Mr. Kidd say the boy danced? A I never heard him say so without he said it since I say it; I say it myself because there were the most outdacious folks ever was, not only the Kidds but there was a whole lot of white folks together, this man McClelland was one, first one and another, and they were together and they would have the little negro children dancing.

Q Then you stayed right with Ann up to the close of the war? A No sir I didn't stay right with Ann, I never stayed much with my color; you know they were studying about that maybe they had me with and I didn't stay with them much.

Q Did you carry this money on your back? A No, sir, I carried it sealed and I kept that and carried it all right.

Q Thirty thousand dollars in silver was a pretty big pile? A It was in a tin box, they put handles on that I reckon, and I run them fingers in that and carried in under my cloak with my baby in my arms when it was six days old, and I hid it in the cotton, and if that gentleman McClelland would have asked that Howe about it yesterday he would have told him.

Q Where did you come from when you came this time? A Came from Fayetteville.

Q How did you come here? A I came on the train.

Q Where did you get the money? A I don't know where the fellow got it that give it to me, one of them attorneys sent the Sheriff down with a piece of writing to me and told me to come up and he could explain it to me, and he did, and later on, I told him I haven't got any money, and he says they will send you a pass, but they didn't do it, but when the time began to draw nigh my conscience felt like I had better go, and I goes and sees the Sheriff, and he says you had better go, and I says, I haven't got the money, and he says, I have just spent what I have this afternoon, and I goes next morning up town and took my buggy and horse, and I told him, now I want the money and there stands my buggy and horse, and the Sheriff says Bish will let you have it.

Q You sold your horse? A No, sir, I pawned it.

Q You had to pawn your horse to get money to come here? A I did, had to pawn my buggy and horse.

Q Who brought you back from the south after the war? A Jim Kidd stayed home and I think he brought me.

Q What Jim Kidd, the man that is here? A Yes, sir.

Q Are you swearing by what you know or what Jim Kidd said? A I am swearing by what I know.

Q Who brought you back? A I told you what I can remember. I remember Andy - you know he was the overseer - and Jim Kidd says he was the one with us, I am not positive about it.

Q Now you know Ann didn't come with you? A She never come any farther than Van Buren for she come that far and stopped.

Q Now didn't Ann come ahead of you? A She must have come ahead, I know I run in the hotel and seen her.

Q Then Ann didn't come in the same crowd you did? A She come ahead of us.

Q If she was ahead she couldn't have been in the same crowd?

A You don't know how our folks come.

Q You are swearing about Ann being at a certain place just before the war; now I want you to swear where she was along after the war when she come back with you? A I told you as near as I can remember that she was ahead, they might have all started with us, but I think she went on there because I tell you I run in Brodie's Hotel and

she was there.

- Q You remember running in Broadie's hotel? A Yes, sir, I do.
Q Where did you find her in there? A She was standing in there.
Q In where? A In the kitchen.
Q You remember seeing her in the kitchen 55 years ago? A I don't know when it was but it was when we came through there.
Q Was she there when you got there? A I don't know whether she was or not, you know I had my baby, and it has been so long and my white folks didn't allow me to be away from them very much, and I don't remember whether Ann started with us and beat us there.
Q Or whether she started a long time before you? A I don't remember, but later on I visited Ann.

ROBERT RATCLIFFE, appearing before the Commission and being duly sworn and examined, testified as follows:

- Mr. Hastings: What is your name? A Robert Ratcliffe.
Q What is your age? A About 28, near thirty.
Q What is your postoffice? A Tahlequah.
Q How long have you been living at Tahlequah? A Eight years, soon will be.
Q Where did you come from when you went to Tahlequah? A Van Buren.
Q Where were you born? A I was born near Dardanelles some place.
Q When did you first go to Van Buren? A When I remember I was there; we moved there in about '73.
Q You were a baby, a boy? A Very small, yes, sir.
Q Do you know a colored man by the name of Ellis Kidd, or Ellis Ratcliffe? A Yes, sir, I know him.
Q How long have you known him? A Ever since I can remember.
Q Where did you first know him? A Van Buren.
Q Do you know his wife; is he a married man? A Yes, sir.
Q Do you know his wife? A Yes, sir.
Q What is his wife's name? A The one he has got now is named Mollie.
Q Has he had more than one? A He was married twice.
Q Well what was his first wife's name? A I believe her name was Eugene Berry, if I make no mistake, I am not certain it was Eugene, but it was a Berry.
Q Do you know any of his children? A Yes, sir.
Q What are their names? A One is named Nathan, one named Oscar and Iron.
Q The father of these children, Ellis, is the one you know? A I suppose it is.
Q Do you know his mother? A Yes, sir.
Q Where did you know her? A Van Buren.
Q What was her name? A Ann Mackey when I first knew her, that was her husband's name.
Q How long have you known her? A Ever since I can remember.
Q Where was she living when you first knew her? A Van Buren..
Q How long did she continue to reside there? A Why she stayed there till about nine or ten years ago, between nine and ten years ago that she came to this country.
Q Do you know where she went to? A Went to Tahlequah I think.
Q Where did Ellis go? A He came to Tahlequah about between seven and eight years ago; well he came up the time she did, but he never moved there until after I went there; he was just backwards and forwards.
Q You know where Ellis is now? A I haven't seen him for four years.
Q Don't know where his postoffice is? A No, sir.
Q Know where his mother is now? A I haven't seen her.

Q They lived at Tahlequah a while? A Yes, sir.
Q You know whether Ellis plays on any strangled instrument or not?
A Yes.
Q On what? A Guitar.
Q Where did you live along about the Cherokee payment, 1894? A He was in Tahlequah during the payment, he hadn't moved then, I guess he was at Van Buren then; he was at Tahlequah during the payment.
Q Now you say that you know Ellis' mother ever since you can remember, and that was at Van Buren, Arkansas? A Yes, sir.
Q They continued to live there till eight or nine or ten years ago?
A Yes, sir, then they moved away from there about that time, I think they moved away from there, I don't remember whether it was '92 or '93, somewhere along about that time when they moved from that country.
Q You knew them all that time? A Yes, sir.
Mr. Mellette: You any relation to these people? A Yes, sir.
Q What? A Cousins, Ann is a first cousin to my father.
Q Where did your father live during the war? A He lived in this country at Tahlequah, somewhere near Caney I suppose, he was sold out from here.
Q Are you a citizen of that country? A Never have claimed any citizenship.
Q Born in Arkansas? A No, sir.
Q Ever been arrested? A No, sir.
Q Never in your life? A No more than the police once.
Q When? A Just arrested by the police once in Tahlequah.
Q You have been arrested then? A Yes, sir.
Q What for? A Just with a rough crowd of boys one time and they claimed we were out too late and arrested the whole bunch of us, about ten or fifteen.
Q When did you first go to Van Buren, Arkansas? A When I can remember anything I was there.
Q How old are you now? A I will be 30 years old the 4th day of next March.
Q How long can you remember now? A I can remember back about '75 or '76, I remember in '76 well, my father left me when I was 3 years and 11 months old to the day and I remember that.
Q You can remember back to '76? A Yes, sir.
Q You were three years old then? A I was near four years old then.
Q Where were you living then? A Van Buren.
Q Who were you living with? A My mother.
Q What is her name? A Lizzie.
Q Where is she now? A She is at Van Buren.
Q When you can remember, you remember seeing Ellis Ratcliffe at Van Buren? A Yes, sir, been there ever since I can remember.
Q And the woman that you call Ann Ratcliffe, what is her name?
A Cousin Ann, is all I know of her, just Ann.
Q Never knew her by the name of Eliza? A No, sir, just called her Cousin Ann.
Q Never heard her go by that name? A No, sir, not that I remember of.
Q The woman then you are talking about was known as Ann? A Yes, sir, known as Ann Mackey.
Q Did you ever know a woman called Eliza Ratcliffe? A I never knew her; I don't know what her other name was besides of Ann.
Q In your whole life you have never known of the one you are talking about being called Eliza Ratcliffe? A No, sir, I haven't.
Mr. Hastings: Did you ever hear Ellis' mother talk about where they lived before the war? A Yes, sir.
Q Where did she say they lived? A Tahlequah, somewhere near Tahlequah.
Q Who did they claim to belong to before the war? A Ratcliffes.
Q Did they ever go by any other name besides Ratcliffe? A Not that I know of, not that I have heard them say anything of at all.

Q Did Ellis ever go by the name of Kidd? A He did.
Q Why didn't you say so; I asked you if these people, if Ellis and his mother ever went by any other name besides Ratcliffe? A I say she didn't, only Mackey, Ellis was called Kidd all the time.
Q What did Ellis go by? A Ellis Kidd.
Q Did he always go by the name of Ellis Kidd? A He did as far as I can remember.
Q Did he ever say how he got the name of Kidd? A He said his father was a Kidd.
Q What did this Ellis Ratcliffe do down there before his marriage. up when he was a young man, what kind of work? A He did some breaking on the railroad, running a brakeman for about 18 years I guess, ever since he has been large enough to work I guess.
Q Did you ever know any other Ellis Ratcliffe or Ellis Kidd who lived in Van Buren during that time? Any other one besides this one?
A No, sir, not that I know of.



John McCarty, appearing before the Commission, and being duly sworn and examined, testified through S. R. Walkingstick, a regularly sworn interpreter, as follows:

Mr. Hastings: What is your name? A John McCarty.
Q What is your postoffice? A My postoffice is Tahlequah, Indian Territory.
Q How long have you lived up about Tahlequah? A I have been there about 59 years, I was born there.
Q Did you ever know a colored woman by the name of Ratcliffe?
A Yes, sir, I knew her.
Q What was her first name? A Well I only knew her by the Indian name, Iyosta.
Q Where did she live? A She lived this side of Caney near the Illinois River.
Q Where did she live before the war? A She lived there at the commencement of the war.
Q Who owned her? A Robin Ratcliffe I suppose was the man that owned her, but there was three brothers all lived together, I don't know which one of the brothers she belonged to, but she lived there with him.
Q What became of her during the war and after the war, that woman?
Q I think she must have just stayed there all during the war because when I came back after the close of the war she was at the same place: when we were stationed here during the war, at this place, why if any of the Cherokees should come from over in that neighborhood she would be along with them and they would take her back.
Q Did she speak Cherokee? A Yes, she spoke good Cherokee, as good Cherokee as I speak.
Q Did she live among the Cherokees? A Yes, sir, she lived with them all the time, and after the close of the war she still continued to live with the full bloods.
Q In what district? A Tahlequah district.
Q Well, how long did she continue to live in Tahlequah district; is she living there now? A Well she died, she has been dead about eight or nine years; she died in about the same neighborhood on Caney.
Q Now the woman you have been talking about is the woman you mention as having died eight or nine years ago? A Yes, that is the same one, as to the exact time when she died, of course I am not able to tell.
Mr. Mellett: Now when do you say this woman died you have been talking about? A I think it has been about eight or nine years as I stated, I am not positive as to the time.
Q She had died at the time of the Cherokee strip payment, is that right?
Q Where did she live when she died? A She died on Caney, in

Tahlequah district.
 Q Whose house? A She died, so I was told, at a full blood's house by the name of De-gor-ya-shee.
 Q What is his English name? A I don't know his English name.
 Q Where did you last see that woman, Eliza Ratcliffe? A I hadn't seen her for about 16 years, something in that neighborhood; I moved from that neighborhood about 16 years ago.
 Q Was she dead before the Kinn-Clifton Freedman roll was made?
 A Yes, I believe she was.
 Q What was that woman's name? A Iyosta, I stated that her name was Iyosta.
 Q Isn't that all the name she ever went by? A Yes, all the name she had in Cherokee; that is all the name that she was known by.
 Q Was she of Cherokee blood? A I can't state as to that, she was very black.
 Mr. Hastings: About how old was she when the war came up? A Why she was a very old woman when the war commenced, she must have been at least sixty years old.
 Q About how old was she when she died? A I can't say, it would be difficult for me to guess at her age.
 Q You are just guessing at her age? A Yes.



JOSE ROSS, appearing before the Commission, and being duly sworn and examined, testified as follows:
 Mr. Hastings: What is your age? A 71.
 Q Where were you born? A Back in the old country.
 Q Well, where were you living ten or fifteen years before the war?
 A Right up here on Park Hill.
 Q Where did you live after the war? A Right here, down here and up there.
 Q In Tahlequah district? A Yes, sir.
 Q Did you know a colored woman in the Cherokee Nation by the name of Eliza Ratcliffe? A Yes, sir.
 Q Did you know her before the war? A Yes, sir, I knew her before the war.
 Q Who did she live with? A Lived with the Ratcliffes.
 Q Where was that? A Right down across the river on the other side the river.
 Q Other side of what river? A Illinois.
 Q In what district? A In Tahlequah I guess.
 Q Well about how far from Tahlequah? A Five or six miles.
 Q East? A South, right southeast.
 Q Do you know where she was living when the war came up? A She was living on Caney.
 Q Well how far is that from Illinois River? A It is about three miles I guess.
 Q Did you know this woman after the war; I believe you said you did a while ago? A Yes, sir.
 Q Where did you know her after the war? A I seen her, the last I seen her she was at Tahlequah.
 Q Is she living now? A No, sir, she died.
 Q About when did she die? A It has been near about four years ago I believe.
 Q Where did she die? A She died up on Caney.
 Q Do you know whether that woman talked Cherokee or not? A She talked Cherokee.
 Q Do you know whether she went out of here during the war or not?
 A No, sir, she never went out nowhere, she just stayed among the Indians on Caney, stayed with a big old woman they called Dianna.
 Q Do you know whether she had a Cherokee name, or do you know; know

whether they called her anything else besides Eliza? A They called her Lyosta, her Indian name.

Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.

Q Did she ever have any boy by the name of Ellis? A No, sir, not as I know of.

Q Did you ever know that young fellow Ellis Ratcliffe or Ellis Kidd that stayed about Tahlequah? A I was just simply acquainted with him, I never knew him until I saw him there at Tahlequah.

Q He wasn't the son of this woman you are talking about, was he?

A No, sir.

Mr. Mellette: When did you say this woman you are talking about died in Tahlequah? A Oh it has been about four years ago, she was in Tahlequah during the last time I saw her.

Q Who was she with? A I don't remember who she was with, I just seen her there in town.

Q Who is older, you or she? A Why she was an old woman, older than I was.

Q Whereabouts did you see her in Tahlequah, what place in Tahlequah? A She was there on the streets, about the stores.

Q You are swearing about that, you are positive? A Yes, sir, swearing about it.

Q Just four years ago you saw her there? A Yes, sir.

Q Spoke to her? A Yes, sir, I spoke to her.

Q Where was she living at that time? A Living on Caney.

Q How do you know? A I know there is where she told me she was living.

Q You were never at her house, were you? A No, sir.

Q You were never at her house in your life, were you? A I was there where she was staying with some indians.

Q Before the war? A No, sir, since the war.

Q Did you know her before the war? A Yes, sir.

Q Who owned her? A She used to belong to the Ratcliffes, I don't know which one of the Ratcliffes owned her.

Q Where did the Ratcliffes go during the war? A I am not able to tell you.

Q Did they go out? A I am not able to tell you whether they went out or not.

Q Did you go out? A No, sir, what time I went out I went out toiling for the Government, that is as far as I went.

Q Was this Ratcliffe woman you are talking about living with the Ratcliffes before the war? A Yes, sir.

Q You don't know whether they owned her or not, do you? A No, sir, I don't know whether they owned her or not, they said she belonged to the Ratcliffes.

Q You don't know whether she was a slave? A Yes, sir, she was a slave.

Q How do you know? A Because I know she was a slave, they owned her.

Q How do you know it? A Why I know it just because by she wasn't a free woman.

Q Are you any relation to Nelson Lowrey? A No, sir.

Q You know him? A Yes, sir.

Q How close does he live to you? A Why he lives about 7 or 8 miles from me.

Q How did you happen to come here as a witness? A I was summoned down here.

Q Who summoned you? A Nelson Lowrey.

Q When did he summons you? A Tuesday I think.

JOHN MCCARTY, recalled by applicant, testified as follows:
Mr. Mellette: When were you subpoenaed as a witness to come here?

A It was either Tuesday or Wednesday.

Q Who subpoenaed you? A Mackey Lurvey.

Mr. Hastings: Where were you living in 1880? A I lived in Table-
quah district on the road to ...

Q Do you know where this woman you have been talking about lived
at that time? A Yes, she lived around there in that neighborhood
that I speak of, was living there all the time.

Q Do you know whether or not she is enrolled? A I don't know
whether she was enrolled or not.

-----o-----
FANNIE DENTON, recalled, by attorneys for Cherokee Nation,
testified:

Mr. Hastings: Whom did you say that this Ann Ratcliffe was living
with when you saw her the last time in Van Buren, who did she marry,
or who did she live with? A Her and Mackey were living together.

Q Do you know his first name, Mackey's? A I believe his name was
Oliver.

Q She went by the name of Mackey then? A No, sir, I never knew
any other name but Ratcliffe in my life.

Q And that is Ann Kidd you have been talking about, that is the
same woman you saw down there went by the name of Mackey? A Yes, sir.

Q And she had a son by the name of Ellis? A Yes, sir.

-----o-----
ROBERT RATCLIFFE, recalled by Cherokee Nation, testified as
follows:

Mr. Hastings: Do you know what Mackey's first name was? A Oliver.

-----o-----
Commission: This testimony will be filed in the cases of
'Eliza Ratcliffe, No. D-723, and Ellis Ratcliffe et al., No.
D-734, and Rejected Freedman No. 124.

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 24th of September, 1901.

C. R. Beckwith

Commissioner.

(COPY)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO RECEIVE CIVILIZED TRIBES.

In the matter of the application of Eliza Ratcliffe et al., for enrollment as Cherokee freedmen, consolidating the applications of:

Eliza Ratcliffe	Cherokee Freedmen D 723
Ellis Ratcliffe et al	Cherokee Freedmen D 730
Nathan Ratcliffe	Cherokee Freedmen R 124

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 Eliza Ratcliffe for herself and by Ellis Ratcliffe for himself and his minor children, Nathan, Irving and Oscar Ratcliffe. Copies of the testimony taken at Nowata, Indian Territory, June 10, 1901, in the case of Melvina Farris et al., are made a part of the record herein.

The evidence shows that the said Eliza Ratcliffe and Ellis Ratcliffe, at the commencement of the rebellion, were the slaves of one Tandy K. Kidd, who was at that time residing in the State of Arkansas, and is not shown to have been a citizen of the Cherokee Nation; that they were taken to the State of Texas 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 Whitacre, trustee, etc., vs The Cherokee Nation et al., for the return of freedmen to said nation.

The evidence further shows that Nathan Ratcliffe, Irving Ratcliffe and Oscar Ratcliffe are the children of Ellis Ratcliffe, born since 1866, and possess no rights to enrollment except such as they derive through him.

None of the names of the applicants herein are identified upon the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Eliza Ratcliffe, Ellis Ratcliffe, Irving Ratcliffe, Oscar Ratcliffe and Nathan Ratcliffe as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 20, 1896 (30 Stats., 495), and it is so ordered.

COMMISSION TO RECEIVE CIVILIZED TRIBES.

(Signed) T. M. Pease, Chairman.

(Signed) J. B. Needlen, Commissioner.

(Signed) C. H. Buckinridge, Commissioner.

①

3-11-14

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 13 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Jul. 13 1861
Post Office Coffeyville Kas.
District 200

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. Rejected
Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

- 3. Nathan Ratchiff Year 1861 Page 177 No. 4346 Dist. 200
- 4. James Ratchiff Year _____ Page 177 No. _____ Dist. _____
- 5. Year _____ Page _____ No. _____ Dist. _____
- 6. Year _____ Page _____ No. _____ Dist. _____
- 7. Year _____ Page _____ No. _____ Dist. _____
- 8. Year _____ Page _____ No. _____ Dist. _____
- 9. Year _____ Page _____ No. _____ Dist. _____
- 10. Year _____ Page _____ No. _____ Dist. _____
- 11. Year _____ Page _____ No. _____ Dist. _____
- 12. Year _____ Page _____ No. _____ Dist. _____

Application made by Allis Ratchiff Stenographer Chas von Neider

See K.C. roll as Nathan Ratchiff

COPY.

Cherokee Freedman
R 124

Muskogee, Indian Territory, August 26, 1904.

Nathan Ratcliffe,
Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Eliza Ratcliffe, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, Edgar Smith, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

James Dixby
Chairman.

Encl, V-42

Register.

COPY

Cherokee Freedmen
D 725, et al.

Muskogee, Indian Territory, August 26, 1904.

The honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Eliza Ratcliffe, et al., together with the Commission's decision dated August 25, 1904, rejecting the applications for the enrollment of Eliza, Ellis, Irving, Oscar and Nathan Ratcliffe as Cherokee freedmen.

Respectfully,

(SIGNED) *James Dixby*
Chairman.

Encl. V-46

Through the
Commissioner of Indian Affairs.

COPY

Cherokee Freedmen
B 723, et al.

Muskogee, Indian Territory, August 25, 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 August 25, 1904, in the consolidated case of Eliza Ratcliffe, et al., rejecting the applications for the enrollment of Eliza, Eliza, Irving, Oscar and Nathan Ratcliffe 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,

James Dixby.
Chairman.

Encl. 7-44

COPY.

Cherokee Freedmen
B 725, et al.

Muskogee, Indian Territory, August 26, 1904.

Edgar Smith,

Attorney for Eliza Ratcliffe, et al.,

Winnon, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated August 25, 1904, in the consolidated case of Eliza Ratcliffe, et al., rejecting the applications for an enrollment of Eliza, Ellis, Irving, Oscar and Nathan Ratcliffe 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,

Signed: James Dixby,
Chairman.

Encl. V-43

Register.

(COPY)

Y. P.
FHE

DEPARTMENT OF THE INTERIOR,

WASHINGTON. November 12, 1904.

D. C. 43620-1904.
I. T. D. 8128-1904.

LRS

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

Gentlemen:

August 26, 1904, you transmitted the record in the consolidated case involving the applications for the enrollment of Klisa, Ellis, Irving, Oscar and Nathan Ratcliffe as Cherokee freedmen, including your decision of August 25, 1904, rejecting the applications.

Reporting in the matter September 27, 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,

F. L. Campbell

Acting Secretary.

1 inclosure.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, September 27, 1904.

Refer in reply
to the following.

Land.

59485-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated August 26, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by Eliza Ratcliffe for herself, and by Ellis Ratcliffe for himself and his minor children, Nathan, Irving and Oscar Ratcliffe.

August 25, 1904, the Commission decided adversely to all the applicants.

The record shows that Eliza Ratcliffe and Ellis Ratcliffe were at the beginning of the rebellion the slaves of one Tandy K. Kidd, residing in the State of Arkansas and not shown to have been a citizen of the Cherokee Nation; that they were taken to the State of Texas during the rebellion and did not return to the Cherokee Nation on or before February 11, 1867. The evidence further shows that Nathan, Irving and Oscar Ratcliffe are the children of Ellis Ratcliffe born since 1866, and possess no rights to enrollment except such as they derive through him. None of the names of the applicants is borne on the 1860 authenticated

Cherokee roll, but their names are identified on the Kern-Clifton roll.

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

Very respectfully,

A. C. Tanner

Acting Commissioner.

M.M.M.
W.

COPY

Cherokee Freedmen
R-124.

Muskogee, Indian Territory, November 29, 1904.

Nathan Ratcliffe,
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting, among others, the application for your enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on November 12, 1904.

Respectfully,

T. B. Medsker
Commissioner in Charge.

CC.

Cherokee Freedmen
D-723, et al.

Muskogee, Indian Territory, November 29, 1904.

Edgar Smith,

Attorney for Eliza Ratcliffe, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the applications for the enrollment of Eliza, Ellis, Irving, Oscar and Nathan Ratcliffe as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1904.

Respectfully,

SIGNED:

I. E. Hodges

Commissioner in Charge.

CC:1

Cherokee Freedmen
D-723, et al.

Muskogee, Indian Territory, November 29, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision dated August 25, 1904, rejecting the applications for the enrollment of Eliza, Ellis, Irving, Oscar and Nathan Ratcliffe as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 12, 1904.

Respectfully,


Commissioner in Charge.

Cher. Fr. R-125

Cher. Fr. R-125

2

Nelson Lett, et al.--2.

7/15/01

JUN 28 1901
RECEIVED
COMMISSION TO THE LIVE CRIPPLED INDIANS
DEPARTMENT OF THE INTERIOR

[Handwritten scribble]

Vertical stamp text

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.

[Handwritten signature]

Subscribed and sworn to before me this 28th day of June, 1901.

[Handwritten signature]

Commissioner.

APPLICANT REJECTED:

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 17th, 1901.

In the matter of the enrollment of Nelson Lett for enrollment as a Cherokee Freedman by Intermarriage and for the enrollment of his wife, REBECCA LETT, as a Cherokee Freedman; said Lett being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Nelson Lett.
Q How old are you? A I am 23.
Q What is your post office address? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A No, sir; adopted.
Q Who do you want to enroll, just yourself? A That is all.
Q Do you want to enroll your wife and children, got any children?
A No, sir.
Q Have you got a wife? A Yes, sir.
Q What is her name? A Rebecca Lett.
Q How old is she? A Eighteen.
Q What is your wife's father's name? A Jess Brown.
Q Is he living? A No, sir.
Q What is her mother's name? A Lucinda Brown.
Q Is she living? A No, sir.
Q Are you what is known as a state man? A Yes, sir.
Q You apply to be enrolled as a citizen by intermarriage?
A Yes, sir.
Q When were you married? A Three years ago.
Q That would be 1898? A Yes, sir.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of parents of applicant's wife found thereon as follows:

Page 70, #289, Jesse Brown, Cooweescoowee District.
Page 70, #290, Lucinda Brown, Cooweescoowee District.

The 1890 Census Roll of Freedmen of the Cherokee Nation examined and name of applicant's wife found thereon, page 397, #71, Rebecca Brown, Coowee coowee District.

REBECCA BROWN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q Where were you born, Rebecca? A I was born in the Cherokee Nation.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
Q Have you got no children? A No, sir.

COM'R NEEDLES: Nelson Lett applies for the enrollment of himself as an Intermarried citizen and for the enrollment of his wife, Rebecca. He avers that his wife is the daughter of Jesse and Lucinda Brown and their names are duly identified upon the authenticated roll of 1880 according to the page and number of the rolls as indicated in the testimony, and the name of his wife, Rebecca, is identified upon the census roll of 1890 as Rebecca Brown. He avers that he was married in the year 1898, which is too late under the laws of the Cherokee Nation for intermarried citizens to acquire rights of citizenship. He avers that he is known as a state man, and consequently the application for his enrollment of himself as an intermarried citizen will be rejected. His wife, Rebecca, makes satisfactory proof as to residence and will be listed for enrollment as a Cherokee Freedman.

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U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Nelson Leitch, et al. - 2.

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 28th day of June, 1901.

[Signature]

Commissioner

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

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D-14,
Henry Thomas,	Cherokee Freedmen D-58,
Ella Vann,	Cherokee Freedmen D-70,
Mary Markham,	Cherokee Freedmen D-109,
Francois Melton,	Cherokee Freedmen D-110,
John Dotson,	Cherokee Freedmen D-111,
Mary Jane Vann,	Cherokee Freedmen D-115,
Thomas Lowe,	Cherokee Freedmen D-119,
Ella Mayhem,	Cherokee Freedmen D-124,
Sallie Rider,	Cherokee Freedmen D-147,
Reuben Campbell,	Cherokee Freedmen D-167,
Van Jackson-Luther,	Cherokee Freedmen D-174,
Cassie Middleton,	Cherokee Freedmen D-175,
Mary Harlin,	Cherokee Freedmen D-179,
Nellie Fields,	Cherokee Freedmen D-183,
John Kibbe,	Cherokee Freedmen D-185,
William S. Madden,	Cherokee Freedmen D-188,
Jane Beany,	Cherokee Freedmen D-205,
Albert T. Thomas,	Cherokee Freedmen D-225,
Mary Campbell,	Cherokee Freedmen D-270,
Caroline Daniels,	Cherokee Freedmen D-287,
Melvin A. Liberty,	Cherokee Freedmen D-288,
Dave Mbriss,	Cherokee Freedmen D-300,
Alexander Chuggett,	Cherokee Freedmen D-304,
Amanda Martin,	Cherokee Freedmen D-317,
Ella Martin,	Cherokee Freedmen D-318,
John E. Barnes,	Cherokee Freedmen D-355,
Bell Davis,	Cherokee Freedmen D-345,
Samuel Brown,	Cherokee Freedmen D-347,
Howard F. Watson,	Cherokee Freedmen D-359,
Jack McConnell,	Cherokee Freedmen D-359,
Munde Mantey,	Cherokee Freedmen D-359,

Cherokee Freedman No. 1001
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 Cherokee Freedman No. 1199
 Cherokee Freedman No. 1200

DECISION.

It appears from the records herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Ella Vann for her wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Francis Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Wiser for his wife, Sallie Wiser; by Boston Sampson for himself; by Van Jackson father for himself; by Tobe Mulleton for his wife, Susie Mulleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William Wadler for himself; by Tobias Bess for his wife, Jane Bess; by Kitta Thomas for her husband, Robert Thomas; by James Campbell for his wife, Abby Campbell; by Frank Daniels for his wife, Susan Daniels; by Jim Alberty for his daughter, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Eliza Martin for her wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John B. Davis for his wife, Susie Davis; by Joe Davis for his wife, Susie Davis; by Ellen Brown for her husband, William Brown; by Mary Ann Watson for her husband, Howard Watson; by Jack McConnell for himself; by George Hunt for himself; by George Hunt, Sr. for himself; by Buck Ledman for himself; by Lewis Scott for himself; by Aine Scott for herself.

himself; by Kender Damprow for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Oulo Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irvan for himself; by David Ross for his wife, Mary Ross; by George E. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Naomi Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConell for himself; by Josh Vann for his wife, Chiffie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Jodie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Malinda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Alton Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldaby for herself; by Charles Daniels for his wife, Sasan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein made any claim to enrollment as off-sets of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above-named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1860 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by any constituted court or committee of the Cherokee Nation, or by the Commissioner of the Five Civilized Tribes, or by a decree of the United States Circuit Court for the Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 531).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of *Ismael Welcome*, (I. C. D. 2048-1904, 11,776-1904), the applications made for the enrollment of *William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Moffon, John Dutton, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Bider, Rachel Campbell, Van Jackson, Luther, Cassie Mitchell, Mary Harlin, Nellie Fields, John Kinbo, William S. Madson, Gabe Beer, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggath, Amanda Martin, Elina Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McCosmull, Maude Mastey, George Reed, Sr., Bob Liedman, Bert Thompson, Lewis Scott, Abe Scott, Rader Lampton, Thomas E. Allen, Lewis Vanderford, John L. B. Williams, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alan Johnson, Martin Vann, John Scott, Nancy Ross, Charles G. Smith, Saml Gilbert, William Shiggo, Sallie Johnson, Alfred F. Hopkins, Klara Vann, Fannie Deoney, Lucy Chastant, Alice Darrin, Effie Wain, Fred D. Thomas, Annie Berk, Ella Warren, Millie Robinson, Mack Webber, Frances Martin, Mary Riley, Hannah Taylor, Henry C. Vann, James D. Powell, George Ross, Sallie Vann, Sallie Mitchell, Jackson, Annie Foster, Mary H. Rogers, George Washington East, Sam Brown, Benjamin L. Young, John Buckner, Willie Cox, Leonard Higgins, Malinda Murray, Charles Claggath, Samuel Ryan, Mary Ross, Margt. Clagg, Thomas Kirk, Ella Elton, Elizabeth Dutton, Sallie Adams, George and Jackson, John Clagg, Sallie Clagg, Jack Watson, Lela Stewart, George H. H. H. H., Lela West, Maria French, Mary Johnson, George Vann, William Higgins, Saml Rogers, Abraham Ballard, Lena David, John Deckman, James B. Stacy, John Welch, Lawrence Leggett, George Howell, Henry Mack, George Adams, Annie Thomas, Lela H. H. H. H., Lela West, Ida Ann, Sallie Brown, Annie Chambers, Lena Jones, Alice Gaudin, Kella Ann, Corra Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,*

Samuel Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lela Melton, as Cherokee citizens by intermarriage, 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. E. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1904.

T.

1811

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 17, 1901*
Post Office *Coffeyville Kas*
District *Evans*

1. Name *Melvin Lett* Age *23*

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

- | | Year | Page | No. | Dist. |
|-----|------|------|-----|-------|
| 3. | | | | |
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Application made by *ms. 1*

Stenographer *J. O. Person*

Ref.

Indian Territory, January 24, 1906.

Nelson Lett,

Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

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

Respectfully,

James Bixby

Chairman.

Incl. 8-28.

Register.

COPY.

Cherokee Freedmen
J-14 et al.

Muskogee, Indian Territory, January 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 January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbe, William S. Madden, Jane Pean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Chaggett, Amanda Martin, Eliza Martin, John E. Farnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Masley, George Ross, Sr., Bunk Lehman, Bell Thompson, Lewis Scott, Abe Scott, Kander Langdon, Thomas E. Allen, Lewis Vanderford, John T. Rowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Leoney, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Bank,
Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary
Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dawn,
Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
George Washington Lane, Jane Brown, Samuel L. Young, John Buckner,
Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett,
Samuel Irvan, Mary Ross, Maggie Nave, Necma Nave, Ella Ross,
Elizabeth Duncan, Sadie Adams, Georgiann Archer, John Claggett,
Hattie Smith, Jack Jackson, Lula Sanders, George Hambrig, Lizzie
West, Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deakman, James
B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir,
George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou
Peters, Ida Mair, Robert Brown, Allie Chambers, Isom Jones,
Alice Gunter, Katie Mair, Carrie Martin, Benjamin Clark, Emily
Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett,
Fannie Rogers, William Washington, Squire Warren Owens, Fannie
Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain,
Henderson Jones, Belle Vann, Levi Stroud, John Dwyer, Mariah
Thompson, Ellen Sheppard and Lula Halton, as Cherokee citizens
by intermarriage.

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

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

Respectfully,

SIGNED: *James Bixby.*
Chairman.

Incl. K-9.

COPY.

Charles Freedman
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melten, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Earlin, Nellie Fields, John Kimbo, William S. Maffan, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Leckner, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Bask, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary-Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel I. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neema Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazalrig, Lizzie Vest, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deekman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Calfie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

RECEIVED. *Tama Dixey.*
Chairman.

Incl. K-8.
through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martih, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix, McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by inter-marriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is identified

on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, 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.

D. C. 2027-1905
I. T. D. 2934-1905

V. C. E.
PHE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L. R. S.

April 17, 1905

Commissioner to the Five Civilized Tribes,
Wahkiakum, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz.

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detch, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Slaggett, Amanda Martin, Eliza Martin, John E. Barnes Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Kings Hedges, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kemler Lepton, Thomas E. Allen, Lewis Vanderford, John L. Bowles, Katie Davis, Charles Williams, John J. Post, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Shaggs, Susie Johnson, Alfred E. Hopkins, Kinzie Vann,
Freddie Looney, Lucy Choutson, Aige Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ella Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Rarkin P. Powell, Stepney Baskin, Malinda Vann, Frances
Johnson, Annie Fosster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Baskner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Ives, Mary
Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Marie French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Beckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Maslry, George Adams, Annie Thomas, Lottie McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Isom Jones, Aline Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Bally Looney, John Groves, Matilda McHair, Bettie Vann,
Melson Dett, Fannie Rogers, William Washington, Quira Warren,
Owens, Fannie McInby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sempter, Mariah Praggson, Ellen Sheppard and Lula Nelson.

Reporting in the matter March 21, 1906, 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,

(Signed) MTHOS, RYAN
Acting Secretary

1 inclosure

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

WM. O. BEAL
Secretary

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

REFER IN REPLY TO THE FOLLOWING: Cherokee Freedmen
R-125.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 28, 1905.

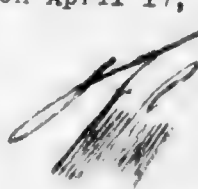
Nelson Lett,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,



Chairman.

COPY.

Cherokee Nation

vs. et al

Muskogee, Indian Territory, April, 25, 1908

Bell, Hastings & Davenport,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's
 decision dated January 19, 1908, rejecting the applications
 for the enrollment of William Davis, et al., as Cherokee citi-
 zens by intermarriage, was affirmed by the Secretary of the
 Interior on April 17, 1908.

Respectfully,

(Signed)

Tams Dixby.

Chairman

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 22, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 29, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by inter-marriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) *Tama Pixby*
Chairman

THE MATTER OF THE APPLICATION

Nelson Lett

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

- A. Original testimony June 17
- B. Minutes of application June 17

*Copy of testimony filed
with Cherokee Nation*

Postage Guaranteed
Muskogee, Ind. Ter.

Unclaimed.



JAN 31 1905

524

Nelson, Lett,



Coffeyville, Kansas

REGISTERED
JAN 31 1905
-MUSKOGEE, IND. TER.

Cher. Fr. R-126

Cher. Fr. R-126

REJECTED, as to wife, Lizzie.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 13, 1901.

In the matter of the application of Alexander Alberty for the enrollment of himself and wife as Cherokee Freedmen; being sworn and examined by Corridor Commissioner Headless, he testified as follows:

- Q What is your name? A Alexander Alberty.
Q How old are you? A About 27.
Q What is your present office? A Chouteau.
Q What district do you live in? A Salina.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My wife, she isn't on the roll.
Q You don't apply for your wife then? A I say she isn't on the roll.
Q Well, do you want to have her put on the roll? A Yes sir, if I can.
Q What is her name? A Lizzie Alberty.
Q How many children do you have? A No sir.
Q How old is Lizzie Alberty? A About 19 years old.
Q Is she a citizen or a state woman? A Citizen.
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 Yes sir.
Q What roll? A On the 1886 roll.
Q What is your father's name? A Jim Alberty.
Q Is he living? A No sir.
Q What is your mother's name? A Charity Alberty.
Q Is she living? A No sir.
Q What is the name of your wife's father? A I couldn't tell you.
Q What is her mother's name? A Martha Gibson.
Q Is her mother living? A No, she is dead.
Q Where were you born? A In the Cherokee Nation.
Q Have you lived in the Cherokee Nation all your life? A Yes sir.
Q Where was your wife born? A I couldn't tell you.
Q Where did you marry her? A Down close to Chouteau.
Q Cherokee or Oklahoma? A Yes sir.
Q When? A It has been over two years now.
Q You don't know what or she was a citizen or not then do you?
A She is a citizen; she was born here in the nation.
Q Who do you claim your citizenship through, your father or mother? A Both.
Q Have they been listed for enrollment here yet? A Yes sir.

Examined on the Nam-cliffen pay roll of citizens of the Cherokee Nation examined and applicant identified the names as follows:
page 144 #3571 Alex Alberty, Coconawatche District;
1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

- Q Did your wife draw Strip money? A No sir.
Q Has her name been on any of the rolls? A No sir.

Examined on the Nam-cliffen pay roll of citizens of the Cherokee Nation examined and applicant's wife not found thereon.

- Q How do you get proof of your wife's citizenship? A I can get no proof.
I guess.
Q You have got no proof? A No sir.

Corridor Commissioner Headless: Alexander Alberty applies for the enrollment of himself and wife Lizzie; he is duly identified upon the Nam-cliffen roll according to page and number of the roll indicated in his testimony; he avers that he is a child of James and Charity Alberty, who were listed for enrollment

Alexander Alberty et al

on D card 287, the testimony taken in the case of James Alberty will be made a part of the record in the case at bar, and a copy of said testimony will be filed with the testimony in the case of the applicant; he avers that he was married to his wife Lizzie, whose maiden name was Gibson, and her name is not found upon ~~any~~ any of the rolls of the Cherokee Nation, and he makes no proof of citizenship, consequently his application for the enrollment of his wife will be rejected.

X. B. Green, being first duly sworn, states that he is a stenographer to the Commission to the Five Civilized Tribes and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this June 26, 1901.

Commissioner of the Five Civilized Tribes

C7B

COPY.

Charlotte Freedman 2 126

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

In the matter of the application for the enrollment
of Lizzie Alberty as a Cherokee Freedman.

DECISION.

THE RECORDS OF THIS OFFICE SHOW: That at Nowata, Indian Territory, on June 18, 1901, Alexander Alberty appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and wife, Lizzie Alberty, as Cherokee Freedmen. The application for the enrollment of Alexander Alberty has been heretofore disposed of, and his rights to enrollment will not be considered in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, November 22, 1904.

The testimony of Alexander Alberty taken at Nowata, Indian Territory, June 18, 1901, fails to show that the applicant Lizzie Alberty, is a descendant of a Cherokee freedman, or a free colored person residing in the Cherokee country, at the commencement of the rebellion, who complied with Article IX of the Treaty of 1866, and since this testimony was taken, although ample opportunity has been afforded the said Lizzie Alberty to appear and establish by satisfactory evidence her right to enrollment as a Cherokee freedman, she has failed to do so, or to show any right whatever to citizenship in the Cherokee Nation. Said applicant can not be identified on any roll of Cherokee citizens in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling 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. 2298-04), Ed Williams (I.T.D. 4230-04), and Moses Rase (I.T.D. 5054-04), under the provisions of Section Twenty-one of the Act of Congress approved June 23, 1896 (30 Stat., 425), Lizzie Alberty is not entitled to enrollment as a Cherokee freedman, and her application for enrollment as such is accordingly denied.

Muskogee, Indian Territory.

W. J. P. T. J. P. P.
COMMISSIONER

NOV 24 1905

Cherokee Freedmen -r-126.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I.T., NOVEMBER 22, 1904,

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Lizzie Alberty as a Cherokee Freedman.

On October 15, 1904, the applicant was notified by registered mail, and on October 25, 1904, the attorneys for the Cherokee Nation were notified by letter, that the application for the enrollment of Lizzie Alberty as a Cherokee freedman, would be taken up by the Commission to the Five Civilized Tribes, at its offices in Muskogee, Indian Territory, on the 22nd day of November, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee nation to introduce such testimony as they might desire affecting said application, at which time the case would be taken up for final consideration. Receipt of the Commission's letter has been acknowledged.

Now on this 22nd day of November, 1904, this cause coming on to be heard, pursuant to said notice, said applicant being called failed to appear, either in person or by attorney, and the Cherokee nation appearing by its attorneys, Bell, Hastings & Davenport, submits this case upon the evidence now of record.

-o-o-o-o :O:-o-o-o-o-

H. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all proceedings had in the above entitled cause on the 22nd day of November, 1904, and that the above and foregoing is a full, true and correct transcript of his stenographic notes of said proceedings on said date.

H. M. Vance
Subscribed and sworn to before me this 14 day of December, 1904

Charles H. ...

Notary Public.

C7B

Cherokee Freedman R 126

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

In the matter of the application for the enrollment
of Lizzie Alberty as a Cherokee Freedman.

D E C I S I O N .

THE RECORDS OF THIS OFFICE SHOW: That at Nowata, Indian Territory, on June 18, 1901, Alexander Alberty appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and wife, Lizzie Alberty, as Cherokee Freedmen. The application for the enrollment of Alexander Alberty has been heretofore disposed of, and his rights to enrollment will not be considered in this decision. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, November 22, 1904.

The testimony of Alexander Alberty taken at Nowata, Indian Territory, June 18, 1901, fails to show that the applicant Lizzie Alberty, is a descendant of a Cherokee freedman, or a free colored person residing in the Cherokee country, at the commencement of the rebellion, who complied with Article IX of the Treaty of 1866, and since this testimony was taken, although ample opportunity has been afforded the said Lizzie Alberty to appear and establish by satisfactory evidence her right to enrollment as a Cherokee freedman, she has failed to do so, or to show any right whatever to citizenship in the Cherokee Nation. Said applicant can not be identified on any roll of Cherokee citizens in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That, following the ruling of the Department in the cases of Klina Bryant et al. (I.T.D. 844-04), 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. 6066-04), under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1896 (30 Stat., 496), Lizzie Alberty is not entitled to enrollment as a Cherokee Freedman, and her application for enrollment as such is accordingly denied.


COMMISSIONER

Muskogee, Indian Territory,

NOV 24 1906

13

FR 126

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


ACTING CHAIRMAN

ⓑ

FR 126

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


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 18, 1901*
Post Office *Cherokee St.*
District *Saline*

1. Name Age
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship
Mother Citizenship

2. Name of wife *Lizzie Alberty* Age *19*
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship
Mother Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by *Alex Alberty* Stenographer *M. D. Green*

X [Signature]

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

HEREIN IN REPLY TO THE FOLLOWING:

Cherokee Freedman
126

Muskogee, Indian Territory, February 25, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

In the matter of the application of Lizzie Alberty 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 whether or not the parents of said Lizzie Alberty were Cherokee Freedmen and entitled to enrollment as such; also as to her residence since birth.

The said 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 April 5, 1904, 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:

Cherokee Freedmen

R-126.

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

Muskogee, Indian Territory, November 24, 1905.

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

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated November 24, 1905, rejecting the application for the enrollment of Lizzie Alberty 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 this office is advised of the same.

Respectfully,

Incl. S-159

[Signature]
Acting Commissioner.

Cherokee Freedmen
R-126.

Muskogee, Indian Territory, November 24, 1905.

Lizzie Alberty,
Choteau, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated November 24, 1905, rejecting the application for your enrollment 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. You will be advised of the action of the Secretary as soon as this office is informed of the same.

Respectfully,

Geo. D. Rogers

Incl. S-158
Register

Acting Commissioner.

COPY.

Muskogee, Indian Territory, November 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Lizzie Alberty as a Cherokee freedman, including the Commissioner's decision dated November 24, 1906, rejecting said application.

Respectfully,

SIGNED

Earl S. Rodgers
Acting Commissioner.

Incl. S-166

Through the
Commissioner of Indian Affairs.

(COPY)

-Copy-

LAND

95411-1906

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS

WASHINGTON.

January 15, 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 November 24, 1905, transmitting the record of the application for the enrollment as a Cherokee Freedman by Lizzie Alberty.

November 24, 1905, the Commissioner decided adversely to the applicant.

Although ample opportunity has been afforded the applicant has failed to establish by satisfactory evidence her right to enrollment as a Cherokee Freedman or any title to Cherokee citizenship. The applicant is not identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commissioner, a decision adverse to the applicant is recommended.

Very respectfully

C. F. Larrabee

Acting Commissioner

MM

C

(COPY)

Y.P.

I.T.D. 812-1906

DEPARTMENT OF THE INTERIOR

LLB

WASHINGTON.

D.C.4093-1906

January 26, 1906

L R S

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory.

Sir:

November 24, 1905, the Acting Commissioner transmitted the record in the matter of the application of Lizzie Alberty for her enrollment as a Cherokee freedman.

Reporting January 15, 1906, the Indian Office recommended that your decision, adverse to the applicant, be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision dated November 24, 1905, is hereby affirmed.

Respectfully,

(Signed) THOS RYAN

1 inclosure.

First Assistant Secretary

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen

R-126.

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

Muskogee, Indian Territory, February 5, 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 November 24, 1905, rejecting the application of Lizzie Alberty for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on January 26, 1906.

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

Respectfully,

Incl. S-10

Acting Commissioner.

Cherokee Freedman

R-126.

Muskogee, Indian Territory, February 5, 1906.

Lizzie Alberty,

Choteau, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated November 24, 1905, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on January 26, 1906.

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

Respectfully,

Incl. 8-9

Acting Commissioner.

THE MATTER OF THE APPLICATION OF

Siggie Alberty.

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony June 18 1864
B. Memo of application June 18 1864

*Copy of testimony filed
with Cherokee Nation.*

*See Cherokee Freedmen file
no. D 744.*

Cher. Fr. R-127

Cher. Fr. R-127

71054

CHANDLER

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

FILED
AUG 27 1901



ACTING CHAIRMAN

To be filed with case of Ellen Lourey, C. F. #1054.

REJECTED, as to step-child, Lieutenant Vann.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 18, 1901.

In the matter of the application of George Melton for the enrollment of himself, wife, one child and one step-child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A George Melton.
Q How old are you? A I am about 55.
Q What is your post office address? A Lenapah.
Q What district do you live in? A Coowescoowee.
Q Who do you want to enroll besides yourself? A My wife and four children.
Q What is your wife's name? A Amanda.
Q How old is she? A I guess she is about 55.
Q You r wife and four children? A Yes, sir, and that grandchild; that's my first wife's children, these four children is, I have been married twice, my first wife died.
Q Give me the names of your children? A Peter Melton.
Q How old is Peter? A 25.
Q Well, Peter can come and enroll himself. A No, he can't, he is in the pen.
Q Well what is the next onild? A Ellen.
Q How old is Ellen? A She is 23.
Q What is the matter with Ellen that she ain't here? A She can come.
Q Well she will have to come; next one? A Victoria.
Q How old is Victoria? A She is 21.
Q She will have to come; have you got any under age? A I have got one, George Melton, Jr.
Q How old is he? A 12 years old, I have a step-child, his name is Lieutenant Vann.
Q How old is he? A 15 years old.
Q Is that all? A That's all, and that grandchild.
Q What is its name? A Judie Melton.
Q How old is Judie? A Three years old, that's all.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows: page 143, #1267, George Melton, Coowescoowee Dist., adopted Gold

- Q Is Amanda Your second wife? A Yes, sir.
Q What was her name before you married her? A Amanda Daniels.

1880 Authenticated roll of citizens of the Cherokee Nation examined for applicant's wife and identified on page 91, #247, Amanda Daniels, Coowescoowee district, adopted colored
1896 Census roll of citizens of the Cherokee Nation examined for applicants and names found thereon, on page 411, #342, George Melton, Coowescoowee District, page 401, #136, Amanda Daniels, Coowescoowee district.

- Q Who is the mother of Lieutenant? A Her name was Susan Jackson.
Q Was she your wife, you the father? A Yes, sir.
Q Was she a citizen? A Yes, sir.
Q Have you no proof of marriage to her? A Yes, sir, (Produces papers.)

Com'rt Applicant presents certificate of marriage certifying that on the 18th day of September, 1872, he was married to one Susan French, according to the laws of the Cherokee Nation.

- Q How did this boy's name come to be Lieutenant Vann?
A That's what they called him, Lieutenant Vann.
Q Was he your child? A No, sir.
Q Whose child was he? A Vann's.
Q By Susan French? A Yes, sir.
Q Was Vann a citizen? A Yes, sir, supposed to be.
Q What Vann? A Charley Vann.
Q Was he ever married to her? A I don't know.
Q Is Lieutenant Vann on any of the rolls of the Cherokee Nation?
A I don't know, sir.

1896 census roll of citizens of the Cherokee Nation examined and applicant identified as follows: page 411, #344, Lieutenant Melton, Cooweescoowee district.

- Q Well now I understand that Lieutenant Melton was the child of your wife Susan French, by one Charley Vann, was Charley Vann and her married? A No, sir.
Q You had separated from her? A She separated from me. She was my wife at the time, she done that and we separated.
Q Was Susan French a citizen? A No, sir.
Q She was a non citizen? A Yes, sir.
Q Who was the mother of this grandchild? A My daughter.
Q What was her name? A Victoria Melton.
Q Is she living? A Yes, sir, she is at home now, attending on the child, the child is awful sick, she would have come if it hadn't been for that.
Q Well is Victoria going to be enrolled? A Yes, sir.
Q Why don't she enroll the child? A She give the child to me.
Q Well you had better let her enroll the child, she has got to make a birth certificate for it and everything.

The 1896 census roll of citizens of the Cherokee Nation examined and a plicant identified thereon as follows: page 411, #345, George Melton, Jr., Cooweescoowee district.

- Q George Jr. living at this time? A Yes, sir.
Q You and your wife have been living in the Cherokee Nation continuously for the last 20 years? A Yes, sir.
Q Who was the mother of George? A Susan, my first wife.
Q What was her name Susan French? A Yes, sir, she used to go by Jackson.
Q By Mr. Hastings: Was you living with her when George was born?
A Yes, sir.
Q By Com'r Needles: You and Susan are not living together now?
A No, she is dead; died in 1894.

Com'r Needles George Melton applies for the enrollment of himself, his wife, Amanda, and his son, George Jr., and stepson, Lieutenant Vann. He is duly identified upon the authenticated roll of 1880 and the census roll of 1896; his wife Amanda is identified upon the authenticated roll of 1880 and the census roll of 1896, as Amanda Daniels, that having been the name of her former husband; applicant makes satisfactory proof of marriage to one Susan French in the year 1872, she now being deceased; by said marriage he has one child, named George, Jr., whose name is found upon the census roll of 1896; the applicant applies for the enrollment of his stepchild, Lieutenant Vann, -the testimony shows that said Lieutenant Vann is not entitled to enrollment, consequently the application for the enrollment of Lieutenant Vann will be rejected; they are all duly identified and make satisfactory proof as to residence, consequently George Melton, his wife, Amanda, and his child George Jr., will be listed for enrollment as Cherokee Freedmen.

COMMISSION TO THE FIVE CIVILIZED TRIBES
RECORDS AND PAPERS
JUN 25 1901

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.

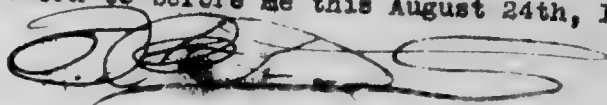
Subscribed and sworn to before me this June 25, 1901.
(Signed) T. B. Needles,
Commissioner.

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J. O. Rosson, being first duly sworn, says 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 of the testimony and proceedings in the above case.

J. O. Rosson

Subscribed and sworn to before me this August 24th, 1901.



Commissioner.

[Handwritten signature]

I, the undersigned, being a Justice of the Peace for the County of ... State of ... do hereby certify that the within and foregoing is a true and correct copy of the ... as the same appears from the records of the ...

Q One more time, did you see the ...
A Yes, I saw it. I saw it in the ...
Q And you saw it in the ...
A Yes, I saw it in the ...

Q Now, you saw it in the ...
A Yes, I saw it in the ...
Q And you saw it in the ...
A Yes, I saw it in the ...

Q Now, you saw it in the ...
A Yes, I saw it in the ...
Q And you saw it in the ...
A Yes, I saw it in the ...

Q Now, you saw it in the ...
A Yes, I saw it in the ...
Q And you saw it in the ...
A Yes, I saw it in the ...

Q Now, you saw it in the ...
A Yes, I saw it in the ...
Q And you saw it in the ...
A Yes, I saw it in the ...

Q Now, you saw it in the ...
A Yes, I saw it in the ...
Q And you saw it in the ...
A Yes, I saw it in the ...

[Handwritten initials]

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., September 21, 1903.

In the matter of the application for the enrollment of
Lieutenant Vann as a Cherokee Freedman. Supplemental Testimony.

Appearances:

W. W. Hastings and L. B. Bell, for Cherokee Nation.

GEORGE MELTON, being first duly sworn, testified as follows:

- BY COMMISSION: What is your name? A George Melton.
Q How old are you? A Fifty-seven.
Q What is your post office address? A Lenapah, I. T.
Q In what district do you live? A Ucooescoowee.
Q Cherokee Nation? A Yes sir.
Q Do you know Lieutenant Vann, the applicant in this case?
A Yes sir.
Q Who was his mother? A Her name was Susan.
Q Susan Melton? A Yes sir.
Q Is she a non-citizen? A Yes sir.
Q Who was the father of Lieutenant Vann?
A She said it was Charlie Vann.
Q What relation are you to Susan Melton? A She was my wife.
Q About when did you marry her? A I married her in 1878, I think
it was, if I mistake not, somewhere along there. I think it was
1878.
Q Did she have this boy, Lieutenant Vann, when you married her?
A No sir, had it after we were married.
Q Born to her after you married her? A Yes sir.
Q Where does Charlie Vann live? A He lives out close to me, about
three miles north of me on the Verdigris.
Q How do you know that Charlie Vann is the father of this child?
A I don't know any more than what she said. I don't know anything
more about it.
Q Is Charlie Vann here today? A No sir, I tried to get him to come
but he wouldn't.
- MR. HASTINGS: What Charlie Vann was that, Flora Murrell's son?
A Flora Murrell's son, old man Nelson Murrell's stepson.
- BY COMMISSION: How long have you known this boy, Lieutenant Vann?
A Ever since he was born.
Q Where has he resided ever since he was born? A Right there at
my house.
Q In the Cherokee Nation? A Yes sir.
Q He has resided in the Cherokee Nation all his life?
A All his life until a few days ago. He is going to school close
to Fort Smith, going to high school.
Q Up to the date that this application was made, June 12, 1901, he
had resided in the Cherokee Nation all his life? A Yes sir.
Q You say you tried to get Charlie Vann to come in and testify?
A I told him he had better come, and he said he didn't think he
could do any good, and that's all the answer I could get from him.
Of course the child was nothing to me, only a step-child. He claimed
I was the proper one to see after it, and I come to tell what I knew
today.
- MR. HASTINGS: Is your wife living now? A No sir, she is dead.

Q How long has the mother of this child been dead?
A She died about six months before the big payment, a little over six years ago.
Q Were you living with her when she died? A Yes sir.
Q Have you lived with her all the time, from the time the child was born? A Yes sir, lived with her until she died, and buried her.
Q Did you have any children by her yourself? A Yes sir, four.
Q Had you been separated from her at the time this Lieutenant Vann was born? A No sir, we were living together. The rest of the children was older than he is.
Q Were you married to her under a marriage license?
A Yes sir, I showed it to you at Nowata one time, when they was taking the census.
Q How much older than his boy is your next youngest child by her?
A How much older?
Q Your next youngest child older than Lieutenant Vann?
A I got ~~my~~ youngest child than he is. He is seventeen now, and I have got a child since that by her. He is only fourteen. He is younger than this Lieutenant Vann.
Q You have got none older? A I have got Peter. I got Peter and two girls, Ellen and Victoria.
Q I don't exactly understand how it was that you was living with this woman, and she had this child by another man.
A He got between me and that woman while we was living together, someway, I don't know how, and while he was at that he got this child. I never knew anything about the child until the child was born, and I asked her, the child was so much different. I says, it is a good deal as the old saying is, that two black sheep can't get a white one. I thought it wasn't mine, then she up and told me how it was. I had been living with her, and she said that if I would forgive her she wouldn't do it any more, and we continued to live together.
Q You and your wife and the other fellow all recognized child was Charlie Vann's.
A That's what she said. I never had no truck with it.
Q You don't claim it for yours? A No sir.
Q She never claimed it for yours? A No sir.

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, 1903.

Charles H. Sawyer
Notary Public.

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

In the matter of the application for the enrollment of
Lieutenant Vann as a Cherokee freedman.

DECISION.

The record in this case shows that on June 18, 1901, George Melton appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment, among others, of Lieutenant Vann as a Cherokee freedman. The other parties to the application are differently classified and are not embraced in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, on September 21, 1903.

The evidence shows that at the date of the original application of Melton, Lieutenant Vann was fifteen years of age; that he is the reputed son of one Charley Vann and Susan Melton, the latter possessing no rights as a Cherokee freedman. It is further shown that at the time of Lieutenant Vann's birth Susan Melton had been the lawful wife of one George Melton, for several years, and that they were living together as husband and wife when the said Lieutenant Vann was born.

From an examination of the records of the Commission it appears that the said George Melton is identified on the Cherokee authenticated roll of 1880, and his name has been placed upon the final roll of Cherokee freedmen, approved by the Secretary of the Interior, January 18, 1903, at number 1431. The law prescribes that Lieutenant Vann, being born in lawful wedlock, is the legitimate son of George Melton and his wife Susan.

The evidence further shows that Lieutenant Vann has lived in the Cherokee Nation all his life.

It is, therefore, the opinion of this Commission that Lieutenant Vann 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:

James H. Smith

Chairman.

SIGNED:

I. B. Neesie

Commissioner.

SIGNED:

O. P. F. ...

Commissioner.

mdg

COMMISSIONERS
TAMM 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
R-127.

ADDRESS ALL THE
CORRESPONDENCE TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 29, 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, granting the application of George Melton for the enrollment of Lieutenant Vann 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. D-21.

Chairman.

CHEROKEE FREEDMEN

Decision

IN THE MATTER OF THE APPLICATION OF

Lieutenant Vane

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

Original testimony June 18, 1901
Memo of application June 18, 1901

Copy of testimony filed with Cherokee Nation

*8 file Cherokee Freedmen
packet no 1011*

Cher. Fr. R-127

Cher. Fr. R-128

RECORDED, as to child, Elmer.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 12, 1901.

In the matter of the application of George Lynch for the enrollment of his self and one child as Cherokee Indians; being sworn and examined by Commissioner Needles, as testified as follows:

- Q What is your name? A George Lynch.
Q How old are you? A 27 years old.
Q What is your post-office address? A Coffeyville, Kansas.
Q What district do you live in? A Coowascoowas District.
Q You apply to be enrolled as a Cherokee Indian? A Yes sir.
Q Who do you want to enroll besides yourself? A My boy.
Q What is your boy's name? A Elmer Lynch.
Q How old is Elmer? A Nine years old.
Q Are you married? A No sir.
Q What is the mother's name of this boy? A Caroline Francis.
Q Is she a Cherokee Indian? A No sir.
Q And you were never married to the mother of it? A No sir.
Q You think it is yours do you? A Yes sir.
Q What is your father's name? A Joe Lynch.
Q Is he living? A Yes sir.
Q What is your mother's name? A Peggy Francis.
Q Is your name on the roll of 1868? A I don't know, I guess it is.
Q Is it on any of the rolls of the Cherokee Nation? A Yes sir, have been.

1868 authenticated roll of citizens of the Cherokee Nation examined for applicant and not found thereon;

- Q Did you ever draw any money? A Yes sir.
Q Draw the Strip payment now? A Yes sir.
Q By the name of George Lynch? A Yes sir.

1876 census roll of citizens of the Cherokee Nation examined and applicant not certified thereon.

- Q Your father living, Joe Lynch? A When I drew the Strip money I went by the name of George Walton.
Q What is your brother's name? A One named Will Lynch and the other one named Henry Carter.

1880 census roll of citizens of the Cherokee Nation examined and applicant certified thereon.
1885 55 George Lynch, Coowascoowas District.

- Q Is your father living? A Yes sir.
Q How is he listed for enrollment here? A Don't know sir.
Q What is your brother's name? A Through your father's name.
A Is your father's name Joe?
Q Is your father's name Joe? A I don't know sir.
Q Is your mother's name Caroline? A Yes sir.
Q Is your mother's name Caroline? A Yes sir, she is dead now here, in Coffeyville.
Q How did your mother die? A On the roll of 1868. A Yes.
Q Is your father's name George Walton, or is it Walton?
Q How do you say the name of your father? A He was called George.
A Yes sir.
Q Was she a citizen? A No sir.
Q Was she a state citizen? A Yes sir.
Q And you were never married to her? A No sir.
Q Where were you born? A On Tiger's Creek.

George Lynch et al 2

- Q Cherokee Nation? A Yes sir.
Q You lived there all your life? A No sir, I came up on Verdigris.
Q Have you ever lived outside of the Cherokee nation? A No sir,
lived in the Cherokee nation all my life.

PEGGY FRANCIS, being sworn and examined by Con'r Needles,
testified as follows:

- Q What is your name? A Peggy Francis.
Q How old are you? A About 43.
Q You were listed for enrollment here were you on the 30th of
May, 1901? A Yes sir.
Q Were you ever married to Joseph Lynch? A No sir, I lived with
him.
Q You lived with Joseph Lynch? A Yes sir.
Q But you and Joseph Lynch were never married? A No sir.
Q When you were living with him was this applicant born? A Yes
sir.
Q Did you live together as man and wife? A Yes sir, down on Pryor's
Creek.
Q And George Lynch is your child by Joseph Lynch while you were liv-
ing together? A Yes sir.
Q How long did you live with Joe Lynch? A About a year.
Q Then you married another fellow? A Yes sir, I didn't marry for
quite awhile though.
BY MR. HASTINGS:
Q You had been married before? A No sir.
Q Did you ever have a child older than George? A That's the old-
est one.
Q Was Joe Lynch married before you lived with him down there? A No
sir.
Q Didn't have no other wife? A No sir.
Q Didn't have any other children? A No sir.

Con'r Needles: George Lynch applies for the enrollment
of himself and his son, Elmer; he avers that he is a child of
Peggy Francis, and said Peggy Francis testifies that said George
Lynch is her child by one Joe Lynch, to whom she was not mar-
ried; said Peggy Francis has been listed for enrollment on
D card 439, and the testimony in said case will be made a part
of the testimony in the case at bar, and a copy thereof will
be filed herewith; the applicant's name cannot be identified
upon the authenticated roll of 1880 or the census roll of
1880, but are identified upon the Fern-clifton roll, and they
make satisfactory proof as to residence, and will now be listed
for enrollment as George Lynch, the son of a doubtful card; he
averst his son Elmer is a child of Caroline Francis, a non-
citizen,-

- Q Did you ever live with her as your wife? A No sir.

and it was found out as well as, consequently, the application
of said George Lynch for the enrollment of his child, Elmer Lynch
will be rejected; Elmer will be rejected.

I, _____, do hereby certify that the foregoing is a true and correct copy of the testimony in the case at bar, and that the foregoing is a true and correct copy of the transcript of the testimony in the case at bar.

Subscribed and sworn to before me this _____ day of June 26, 1901.

Commissioner.

Decision

IN THE MATTER OF THE APPLICATION OF

Blair Lynch

FOR ENROLLMENT AS

CHEROKEE FREEMEN

Original Testimony June 18, 01
Means of application June 18, 01

~~FILED~~
~~IN~~
~~THE~~
~~OFFICE~~
~~OF~~
~~THE~~
~~COMMISSIONER~~
~~OF~~
~~INDIAN~~
~~AFFAIRS~~
~~AT~~
~~WASHINGTON~~
~~D. C.~~

Copy of testimony filed with Cherokee Nation

See to her office, Federal jacket

No 2759

Cher. Fr. R-129

Cher. Fr. R-129

COMMISSION TO THE FIVE CIVILIZED TRIBES

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FILED

JUN 27 1901

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10

RECORDED, as to wife Fannie.

Department of the Interior,
Commission to the Five Civilized Tribes
Nowata, I.T., June 19, 1901.

In the matter of the application of Allen Rogers for the enrollment of himself, wife and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Allen Rogers.
Q How old are you? A 39.
Q What is your post-office address? A Tulsa.
Q What district do you live in? A Coconawapoochee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My boy and my wife.
Q What is your wife's name? A Fannie Rogers.
Q How old is she? A 32.
Q What is your boy's name? A Gratt D. Rogers.
Q How old is Gratt? A Eight years old.
Q Any other children? A No sir.
Q Is your name on the roll of 1880? A Yes sir.
Q Is your wife's name on the roll of 1880? A No sir.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant identified the reason on page 658 #922 Allen Rogers, Salina District, adopted colored; 1880 census roll of citizens of the Cherokee nation examined and applicant identified the reason on page 417 #502 Allen Berry Rogers, Coconawapoochee District; page 417 #504 Gratt D. Rogers, Coconawapoochee District.

- Q Is Gratt living at this time? A Yes sir, he is living.
Q What was your wife's father's name? A I don't know what he was named.
Q What was her mother's name? A I can't tell you nothing about her folks, I just saw her and grabbed her.
Q Is she a state woman? A Yes sir.
Q Non-citizen? A Yes sir.
Q You just claim citizenship for her through marriage? A Yes sir.
Q When were you married to Fannie? A 5th day of January.
Q What year? A Last year, it was in '90.
Q What was her name before you married her? A Her name was Fannie Robinson.
Q She was a state woman? A Yes sir.
Q What was your first wife's name? A Ruth Rogers.
Q Is her name on the roll of 1880? A Yes sir.
Ruth Mackan her name is on there, or Ross.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant's former wife identified page 165 #2432 Rutha Ross, Coconawapoochee District.

- Q Ruth Ross the mother of Gratt? A Yes sir.
Q She died before you married Fannie? A Oh yes sir.
Q You always live in the Cherokee nation, since 1860? A Yes sir.
Q Living here now? A Yes sir, living here now.

That the said Allen Rogers applies for the enrollment of himself and child Gratt D. as Cherokee Freedmen; he also applies for the enrollment of his wife, Fannie, as Cherokee Freedman by intermarriage; the applicant is duly identified upon the authenticated roll of 1880 as well as the census roll of 1890; he avers that his former wife was one Ruth Ross, who was the mother of his child, Gratt, and that Ruth Ross is identified upon the authenticated roll of 1880 according to page and number of the rolls as indicated in the testimony; said

Allen Rogers et al 2

Gratt is her child by the applicant, and is identified upon the census roll of 1896; they are both fully identified and make satisfactory proof as to residence, consequently, Allen Rogers and his child, Gratt D. will be listed for enrollment as Cherokee Freedmen; the applicant applies for the enrollment of his wife Fannie as a Cherokee Freedman by intermarriage; he avers that he was married to her in 1900, too late under the provisions of the laws of the Cherokee nation for intermarried persons to acquire any rights by reason of marriage with citizens, consequently, the application for the enrollment of his wife, Fannie will be refused, she will be rejected.

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


Subscribed and sworn to before me this June 27, 1901.



Commissioner

Department of the Interior

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis	Cherokee Freedmen D-144
Harry Thomas	Cherokee Freedmen D-158
Ella Vance	Cherokee Freedmen D-161
Mary Markham	Cherokee Freedmen D-169
Frances Melton	Cherokee Freedmen D-170
John Detsou	Cherokee Freedmen D-171
Mary Jane Vahue	Cherokee Freedmen D-172
Thomas Lowe	Cherokee Freedmen D-173
Ella Mayfield	Cherokee Freedmen D-174
Sallie Elders	Cherokee Freedmen D-175
Rebecca Campbell	Cherokee Freedmen D-176
Vera Jackson	Cherokee Freedmen D-177
Cassie Middleton	Cherokee Freedmen D-178
Mary Harling	Cherokee Freedmen D-179
Nellie Wells	Cherokee Freedmen D-180
John Kain	Cherokee Freedmen D-181
William S. Mathers	Cherokee Freedmen D-182
John Bethune	Cherokee Freedmen D-183
Albert T. Thomas	Cherokee Freedmen D-184
Mary Campbell	Cherokee Freedmen D-185
Candice Daniels	Cherokee Freedmen D-186
Matkins Albert	Cherokee Freedmen D-187
Dave Morris	Cherokee Freedmen D-188
Alexander Gloggett	Cherokee Freedmen D-189
Amadea Martin	Cherokee Freedmen D-190
Ella Martin	Cherokee Freedmen D-191
John E. Barnd	Cherokee Freedmen D-192
Ray Davis	Cherokee Freedmen D-193
Samuel Snow	Cherokee Freedmen D-194
Howard F. Watson	Cherokee Freedmen D-195
Jack McConard	Cherokee Freedmen D-196
Mattie Manley	Cherokee Freedmen D-197

George Reed, Sr.,
Buck Ledman,
Bell Thompson,
Lewis Scott,
Abe Scott,
Kender Lupton,
Thomas E. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Ross,
Jane Martin,
Leas Peterson,
Alex Johnson,
Martha Vann,
John Scott,
Nancy Ross,
Charles C. Smith,
Satie Gelbert,
William Sluggs,
Satie Johnson,
Arred F. Hopkins,
Katie Vann,
Freddie Looney,
Lacy Chouteau,
Alice Durant,
Mahaley Ward,
Prof D. Thomas,
Bettie Beck,
Ellie Warren,
Mills Robinson,
Mary Webber,
Frances Martin,
Mary Riley,
Emanuel Taylor,
Henry Sykes,
Larkin F. Powell,
Stepney Daws,
Malinda Vann,
Frances Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lane,
Jane Brown,

Cherokee Freedmen D—363,
Cherokee Freedmen D—406,
Cherokee Freedmen D—411,
Cherokee Freedmen D—420,
Cherokee Freedmen D—421,
Cherokee Freedmen D—422,
Cherokee Freedmen D—424,
Cherokee Freedmen D—426,
Cherokee Freedmen D—444,
Cherokee Freedmen D—455,
Cherokee Freedmen D—473,
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Cherokee Freedmen D—599,
Cherokee Freedmen D—758,
Cherokee Freedmen D—755,
Cherokee Freedmen D—761,
Cherokee Freedmen D—743,
Cherokee Freedmen D—745,
Cherokee Freedmen D—753,
Cherokee Freedmen D—758,
Cherokee Freedmen D—760,

Samuel Le Young,
John Hatcher,
Willie Gony,
Richard Bowles,
Mallada Murrell,
Charles Claggatt,
Samuel Irvin,
Mary Hoss,
Maggie Nave,
Neoma Nave,
Ellis Ross,
Elizabeth Duncan,
Sadie Adams,
Georgetta Archer,
John Claggatt,
Hattie Smith,
Jack Johnson,
Lula Sanders,
George Hazelrig,
Linnie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Maier,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Alie Chambers,
Ivan Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D-761,
Cherokee Freedmen D-780,
Cherokee Freedmen D-781,
Cherokee Freedmen D-787,
Cherokee Freedmen D-788,
Cherokee Freedmen D-789,
Cherokee Freedmen D-793,
Cherokee Freedmen D-797,
Cherokee Freedmen D-806,
Cherokee Freedmen D-816,
Cherokee Freedmen D-840,
Cherokee Freedmen D-871,
Cherokee Freedmen D-880,
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Cherokee Freedmen D-882,
Cherokee Freedmen D-883,
Cherokee Freedmen D-878,
Cherokee Freedmen D-887,
Cherokee Freedmen D-890,
Cherokee Freedmen D-1010,
Cherokee Freedmen D-1039,
Cherokee Freedmen D-1062,
Cherokee Freedmen D-1067,
Cherokee Freedmen D-1078,
Cherokee Freedmen D-1082,
Cherokee Freedmen D-1085,
Cherokee Freedmen D-1105,
Cherokee Freedmen B-39,
Cherokee Freedmen B-45,
Cherokee Freedmen B-48,
Cherokee Freedmen B-56,
Cherokee Freedmen B-72,
Cherokee Freedmen B-82,
Cherokee Freedmen B-83,
Cherokee Freedmen B-86,
Cherokee Freedmen B-94,
Cherokee Freedmen B-96,
Cherokee Freedmen B-99,
Cherokee Freedmen B-100,
Cherokee Freedmen B-102,
Cherokee Freedmen B-104,
Cherokee Freedmen B-105,
Cherokee Freedmen B-106,
Cherokee Freedmen B-107,

Elizabeth (Chapman) (1801-1880)
 Emily (Lacey) (1801-1880)
 John (O'Connor) (1801-1880)
 Matilda (Mellor) (1801-1880)
 Maria (Wasson) (1801-1880)
 Nelson (Lott) (1801-1880)
 Patsie (Raper) (1801-1880)
 William (Washington) (1801-1880)
 Susan (Warrick) (1801-1880)
 Fannie (Goldberg) (1801-1880)
 Susan (Thatcher) (1801-1880)
 Alexander (Hick) (1801-1880)
 David (Lacey) (1801-1880)
 Fella (McClain) (1801-1880)
 Harriet (McLain) (1801-1880)
 Ella (Vann) (1801-1880)
 Levi (Seoudy) (1801-1880)
 John (Schapter) (1801-1880)
 Maria (Thompson) (1801-1880)
 Ellen (Sheppard) (1801-1880)
 Lela (Meltumbe) (1801-1880)

Cherokee Freedman Roll 122
 Cherokee Freedman Roll 123
 Cherokee Freedman Roll 124
 Cherokee Freedman Roll 125
 Cherokee Freedman Roll 126
 Cherokee Freedman Roll 127
 Cherokee Freedman Roll 128
 Cherokee Freedman Roll 129
 Cherokee Freedman Roll 130
 Cherokee Freedman Roll 131
 Cherokee Freedman Roll 132
 Cherokee Freedman Roll 133
 Cherokee Freedman Roll 134
 Cherokee Freedman Roll 135
 Cherokee Freedman Roll 136
 Cherokee Freedman Roll 137
 Cherokee Freedman Roll 138
 Cherokee Freedman Roll 139
 Cherokee Freedman Roll 140

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by intermarriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Ella Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Francis Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Susan Orispbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Susan Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William M. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payroll Martin for his wife, Amanda Martin; by Charles Martin for his wife, Ellen Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Masley for herself; by George Road, Sr. for himself; by Buck Ledman for himself; by Nell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Kadder Kasper for himself; by Thomas M. Allen for himself; by Lewis Vaidlerford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Minnie Johnson for her husband, John Johnson; by Joseph Hines for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chontana for herself; by Allen Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Minnie Robinson; by John Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed. Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Steppay Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Sr. for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggott for himself; by Samuel Irwin for himself; by David Ross for his wife, Mary Ross; by George F. Nare for his wife, Maggie Nare; by Lewis Armstead Nare for his wife, Neoma Nare; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggott for her husband, John Claggott; by Sonny Smith for his wife, Battie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hausrig for her husband, George Hausrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Dickman for himself; by James B. Papp for himself; by Leaso Waith for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McCann for himself; by John Vann for his wife, Orlie Vann; by Lou Peters for herself; by Robert Admitt for his wife, Ada Admitt; by John Brown for his husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Graves for her husband, John Groves; by Butler McNair for his wife, Malinda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldaby for herself; by Charles Daniels for his wife, Sarah Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Valtie McClain for herself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Svingter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Molton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as members of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above-named applicants, applications were also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1890 Annotated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States District Court for the Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 811).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of *Danaher* (E. T. D. 8854-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Nelson, John Dotson, Mary Jane Vann, Thomas Lane, Ella Mayfield, Sallie Elder, Rachel Campbell, Yen Jackson

Father, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William D. Maddox, Jane Boone, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Gloggett, Amanda Martin, Edna Martin, John H. Ranges, Bell Davis, Samuel Brown, Howard E. Winslow, Jack McConnell, Maudie Mastoy, George Reed, Ed. Bobb, Leanna, Bell Thompson, Lewis Scott, Abe Scott, Reoder Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Mattie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alan Johnson, Martha Vann, John Scott, Nancy Ross, Charles O. Sells, Sam Guthrie, William Stoggs, Sallie Johnson, Alfred P. Hopkins, Kinzie Vann, Freddie Looney, Lucy Choate, Anna Dugas, Mattie Ware, Fred D. Thomas, Bettie Beck, Ella Warren, Mills Schinner, Mary Robber, Fannie Martin, Mary Elder, Kenneth Taylor, Emory Sykes, Joseph W. Brown, Stephen Dick, Malinda Vann, Corinda Johnson, Annie Vetter, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel I. Young, John Buckner, Willie Cox, Leonard Bayler, Melinda Murray, Charles Gloggett, Susan Irvin, Mary Ross, Maggie Thum, Beulah Nava, Ella Ross, Elizabeth Dutton, Sallie Adams, Georgiana Smith, John Claggett, Mattie Smith, Jack Jackson, Lela Sanders, George Hamrick, Lela West, Maria French, Mary Johnson, Maggie Vann, William Hansen, Sarah Rogers, Abraham Ballard, Laura David, John Deakins, James B. Perry, Isaac Welch, Lamma Logan, George Howell, Henry Mast, George Adams, Annie Thomas, Lewis McConnell, Cassie Vann, Lou Peters, Ida Adair, Robert Brown, Annie Chambers, Leon Jones, Alice Hunter, Kath Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNeil, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owen, Fernald Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Bill Vash, Levi Stood, John Sumpter, Mariah Thompson, Ellen Sheppard and Lela Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 20, 1898, (30 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

- [SIGNED] TAMS BERRY, Chairman.
- [SIGNED] T. B. NEEDLES, Commissioner.
- [SIGNED] C. E. BRENCHARD, Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

13

JR129

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 19 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 19, 1961
Post Office Tulsa, Okla.
District 6005

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father ~~Repeated~~ _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife Gammie Rogers _____ Age 37
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

3.	Year	Page	No.	Dist.
4.	Year	Page	No.	Dist.
5.	Year	Page	No.	Dist.
6.	Year	Page	No.	Dist.
7.	Year	Page	No.	Dist.
8.	Year	Page	No.	Dist.
9.	Year	Page	No.	Dist.
10.	Year	Page	No.	Dist.
11.	Year	Page	No.	Dist.
12.	Year	Page	No.	Dist.

Application made by Allen Rogers Hubbard _____ Enographer M. R. Green

X P. J.

COPY.

Cherokee Freedmen

R-129.

Muskogee, Indian Territory, January 24, 1905.

Fannie Rogers,

Tulsa, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

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,

Tame Dixby.

Chairman.

Incl. 8-96.

Register.

COPY.

Cherokee Freedmen
J. H. et al.

Muskogee, Indian Territory, January 24, 1905.

Sell, Hastings & Devenport,
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 January 19, 1905,
rejecting the applications for the enrollment of, William Davis,
Randy Thomas, Ella Vann, Mary Harthan, Frances Malton, John Johnson,
Mary Jane Vann, Thomas Love, Ella Hayfield, Sallie Rider, Reuben
Campbell, Van Jackson Luther, Cassie Midyette, Mary Harlan, Nellie
Halls, John Kluge, William S. Kellers, James Bean, Albert P. Thomas,
Fay Campbell, Caroline Lassals, Nellie Alberty, Tom Harlan,
Alexander Elliott, Ananda Martin, Eliza Martin, John E. Burns,
Neil Davis, Samuel Brown, Edward F. Vaidon, Jack Ketchum, Monte
Hester, George Reed, Sr., Bunk Logan, Nell Thompson, Lewis Scott,
Joe Scott, Kendler Langton, Thomas E. Allen, Lewis Vanderford, John
L. Davis, Katie Davis, Charles Williams, John J. Ross, Jane
Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy
Ross, Charles C. Smith, Susie Gilbert, William Elagin, Susie
Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Lerney, Lucy

Charles, Alice Street, Frederick West, Frank J. Thomas, Estelle Smith,
 Willie Warren, Willie Swinson, Gary Walker, Frances Martin, Mary
 Riley, Emanuel Taylor, Henry Sykes, Lillian F. Powell, Margaret Mann,
 Malinda Cain, Frances Johnson, Annie Fisher, Kate E. Rogers,
 George Washington Ross, Jane Smith, Samuel L. Young, John Wheeler,
 Willie Lee, Samuel Thomas, William Stewart, Charles Elliott,
 Joseph Irwin, Mary Ross, Maggie Ross, Emma Ross, Ella Ross,
 Elizabeth Jones, Ella Adams, Georgetown Taylor, John Stewart,
 Curtis Smith, Jack Thomas, Ella Thomas, George Hamilton, Edward
 Hill, Maria French, Mary Johnson, Maggie West, William Adams,
 Joseph Thomas, William Jackson, Emma West, John Thomas, James
 J. West, Isaac Smith, Landon Ross, George Smith, Mary West,
 George West, Annie Thomas, Lewis Hamilton, William West, Lee
 Thomas, Ella West, Emma Thomas, Ella Thomas, Jane West,
 Ellen West, Ella West, Charles Taylor, Margaret West, Mary
 Langley, Ella Thomas, William Taylor, William West, William West,
 William Thomas, William Taylor, William West, William West, William
 Taylor, James Taylor, William West, William West, William West,
 Henderson West, Ella West, John West, Ella West, William
 Taylor, Ella West, and Ella West, as directed by the court.

The court, together with the court of proceedings
 and in the case, has this day been committed to the custody
 of the sheriff for his service and charges. The office of the

RECEIVED BY THE OFFICE OF THE SECRETARY OF THE ARMY
WASHINGTON, D. C.

RECEIVED

RECEIVED
Tatne Bixby.

2nd. 7-0.

Frances Martin, Mary Riley, Thomas Taylor, Mary Stone, Lucinda F. Swall, Stephen Ann, Malinda Vann, Frances Jackson, Sallie Tucker, Mary E. Rogers, George Washington Lane, John Brown, Samuel L. Young, John Haskins, Willis Cox, Leonard Davies, William Stewart, Charles Magrett, Samuel Irvin, Mary Ross, Maggie Shaw, John Ross, Edith Ross, Elizabeth Juncos, Sallie Adams, Georgeanna Grier, John Grier, Fannie Smith, Jack Jackson, Lula Sanders, George Sanders, Emma Vest, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura Javis, John Hudson, James B. Duffy, Isaac Welch, Lawson Logan, George Howell, Henry Harty, George Adams, Annie Thomas, Louis McCormick, Sallie Vann, Lou Peters, Ida Blair, Robert Brown, Eliza Sanders, Lou Vann, Alice Sanders, Eliza Blair, Corrie Martin, Susanna Clark, Emily Levey, John Arves, Mattie Mc Blair, Fannie Vann, Malinda Ross, Fannie Rogers, William Washington, Squire Warren Green, Fannie Johnson, Susan Daniels, Margaret Vann, David Ross, Fannie McCall, Margaret Jones, Sallie Vann, Iva Green, John Sanders, Sarah Sanders, Ellen Sheppard and Lela Helton, as churches citizens by letter-coverage, including the Commission's decision dated January 24, 1909, rejecting said applications.

Respectfully,

WITNESSED: *Tams Dixby.*
 Chairman.

Incl. K-8.

Through the
 Commissioner of Indian Affairs,

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS.

WASHINGTON, March 20, 1906.

Refer in reply
to the following:
Land.
7900-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 26, 1906, transmitting the record of the application for enrollment as Cherokee citizens by inter-marriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Nelson, John Deaton, Mary Jane Vann, Thomas Lewis, Ella Mayfield, Nellie Rider, Nathan Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Hodson, Jane Ross, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Sam Morris, Alexander Claggott, Annie Martin, Eliza Martin, John N. Barnes, Nell Lewis, Samuel Brown, Edward F. Watson, Jack McConnell, Maude Kenley, George Reed, Sr., Bush Ledman, Nell Thompson, Louis Scott, Geo Scott, Knobby Langton, Thomas N. Allen, Louis Vanderford, John L. Bowlin, Estie Dugan, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles O. Smith, Susie Gilbert, William Gregg, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Lowmy, Lucy Whetson,

Elias Forest, Mahaley Ward, Fred B. Thomas, Bettie Roth, Ellis
 Burton, Willie Robinson, Mary Weber, Frances Martin, Mary Elbow,
 Edward Taylor, Mary Eyles, Larkin P. Powell, Steacy Sam,
 Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George
 Washington Lane, Jane Brown, Samuel L. Young, John Beckner, Willie
 Lee, Leonard Dwyer, Malinda Ferrell, Charles Claggett, Samuel
 Cook, Mary Cook, Martha Cook, James Cook, Ella Cook, Elizabeth
 Brown, Ella Adams, Georgiana Archer, John Claggett, Mattie Smith,
 Jack Jackson, Lela Sanders, George Hensley, Lizzie West, Maria
 French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers,
 Abraham Ballard, Laura David, John Beckman, James B. Perry, Isaac
 Welch, Lawson Logan, George Howell, Harry Masir, George Adams,
 Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair,
 Robert Brown, Allie Chambers, Ima Jones, Rice Carter, Katie
 Adair, Harry Martin, Benjamin Clark, Emily Leoney, John Brown,
 Willie Adair, Bettie Vann, Helen Lett, Fannie Rogers, William
 Washington, Squire Warren Brown, Fannie Colclough, Susan Beardsley,
 William Vann, John Cook, John Adair, William Adair, Ella
 Vann, Lela Brown, John Sawyer, Maria Johnson, Ellen Sawyer,
 and Lela Smith.

January 18, 1908, the Commission decided adversely to all
 the applicants.

The record shows that none of the applicants make claim
 to enrollment as citizens of the Cherokee Nation, except by
 intermarriage with a Cherokee Freedman; that none has ever
 been enrolled or admitted to citizenship by any tribal authority
 of the Cherokee Nation or by any United States tribunal and that

name is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1906 (I. T. B. 5042-1906) in the Linnell Wilson case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

E. M. H.
W.

(COPY)

D. C. 20077-1908
I. T. D. 1906-1908

V.C.S.
722

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L.E.N.

April 17, 1908

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory,
Gentlemen:

January 24, 1908, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1908, rejecting said applications, viz.

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Helton, John Dotson, Mary Jane Vann, Thomas Love, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, Willie S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Nell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Katie Hamley, George Reed, Sr., Buck Ledum, Nell Thompson, Lewis Scott, Abe Swati, Kemler Lupton, Thomas E. Allen, Lewis Vanderford, John N. Swain, Katie Davis, Charles Williams, John J. Bush, Jane Martin, Louie Peterson, Alex Johnson, Marsha Vann.

John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert,
William Stagg, Susie Johnson, Alfred F. Hopkins, Klansie Vann,
Freddie Leamy, Lucy Chouteau, Alice Durant, Mamie Ward,
Fred D. Thomas, Fattie Cook, Ellis Warren, Willie Robinson,
Mary Yehber, Frances Martin, Mary Riley, Samuel Taylor, Henry
Sykes, Larkin P. Powell, Stephen Vann, Malinda Vann, Frances
Johnson, Annie Yeaster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Revia, Malinda Murrell, Charles Claggatt, Samuel Irvan, Mary
Rosa, Maggie Nave, Keema Nave, Ella Ross, Elizabeth Duran,
Sadie Adams, Georgeman Archer, John Claggatt, Mattie Smith,
Jack Jackson, Lula Sanders, George Hamalrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Hallard, Laura David, John Deakman,
James B. Perry, Isaac Walsh, Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Leamy, John Groves, Malida McHair, Bettie Vann,
Helson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Selinsky, Susan Daniels, Anderson Tark, David Lane,
Felix McHain, Henderson Jones, Belle Vann, Levi Stroud, John
Smyter, Harish Thompson, Ellen Sheppard and Lula Matton.

Reporting in the matter March 21, 1908, 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,

(Signed) MTHOS. RYAN
Acting Secretary

1 inclosure

COPY.

Cherokee Freedmen

N-129.

Muskogee, Indian Territory, April 28, 1905.

Fannie Rogers,

Tulsa, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED)

Tame Bixby
Chairman.

COPY

Cherokee Brethren
P-14, et al

Muskogee, Indian Territory, April, 20, 1908

Bell, Hastings & Newport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman

COPY.

Charles Freedman
2-14, St. Cl.
Tahlequah, Indian Territory, April 23, 1908.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

(SIGNED) *Tams Bixby*
Chairman.

Decision

IN THE MATTER OF THE APPLICATION OF

Jamie Rogers
FOR ENROLLMENT AS

CHEROKEE FREEDMEN

Original testimony June 19 01
memo of application June 19 01

Copy of testimony filed
with Cherokee Nation.

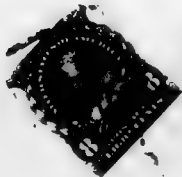
See Cherokee Freedmen Journal

No 1041

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOCHEE, IND. TER.



Francis Rogers,

~~Tulsa, Indian Territory.~~

UNCLAIMED

TER.

Ch. 1

Ch. 1

9

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

FILED
JUN 28 1901

[Handwritten signature]
SPECIAL AGENT IN CHARGE

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

HR 130

[Faint handwritten notes or signatures at the bottom of the page]

REFERRED, as to child, Arthur.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 21, 1901.

In the matter of the application of John Nave for the enrollment of himself and one child; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A John Nave.
Q How old are you? A 47.
Q What is your post-office address? A Coffeyville, Kansas.
Q What district do you live in? A Coowesscoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My family.
Q What do you call your family? A 2 of us.
Q Two of who? A A child.
Q Have you got a wife? A No sir, she is dead.
Q You want to enroll 2 children? A No sir, myself and one child.
Q What is the name of your child? A Arthur Nave.
Q How old is he? A 15.
Q What was your wife's name? A Lucinda Nave.
Q She is dead? A Yes sir.
Q When were you married to Lucinda Nave? A About 25 years ago.
Q Your wife's name on the roll of 1880? A Yes sir.
Q Your name on the roll of 1880? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant and wife identified on page 148 #2088 John Nave, Coowesscoowee Dist, adopted col'd
page 148 #2089 Lucinda Nave, Coowesscoowee Dist, adopted col'd
1896 census roll of citizens of the Cherokee Nation examined and applicants identified on page 413 #372 John Nave, Coowesscoowee District, 1896 roll examined for child, and name not found.
Kern-Clifton pay roll of citizens of the Cherokee Nation examined for applicant's child, Arthur and exact found on page 29 #736 Arthur Nave, Coowesscoowee District.

- Q Is Arthur Nave living? A Yes sir.
Q Have you lived in the Cherokee Nation continuously since 1880?
A Yes sir.
Q Is Arthur Nave ~~is~~ a child of Lucinda Nave? A Yes sir.
Q Lucinda Nave is Arthur Nave's mother? A No sir, not exactly, grandmother.
Q Well if she ain't exactly she ain't at all I reckon, she couldn't be half-mother? A No sir, grandmother.
Q Who was the mother of Arthur Nave? A It is her daughter's child.
Q I want to know who was the mother of Arthur? A One they called Laura.
Q Is Laura living? A No sir.
Q Who is the father of Arthur? A John Nave, himself.
Q Were you married to Laura? A No sir.
Q Was Laura a citizen? A Claimed to be, I couldn't tell you.
Q What was Laura's name, Nave? A No sir.
Q Laura what? A Laura Blackburn.
Q You don't know anything about Laura Blackburn? A No sir.
Q She was a state woman? A I couldn't say.
Q She claimed to be a citizen.
Q She not on any roll? A No sir.
Q Never been admitted by the Cherokee authorities? A No sir.
Q How did she draw any money? A No sir. Just her mother and one girl.

Com'r Needles: John Nave applies for the enrollment of himself and son, Arthur; he is duly identified upon the authenticated

COMMISSION TO THE FIVE CIVILIZED TRIBES
JUN 25 1901

John Nave et al

roll of 1880 and the census roll of 1896; his son Arthur is identified upon the town-Clifton pay roll; he avers that he was married to Lucinda Nave, and her name appears upon the authenticated roll of 1890, she being now deceased; he avers that the mother of Arthur is one Laura Blackburn; her name is not found upon the authenticated roll of 1880, nor upon any other of the rolls of the Cherokee nation, neither is there any proof as to her citizenship; the applicant avers that he was not married to her; the mother of Arthur, John Nave, is a satisfactory proof as to residence, and will now be listed for enrollment as a Cherokee Freedman; the application for the enrollment of his child, Arthur, will be refused; said Arthur will be rejected.

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

H. D. Green

Subscribed and sworn to before me this June 21, 1901.

[Signature]

Commissioner

jac
ca

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

In the matter of the application for the enrollment of
Arthur Hove as a Cherokee Freedman:

D E C I S I O N

The record in this case shows that, on June 21, 1901, John Hove appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment, among others, of his son, Arthur Hove, as a Cherokee Freedman. The other parties to the application are differently classified and are not embraced in this decision.

The evidence shows that the applicant, Arthur Hove, is the minor son of one Laura Blackburn by the said John Hove, who is duly identified on the 1899 authenticated roll of the Cherokee Nation as "adopted colored".

The evidence further shows that the said Arthur Hove has continuously resided in the Cherokee Nation since birth.

It is, therefore, the opinion of this Commission that Arthur Hove 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., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Dixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Brackinridge.

Commissioner.

(SIGNED)

M. E. Stanley.

Commissioner.

Nowata, Indian Territory,

this JUL 10 1901

COMM. CLERK
AMS BENDIS
THOMAS H. WOODS
K. HRE. BINSING
W. L. STANLEY

A. LINCOLN, ASST. CLERK

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
R-130.

Muskogee, Indian Territory, July 17, 1903.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, granting the application of John Have for the enrollment of his son, Arthur Have, 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 serve upon the applicant. If you fail to file protest within the time allowed, this decision will be considered final.

Respectfully,

Commissioner in Charge.

Enc. H-6.

~~Section~~
IN THE MATTER OF THE APPLICATION OF

~~Arthur~~ ~~have~~

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

- ~~(A) Original testimony June 21st~~
- ~~(B) Memo of application June 21st~~

~~Transferred
to Char. F. #~~

~~# 1222~~

~~Copies of testimony filed
with Cherokee Nation.~~

~~See Cherokee Freedmen packet~~

~~No 1059~~

Cher. Fr. R-131

Cher. Fr. R-131

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EXHIBIT:

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 21, 1901.

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

- Q What is your name? A William Washington.
Q How old are you? A 56.
Q What is your post-office address? A Coffeyville, Kansas.
Q What district do you live in? A Coconawacoochee.
Q You apply to be enrolled as a Cherokee Freedman? A No sir.
Q You apply to be enrolled as a Freedman by intermarriage? A Yes sir.
Q What is your wife's name? A Rretta Washington.
Q How old is she? A I don't know exactly how old she is.
Q Well about how old? A I think she is near about 50, maybe older.
Q Is she a recognized citizen of the Cherokee Nation? A Yes sir.
Q Is her name on the roll of 1890? A Yes sir.

1890 authenticated roll of citizens of the Cherokee Nation examined and applicant not found nor his wife.

- Q Is your wife's name on any of the rolls of the Cherokee Nation?
A Yes sir.
Q What rolls? A Oh dog gone it.
Q Well dog gone it, did you draw the Strip money? A Only the Wallace money.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not found;
1896 census roll of citizens of the Cherokee Nation examined and applicant's wife not found;

- Q What is her father's name? A Henry Melton.
Q What is her mother's name? A Hannah;

Wallace roll of citizens of the Cherokee Nation examined and applicant's wife identified on page 130 #2735 Amertta Melton, Coconawacoochee District.

- Q When were you married? A I don't know what time it was, it has been 22 years ago.
Q Were you ever married before you married Rretta? A No sir.
Q Was she ever married before she married you? A No sir.
Q Is she living? A Yes sir.
Q You and her lived together ever since you were married? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q What proof have you got of your marriage? A Neau Fox.
Q Did you get a license to marry? A No sir, old man Ruffin married us.
Q Without any license? A Well he is a licensed preacher.
Q You never got any license from the Cherokee authorities? A No sir, he said he would get them himself.
Q He never got them though? A No sir.

NEAU FOX, being sworn and examined by Com'r Needles, testified as follows:

- Q What is your name? A Neau Fox.
Q How old are you? A 74.
Q You know William Washington? A Yes sir, little bit.

William Washington 2

- Q You know his wife? A Yes sir.
Q What is her name? A Rieta Washington.
Q What do you know as to whether they were ever married or not?
A They were married.
Q How do you know that? A I saw them, I was there.
Q Had married them? A Nathan Duffin, a Methodist preacher.
Q Where were they married? A On Big Creek, at his house.
Q And you were at the wedding? A Yes sir, I went there with them, they went from my house.
Q They been living together as man and wife ever since? A Well no, they aint living together now.
Q They are not? A No sir.
Q Well Bill is mistaken then about what he said? A I don't know about that.

Applicant, WILLIAM WASHINGTON, re-called and further examined,
By Com'r Needles:

- Q Are you separated? A Well call it separated if you want to.
Q You aint living together any more? A We are living together once in a while.
Q You are a state man? A Yes sir.

Com'r Needles: William Washington applies for the enrollment of himself as an intermarried citizen, Freedman; he avers that he was married to one Annetta Melton, but avers that he never secured a marriage license, and never was married according to the laws of the Cherokee Nation; he avers that he was what is known as a state man and a non-citizen; by reason of the fact that said William Washington was not married according to the laws of the Cherokee Nation, his application for enrollment of himself will be refused, and he will be rejected.

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 1st, 1901.



Commissioner.

Department of the Interior
Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al. as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

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 Cherokee Freedmen D-411
 Cherokee Freedmen D-420
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George Reed, Sr.
 Buck Leburn
 Bell Thompson
 Lewis Scott
 Absalom
 Thomas
 Lewis Vanhook
 John I. Bowlin
 Katie Davis
 John & Henry

William Davis
 Hilly Thomas
 Bill Valley
 Mary Markham
 Frances Motley
 John D. Davis
 Mary Jane Valley
 Thomas Lowe
 Eda Mayberry
 Sallie Riden
 Reuben Campbell
 Wm Jackson Carter
 Cassie Middleton
 Mary H. H. H.
 Nellie Hobbs
 John K. H. H.
 William S. M. H.
 Jane B. H. H.
 Albert T. Thomas
 Mary C. H. H.
 G. H. H.
 M. H. H.
 D. H. H.
 Alexander C. H.
 Amanda M. H.
 Edna M. H.
 John B. H.
 Bill D. H.
 Sallie C. H.
 Howard P. H.
 Jane M. H.
 M. H. H.

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 Bell Thompson,
 Lewis Scott,
 Abe Smith,
 Kuber Ledman,
 Thomas E. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jane Martin,
 Lora Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Ross,
 Charles C. Smith,
 Sisle Colbert,
 William Shaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kimpie Vann,
 Freddie Loney,
 Lucy Chuteau,
 Alice Durant,
 Mabely Ward,
 Fred D. Thomas,
 Rattie Dick,
 Elie Warren,
 Mittie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Eiley,
 Emanuel Taylor,
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 Larkin P. Powell,
 Stepney Dawn,
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John Beckner,
Willie Cox,
Lennard Bowles,
Melinda Marshall,
Charles Claggott,
Samuel Irven,
Mary Ross,
Maggie Nava,
Neema Nava,
Ella Ross,
Elizabeth Duncan,
Sadie Adams,
Georgetown Archer,
John Claggott,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Haselrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deekman,
James B. Perry,
Isaac Welsh,
Lawson Logan,
George Hawalk,
Henry Mack,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Paters,
Ida Adair,
Robert Brown,
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Alice Gunter,
Katie Adair,
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DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to the Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Elder for his wife, Sallie Elder; by Beulah Campbell for herself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Ouida Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William W. Wadden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Pleyton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Simon Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Ahe Scott for

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Ross for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John West for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Suele Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Harry Selms for himself; by Larkin P. Powell for himself; by Steppay Dawn for himself; by Ellis Vann for his wife, Melinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr. for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jessa Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Melinda Murrell; by Charles Claggett for himself; by Samuel Irwin for himself; by David Best for his wife, Mary Ross; by George E. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeanna Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Mattie Smith; by Jack Brown for himself; by John Sanders for his wife, Lula Sanders; by Mary Havelrig for her husband, George Havelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckard for himself; by James B. Parry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McCordell for himself; by Josh Vann for his wife, Carrie Vann; by Lou Peters for herself; by Robert Adair for his wife, Iola Adair; by Joste Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Leon Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jodds for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1860 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (E. T. D. 9848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfeld, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Clagggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ludman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Reese, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Sisle Colbert, William Stagg, Sadie Johnson, Alfred P. Hopkins, Klaxie Vann, Freddie Looney, Ledy Chouteau, Alice Darrist, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ella Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Byline, Larkin F. Fowler, Stepany Dason, Mattie Vann, Frances Johnson, Apple Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Clagggett, Samuel Irven, Mary Rose, Maggie Nave, Nooma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Clagggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deakman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masair, George Adams, Annie Thomas, Lewis McConnell, Ollie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fancis Gebelby, Susan Daniels, Anderson Turk, David Lane, Folk McClain,
Henderson Jones, Belle Vann, Levi Stood, John Sumpter, Mariah Thompson, Ellen Sheppard and
Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section
twenty-one of the Act of Congress approved June 24, 1898, (30 Stat., 494), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

[SIGNED] TAMS BIXBY,

[SIGNED]

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

B

FR 131

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

ACTING CHAIRMAN

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MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 21 1901

Post Office Coffeyville Kas.

District Kas

1. Name William Washington Age 56

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
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Repeated

Application made by W. I.

Stenographer W. D. Green

Claims by intermarriage

X No. 10, 440

COPY

Cherokee Freedmen

R-131.

Mustagee, Indian Territory, January 24, 1905.

William Washington,

Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, reflecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

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

Respectfully,

Incl. S-97.

Respectfully,

James L. Davis

Chairman.

CONFIDENTIAL

Cherokee Freedman
No. 14 et al.

P Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Martin, Frances Helton, John Dotson, Mary Jane Vann, Thomas Laws, Ella Hayfield, Salise Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fights, John Kimbo, William S. Hedden, Jane Bond, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Sava Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Edward F. Watson, Jack McLaughlin, Maude Manley, George Reed, Sr., Buck Logan, Bell Thompson, Lewis Scott, Abe Scott, Kender Langston, Thomas E. Allen, Lucie Vandorfford, John L. Bewlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert, William Slaggs, Susie Johnson, Alfred P. Hopkins, Klara Vann, Freddie Leoney, Lucy Chouteau, Alice Jurant, Elizabeth Ward, Fred A. Thomas, Fattie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Lestla F. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Powles, Malinda Karrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nava, Neoma Nava, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deakman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Quarter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Graves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Galdsby, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Ellen Sheppard and Lula Helton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

James Bixby
Chairman.

Incl. K-8.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
D-34 et al.

Muskogee, Indian Territory, January 23, 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 January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lewis, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Chappett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Kanley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allan, Lewis Vanderford, John I. Rowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skagen, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Leoney, Lucy

Chuteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Smith,
 Ellis Warren, Nellie Robinson, Fary Webber, Frances Martin, Mary
 Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stacey Dean,
 Malinda Vann, Francis Johnson, Annie Foster, Mary H. Rogers,
 George Washington Lane, Jane Brown, Samuel L. Young, John Tucker,
 Willis Cox, Leonard Hughes, Malinda Maxwell, Charles Claggett,
 Samuel Irwin, Mary Ross, Maggie Nave, Emma Nave, Elia Ross,
 Elizabeth Jansen, Sadie Adams, Georgeann Archer, John Claggett,
 Hattie Smith, Jack Jackson, Lula Sanders, George Hambrick, Linda
 West, Marie French, Mary Johnson, Maggie Vann, William Nelson,
 Sarah Rogers, Abraham Walker, Laura Judd, John Walker, James
 B. Perry, Isaac Welch, Lawson Logan, George Hedall, Henry Smith,
 George Adams, Annie Thomas, Lewis McQuinn, Callie Vann, Lou
 Johnson, Ida Alair, Robert Brown, Allie Chambers, Isaac Jones,
 Alton Custer, Rhodie Alair, Garvie Martin, Benjamin Clark, Emily
 Leoney, John Grimes, Mattie Walker, Bettie Vann, John Smith,
 Francis Rogers, William Washington, Sylvia Warren Jones, Fannie
 Gentry, Susan Daniels, Anderson Park, Julia Lane, Mattie McQuinn,
 Emeline Jones, Della Vann, Levi Howard, John Rogers, Mattie
 Thompson, Ellen Shepard and Lela Walker, as witnesses
 by the undersigned.

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 copies of the

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

Respectfully,

(D) *Tamc Dixby.*

Incl. K-9.

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:
Land.
7908-1905.

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kander Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles G. Smith, Essie Colbert, William Skaggs, Essie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant,

Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley, Asaual Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Marrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Wava, Neoma Wava, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Porry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Mapter, Mariah Thompson, Ellen Sheppard, and Lula Meltog.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the

Cherokee Nation or by any United States tribunal and that none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 13, 1904 (L. E. B. 3043-1904) in the Linnell Wilson case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

V. W. W.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L. I. S.

April 17, 1905

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Felton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Yaden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggott, Ananda Martin, Eliza Martin, John R. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McDennell, Maude Manley, George Reed, Sr., Buck Ledman, Nell Thompson, Lewis Scott, Abe -cott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John L. Nowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,

Willie Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann,
Freddie Looney, Lucy Chouteau, Alice Purand, Mahaley Ward,
Fred D. Thomas, Fattie Beck, Ellie Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Markin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mrs. M. Rogers, George Washington Lane,
John Brown, Samuel L. Young, John Lockner, W. L. Cox, Leonard
Cates, Mattie Carroll, The Lee Skaggs, Samuel Irvon, Mary
Rene, Annie Hays, Della Hays, Ella Hays, Elizabeth Hanson,
Mollie Allen, Georgianna Archer, John Skaggs, Annie Hays,
John Jackson, Lula Anderson, Mrs. J. Manning, Lizzie West,
Rich. H. Hays, Mrs. Johnson, Mattie Hays, William Hudson,
Sarah Rogers, Abraham H. Hays, Laura Hays, John Hays,
James H. Perry, Isaac Hays, Lillian Logan, George Hays,
Henry Hays, George Hays, Annie Hays, Louis Hays,
Mollie Vann, Lou Hays, Mrs. Hays, Robert Brown, Alice Hays,
Isaac Hays, Alice Hays, Mattie Hays, Benjamin
Hays, Will Hays, John Hays, Mattie Hays, Fattie Vann,
Velma West, Fannie Hays, William Hays, Squire Warren
Hays, Fannie Hays, Susan Hays, Anderson Hays, David Hays,
Fannie Hays, Benjamin Jones, Belle Vann, Levi Stroud, John
Hays, Maria Thompson, Ellen Sheppard and Lula Hays.

-3-

Reporting in the matter March 21, 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,

(Signed) Thomas Ryan
Acting Secretary.

1 inclosure

COPY.

Cherokee Freedmen

R-131.

Muskogee, Indian Territory, April 28, 1905.

William Washington,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al

Muskogee, Indian Territory, April, 28, 1905

Hell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, is affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman

COPY

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tame Dixby.*
Chairman.

Case
IN THE MATTER OF THE APPLICATION OF

William Washington

FOR [unclear] [unclear] AS

CHEROKEE [unclear] MEN

- A. Original testimony June 21, 1881
- B. Memo of application June 21, 1881

*Copy of testimony filed
with Cherokee Nation.*

*See to heroku 3 redmen jacket
no 2440.*

Cher. Fr. R. - 132.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 5, 1901.

In the matter of the application of Emily Nolen for the enrollment in the matter of the application of Emily Nolen for the enrollment of herself and one child as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Smith, of Mellette & Smith, for applicant;
W.V. Hastings, for Cherokee Nation.

Q What is your name? A Emily Nolen.
Q How old are you? A About 50, I guess.
Q What is your post-office? A Ruby.
Q What district do you live in? A Cooweescoowee.
Q You apply to be recognized as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A Well I can't enroll only them that's under age can I?
Q That's all.

Examined by Attorney Smith:

Q What children do you want to apply for? A Jessie Rose.
Q How the next one? A That's all, if you don't let me enroll the boys.
Q Have you any other child that's under age, not grown? A No sir, they are all grown but them three.
Q All except Robert, James and Jessie? A Yes sir.
Q Well, Robert and James have already been applied for by your husband, John J. Rose, so you just apply for yourself and Jessie?
A Well, sir.

Examined by Commissioner Needles:

Q How old is Jessie? A Seven or eight, seven years old I guess.

Examined by Attorney Smith:

Q What is your name now? A Emily Nolen.
Q Were you the wife of John Rose? A Yes sir, I was.
Q How long did you and John live together, about? A I don't know.
Q What children were born xxx to you and John Rose while you were living together? A All my children are his.
Q Give their names? A Charlie, Corrie, Willie, Mary, Geneva, Robert, James and Jessie.
Q Did you and John separate? A Yes sir.
Q When did you separate? A About four years ago.
Q Where was Robert born? A On California Creek, in the Cherokee Nation.
Q Where was James born? A On Hickory Creek, Cherokee Nation, the same neighborhood.
Q Robert, James and Jessie are living with you? A Yes sir.
Q Where does Geneva live? A She has been living on the Indian Reservation.
Q How long has she been married, at all?
Q Where is she living now? A She is living on the Indian Reservation.
Q Where does Mary live? A On Ligotian.
Q How long has she been married? A Not long.
Q What is her name now? A Mary Elizabeth.
Q Where does Will live? A He lives on the Indian Reservation, near
xxx xxxxxxxxxxxxxxxxx.
Q Where does Charlie live? A He lives on the Indian Reservation, near
the post-office.
Q How far from Ruby? A About four miles.
Q Is Geneva married? A Yes sir.
Q What is her name now? A Freeman. She lives on the Indian Reservation.
Q Where does Geneva live? A He lives near Col. ... in the Cherokee Nation, in the Ward ...

Q Now testify for yourself and Jessie do you? A Yes sir.

Q What was your name before you were married? A Before I married the first time.

Q Yes sir? A Dannenberg.

Q Were you born a slave? A Yes sir.

Q Who did you belong to? A I belonged to Dannenberg.

Q Was he a Cherokee? A Yes sir.

Q Where did you live before the war? A In Flint, Cherokee Nation.

Q Were you taken out of the Cherokee Nation during the war? A Yes sir.

Q When did you come back? A I come back in the fall of '66.

Q Who did you come back with? A I come back with my mother and brother and sister.

Q What was your sister's name? A Jane Smith it is now.

Q Anybody else with you? A Uncle Dave French.

Q What family did your father and mother have at that time at the time you came back here, who were the members of that family?

A That I belonged to.

Q Your father's family, you mentioned your sister, Jane Smith?

A And my brother, James Colbert; there wasn't but three children.

Q Where did you come to when you come back? A Come to Lightning Creek.

Q How old are you, you say? A I am about 50 I guess.

Q You don't know your age? A No sir.

Q Can you remember how big you were when you came back to the Nation after the war? A I guess I was about 11 years old.

Q You don't know exactly? A No sir, I don't know my age.

Q You were not grown? A No sir, I wasn't grown.

Q Where does your sister, Jane Smith, live? A She lives on Hickory Creek, about nine miles below Coffeyville, in the Cherokee Nation.

Q What is her husband's name? A Charles Smith.

Q Where does James Colbert, your brother, live? A He lives near Coffeyville, in the Cherokee Nation.

Q Explained by Cherokee Representative, W. V. Hastings:

Q You say you belonged to Dannenberg? A Yes sir.

Q Where did you live before the war? A I lived in the Nation, down there close to Flint.

Q Close to Flint? A Yes sir, I don't know what.

Q Yes, Flint, ~~xxxx~~ You don't know that district? A No sir, I don't know.

Q Did I mention you have any children? A Yes sir.

Q What are their names if so be of them? A His oldest girl was named Mary and the oldest boy was named Henry.

Q Were you living with them at that time? A Yes sir.

Q How old your brothers and sisters belonged to?

Q All that you have mentioned belonged to?

Q Where were you living in Flint district?

Q Yes, I don't know if was near Flint.

Q How long were you there during the war?

Q I don't know, I don't know, I don't know.

Q I see them, I don't know, I don't know.

Q How long did you stay there?

Q I don't know, I don't know, I don't know.

Q How long did you stay there?

Q I don't know, I don't know, I don't know.

Q How long did you stay there?

Q I don't know, I don't know, I don't know.

Q How long did you stay there?

Q I don't know, I don't know, I don't know.

Q How long did you stay there?

Q I don't know, I don't know, I don't know.

Q How long did you stay there?

Q I don't know, I don't know, I don't know.

Q How long did you stay there?

Q I don't know, I don't know, I don't know.

Q How long did you stay there?

Q I don't know, I don't know, I don't know.

- I never saw him.
- Q What was your mother's name? A Tilda Dannenberg.
- Q Who come down with you then? A Yes sir.
- Q Just you and your mother and brother and sister? A Yes sir, and Uncle Dave Frances.
- Q Who was along? A Yes sir, and Harry Still.
- Q Who was along? A Yes sir.
- Q How long did you stay down here when you come? A I went back I guess it was in the summer.
- Q What time did you come down? A I come in the fall.
- Q And you stayed here then until the next summer? A Yes sir.
- Q Then you lived in Kansas about four years? A No sir, I didn't stay there until September, I guess about September, and I come back.
- Q Well, you said you married up there? A Yes sir, I married up there.
- Q Didn't you state awhile ago it was about four years after you come down here until you married? A I mean it was four years from the time I come down here the first time.
- Q That's what I meant? A Well I didn't stay up there no four years.
- Q Well you come down here the first time, and you say you went back the following summer? A Yes sir.
- Q Was it about four years when you first came down here after the war that you married Rose? A I come down here the first time with my mother and sister, and I stayed until along in the summer, and I went back and stayed there until along in the fall and I stayed there until in the fall and then I come back and I married up there and I come back that fall.
- Q Was you ever married before? A No sir.
- Q Was Rose ever married before? A Not as I knows of.
- Q He was a state man? A Yes sir.
- Q Who went back to Kansas with you? A A young man by the name of Reed Whitney.
- Q Was he any relation to you? A No sir.
- Q How did you two happen to go back together? A There was another girl went with us.
- Q What place in Kansas did you go to? A We went back to Lawrence.
- Q You were married in Lawrence? A Yes sir.
- Q What year were you married? A I can't tell the dates, I was married, I can't tell how long I have been married and when I did marry.
- Q You can't tell the year you was married in but you could tell the fall you come back here? A Oh yes, I can tell that, because I heard so much talk about it.
- Q You didn't hear so much talk about your marriage? A No sir.
- Q What is your oldest ~~daughter~~ child's name? A Charley Rose.
- Q How old is Charley? A I guess he is about 29.
- Q Where was Charley born? A He was born in the Nation.
- Q Where? A He was born on Grand river.
- Q Who were your neighbors then? A My aunts.
- Q What was their name? A Aunt Mary Puffington.
- Q You were living then over on Grand river? A No I just went down there on a visit.
- Q How long had you been in the Nation then? A I don't remember.
- Q Where was your next child born? A Or California Creek.
- Q What was his name? Next one to the oldest child was? A Carrie Freeman.
- Q She was born on California Creek? A Yes sir.
- Q How far down from Coffeyville? A About 12 miles.
- Q What direction? A South.
- Q How you been living at that place ever since? A I have been in the neighborhood ever since.
- Q Where was Carrie Freeman married? A She was married on Hickory Creek.

- Q She ever live in Kansas? A No sir.
- Q Did Charley ever go back to Kansas? A No sir.
- Q Who did you and your mother live with the first time after you came back here? A We stayed at Aunt Maria Hayden's.
- Q Did you live in the house with her? A Yes sir. We live in the house with her awhile, and we had a little house.
- Q Who was living with aunt Maria Hayden? A Who was married Whitney, and this Andy Rider, and her son.
- Q That was in the fall of '60 was it? A Yes sir.
- Q Where was your aunt Maria Hayden living then? A Where she is just close to where she is living now, I don't know just where the place is, I couldn't tell where, just where the place is now.
- Q It was on the same place, but a different house? A Somewhere along there, I have never been there for a long time, and I don't know.
- Q She had a house built did she? A I suppose she had I don't know.
- Q You don't know whether they were living in a house or not?
- A Oh yes, I know they were living in a house, but I don't know how they got it.
- Q You know how long they had been living there when you came?
- A No sir.
- Q Had they raised a crop there, patch? A I guess they had a garden patch, but it has been so long I don't remember.
- Q Was Mr. Hayden there? A I don't think he was at that time; you see I was small and then I can't remember very much noway.

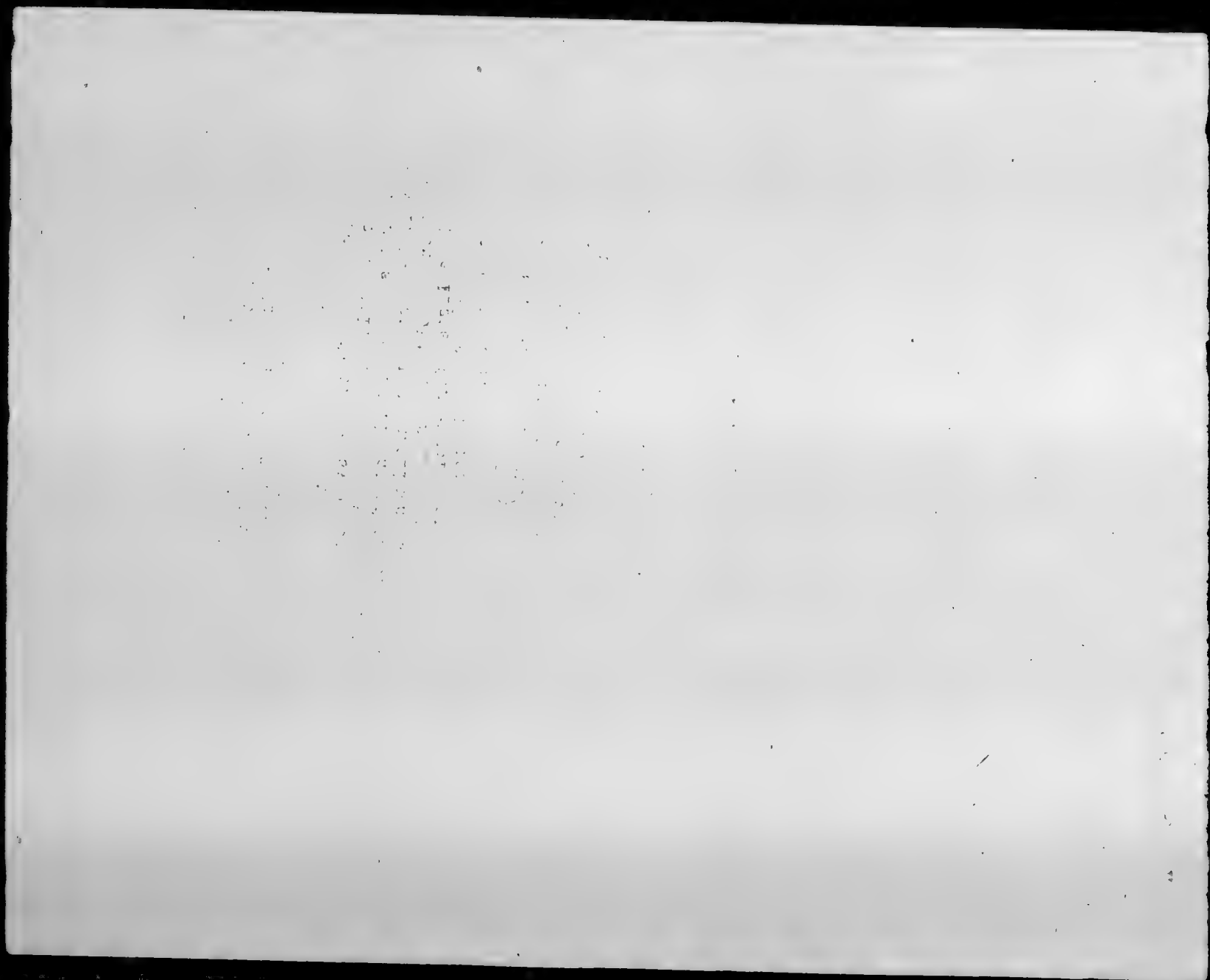
Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant and child identified as follows:
 page 146 No. 5316 Emily Rose, Cooweescoowee District;
 page 146, #3622 Jess Rose, Cooweescoowee District.
 Wallace roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
 page 137 #2839 Emma Rose, Cooweescoowee District.

Examined by Commissioner Needles:

- Q What is your present husband's name? A Manuel Miller
- Q What was Rose's name? A John Rose.

Com'r Needles: Emily Nolan applies for the enrollment of herself and child Jessie Rose; she cannot be identified upon the authentic tax roll of 1828 or the census roll of 1829, but is duly identified upon the Kern-Clifton and the Wallace rolls, as Emily Rose, that having been her name in former marriage, and to one John Rose, from whom she is now divorced; she has since married one Manuel Nolan; by her first marriage to said John Rose she says that she had one child, Jessie, and she is duly identified upon the Kern-Clifton roll according to the number of the roll as indicated on the testimony of the rolls that she was formerly married to John Rose, from whom she is now divorced; said John Rose was duly identified for enrollment as a Cherokee Freedman on said rolls, the testimony in said case will be made up of the original rolls, the case files, and copy of said testimony, the original rolls and testimony now being taken; that the original rolls will be sent to residence, and copies of the same will be sent to James Rose, will be duly identified upon the rolls, and the Freedmen upon what is known as the Freedmen roll, and be notified of the decision of the Commission, and the same will be advised at.

I, _____, being first duly sworn, depose and say that the foregoing is a true and correct copy of the testimony and proceedings in this case, and that the same are a true and complete transcript of his deposition as above subscribed and sworn to before me this June 6, 1901. (signed) T.B. Needles, Commissioner.



Department of the Interior,
Commission to the Five Civilized Tribes,
Chester, I. T., June 1st, 1901.

In the matter of the application of John J. Ross for the enrollment of himself, as intermarried Cherokee Freedman, and two children as Cherokee Freedmen, he applying as intermarried, being sworn and examined by Commissioner Chandler, he testified as follows:

Appearances:

Mr. Smith, of Yellman & Smith, for applicant.
W. L. V. Bell, for Cherokee Nation.

- Q What is your name? A John J. Ross.
- Q What is your age? A About 55.
- Q What is your post-office? A Longden, Indian Territory.
- Q What district do you live in? A Coconawadaw District.
- Q You apply to be enrolled as Cherokee Freedman? A No sir, as intermarried adopted.
- Q Who do you want to enroll besides yourself? A 2 little boys: Robert Ross.
- Q How old is Robert? A About 15 years old.
- Q What is the next child's name? A James Ross.
- Q How old is James? A James is about 12.
- Q Are you married? A No sir, I am a widower.
- Q Your wife not living? A Yes sir, she is living, we was divorced.
- Q What is the mother's name of those children? A She is married again.
- Q Who has got those children? A I have got them in custody.
- Examined by Attorney Smith:
- Q What was your wife's name when you married her? A Emily Danner.
- Q I've got a witness there who knows as to whom she belonged?
- A Yes sir.
- Q Did you know her during the war yourself? A Yes sir.
- Q You can't state from your personal knowledge who she belonged to?
- A No sir.
- Q For where she was during the war? A No sir, I never got acquainted with her until after the war.
- Q When did you get acquainted with her? A In the fall of '53, near the close of the war.
- Q Where was she? A At Lawrence, Kansas.
- Q In '55? A Yes sir.
- Q How long did you stay in Lawrence after that? A I lived in Lawrence about a lot of years, about three years, I think it was '59 when I left there.
- Q Did she leave Lawrence? A She left Lawrence in the fall of '66 the next year after the war closed.
- Q Did she make any statement as to where she was going? A She was coming to the Nation with her mother.
- Q Where did you marry her? A I married her in Lawrence, Kansas, the first time I married her, and I married her the second time in the Indian Territory.
- Q How did you marry her in the Territory, under what law?
- A Under the Cherokee law.
- Q Have you got the certificate? A I have got a certified copy.
- (Produces papers.)

Attorney Smith: I desire to offer a certified copy of a certificate of his marriage to his wife, issued by the clerk of Coconawadaw District, Indian paper to Cherokee Nation roll, she carries it.

Com's finding: The applicant presents a certified copy of marriage certificate certifying that he was married according to the laws of the Cherokee Nation on the 20th day of September, 1853, marriage license issued in '56, 20th day of

John J. Rice et al 2

December, and married by Samuel Danner, Minister of the Gospel, 28th of September 1880, at Daily Dannerberg.

Examined by Attorney Smith:

- Q. Have you ever been recognized as a citizen of the Cherokee Nation? A. Yes sir, I have been recognized, the rights to vote.
- Q. Have you voted in the Cherokee elections? A. Yes sir,
- Q. Have you ever had any papers issued to you? A. I don't think I ever applied, yet I have some copies of them.
- Q. You have had permits issued to you? A. Yes sir.
- Q. About when, do you remember? A. Has been 14 or 15 years ago, I never paid for either.
- Q. Did you ever have any law suits in the Cherokee courts? A. One, yes sir.
- Q. Who with? A. Man name Gulesman, Malheur citizen.
- Q. In what court? A. Civil court at that time, held at Dog Creek, Coowescoowee District.

Cherokee Rep. vs Bell: I object to the introduction of this evidence, for the reason that it is not the best; the records could be obtainable, or showing out. It is made that they are not obtainable.

Com'r: Well, go on.

BY ATTORNEY SMITH:

- Q. Well now, Mr. Rose, where do you live now? A. I live five miles north of Lagana, Coowescoowee District, Cherokee Nation.
- Q. Are these your children? A. Yes, living with you?
- Q. Yes sir, when I was born they are.
- Q. Are these children names of the rolls? A. Yes sir.
- Q. Robert and James, what rolls? A. They are both on the Kerns and Clifton roll, and I think one of them is on the Wallace roll.
- Q. How old is Robert? A. 14, going on 15.

Kerns-Clifton roll of citizens of the Cherokee Nation examined for applicant's children and identified page 146, #3619 Robert Rose, Coowescoowee District. page 146 #3621 Jim Rose, Coowescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant is not identified thereon.

1886 census roll of citizens of the Cherokee Nation examined and applicant is not identified thereon.

Kerns-Clifton roll of citizens of the Cherokee Nation examined and applicant's name is identified as follows: page 146, #5015 Daily Rose, Coowescoowee District.

Examined by Cherokee Representative, L. H. Bell:

Q. You can't claim anything but intermarried right? A. And the right to enroll those two children.

Q. When did you marry Daily Dannerberg first? A. First time I married her I think it was in 1877, right in June.

FURTHER TESTIMONY IN THIS CASE TAKEN BY ATTORNEY CHARLES VAN WYCK.

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

Subscribed and sworn to before me this June 8th 1881.

(Signed) F. M. Neelias,

Commissioner.

June 1st, 1901. CONTINUATION of the above.

By Chas. van Waise, Steno.

Harry Still, being sworn by Com'r Needles, as a witness for the applicant, testified as follows:

By Mr. Smith:

- Q What is your name? A Harry Still.
Q What is your post-office address? A Hayden.
Q How long have you lived in the Cherokee Nation? A About 54 years.
Q How old are you? A About 84 years old.
Q Did you know Emma Rose or a woman who was the wife of John J. Rose? A Yes sir.
Q What was her name before she married Rose? A Dannenberg.
Q Was she a slave? A Yes sir.
Q Who did she belong to? A Dick Dannenberg.
Q Was he a Cherokee citizen? A Yes sir.
Q Where was Emma Dannenberg when the war broke out? A She was living with her master then.
Q Where? A In Flint.
Q In the Cherokee Nation? A Yes sir.
Q Do you know if she was taken out of the Cherokee Nation during the war? A Yes sir.
Q Did she come back after the war? A Yes sir.
Q When did she come back? A In the fall of '66 long about the last part.
Q Who came back with her? A She came back with her mother, sister, brother, me, my mother, my sister, Reed Whitney.
Q Where did you come to? A Come to Lightning Creek.
Q How old was Emma at that time? A Her and Jane was both good sized girls-- young ladies.
Q Who was their mother? A Tilda Dannenberg.
Q Where did they locate when they came? A Stopped at a place now known as Hayden.
Q And where is this woman Emma now? A She is living about 8 miles from Hayden in what is known as the Jim Martin settlement.
Q Where does John Rose live? A Some six miles from Lenepah.
Q How long has he lived there? A The first time that I saw those people I can't exactly fix the date, it was on California Creek over 20 years more than that must have been in '75 or '76.
By Bell-
Q Was this Tilda Dannenberg married? A No sir, she was a widow.
Q Where did she settle? A Near what is Hayden now.
Q How long did she live there? A 5 or 6 years.
Q And kept these children with her? A Not all the time.
Q How long did she have them? A 2 or 3 years when she first came there.
Q I mean Emma Rose- I am speaking of John J. Rose's wife? A That is Emma- she kept Jim with her all the time.
Q I am speaking of John J. Rose's wife? A That is what I mean.
Q When did you come back to this country? A That first time.
Q Yes sir? A In '65.
Q And then you came back again? A Yes sir.
Q In '69? A Yes sir.
Q Are you on the 1880 roll? A I am a citizen all right and was admitted at Vinita.
Q Are you on the roll of 1890? A I said I was a citizen all right.
Q Who came back besides your family? A Reed Whitney, Joe King, Andy Pader.
Lewis Whitmore, called and sworn as a witness for the applicant.
By Mr. Smith.
Q What is your name? A Lewis Whitmore

2. 1886.

- Q. Where do you live? A. Hayden, I. T., on Lightning Creek.
- Q. How long have you lived in the Cherokee Nation? A. Never lived out of the Cherokee Nation.
- Q. Do you know a girl named Rose? A. Yes sir.
- Q. How long have you known her? A. I have known her about 25 years.
- Q. Do you know his wife Rose? A. Yes sir.
- Q. Was she before the war? A. Mr. Dannerberg, and his family.
- Q. Were they Cherokee aborigines? A. Yes sir.
- Q. Where did they live? A. I can't tell exactly if it was in Flint or Coopersville, 2 or 3 miles from the line.
- Q. How big was she then she came back? A. I don't recollect how big but she was a small girl when the war commenced.
- Q. She was out of the Cherokee Nation when the war was going on was she? A. Yes sir I guess so.
- Q. Where did you first see her after the war? A. Her mother was at the old Harry Still place up on Lightning creek.
- Q. When did you first see her with her mother? A. Sometime in the winter of '06.
- Q. Did you know who she was with? A. With her mother.
- Q. Did you come back to this country the same time Harry Still did or not? A. No sir I came down same summer though.
- Q. Do you know who brought this woman and these children to the Cherokee Nation? A. No sir.
- Q. How long did you want to see them up around there? A. They were there 5 or 6 weeks, taken a claim there, it was cold weather, they got dissatisfied and gave it up.
- Q. Where did you next see them? A. On Coopersville Bend, I was up there to the Chief election up there and see them.
- Q. Have you ever been to the Rose house at Lenapah? A. No sir.
- By Bell.
- Q. How far from the Harry Still place do you live? A. Just a short mile just like going from here over to town.
- Q. That was in 1868 that you was over here and saw these people?
- A. Yes sir.
- Q. How long did Mr. Rose stay there with her mother? A. I just saw them there a short time.
- Q. About how long? A. 5 or 6 weeks.
- Q. Where did she go then? A. I don't know where she went, the next I heard of them was that they had a place up near Lenapah. I has never been to that place there, don't know where it is.
- Q. You know that they have lived up near Lenapah though? A. Yes sir.
- John Landrum called and asked me a witness for the applicant.
- By Mr. Smith.
- Q. What is your name? A. John Landrum.
- Q. Where do you live? A. On Lightning creek.
- Q. What is your post-office? A. Hayden.
- Q. How long have you lived there? A. 30 years.
- Q. How long have you lived in the Cherokee Nation? A. I was hired here and raised here.
- Q. Do you know Rosa Rose who was the wife of John Rose? A. Yes sir I am slightly acquainted with her.
- Q. Did you know her before the war? A. Yes sir - I saw her a time or two.
- Q. Was she a slave? A. Yes sir.
- Q. Who did she belong to? A. The Dannerbergs.
- Q. Where was she when the war came up? A. In Flint District.
- Q. How did you first see her in the Cherokee Nation after the war?
- A. On Lightning creek.
- Q. What? A. Fall of '06.
- Q. Who was she with? A. Her mother.
- Q. Do you know how long they staid in that nation? A. I think they must have staid there 4 or 5 years or near so I can't recollect.

(5)

Q How far is it from where you saw them to Lewis and Clark? A 2 miles north east.

By Bell:

Q You say you knew Jim Rose before the war? A Yes sir I saw her.

Q About what size was she when she was young? A Small.

Q How 4 or 5 years old? A I don't know, I was small myself.

Q About what age was she? A Might have been 7 or 8 I don't know.

Q Where did you see her before the war? A Where they lived on Flint.

Q Where did you live at that time? A On business, this side of Kayceville.

Q How far from Kayceville was that place? A About 12 miles, on the military road right on the river, the Jess Buffington place is where I was raised.

Q How far was that from the Dunnington place? A It was a long way.

Q How old are you now? A 59 as near as I can tell.

Q What was you doing there at the Dunnington place at that time?

A My master carried me up there.

Q When was that? A That was a long time before the war came up.

Q Well how long before the war came up? A I can't tell exactly, it was not so long before the war came up though.

Q Who was your master? A At that time I belonged to Jim.

Q Jim Dunnington? A No sir Jim Dunnington they called him.

Q What was he doing there at the Dunnington place? A On business I guess.

Q Selling some of your? A No sir not exactly, I don't know, I never was sold in my life.

Q How many days did it take you to go up there from where you lived?

A 2 or 3 days or more in wagons.

Q How long did you stay there after you got there? A 2 or 3 days.

Q Can you tell close to where they lived on Flint? A No sir I can't.

Q You got through with that visit and came back home and never saw her again until you saw her up there on Lightning? A Saw her mother in Fort Scott.

Applicant re-called and examined by Mr. Smith:

Q Where were you living in 1850? A On California creek, near the Whiskey crossing.

Q Were you and your wife living together then as man and wife? A Yes sir.

Q Do you know why you wasn't put on that roll? A At the time the census takers came round in the spring of '75, the census takers was Dick Dock and W. Hicks, they come to the house and my wife was absent and I gave in her name and all the rest of the family; there was an order from the chief of the executive office for all those who had not met the census takers before to appear at the district clerk and give in their census, and in '75 I taken my mother in law and went to the clerk and gave them in and swore to it and signed it by my name - that was the same year that Mr. Wallace made the roll of the freedmen that I went to Tallapoosa and got Mr. Rankin to go out and see the office and see if my people was down and he did and the clerk there told him the the district clerk, C. C. Lips, had never sent in any such paper reports.

By Bell:

Q That was in '75? A Yes sir, the time that Jacob Lips was clerk he took the oath and they said that the first oath that he took then was that of this her woman's mother, Tilda Dunnington.

By Smith:

Q Do you know why she was not placed on the 1850 roll? A Just rejected her then, they rejected her after that.

Q You were here at the time? A Yes sir.

By Hon'ble Justice: John J. Rose applied for himself and two children Robert and James Rose, and he makes satisfactory proof

By his marriage to Sam Dannenberg according to the laws of the Cherokee Nation; the name of his wife is not found on the authenticated roll of 1880, but is identified on the Fern Clifton and Wallace rolls; the names of the two children above named are by his said wife Emma and are identified on the Fern Clifton roll; he makes satisfactory proof as to his marriage in the year 1880 according to the laws of the Cherokee Nation; they are all duly identified but for the reason that the name of the said Emma Dannenberg, the wife of the said John J. Rose does not appear on the authenticated roll of 1880, and because of the fact that the Cherokee Nation provides the enrollment of these parties, the said John J. Rose will be listed for enrollment as a Cherokee Freedman by inter-marriage on a doubtful card, and the two children James and Robert Rose will be listed for enrollment as Cherokee Freedmen on a doubtful card, and the final decision of the Commission will be made known to them by mail.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the portion of the testimony as indicated as having been taken by him, 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 6th of June, 1901, at Chelsea, I. T.

(signed) T. B. Needler,
Commissioner.

W. 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.

W. D. Green

Subscribed and sworn to before me this November 19th, 1901.

[Handwritten Signature]

COMMISSIONER
of the Public.

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JUL 18 1901
U.S. DEPT. OF THE INTERIOR

William Rose, et al. -2.

18713

The said William Rose will now be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the decision of the Commission in his application when the same is arrived at.

He applies for the enrollment of his child, Daisy Rose. He avers that he is the father of Daisy and the mother of Daisy is one Allie Renfro, and that he was never married to her or lived with her as man and wife, consequently the application for the enrollment of his child, Daisy Rose, will be rejected.

Reference is made to Section 692 of the revised laws of the Cherokee Nation of 1892 as to the application for the enrollment of Daisy and as to the status of the said Daisy.

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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.

Subscribed and sworn to before me this July 9th, 1901.

Commissioner.

RECORDED as to child, lady

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
ROCKAWAY, I. T. JUNE 21st, 1901.

In the matter of the application of William Ross for the en-
largement of his allotment and the case of Mrs. S. Freedman, said Ross
and Mrs. S. Freedman, and also Mrs. J. B. Needles, testified

That he was entitled to the same as Mrs. S. Freedman, a Mrs. S.

That he was a black horse

and in a position of

in the same way as

and in the same way

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and in the same way

William Rose, et al. --2.

The said William Rose will now be listed for enrollment
as a Cherokee Indian upon a doubtful card. He will
be notified by mail of the decision of the Commission in
the application when the same is arrived at.
The applicant has the care and custody of his child, Daisy Rose,
and is the father of Daisy and the mother
of one little Benjie and that he was never mar-
ried to the said Daisy and wife, consequently
the application for the enrollment of his child,
will be refused.
Reference is made to Section 592 of the revised laws of
the Cherokee Nation of 1899 as to the application for the
enrollment of Daisy and as to the status of the said Daisy.

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When using this mail service, please use as many
copies as the Commission to the Five Civilized Tribes, he correctly
reported the facts and proceedings in this case, and that the
correct copy and complete transcript of his stenographic
notes are attached.

J. L. ...

Subscribed and sworn to before me this 5th day of 1901

[Signature]

Notary Public

Q Who did you live with there in Lawrence? A With my wife.
 Q Who was he? A Harry Gunter. Q Is he living or dead? A Dead.
 Q When did he die? A A year and six months ago.
 Q Since you came here? A Yes sir.
 Q You dont know what year it was when you went to Lawrence?
 A I dont know that, *****
 Q It was some time after you went up there before you saw his
 Matilda? A Yes sir
 Q When you discovered her there how far was she living from you?
 A Must have been 2 or 3 miles, she wasn't living right in town, she
 lived kinda in the country.
 Q You lived in town? A I lived on the north side of the river, the
 river was betwixt us and town.

This will be filed in the original application, that of John D. Rose,
 D-474 and also in Cherokee Freedmen doubtful cases, F-514;
 D-515; D-516; D-517; D-518; D-519; D-520; D-521; D-477; F-804; F-882;
 D-883 and R-132.

Chas. von Weise, being duly sworn states that as stenographer
 to the Commission to the Five Civilized Tribes he reported in full
 all the proceedings 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 of October, 1901.

(Signature)
 Commissioner.

DEPARTMENT OF THE INTERIOR
 BUREAU OF INDIAN AFFAIRS
 OCT 24 1901
 RECEIVED
 THE INDIAN DEPARTMENT

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

SUPPLEMENTAL TESTIMONY in the matter of the application of John J. Rose, G. F. P. 474.

Appearances:

James S. Davenport for the Cherokee Nation.
Mellette & Smith for the applicant.

PHILLIS GUNTER 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 Phillis Gunter.
Q Where do you live? A In Gooseneck Bend, Cooweescoowee district.
Q How old are you? A I just dont know my age exactly.
Q Do you know John J. Rose? A Yes sir, I know him.
Q Do you know Emily Nolen who was formerly the wife of John J. Rose?
A Yes sir.
Q Where did you first get acquainted with them? A I was acquainted with their mother in slave times.
Q With their mother, whose mother do you mean? A Emily's mother.
Q What was her name? A Matilda Dannenburg.
Q Were John J. Rose and Emily Nolen any relation to each other? A Yes sir they got married.
Q Where did they get married? A In Kansas somewhere, I cant tell exactly the place.
Q Where did you know John J. Rose and Emily as man and wife? A Right there in Lawrence.
Q When did you come back to the Cherokee Nation after you knew them in Lawrence? A As near as I remember it was the year before the Grass or Bread payment.
Q Do you know what year that was, what year the bread payment was made? A No sir.
Q Where was John and Emily living when you come back from Lawrence?
A I left them up there.
Q Up where? A Lawrence Kansas and never seen them any more until they come here.
Q Did they have some children? A Yes sir.
Q Do you know the names of any of them? A A little boy named Charlie and a girl named Lizzie is all they had then.
(By Smith)
Q Are you a freedman? A Yes sir that is what I have been claiming.
Q Are you on any of the rolls of the Cherokee Nation? A Yes sir.
Q What rolls? A My case was taken up at Chelsea.
Q I ask what rolls you are on? A Clifton and Wallace rolls I guess they call it.
Q Who did you belong to before the war? A I belonged to a woman, she was a Starr before she married and she married a man named Latty.
Q What was her name before she married? A Jane Starr.
Q What was her father's name? A I dont know.
Q Where did they live? A At the old home up in Flint and in Sequoyah
Q Near what town? A Not close to any town, lived out in the country, the closest town was Evansville.
Q Were you living there when the war commenced? A Yes sir.
Q Where did Emily's mother live? A With Mrs. Dannenburg.
Q How far from where you lived? A In the same district but it was further off, north from me, I cant tell the distance exactly.
Q Was it 30 miles? A No sir, I dont think it was quite that far.
Q You didn't know Emily herself before the war? A Yes sir I knowed her.
Q I thought you said you knew her mother— what was her mother's name?
A Matilda Dannenburg.
Q Did you, or did you not know Emily before the war? I think Emily

- was born before the war, if she was she was a small child; I know I saw her in her mother's arms.
- Q Was that before the war? A Yes sir.
- Q Sure of that? A Yes sir.
- Q Where did you ever see her in her mother's arms before the war?
- A With her mother at the Dannenburg place.
- Q How many times were you at the Dannenburg place? A I was hired out to his brother Nathan.
- Q How far did the two Dannenburg brothers live apart? A I cant say exactly how far.
- Q Cant you give some idea as to how far? A I dont know exactly.
- Q Did they live 450 miles apart? A Nathan lived in town and one lived in the country.
- Q Was it 400 miles apart? A No sir it wasn't, I dont suppose it was over five miles, it wasn't five miles, it was between 3 and 4 miles I guess.
- Q When the war come up where did you go? A When the war come up for a little while—when the war was riging so I was with my owners at Parkhill a while and then came back to the old home place.
- Q When did you go up to Kansas? A About the time of the close of the war, just about the time that Quantrell's raid was in Lawrence.
- Q What place in Kansas did you go to? A Lawrence.
- Q Where was this Matilda then, didn't you say you saw Matilda there?
- Q When I first went up in Lawrence?
- Q Yes sir? A I didn't see her when I first went up there, we lived on one side of the river and they lived on the other, but I shortly afterwards saw her, I didn't see her for the first day or two after I got there.
- Q You said a while ago that you saw Emily in her mother's arms you though before the war, how long before the war was it? A I cant say I dont know, I dont recollect that far back, I have told it as straight as I know.
- Q You claim to have known this woman ever since she was a little baby, now when was she a little baby? A I cant say.
- Q How big was she when the war come up? A Quite a little girl.
- Q How many years old? A I dont know, never paid any attention, just seen them and knowed them, I dont know anything about the ages.
- Q Was she three years old? A She might have been and might have been more.
- Q Well, about how old? A I dont know.
- Q You saw her and would know the difference between a girl three years old and one ten years old wouldn't you? A Yes sir I might.
- Q You are in doubt about that are you? A Yes sir.
- Q How old was Emily when you saw her at Lawrence? A Little child
- Q How long did you live in Lawrence? A I dont know how many years, I staid there a good while.
- Q You dont know if it was one year or two years or 22 years? A I know it wasn't 22.
- Q Was it over two? A Yes sir I guess it was.
- Q How much over? A I dont know.
- Q Was you living there as much as five years? A I dont know if I did or not, I know I was there that is all I do know.
- Q Cant you give some idea—was you there as much as five years? A I dont know if I was there five years or over five years or under five years, I dont just exactly know the years or dates, I know I was there quite a while, I know I was there two or three years anyway.
- Q You can be safe in saying that it was over two years, two or three years? A Yes sir.
- Q You wouldn't swear positively that you were there as much as five years though? A No sir.
- Q You will swear positively that you were there as much as two or three years? A Yes sir for I know I was there that much.

Q Who did you live with there in Lawrence? A With my husband.
Q Who was he? A Harry Gunter. Q Is he living or dead? A Dead.
Q When did he die? A A year and six months ago.
Q Since you came here? A Yes sir.
Q You dont know what year it was when you went to Lawrence? A No sir
I dont know that, ~~xxxxxx~~
Q It was some time after you went up there before you saw this
Matilda? A Yes sir.
Q When you discovered her there how far was she living from you? A
Must have been 2 or 3 miles, she wasn't living right in town, she
lived kinda in the country.
Q You lived in town? A I lived on the north side of the river, the
river was betwixt us and town.

=====

This will be filed in the original application, that of John J. Rose,
C. F. D. 474 and also in Cherokee Freedmen doubtful cases, D-514;
D-515; D-516; D-517; D-518; D-511; D-520; D-521; D-477; D-804; D-882;
D-883 and R-132.

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.

W. H. [Signature]
Commissioner.

"R"

File with Cherokee Freedmen D-R 132, Daisy Rose.

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

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the
matter of the application of EMILY NOLAN for enrollment as a Freed-
man of the Cherokee Nation, D-511.

Appearances:

Mr. Mellette, of Mellette & Smith, Vinita, I. T., at-
torneys for the applicants;
Mr. J.S. Davenport, of attorneys for the Cherokee Nation.

MARTHA PACK, being sworn and examined, testified as
follows:

BY MR. DAVENPORT:

- Q What is your name? A Martha Pack.
Q Where do you live? A Tahlequah.
Q How long have you lived in Tahlequah? A About 15 years.
Q Where did you live before you went to Tahlequah? A I lived
in Saline District.
Q Do you know a colored woman by the name of Emily Nolan now, that
is, who goes by that name at present? A I know her, but I don't
know her by that name.
Q What name do you know her by? A I know her by Emily Rose.
Q Where did you first get acquainted with her? A I got acquainted
with her in Coffeyville, Kansas.
Q How long ago was it that you got acquainted with her in Coffeyville
Kansas? A Well it has been about 25 years, if not longer.
Q Where was she living at that time, if you know? A She was living
in Coffeyville, Kansas.
Q Did you have any conversation with her at that time, become quite
well acquainted with her? A Yes sir, well acquainted with her.
Q Did she tell you anything about where she had lived prior to
moving to Coffeyville? A No, but they came from upper Kansas there.
Q Came from somewhere else in Kansas? A Yes, up above.
Q You know where she is living now, or about what locality?
A I think she lives on Big Creek or somewhere up in there.
Q In the Cherokee Nation? A Yes sir.
Q Have you seen her since you saw her when she was living in
Coffeyville, Kansas? A Oh yes sir, lots of times.
Q How long did she live in Coffeyville, Kansas, to your knowledge
after you got acquainted with her, or about how long? A Well about
two years I guess, I think.
Q You had never known her before the war had you? A No, never
known her.
Q She claims to have been a Dannenberg, I believe, you never knew
her until after she was living with John Rose? A She was living
with John Rose.
Q Was John Rose living with her after you got acquainted with her
in Kansas? A Yes sir. They were all living together, her mother,
Charley's Smith's wife.
Q What was her mother's name? A Tildy Lacey.
Q What was her sister's name? A Jane Smith.
Q You know where Jane Smith is living now? A She lives on Hickory
Creek.
Q That is in the Cherokee Nation? A Yes sir.
BY MR. MELLETTE:
Q Will you say your name is? A Martha Pack.
Q How close is Coffeyville, Kansas to the line of the Cherokee
Nation? A Oh I don't know exactly how close the line is, it was
15 miles at the time where I lived to Coffeyville.
Q Where did she live? A She lived in Coffeyville then.

Q How do you know she did? A I worked there in Coffeyville, and
 she was well acquainted with her.
 Q How long did you work there? A Oh I worked there a year or two.
 Q Which was it? A About a year I guess.
 Q Were they all the time while you were there? A Yes sir.
 Q Where did they live? A They lived right in town.
 Q Were they ever in the Cherokee Nation any? A No sir.
 Q You say they never was lover in the Cherokee Nation? A No, only
 when they went to church.
 Q How do you know? A Because I lived near them, I lived right
 there near, I didn't live with them, I was working right there,
 and was there every day.
 Q How close did you live? A About a hundred yards.
 Q You watched them all that year did you? A No, I didn't watch
 them, I was well acquainted with them, when
 Q When were you first asked about this matter as to what you
 remembered about it? A Why I know about them?
 Q Yes. A Last summer.
 Q Then you remembered back 25 years? A Oh yes sir.
 Q And remember everything that the Tolens did 25 years ago? A No,
 I just know where they lived at, and was well acquainted with them.
 Q You know they lived right there in Coffeyville? A Yes sir.
 Q But you didn't watch them to know exactly where they went at
 different times? A Oh I know where they lived because I passed them
 Q Don't you know they were away from there months at a time? A No
 sir, they was not away from there while I was there; they might have
 went away after that. I know the time they come in the Cherokee
 Nation and made a crop.
 Q When was that? A I don't remember the year exactly, but it
 was the year that the grass-hoppers were just thick in the farms,
 that was the year that Joe Rose and Charley Smith came to the
 Cherokee Nation and made a crop.
 Q What year was that? A I don't remember, I couldn't tell you
 that.
 Q Hadn't they been farming down in the Cherokee Nation all the
 while? A No, that is the first year they went.
 Q Where did they come from to Coffeyville? A They come from in
 above in Kansas
 Q How do you know? A They said they come from above there, I
 didn't know it.
 Q How old are you? A I am about 43 or '4, along there.
 Q They how many years ago was it you saw these people in Coffeyville?
 A It had been about 25.
 Q What makes you think it is 25 years? A Because my oldest child
 is 25 years old.
 Q When was that child born? A I couldn't tell you what year that
 was, but she is 25.
 Q Was she born while the Roses were living there in Coffeyville?
 A Yes sir.
 Q How do you know that? A I know that.
 Q You had a little baby to take care of didn't you? A No I come
 away from there, she had been living there quite a while.
 EXHIBIT 107. This testimony will be filed and made a part
 of the record in the following cases: Nos. 477, 484, 485, 486, 487, 488, 489, 490, 491, and
 494.

M. D. Green, being first duly sworn, stated that he is stenographer to the
 Commission to the Five Civilized Tribes and that he has prepared the
 testimony and proceedings in this case and that the foregoing is a
 true and complete transcript of his stenographic report thereof.

Subscribed and sworn to before me
 this February 28, 1902.

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

In the matter of the application of Robert Ross et al.,
 for enrollment as Cherokee Freedmen, consolidating the applications
 of

- Robert Ross et al. - - - - - Cherokee Freedmen D 474, ✓
- Jane Smith et al. - - - - - Cherokee Freedmen D 814, ✓
- Nully Helen et al. - - - - - Cherokee Freedmen D 811, ✓
- Pearl Smith - - - - - Cherokee Freedmen D 818, ✓
- Matilda Smith - - - - - Cherokee Freedmen D 816, ✓
- Mary Blackburn et al. - - - - - Cherokee Freedmen D 817, ✓
- Charles Ross - - - - - Cherokee Freedmen D 820, ✓
- James Colbert et al. - - - - - Cherokee Freedmen D 821, ✓
- Geneva Lynch et al. - - - - - Cherokee Freedmen D 822, ✓
- William Ross - - - - - Cherokee Freedmen D 804, ✓
- Daisy Ross - - - - - Cherokee Freedmen R 132, ✓
- Minora Smith - - - - - Cherokee Freedmen D 827, ✓
- Cora Morris et al. - - - - - Cherokee Freedmen D 823, ✓

DECISION.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by John J. Ross, for his minor children, Robert and James Ross; said application also included the said John J. Ross, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said John J. Ross is not embraced in this decision; by Charles C. Smith, for his wife, Jane, and minor children, Chester, Frank, Bertha, Catherine, Curtis and Melvella Smith; said application also included the said Charles C. Smith, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Charles C. Smith is not embraced in this decision; by Nully Helen, for herself and minor child, Jessie Ross; by Pearl Smith, for herself; by Matilda Smith, for herself; by Mary Blackburn, for herself and minor child, Jeff Dickson; by Charles Ross, for himself; by James Colbert, for himself and minor children, Myrtle, Mable, Minnie, Walter J., Hanisteen and Pearl L. Colbert; said application also included Susie Colbert, wife of the said James Colbert, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time the said Susie Colbert is not embraced in this decision; by Geneva Lynch, for herself and minor children, John Looney and Prue Lynch; by William Ross, for himself; by William Ross, for his minor child, Harry Ross; by Minora Smith, for herself; and by Cora Morris, for herself and minor children, Clarence, David, Charles and Helen Morris. Copies of the testimony taken in the cases of Edward Wright, Cherokee Freedman D 818; Aaron Vothel, Cherokee Freedman D 819; Joe Ross, Cherokee Freedman D 842 and Elisabeth Neigs, Cherokee Freedman D 351, and Harry Still, Cherokee Freedman (876), are filed with and made a part of the record herein.

The evidence shows that Jane Smith, Emily Helen, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Damsberg), deceased; that they were the slaves of Cherokee citizens at the commencement of the rebellion; and that they went to Kansas during said rebellion. It is shown by evidence introduced in behalf of the applicants that said Jane Smith, Emily Helen and James Colbert returned to the Cherokee Nation with Mariah Hayden, mother of Harry Still, after the war; and the Commission has decided in the case of Henry C. Hayden et al., Cherokee Freedmen R 198, that the said Mariah Hayden did not return to and take up her residence in said Nation until after 1873 which decision was approved by the Department on November 28, 1902 (I.T.D. 5988, 6242-1902).

Jack Landrum, a witness in behalf of the applicants, testified that the said Matilda Colbert and her daughter Emily, returned to the Cherokee Nation in the fall of 1866 and remained therein for a period of four or five years following that date. If the testimony of Harry Still to the effect that said applicants returned with Mariah Hayden, his mother, be accepted as true it follows that said Jack Landrum is in error when he states that Matilda Colbert and her daughter, Emily, were living in the Cherokee Nation from 1866 to 1870 or 1871. Again, Landrum is positively contradicted by the testimony of Hattie Drake and Jonathan Jones, two witnesses whose testimony is corroborated by other circumstances. Hattie Drake testified that she knew Emily Helen, James Colbert and Jane Smith in Kansas at the close of the war; and that following that time she attended school with Emily Helen and Jane Smith "at two different times" (years). Jonathan Jones testified that he removed to Topeka, Kansas, in February, 1866; that a year or two thereafter he became acquainted with Matilda Colbert and her three children, Emma, Jane and James, who were then residing at said place; and that they continued to reside there for a period of five or six years following the time he first got acquainted with them. The marriage license dated February 6, 1868, in which the said Matilda Colbert is described as "Matilda Damsburg of Topeka" tends to corroborate the testimony of said Jones. Inasmuch as the witness Landrum is shown to be mistaken in his statement that Matilda Colbert and her daughter, Emily, remained in the Cherokee Nation for four or five years following the fall of 1866, is it reasonable to presume that his testimony is any more accurate on the other points in controversy?

As to the testimony of applicants' witness, Harry Still, it is to be observed that, in his own case, it is established by the weight of evidence that he did not return to the Cherokee Nation until after January 19, 1867. So that if he came back to said Nation with any of the applicants it is obvious that they arrived in said Nation too late to acquire any rights to enrollment. Upon consideration of all the evidence, therefore, we are of the opinion that said Jane Smith, Emily Helen and James Colbert did not return to said Nation until after the time specified, in the decree of the Court of Claims rendered on February 3, 1866, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of Freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866; that they are the descendants of and claim right to enrollment through said Emily Helen, Jane Smith or James Colbert; and that they have no other right except as such descendants. The names of none of said applicants herein are found on the 1860 authenticated roll of said Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Robert Rose, James Rose, Jane Smith, Chester Smith, Frank Smith, Martha Smith, Catherine Smith, Curtis Smith, Malveta Smith, Emily Nelson, Jennie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jerry Dickson, Charles Rose, James Colbert, Myrtle Colbert, Mable Colbert, Minnie Colbert, Walter J. Colbert, Ernestine Colbert, Pearl L. Colbert, Geneva Lynch, John Leoney, Fruz Lynch, William Rose, Daisy Rose, Elvora Smith, Cora Harris, Clarence Harris, David Harris, Charles Harris and Helen Harris, as Cherokee Freedmen, should be denied under the provisions of section twenty-one of the act of Congress, approved June 28, 1906 (34 Stat., 597), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES .

(Signed) Tom Sixty, Chairman,
T.B. Needles, Commissioner,
C.B. Brockbridge, Commissioner,
W.H. Stanley, Commissioner.

McKees, Indian Territory,
This Mar 11 1904.

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

In the matter of the application of Robert Ross et al. for enrollment as Cherokee Freedmen, consolidating the applications of

- Robert Ross et al. - - - - - Cherokee Freedmen D 474,
- Jane Smith et al. - - - - - Cherokee Freedmen D 514,
- Maily Nelson et al. - - - - - Cherokee Freedmen D 511,
- Pearl Smith - - - - - Cherokee Freedmen D 510,
- Katilda Smith - - - - - Cherokee Freedmen D 510,
- Mary Blackburn et al. - - - - Cherokee Freedmen D 517,
- Charles Ross - - - - - Cherokee Freedmen D 518,
- James Colbert et al. - - - - - Cherokee Freedmen D 520,
- Geneva Lynch et al. - - - - - Cherokee Freedmen D 521,
- William Ross - - - - - Cherokee Freedmen D 521,
- Daisy Ross - - - - - Cherokee Freedmen D 504,
- Minora Smith - - - - - Cherokee Freedmen R 132,
- Cora Morris et al. - - - - - Cherokee Freedmen D 522,

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 John J. Ross, for his minor children, Robert and James Ross; said application also included the said John J. Ross, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said John J. Ross is not embraced in this decision; by Charles C. Smith, for his wife, Jane, and minor children, Chester, Frank, Bertha, Catherine, Curtis and Melvella Smith; said application also included the said Charles C. Smith, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time, the said Charles C. Smith is not embraced in this decision; by Maily Nelson, for herself and minor child, Jessie Ross; by Pearl Smith, for herself; by Katilda Smith, for herself; by Mary Blackburn, for herself and minor child, Jeff Dickson; by Charles Ross, for himself; by James Colbert, for himself and minor children, Myrtle, Mahle, Minnie, Walter J., Remisteen and Pearl L. Colbert; said application also included Susie Colbert, wife of the said James Colbert, who claims right to enrollment as a Cherokee Freedman by intermarriage, but the status of persons claiming right to enrollment as Cherokee Freedmen by intermarriage not being fixed at this time the said Susie Colbert is not embraced in this decision; by Geneva Lynch, for herself and minor children, John Looney and Prue Lynch; by William Ross, for himself; by William Ross, for his minor children, Roy Ross; by Minora Smith, for herself; and by Cora Morris, for herself and minor children, Clarence, David, Charles and Helen Morris. Copies of the testimony taken in the cases of Edward Wright, Cherokee Freedman D 515; Aaron Webber, Cherokee Freedman D 516; Joe Ross, Cherokee Freedman D 542 and Elizabeth Spigs, Cherokee Freedman D 341, and Harry Still, Cherokee Freedman 476, are filed with and made a part of the record herein.

The evidence shows that Jane Smith, Emily Wolen, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Bannenberg), deceased; that they were the slaves of Cherokee citizens at the commencement of the rebellion; and that they went to Kansas during said rebellion. It is shown by evidence introduced in behalf of the applicants that said Jane Smith, Emily Wolen and James Colbert returned to the Cherokee Nation with Mariah Hayden, mother of Harry Still, after the war; and the Commission has decided in the case of Henry C. Hayden et al., Cherokee Freedmen R 198, that the said Mariah Hayden did not return to and take up her residence in said Nation until after 1873 which decision was approved by the Department on November 28, 1902 (I. T. S. 8988, 6242-1902).

Jack Landrum, a witness in behalf of the applicants, testified that the said Matilda Colbert and her daughter Emily, returned to the Cherokee Nation in the fall of 1866 and remained therein for a period of four or five years following that date. If the testimony of Harry Still to the effect that said applicants returned with Mariah Hayden, his mother, be accepted as true it follows that said Jack Landrum is in error when he states that Matilda Colbert and her daughter, Emily, were living in the Cherokee Nation from 1866 to 1870 or 1871. Again, Landrum is positively contradicted by the testimony of Mattie Drake and Jonathan Jones, two witnesses whose testimony is corroborated by other circumstances. Mattie Drake testified that she knew Emily Wolen, James Colbert and Jane Smith in Kansas at the close of the war; and that following that time she attended school with Emily Wolen and Jane Smith "at two different times" (years). Jonathan Jones was testified that he removed to Topeka, Kansas, in February, 1866; that a year or two thereafter he became acquainted with Matilda Colbert and her three children, Emma, Jane and James, who were then residing at said place; and that they continued to reside there for a period of five or six years following the time he first got acquainted with them. The marriage license dated February 8, 1869, in which the said Matilda Colbert is described as "Matilda Bannenberg of Topeka" tends to corroborate the testimony of said Jones. Inasmuch as the witness Landrum is shown to be mistaken in his statement that Matilda Colbert and her daughter, Emily, remained in the Cherokee Nation for four or five years following the fall of 1866, is it reasonable to presume that his testimony is any more accurate on the other points in controversy?

As to the testimony of applicants' witness, Harry Still, it is to be observed that, in his own case, it is established by the weight of evidence that he did not return to the Cherokee Nation until after January 19, 1867. So that if he came back to said Nation with any of the applicants it is obvious that they arrived in said Nation too late to acquire any rights to enrollment. Upon consideration of all the evidence, therefore, we are of the opinion that said Jane Smith, Emily Wolen and James Colbert did not return to said Nation until after the time specified in the decree of the Court of Claims rendered on February 3, 1866, in the case of Moses Whitmire, trustee, etc., vs the Cherokee Nation et al., for the return of Freedmen to said Nation.

It further appears that all the other applicants herein were born since 1866; that they are the descendants of said claim right to enrollment through said Emily Wolen, Jane Smith or James Colbert; and that they have no other right except as such descendants. The names of some of said applicants herein are found on the 1880 authenticated roll of said Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(Signed) Tamm Kirby, Chairman.
E. J. Walker, Commissioner.
C. H. Walker, Commissioner.
W. H. Stanley, Commissioner.

Madogee, Indian Territory,

this Mar 11 1904.

D

FR 132

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 21, 1901*
Post Office *Kenapah St.*
District *Co.*

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

- | | | | | | |
|-----|-------------------|------|------|-----|-------|
| 3. | <i>Maisy Rose</i> | Year | Page | No. | Dist. |
| 4. | | Year | Page | No. | Dist. |
| 5. | | Year | Page | No. | Dist. |
| 6. | | Year | Page | No. | Dist. |
| 7. | | Year | Page | No. | Dist. |
| 8. | | Year | Page | No. | Dist. |
| 9. | | Year | Page | No. | Dist. |
| 10. | | Year | Page | No. | Dist. |
| 11. | | Year | Page | No. | Dist. |
| 12. | | Year | Page | No. | Dist. |

Application made by *Wm. Rose (father)* Stenographer *J. L. Ross*

*Ch. made by Sec. 692, Revised laws of
Cher. Nation 1892*

X Ref

Cherokee Freedmen
D- 474 et al.

Muskogee, Indian Territory, March 22, 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 11, 1904, in the consolidated case of Robert Ross et al., rejecting the applications for the enrollment of Robert and James Ross, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvina Smith, Emily Helen, Jessie Ross, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Ross, James, Myrtle, Mable, Minnie, Walter J., Braxton and Pearl L. Colbert, Geneva Lynch, John Looney, Bruce Lynch, William and Daisy Ross, Vera, Clarence, David, Charles and Helen Morris 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,

Cherokee Freedmen
D-474 et al.

Muskogee, Indian Territory, March 22, 1904.

Edgar Smith,

Attorney for Robert Ross et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Robert Ross et al., together with a copy of the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and James Ross, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvola Smith, Emily Helen, Jessie Ross, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Ross, James, Myrtle, Mable, Minnie, Walter J., Erneston and Pearl L. Colbert, Geneva Lynch, John Leary, Prue Lynch, William and Daisy Ross, Elvora Smith, Cora, Clarence, David, Charles and Helen Morris 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,

Register.

Commissioner in Charge.

Cherokee Freedmen
D-474 et al.

Muskogee, Indian Territory, March 22, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Robert Rose et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Robert and James Rose, Jane, Chester, Frank, Bertha, Catherine, Curtis and Melvola Smith, Emily Nolen, Jessie Rose, Pearl Smith, Matilda Smith, Mary Blackburn, Jeff Dickson, Charles Rose, James, Myrtle, Mable, Minnie, Walter J., Ernisteen and Pearl L. Colbert, Geneva Lynch, John Looney, Prue Lynch, William and Daisy Rose, Elnora Smith, Cora, Clarence, David, Charles and Helen Morris as Cherokee freedmen.

Respectfully,



Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. ~~4~~-25.

(COPY)

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, October 10, 1904.

Refer in reply
to the following:

Land,

20282-1904.

71324-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 22, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen by John J. Rose for his minor children, Robert and James Rose; by Charles C. Smith for his wife, Jane, and minor children, Chester, Frank, Bertha, Catherine, Curtis and Melvella Smith; by Emily Nolan for herself and her minor child, Jennie Rose; by Pearl Smith for himself; by Matilda Smith for herself; by Mary Blackburn for herself and minor child, Jeff Dickson; by Charles Rose for himself; by James Gilbert for himself and minor children, Myrtle, Nable, Minnie, Walter J., Ernestine and Pearl L. Gilbert; by Geneva Lynch for herself and her minor children, John Leoney and Prue Lynch; by William Rose for himself; by William Rose for his minor child, Daisy Rose; by Elmore Smith for herself, and by Cera Morris for herself and minor children, Clarence, David, Charles and Helen Morris.

March 11, 1904, the Commission decided adversely to all the applicants.

-2-

The evidence shows that Jane Smith, Emily Nelson, formerly Rose, and James Colbert are the adult children of Matilda Colbert (formerly Danksberg), deceased; that they were the slaves of Cherokee citizens at the beginning of the war of the rebellion and that they went to Kansas during said war. It is shown by evidence on behalf of the applicants, that Jane Smith, Emily Nelson and James Colbert returned to the Cherokee Nation with Mariah Hayden after the war; that the Commission has decided that the said Mariah Hayden did not return to and take up her residence in the Cherokee Nation until after 1873, which decision was approved by the Department on November 23, 1902 (I. T. D. 2922, 3243-1902).

It further appears that all the other applicants were born since 1866; that they are the descendants of, and claim right to enrollment through said Emily Nelson, Jane Smith or James Colbert and have no other rights except as such descendants.

The elder applicants are identified on the Kerr-Elifson and Wallace rolls, but none is identified in the 1880 authenticated Cherokee roll.

A brief (71324-1904), has been filed in the applicant's behalf, and the same has been carefully considered.

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

Very respectfully,

A. S. Tomer

Acting Commissioner.

H.M.M.
W.

(COPY)

DEPARTMENT OF THE INTERIOR,

W. C. F.
I. P.
FHE

D. C. 47303-1904.

WASHINGTON. December 3, 1904.

I. T. D. 10738-1904.

LRS

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

Gentlemen:

March 22, 1904, you transmitted the record in the consolidated Cherokee freedman case of Robert Ross, et al (F. D-474 et al), including your decision of March 11, 1904, which was adverse to the applicants.

Reporting in the matter October 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

Due consideration has been given to a brief filed by the attorney for the applicants in the case.

The Department concurs in the Acting Commissioner's recommendation, and your decision is hereby affirmed.

Respectfully,

(Signed) Elias Ryan

Acting Secretary.

1 inclosure.

1 COPY.

Cherokee Freedmen
D-804 R-132.

Muskogee, Indian Territory, December 14, 1904.

William Rose,

Lenapah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, reflecting, among others, the application for the enrollment of yourself and your minor child, Daisy Rose, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

Tame Bixby.
Chairman.

COPY.

Cherokee Freedmen
D-474, et al.

Muskogee, Indian Territory, December 14, 1904.

Edgar Smith,

Attorney for Robert Rose, et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jessie, Charles, William and Daisy Rose; Jane, Chester, Frank, Bertha, Catherine, Curtis, Melvola, Pearl, Matilda and Elvira Smith; Emily Helen; Mary Blackburn; Jeff Dickson; James, Myrtle, Mable, Minnie, Walter J., Eris-teen and Pearl L. Colhart; Geneva and Prue Lynch; John Leoney, and Cora, Clarence, David, Charles and Helen Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

W. W. W. (SIGNED) *James Bixby,*
Chairman.

COPY.

Cherokee Freedmen
D-474, et al.

Muskogee, Indian Territory, December 14, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Robert, James, Jessie, Charles, William and Daisy Rose; Jane, Chester, Frank, Bertha, Catherine, Curtis, Melvola, Pearl, Matilda and Elvora Smith; Emily Eolen; Mary Blackburn; Jeff Dickson; James, Myrtle, Mable, Minnie, Walter J., Erniateen and Pearl L. Colbert; Geneva and Prue Lynch; John Looney, and Cora, Clarence, David, Charles and Helen Morris, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1904.

Respectfully,

James Bixby.
Chairman.

COPY

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

March 28, 1906.

Land,
15430-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed letter of the 18th instant from William O. Reall, Acting Commissioner to the Five Civilized Tribes, wherein he says that his office has received by contractual reference of March 10, 1906 (I.T.B. 2523-1906), for report and recommendation, of two letters from Jane Smith of Lenapeh, Indian Territory, dated February 26, 1906, one addressed to the President, and the other to Hon. Thomas Ryan, Assistant Secretary, concerning the title of the oil ownership and allotment applications in the Cherokee Nation of Emily Volon, Jane Smith and James Gilbert.

In her letter Jane Smith says that, "People are filling our lands, drilling and leasing to Oil Co., and the Lenapeh Oil & Gas Co. are now operating an oil well on our lands," and that they have been to the Commission to the Five Civilized Tribes and the Indian Agent for protection. She asks to be advised if the persons named will be allowed to file contest on their land, and if it is "in your power to protect us or stop this Lenapeh Oil & Gas Co." She also

says that, "Our cases are yet pending and people are coming in and taking possession and going to work operating oil wells."

Reporting, Mr. Keall says that the records of the Commissioner's office show that applications were made to the Commission to the Five Civilized Tribes for the enrollment of Jane Smith and James Colbert and Emily Nolon (Nolen) as Cherokee freedmen; that their applications were embraced in the consolidated applications for the enrollment as Cherokee freedmen of Robert Ross, et al., in which the Commission, on March 11, 1904, decided adversely to all the applicants; and that on February 5, 1904, the Commission's decision was published in the Department.

also says that the land described in the claim is not described as a part of the land to which the title is held. The records of his office do not show that the title with application for land as their ancestors in the Five Civilized Tribes. The records of the Commission, however, dated on December 14, 1904, however, the Commission was notified of the report that James Colbert appeared before the office with application, with a view to restriction of the land described in the report, to the NE/4 of the SE/4 of the SW/4, and the NW/4 of the SE/4 of the SW/4 of Section 1, Township 12 North, Range 12 East of the Indian Meridian. The land described in the report was selected as a part of the allotment of James Bowles, and the NE/4 of the SE/4 of the SW/4, same Section, Township and Range, which had theretofore been selected as a part of

the allotment for Peggie Sanders; on behalf of his minor child,
Myrtle Colbert, Lot 3 of Section 18, Township 27 North, Range
14 East, and the NE/4 of the SW/4 of Section 19, Township 27
North, Range 14 East, which had theretofore been selected as a
part of the allotment for Eliza Ratchiff; on behalf of his minor
child, Myrtle Colbert, the W/2 of the NE/4 of the SW/4, and the
SE/4 of the SW/4 of Section 19, Township 27 North,
Range 14 East, theretofore selected as a part of the allotment
of Jennet Beckles; the E/2 of the SW/4 of the SE/4 of Section 19,
Township 27 North, Range 14 East, theretofore selected as a
part of the allotment for John Beckles, and the E/2 of the SW/4
of the SE/4, and the SE/4 of the SW/4 of Section 19,
Township 27 North, Range 14 East, theretofore selected as a part
of the allotment for Henry Beckles; and on behalf of his minor
child, Myrtle Colbert, the West 1/2 of the SW/4 of Section 19
across Section 18, Township 27 North, Range 14 East,
theretofore selected as a part of the allotment for Eliza Ratchiff,
and the SW/4 of the SW/4 of the SW/4 of Section 19 of
the SW/4 of Section 19, Township 27 North, Range 14 East, theretofore
selected as a part of the allotment for John Beckles.

It is the duty of the Commissioner of the General Land Office
to determine the validity of the claims of the allottees
of the lands of the Cherokee Indians, and to issue warrants
for the same to the proper authorities. In the case of the
above named allottees, the Commissioner has determined that
the claims of the allottees are valid, and that the same should
be returned to the allottees.

filed for review or rehearing in these cases, and in the absence of anything to the contrary, it does not appear that Jane Smith, Emily Nolen or James Colbert have any claim to land in the Cherokee Nation.

In view of the report of the Acting Commissioner, I recommend that Jane Smith be advised that since she and the other persons in behalf of whom she writes are not recognized citizens of the Cherokee Nation, that they have no rights to Cherokee lands and cannot be protected in their occupancy of such lands.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

KBH-Y.

D. C. 12735-1906.
I.T.D. 2852-1905.
5194-1906.

COPY

Y.P.
FHE.

LRS

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

April 4, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department is in receipt of the Acting Commissioner's letter of March 19, 1906, relative to two letters from Jane Smith concerning the status of the citizenship and allotment selections in the Cherokee Nation of Emily Nolan, Jane Smith and James Colbert.

On March 30, 1906, you were advised of the filing of a motion to reopen the Cherokee enrollment case of Robert Rose, et al, with which were consolidated the cases of the parties above mentioned, and you were directed to take proper action to protect the applicants in such rights as they might have.

You will immediately advise all the principal applicants that they are at liberty to file contest, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case. Advise W. J. Sullivan, of Muskogee, the party who filed the motion to reopen, hereof, and advise any adverse claimants, promptly, of the filing of any application to

contact, and also the U. S. Indian Agent, Dutch Agency, in order that he may be fully informed in the case of any matter coming before him involving the land.

A copy of Indian Office letter of March 20, 1906, submitting the Acting Commissioner's report, is inclosed.

Very respectfully,

Thos. Ryan,

First Assistant Secretary.

I inclosure.

Through the Commissioner
of Indian Affairs.

Charles
F. E. Smith, Jr.

Baltimore, Johns Hopkins, April 11, 1906.

Chief Clerk,

Executive and Office.

Dear Sir:

There are inclosed herewith copies of Departmental letter of April 4, 1906 (I.I. 2148-1906, 2150-1906), in reply to this office letter of March 19, 1906, relative to two letters from James Smith concerning the status of the citizenship and alienage relations in the Executive office of Billy Solon, James Smith, and James Elliott. The Department refers to the letter to this office of March 19, 1906, advising that a petition has been filed to remove the Executive Freedom case of Robert Spoo, et al., and inclosed the office is advised of the pertinent provisions of said case and the nature of liberty of the contract under the laws providing for service in military cases, to prevent alienage rights they may have to the land in the Executive office.

The Department also directs that E. J. Sullivan of Baltimore, Md., be notified of the nature of the case, as advised by the Department to the Executive office, and that he be advised of the nature of the case, and that he be notified in duplicate and copy, and that E. J. Sullivan Agency, Baltimore, Md., be notified in order that he may be fully informed in the case.

Chief Clerk-A.

ter coming before him involving the land.

The principal applicants in each of the Cherokee freedom cases mentioned in the communication case of Robert Ross, et al., and R. F. Sullivan of Muskogee, Indian Territory, have this day been advised of the Department's letter and notified if any land in the Cherokee nation which they have heretofore held as the prospective allotments of themselves and family, when so they be enrolled as Cherokee citizens, and on which they have permanent and valuable improvements has been selected in allotment by other citizens of the Cherokee Nation, they will be permitted to appear before the office of the Commissioner at the earliest practicable date and their applications to institute contest proceedings therefor will receive due consideration.

Respectfully,

Ind. Cl-11.
GIZ

Acting Commissioner

Cherokee
F R 626 et al.

Washago, Indian Territory, April 21, 1906.

W. J. Sullivan,

Attorney for Robert West, et al.,

Washago, Indian Territory.

Dear Sir:

The Department in its letter to this office of April 4, 1906, referring to its letter of March 20, 1906, in reference to the motion to reopen the Cherokee freedman enrollment case of Robert West, et al., instructs as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are advised that the principal applicants in each of the cases included in the consolidated case of Robert West, et al., has this day been notified that if land in the Cherokee Nation, which he had heretofore claimed as the prospective allotments for himself and the members of his family and on which he has permanent and valuable improvements, has been selected in allotment by other citizens of the Cherokee Nation, he will be permitted to appear before the officer of the Commissioner at the earliest practicable date and his ap-

W. J. Sullivan-2.

Application to institute contest proceedings therefor will then receive due consideration.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,

Incl. GL-10/
GHE.

Acting Commissioner.

Cherokee
F. H. 204,
F. H. 188.

Washington, Indian Territory, April 11, 1906.

William Rose,

Lenapeh, Indian Territory.

Dear Sir:

In letter to this office of March 28, 1906, the Department advises that a motion had been filed to reopen the Cherokee freedman enrollment case of Robert Rose, et al., with which was consolidated your application for the enrollment of yourself and minor child as Cherokee freedmen. The Department in a letter of April 4, 1906, referring to said case, instructs this office as follows:

"You will immediately advise all the principal applicants that they are at liberty to file contest, under the rules governing your office in similar cases, to protect their rights to any lands they may claim they would be entitled to in case a decision by the Department is rendered in their favor in the pending citizenship case."

You are, therefore, hereby notified that if any land in the Cherokee Nation on which you have permanent and valuable improvements, and which you have heretofore held as your private allotments in the Cherokee Nation or in the Territory were enrolled as Cherokee freedmen, and you have not previously been notified by other citizens of the Cherokee Nation, you will be permitted to appear before the office of the Commissioner at the

William Ross

earliest practicable date at which time your application to
institute contest proceedings therefor will receive due con-
sideration.

Respectfully,

GHL

Acting Commissioner.

IN THE MATTER OF THE APPLICATION OF

Daisy Rose

CHESTER

EN

- A Original testimony June 21, 1901
- B Memo of application June 21, 1901
- C Sup test from police of Rose case 10/23/01
- D Test from Emily, notes case 10/5/01
- E Sup. test. from case, Emily's notes 9/25/02

Copy of testimony filed with Cherokee Nation.

See index to volume in set
no 5214

Cher. Fr. R - 133

Cher. Fr. R - 133

FR 133

COMM

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

In the matter of the application of Catherine Mix for the enrollment of herself and one child as Cherokee Freedmen.

Catherine Mix being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Catherine Mix.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q What is your age? A About 37.
Q What is your post office? A Lenapah.
Q What district do you live in? A Coowascoowee.
Q You want to enroll anybody but yourself? A Sammy Mix.
Q Who is he, your child? A Yes, sir.
Q His name is Samuel isn't it? A I call him Sammy.
Q Well, you had better call him Samuel. How old is Samuel? A He is going on 10 years old.
Q ~~Are you~~ on the roll of 1880? A No, sir, not that I know of.
Q What is your father's name? A Duncan Vann.
Q What is your mother's name? A Jane Blackwell.
Q Is she living? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation? A I don't think it is.
Q Well, what proof have you got of your citizenship? A My father was here.
Q Has your father been here before us? A No, sir, he is here; my father has been in here and enrolled.
Q Has your mother enrolled; is your mother living? A No, sir.
Q Was she a citizen? A I don't know anything about my mother, she died when I was very small.
Q Do you know whether your father and mother were ever married or not? A I don't know.
Q Have you ever been married? A Yes, sir.
Q What is your husband's name? A Sam Mix.
Q Is your husband living? A Yes, sir.
Q Is he a citizen? A No, sir.
Q You never drew any money, did you? 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 and the Wallace roll examined and the applicant not identified.

Dunk Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Dunk Vann.
Q What is your age? A About 52.
Q You are a recognized Cherokee Freedman? A Yes, sir.
Q Your name on the roll of 1880? A Yes, sir.
Q You know the applicant here, Catherine Mix? A Yes, sir.
Q What was her mother's name? A Her mother was named Jane.
Q Jane what? A Jane Foster I believe, I don't know (prompted by applicant) Jane Blackwell.
Q Was Jane a citizen of the Cherokee Nation? A No, sir.
Q Are you her reputed father? A Well, that is what they say I am.
Q Well, were you ever married to Jane Blackwell? A No, sir, only when I was there I would stay there and stay there sometimes for weeks at a time.
Q Just with the old folks? A Yes, sir.
Q Didn't live separately with Jane? A No, sir, didn't.

Catherine Mix - 2.

Catherin Mix, recalled, testified:

Commissioner: You say Mix is a state man? A Yes, sir.

Q Where were you married to him? A Married in Erie Kansas.

Q You live in Erie, Kansas, any length of time? A No, sir, I was just working there.

Mr. J. S. Davenport, Cherokee attorney: Where have you been living since you have been born? A Most of the time I have spent in the Territory.

Q Where else have you lived? A When I would go out to work, I would be living in Kansas or any place I would be working.

Q How often have you lived out? A Whenever I needed any money.

Commissioner: Catherine Mix applies for the enrollment of herself and one child, Samuel, 18 years of age. She aver that she is the child of Dunk Vann by Jane Blackwell, a non citizen. The proof shows that she was born in the State of Kansas, that her mother was a non citizen, and her father never was married to her mother and lived with her as husband and wife. Her name cannot be found upon any of the rolls of the Cherokee Nation.

Q Did you ever apply to the Cherokee authorities to be admitted to Cherokee citizenship? A My father wrote to the Secretary of the Interior; he said I s'ould be enrolled.

Q Did you ever apply to the authorities of the Cherokee Nation at Tahlequah to be enrolled? A My father has.

Q I am talking about you? A No, I never.

Commissioner: Consequently, the application of Catherine Mix for the enrollment of herself and Samuel will be rejected, there being no proof of marriage between her father and her mother, although the name of her father is fully identified upon the authenticated roll of 1880.

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 2nd of July, 1901.

R. H. ...
Commissioner.

© 7R133

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FILED
AUG 9 1904
COMMISSION TO FIVE TRIBES.

[Faint handwritten scribbles]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JUNE 17, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Catherine Mix, et al., as Cherokee freedmen.

It appears that on May 13, 1904, the applicant and the attorney for the Cherokee Nation were 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 June 16, 1904, and then and there introduce further testimony in this case touching the points mentioned in said letter. Upon motion of the attorney for the Cherokee Nation this case was continued from the June 16, to June 17, 1904, when the following testimony was introduced.

APPEARANCES:

Applicant appears in person and by attorney, R. W. Blue.
Cherokee Nation by its attorneys, W. W. Hastings and L. B. Bell.

CATHERINE MIX, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Catherine Mix.
Q How old are you? A 38.
Q What is your postoffice address? A Lenapah.
Q Cherokee Nation? A Yes, sir.
Q What district do you live in? A Cooweescoowee.
Q You are an applicant for enrollment as a Cherokee freedman?
A Yes, sir.
Q You applied for yourself and one child on June 24, 1901? A Yes, sir.
Q What is the name of that child? A Samuel.
Q How old is he? A 19 now.
Q Is he living now? A Yes, sir.
Q Living with you? A Yes, sir.
Q Where were you born, in Ottawa, Kansas? A Yes, sir.
Q When did you first come to the Cherokee Nation, if you remember?
A I don't remember.
Q When you could first remember anything where you living? A On the Neosho, down below Chetopa.
Q In Kansas? A In the Cherokee nation.
Q Just below Chetopa? A Yes, sir, about ten miles.
Q Chetopa is in Kansas? A Yes, sir.
Q But you were living inside of the line of the Cherokee nation?
A Yes, sir, down there on the river on the south side.
Q How long did you continue to live there? A Until I was about 11 or 12.
Q Who were your parents? A My mother died.
Q Did you ever live with your father after the death of your mother?
A No, sir.
Q After you become some 11 or 12 years old, where did you go?
A Chautau.
Q Kansas? A Yes, sir.
Q How long did you stay there? A I don't know exactly, until I was grown.

- Q Then where did you go? A I came back down here to Lenapah and worked around and stayed with aunt Katie Vann.
- Q How long did you stay at Lenapah on that trip? A I guess I was there some five or six months.
- Q Then where did you go? A Nowata.
- Q Cherokee Nation? A Yes, sir.
- Q How long did you stay there? A About two years.
- Q Then where did you go? A Back to Chanute.
- Q Chanute, Kansas? A Yes, sir.
- Q In what year did you go back to Chanute, Kansas, on that trip? A I don't remember the year, a little after they captured this Cherokee Bill, that outlaw down here at Nowata.
- Q Was that before the strip payment of 1894 or afterwards? A I don't remember.
- Q Was it before or after the freedmen payment of 1897? A Before, I think.
- Q How long did you stay at Chanute that time? A I just don't know the time I did stay there; how long I did stay.
- Q When is the next time you returned to the Cherokee Nation? A I was up there I, about three months before I come back.
- Q Where did you return to? A Lenapah.
- Q How long did you stay at Lenapah then? A I guess some five or six weeks.
- Q Where have you lived and made your residence for the last 15 or 20 years? A From Nowata to Lenapah and Chanute and back.
- Q Have you got a home in Chanute, Kansas? A No, sir, no place.
- Q Have you got a home in Chanute, the Indian Territory? A I call Lenapah my home, because father lives there, but after---
- Q Are you married? A Have been.
- Q Who was your husband? A Sam Mix.
- Q State man? A Yes, sir.
- Q Where did he live? A He come to Chanute from Erie, Kansas, up to Chanute.
- Q In what year were you married to him? A I don't remember what year, but guess it has been some 20, 22 or 23 years.
- Q Have you ever had any property in the Cherokee Nation, ever owned any? A I had a cow is all I ever owned in my life.
- Q Did you ever own any property in Kansas? A No, sir.
- Q You have been known as Catherine Mix for some 22 or 23 years? A Yes, sir.
- Q Does your name appear upon any of the tribal rolls of the Cherokee Nation? A I don't think so.
- Q You never drew any money? A No, sir.

By Mr. Blye:

- Q How does it happen that you lived with your aunts, instead of living with your father at home? A My aunts raised me; my father was married; of course I guess his wife did not want to be bothered with me; you know how it is with stepmothers.
- Q You mean you couldn't live at home on account of your stepmother? A Yes, sir.
- Q How old were you when your mother died? A I don't remember my mother.
- Q Are there any children by your father and mother younger than you? A No, sir.
- Q Where did your mother die? A I think she died in Ottawa, Kansas.
- Q About how old were you, if you know, from any source? A My aunt said about two years old.
- Q How soon after her death, if you know, did you begin to reside in the Indian Territory? A I don't know; my uncle brought me here.
- Q What was his name? A John Blackwell.
- Q To what place did he bring you in the Territory? A Down below Chetopa, to my auntie's down there.
- Q What was her name? A Rachel Miller and Malissa Foster.
- Q Two aunts? A Yes, sir.

- Q Both reside in the same community? A Not far apart.
- Q How did it happen, you say, that they brought you there, did you live first with one then with the other? A Yes, sir.
- Q Which one did you live with first? A My aunt Malissa, then Rachel Rösser.
- Q How long did you stay with her? A I couldn't tell you.
- Q Did you leave her to go somewhere else? A Yes, sir, my other aunt kept me a while.
- Q What is her name? A Rachel Rösser.
- Q What is the other's name? A Malissa Foster.
- Q Did you live in a village or on a farm in the Territory before you went to Nowata? A I lived on a farm when I was down at my aunts then when I was at Nowata I lived in Nowata.
- Q About how long have you resided in the Territory altogether? A I couldn't tell just about half of the time, maybe more.
- Q What was your father's name? A Duncan Vann.
- Q Do you know whether he was on any of the rolls? A Yes, sir.
- Q Is he on the authenticated roll of 1880? A I don't know what roll, but on the straight roll.
- Q Did you ever reside with him in his home after your mother's death? A No, sir, I have never; I have been to his home and spent a few days at a time.
- Q Up to the time of your marriage what other home had you other than his home, of your own? A Never had none.
- Q Was there any other reason that you know that you didn't reside with him than your stepmother not wanting you? A No, sir.
- Q Then your absence from your father's house was an account of your stepmother? A Yes, sir.
- Q Is she still alive? A Yes, sir.
- Q Where does your father reside now? A Lenapah.
- Q How long has he lived there? A About six or seven years; been living out on a farm.
- Q Has he ever resided any other place in the Indian Territory? A Not to my knowing.
- Q Do you know when you were married? A No, sir, I never kept the date.
- Q Are you able to state from looking at the date? A I haven't got it with me.
- Q Is your husband still living? A Yes, sir, some place.
- Q Are you living with him? A No, sir.
- Q Did you separate? A Yes, sir.
- Q About when did you separate? A I guess it has been about 10 years.
- Q How old is your son? A 19.
- Q With whom does he live? A He lives with me.
- Q Has he ever stayed with anyone else since his birth? A No, sir.
- Q Lived with you all the time? A Yes, sir.
- Q You say you were sometimes at Chamute and sometimes at Nowata, have you had any established home in Kansas anywhere? A No, sir.
- Q Why were you up there? A I went up there with my aunt.
- Q How do you make your living? A I cook for it.
- Q You were working, making a living up in Kansas? A Yes, sir.
- Q Have you a home in Nowata? A No, sir.
- Q One at Lenapah? A No, sir.
- Q At the time of your birth, where did your father have his home? A Down here, I suppose, I don't know.
- Q Down here? A Yes, sir, I suppose so.
- Q How old do you say you are? A 38.
- Q You have spent your life in the Territory and in Kansas? A Yes, sir.
- Q Have you ever resided anywhere else? A No, sir.
- Q Mrs. Mix, do you know whether or not your mother was a Cherokee freedman? A No, sir, I don't.
- Q Do you know who she was before she married? A Yes, sir.

- Q Who? A Jane Bae Blackwell.
- Q Do you know whether or not she was on any Cherokee roll? A No, sir, I don't.
- Q During all these years that you have been in this world where have you claimed as your home, what country have you claimed? A The Territory, because my father was a citizen here.
- Q Have you ever claimed Kansas as your home? A No, sir.
- By Mr. Hastings:
- Q How old were you when you first saw your reputed father? A I don't know, I seen him--
- Q 10 or 15 years old? A No, sir, not that old.
- Q About how old? A I don't know how old, I guess I was five or six.
- Q Where were you when you first saw this man you claim to be your father? A I seen him down below Chetopa there at my aunt's house.
- Q That was the first time you ever saw him? A Yes, sir, to know he was my father.
- Q You know he and your mother were not married? A Yes, sir, I have heard they wasn't.
- Q They never lived together as husband and wife so far as you know? A No, sir, don't know anything about that.
- Q You were born in Kansas? A Yes, sir.
- Q You know that your mother was a state raised colored woman? A Yes, sir, I think she was.
- Q She didn't, herself, claim Cherokee citizenship? A I don't remember.
- Q You never heard of her claiming it? A No, sir.
- Q You were present when Dusk Vann testified here that she was a state raised colored woman? A I think I was.
- Q She was generally known and recognized as state raised? A I guess she was; I don't remember.
- Q You are not setting up any claim through your mother? A No, sir.
- Q You say you are about 25 years of age? A Yes, sir, I think so.
- Q What town were you born in? A In Ottawa.
- Q With whom was your mother living when she died? A I don't know.
- Q Do you know whether she was living with your relatives or had she married? A I think she had married.
- Q Have you any half brothers or sisters? A Yes, sir.
- Q By what name do they go? A Vann.
- Q On your mother's side? A Haven't got any.
- Q Your mother hasn't any other children? A Yes, sir, I have a half sister by the name of Mary Rucker.
- Q Where does she live? A In Chanute.
- Q Older or younger than you? A Younger.
- Q How much younger than you? A A year and something.
- Q Have you an elder one through your mother? A No, sir.
- Q Is Mary Rucker married? A Yes, sir.
- Q She is living there in Chanute? A Yes, sir.
- Q Always lived there? A No, sir, not always.
- Q Always lived in Kansas? A No, sir, her husband is a citizen here in the Territory, and she has lived on a farm down here.
- Q You were about two years old when your mother died? A Yes, sir.
- Q Who did you live with immediately upon your mother's death? A I think it was my aunt Malissa; there were a lot of her sisters living there, and I lived with them.
- Q Lots of them living up in Kansas, were there? A No, they brought me here to aunt Malissa.
- Q How long did you live in Kansas? A I don't remember; they brought me down here.

- Q You were five or six years old when they brought you here? A I don't know.
- Q Were you eight or nine? A No, I don't think I was that old.
- Q About how old? A I don't know, after my mother died they brought me; I remember that I was down here in the Territory with my aunt.
- Q What was her name? A Rachel Reese and Malissa Foster.
- Q How far from Ghetopa was she living? A I don't know; I think across the Verdigris on the Neosho.
- Q East side? A No, sir, south side.
- Q How far from the Neosho river? A I don't know.
- Q 10 miles? A No, sir, I guess just about a block from the river.
- Q Living in town? A No, sir, I was telling you the distance from the river.
- Q Living on a farm? A Yes, sir.
- Q Did she own a farm? A Yes, sir she lived on it.
- Q About how far from Ghetopa was that? A I think about 10 miles.
- Q And on the south side of the river? A Yes, sir, as near as I can recollect.
- Q Did anybody live up there neighbor to you? A Lots of people living around there.
- Q Tell me the name of one? A I don't remember.
- Q How long did you live there? A Till I was 10 or 11.
- Q About how long was that? A I don't know; I lived there about 10 or 11 years; I mean when my aunt come to take me to Chamute.
- Q About how old were you when you went down there? A I don't know.
- Q Did you live there five or seven years? A I think so, longer than that.
- Q Who were some of your neighbors down there? A I don't remember any of the neighbors.
- Q Not a one of them? A I remember one by the name of Harvey Coash?
- Q You would not be certain? A No, sir, I had to stay at home and work; the old people went and left us to take care of the house.
- Q Do you say that you lived there five or six years and don't know anybody that lived in the neighborhood? A I want to tell the truth.
- Q Did the people visit backward and forwards? A Yes, sir, but I was young; several Indian people lived around about, but I don't remember the names of them.
- Q You don't remember any of them at all? A No, sir.
- Q You went from there to Chamute? A Yes, sir.
- Q And you married up there? A Yes, sir.
- Q You never married at Erie? A No, sir.
- Q Did you keep house after you were married up there? A Yes, sir, a while.
- Q Rented a house? A Yes, sir.
- Q What was your husband's business? A He worked around, gambled some.
- Q Kept on working did he? A Yes, sir, worked and gambled.
- Q Have any occupation other than gambling? A Yes, sir, carrying a hod once in a while.
- Q How long did you and he live together as husband and wife? A I couldn't tell you, because sometimes we would be together two months, maybe sometimes three.
- Q How long did you live together until you finally separated, are you separated? A Now, yes, sir.
- Q Is he living? A Yes, sir.
- Q How long ago? A 10 years.
- Q And you married 22 years ago? A Yes, sir.
- Q At intervals you were recognized as his wife for 10 or 12 years?
- A Yes, sir.

- Q Where is he living? A I don't know.
- Q Where did you leave him? A I left him down here at Coffeyville.
- Q Coffeyville, Kansas? A Yes, sir, last place I seen him at Lenapah.
- Q After you went back up from down below Chetopa to Chanute you stayed there till you married? A Yes, sir.
- Q How long now before you and your husband ever made a visit down here in the Territory? A I don't know how long it was.
- Q 10 years? A Oh, no, I was backwards and forwards.
- Q Did you and him move down here? A No, sir.
- Q Never did move? A No, sir, he wouldn't come.
- Q And you never moved? A No, sir.
- Q And he is in Chanute yet? A I tell you I don't know.
- Q He is in Kansas? A I don't know.
- Q Not in the Territory? A No, sir, he was a state man.
- Q You were his wife about 12 years ago? A Yes, sir.
- Q After you separated, for the last 10 years where have you been? A I have been, as I said, to Nowata, Lenapah, Chanute, anywhere I could get the biggest price for work.
- Q How long have you been in the Indian Territory now? Did you come from Kansas yesterday? A No, sir.
- Q When did you come? A The second day of May, from Chanute.
- Q This year? A Yes, sir.
- Q Go to the Cherokee Land Office to file? A No, sir.
- Q Where is your boy, Sam, now? A Working in Chanute.
- Q You and he keeping house? A No, sir.
- Q What business were you following up there when you left there the second of May? A Seeking.
- Q How long had you been there before you come on the second of May? A I have been working at one place about nine months, I guess, I were down here when my uncle were buried at Nowata.
- Q Just come down to the burial? A Yes, sir, and went back to work.
- Q As a matter of fact you have never been here except on occasional visits? A Yes, sir.
- Q When did you remain for more than 10 days? A Lots of times.
- Q Tell the Commission one of them? A Can't state exactly the time, but have been at Lenapah and stayed three or four months.
- Q When did you stay there three or four months? A Before this other payment I stayed there..
- Q How long? A I guess four months.
- Q Was that after you and your husband separated? A Yes, sir.
- Q I mean before? A I stayed five or six months that time.
- Q But you have never kept house here? A No, sir.
- Q You and he did keep house up there? A Yes, sir.
- Q You never owned a home here? A No, sir, nor there; I kept house in Nowata, me and my boy.
- Q How long? A About two years.
- Q When was that? A About the time they captured Cherokee Bill.
- Q Was that before the Cherokee payment or about the time? A It was about the time.
- Q On which side of the track in Nowata? A On the east side.
- Q About how many years ago was it you lived there? A I tell you I left there after they captured this man.
- Q Where did you go? A To Chanute.
- Q You have some relatives living there? A Yes, sir, an aunt.
- Q You were born at Ottawa? A Yes, sir.
- Q Married in Chanute? A Yes, sir.
- Q Had some aunts living in Chanute always? A No, sir, nearly all the time.
- Q Your boy is working in Chanute? A Yes, sir.
- Q You came down here from Chanute on May 2nd, of this year? A Yes, sir.
- Q And with the exception of the two years you never did keep house in the Cherokee Nation, did you? A No, sir.

By Mr. Blue:

Q I understood you to say that you were brought down there on the Neosho river in the Territory, when you were quite small? A Yes, sir.

Q And continued to reside there 10 or 11 years? A Yes, sir.

Q During that time were you out of the Territory anywhere else?

A No, sir.

Q Then you have lived part of the time in Kansas and the balance of the time in the Territory since that? A Yes, sir.

Q The counsel asked if it wasn't about 10 or 12 years you had been recognized as the wife of your husband, Mix? A Yes, sir.

Q Have you been divorced? A Yes, sir.

Q How long ago? A A little over a year ago.

Q Has he ever lived with you since you separated in the first place?

A No, sir.

Q You don't know whether he has married again or not? A I don't know.

By Mr. Hastings:

Q Where was Sam born? A In Chanute.

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

By the Commission:

Q What is your name? A John Reese.

Q What is your age? A About 61, I reckon.

Q What is your postoffice address? A Coffeyville, Kansas.

Q Do you claim to be a Cherokee freedman? A I do.

Q Do you know the applicant in this case, Catherine Mix? A Yes, sir.

Q How long have you known her? A Ever since she was about, between four and five years old.

Q Where was she living when you first got acquainted with her?

A I was living then, when I first seed her, I was living on Pryors Creek.

Q Cherokee Nation? A Yes, sir.

Q Where was she living? A Then, up in Kansas.

Q What part of Kansas? A Ottawa.

Q Who was she living with there? A I think it was her uncle John Blackwell.

Q Do you know Catherine's father? A Yes, sir, I do.

Q What was his name? A Dunk Vann.

Q Did you know Catherine's mother? A Yes, sir, I have seen her enough to know when I meet her.

Q Is she living? A No, sir.

Q Was she a Cherokee freedman? A No, sir.

Q Is Catherine's father living? A Yes, sir.

Q Is he a Cherokee freedman? A Yes, sir.

Q To your knowledge did Catherine ever live with her father after the death of her mother? A No, sir, not to my knowing.

Q Or since you have known the applicant has she lived with her father? A Since she got up good size she stops with him, but not before.

Q When you first knew her she was living with her uncle John Blackwell in Ottawa, Kansas? A Yes, sir.

Q How long did she continue to live there with her uncle, or do you know? A John lived there frem, I don't know, over two years before I saw her in the Territory.

Q Where did you see her in the Territory at that time? A At Repers Ferry on the Neosho river.

Q Cherokee Nation? A Yes, sir.

Q Who with? A Her uncle John Bal Blackwell.

Q Had they moved there? A No, sir, I was living there, farming there, and they came to my place.

Q How long did they stay there? A As much as two weeks.

Q Then where did they go? A Down to Webbers Falls, that way.

Q Cherokee nation? A Yes, sir.

Q Do you know how long they stayed there? A Not just how long. John stayed there; he left Catherine there with her aunt Malissa Fester.

Q Do you know how long Catherine continued to stay with her and to stay in that part of the country? A She stayed with her aunt, then down around Webbers falls for as much as, anyway from four or five years. Then I taken my wife and goes down on a visit and brings her up to my place.

Q How long then did she stay at your place? A She stayed there then as much as, around with me, before I moved in the Cherokee Nation, as much as four or five years before she went back to her aunt Malissas.

Q After she left you she went back to the Webbers falls neighborhood? A Yes, sir, to her aunt Malissa's.

Q Do you know how long she resided there on her second trip? A She made it her home, I don't keep account of the time; she was down around there as much as, till she was big, to be some 14 or 15 years old, and she came back upon our place and stayed with her aunt Rachel a while and then she was big enough to work around and I commenced losing track of her after she quit my place, only to meet her at times, and then I would know that she was the same child that was Dunk Vann's child. He told me she was his.

Q But you don't know where she has resided since she was 14 or 15 years old? A I have seen her off and on in the Territory. I saw her close to the Seminary in Tahlequah.

Q Do you know her child, Samuel Mix? A Yes, sir, I have seen him.

Q Where is he living now? A I don't know just where he lives now, because I have never thought nothing about him.

Q Do you know where the applicant is living now? A She is stopping somewhars up hefe on the Verdigris, part of the time with her father, and then some of the time she stays at with Malissa's children and her first cousins.

Q Do you know how long she has been up there this time? A Around Malissa's?

Q In the Cherokee Nation? A No, I don't know just how long, this time.

By Mr. Blue:

Q How long has she resided in the Indian Territory altogether? A She has been here ever since along in '66, when John Blackwell brought her down in here, because I was living with Bill Sunday at the old Alberty place.

Q Has she kept her home in the Territory all that time? A She had to keep it, living with her aunts around Webbers Falls.

Q She has resided at Chanute at times? A Of course she went up there; she had an aunt up there.

Q Do you know where she claimed her home? A Always in the Territory; always claimed it down here.

Q When she was out of the Territory and in Kansas, what was she doing, if you know? A I don't know, because I wasn't there.

Q About how old is she, if you remember? A I don't know exactly.

Q About, if you don't know? A I judge her to be between 36 and 37; along about there.

Q About how old was she when you first saw her? A Between, I think as much as three or four.

Q Where was that that you first saw her? A In '66.

Q Where was she then? A When I first seed Catherine, she was up in Kansas at uncle John Blackwell's.

Q At what place? A Ottawa.

- Q How soon after that did you see her first in the Territory?
A She come down in the Territory, John brought her down, I was living on Pryors Creek on the old John Alberty place, and was was in '66.
Q Was she brought to your house? A They stopped there.
Q Did you know where John afterwards lived in the Territory?
A Close to the Rogers Ferry after that. He left this child and went back; she lived around Webbers Falls, down below Greenleaf.
Q Have you seen her frequently in the territory since you first saw her? A Yes, sir, enough to know her when I meet her.

By Mr. Hastings:

- Q Do you know how old this woman is? A I don't know exactly.
Q How old was she when you first saw her? A I don't know just exactly, I judge her to be a child about four or five years old.
Q Was she born before or after the war? A Before the war; must have been born, I don't know, from my judgment, sometime just while the war was going on, about the time the war ceased.
Q Now, if the war ceased in '65, how could you see her and her be four or five years old in '66? A Well, I said I judge her to be that age.
Q She testified that she is 37 years old which would have made her born in '66, yet you testify that the first time you saw her she was four or five years old and that was in '66? A I know I saw her.
Q At Ottawa, did you? A Yes, sir.
Q That was in '66? A It wasn't in '66.
Q What year was it in? A I don't know what year, but when I saw her she was just a little bit of a tot.
Q What year was it in? A I can't read good and I can't read a bit.
Q Do you know what year it was in when you first saw her? A Just exactly what year, if I had set it down, it is hard for me to say.
Q You couldn't tell within five years of what year it was, could you? A I seed her along about, just as our war begin to cease.
Q I thought you said she was born about that time and said she was four or five years old when you saw her, now what year did you see her? A I aim to tell it straight.
Q Do you know when you saw her? A Just the year that I saw her that is something that I just can't tell, because I can't keep the numbers of years.
Q Do you know whether she was ever married? A Yes, I guess.
Q Where was she married? A I never did learn.
Q Was she married in the Territory? A I don't think she was; seems like she was married in Chanute, Kansas.
Q Has she got a boy? A Yes, sir, by the name of Samuel.
Q Do you know where he was born? A Sam was born at Chanute.
Q She and her husband always lived in Chanute, Kansas, since they lived together as husband and wife, didn't they? A I know I seed her here lots of times.
Q You answer my question, did you ever see them living anywhere except in Chanute, Kansas, as man and wife? A I never seed them living in Chanute as man and wife.
Q Did you ever see them living anywhere else? A Seed Sam down here with her.
Q Keeping house, were they? A I don't know, I would meet them amongst her people, I never lived with them.
Q You have never seen much of her, have you? A I know her when I see her.
Q Do you know where she has been living? A Yes, sir.
Q Don't you know she come from Chanute, Kansas, six weeks ago?
A No, sir.
Q She has just sworn it? A I can't help it.

- Q And now you are trying to intimate that she is living up here in the Territory? Don't you know that she come from Chanute, Kansas, on the second of May? A No, sir, I don't know it.
- Q When did you ever see her before until you saw her on this trip? A I have seed her before this trip down here as much as four weeks.
- Q When was the last time you saw her before you started down on this trip? A I seed her last Sunday.
- Q When before that? A I seed her then about three months before I met her there to her aunt's, Jane's, close to the old Williams place.
- Q Was she living there? A Around in that neighborhood.
- Q Her boy with her? A I never seed the boy.
- Q Her husband with her? A I never seed him.
- Q Did you ever see him? A Yes, sir.
- Q Where do you live? A In the timbered hills, west of Coffeyville.
- Q How far from Coffeyville? A About 10 miles.
- Q Where does this aunt of her's live? A When she was alive, they buried her last Sunday.
- Q Where did she live? A On the Verdigris river.
- Q How far from you? A She lived in about 10 miles.
- Q She lives still east of Coffeyville and you lived 10 miles west, didn't you? A She lived east of Coffeyville.
- Q How far? A I don't know exactly; it must be, anyhow as much as, I don't know, I guess at it, it must be eight or 10 miles.
- Q Where did they ever live at Webbers Falls? A Down there across the river.
- Q Where did this woman live? A Right there with her aunt Malissa.
- Q Right in town? A Not right in town, in a log cabin down below town.
- Q How far from town? A A short quarter from town.
- Q Lived there a number of years did she? A Yes, sir, when she wasn't at my place she was down with Malissa Foster.
- Q Was she big enough to know that she was living there? A Every year she grows older.
- Q Was she big enough to know when she left there? Was she eight or 10? A Was when she left.
- Q When she went there? A When we brought her up to our place she was a girl must have been anyhow some 6 or 7 years old.
- Q You are an applicant to be enrolled, yourself, are you? A Yes, sir.
- Q You are the same John Reese found on Freedmen Doubtful card No. 422? A Yes, sir, but that don't hinder from telling the truth.
- Q Is your wife any kin to her? A She is her aunt.

By Mr. Blue:

- Q Didn't you see Catherine at Ottowa? A Yes, sir.
- Q That is the first time? A Yes, sir.
- Q You know that? A Yes, sir.
- Q But you don't know now what year it was in? A No, I don't.
- Q You say you are uneducated and you don't fix these things definitely? A If I should undertake to fix the year I might not get it right.
- Q You don't have to tell anything you don't know, do you, and you do know that you saw her there? A Yes, sir.
- Q And have seen her in the Territory since that? A Yes, sir.
- Q A number of times? A Yes, sir, she lived with us, with her aunt Rachel Reese.
- Q Was Rachel Reese your wife? A Yes, sir, till she died.
- Q You are Catherine's uncle? A Just by marriage; my wife was her aunt.
- Q That much you do know that you have seen her a great many times in the Territory since you first met her at Ottowa? A Yes, sir.

- Q You don't know what year she was born and the year that you saw her at Ottawa? A No, sir.
- Q Do you know her son Sam? A Yes, sir.
- Q How long have you known him? A Ever since she was nursing him.
- Q Have you seen him in the Territory? A Yes, sir, lots in the Territory.
- Q Now, has Catherine ever lived at Nowata? A I have seed her down there; I don't go there much. I haven't seen them all the time, but when I see them I know them.

GEORGE WEST VANN, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A George West Vann.
- Q What is your age? A 53.
- Q What is your postoffice address? A Lenapah.
- Q Do you know the applicant in this case, Catherine Mix? A Yes, sir.
- Q How long have you known her? A I first seen her when she was just a baby.
- Q Where was she then? A In Kansas.
- Q What place in Kansas? A Right above the Dutch Henry Crossing.
- Q Near what town? A Near Lane, between Ottawa and Lane.
- Q Who was she living with at that time? A Her mother.
- Q Do you know what year that was? A In '64, before Price's raid.
- Q About what age child was she then? A I don't know; a little bit of a baby.
- Q Could you give any idea? A She might have been a year old, maybe not.
- Q When did you next see her? A A time or two after that at Ottawa. Her mother died when she was small.
- Q When did you first see the applicant in the Cherokee Nation after the war? A I first saw her after the war with old Mrs. Foster, her aunt, her uncle brought her from Kansas; John Blackwell.
- Q When was that? A In '66, when everybody was pulling for this country.
- Q What part of the year? A They come along where we lived in the Spring of '66.
- Q To what place in the Cherokee Nation did they come? A To Fort Gibson.
- Q Do you know how long they stayed there? A No, sir, I don't.
- Q When did you next see the applicants? A Next I saw her with old Mrs. Foster at Webbers falls.
- Q What year was that? A '66.
- Q Was she living there? A I suppose her uncle brought her to her aunt's.
- Q Do you know how long she stayed there? A No, sir.
- Q When did you next see her? A With John Reese on Pryors Creek.
- Q What year was that? A About '74, I believe.
- Q Do you know how long she stayed there on Pryor Creek with John Reese? A No, sir.
- Q Was she living there or visiting? A I don't know; she was there with her aunt.
- Q When did you next see her? A I don't know when I did next see her; it was a long time.
- Q About when to the best of your knowledge? A It may have been three or four years or longer.
- Q Where was she that time? A She was then to George Brown's.
- Q Whereabouts, in Kansas? A No, sir, the next time I saw her was at Coody's Bluff.
- Q In the Cherokee Nation? A Yes, sir.
- Q What year do you think that was? A About '74.

- Q When did you next see her? A I don't know; it has been a long time after that.
- Q To the best of your knowledge? A It must have been five or six years; I don't know.
- Q That would make it along about 1907? A Yes, I believe it was.
- Q Where was she then? A There among her people, Mrs. Foster.
- Q To the best of your knowledge where has this woman lived since you first saw her in the Cherokee nation? A From 1900 on I saw her often.
- Q Where did she live all this time? A Around Nowata and around.
- Q Has she any home in the Cherokee Nation? A She claimed one at Nowata.
- Q Who did she live with at Nowata? A I would see her at Brown's there; I would pay no attention to it.
- Q Has she got any children? A One, I believe.
- Q What is its name? A I forget its name; it is a boy.
- Q How old is that boy? A I don't know that.
- Q Did you ever see him? A Yes, sir, he looks to be about six or seven years to me.
- Q About that old now? A I think so; I don't know exactly.
- Q Where is the applicant living now? A At her father's.
- Q Is the child with her? A No, sir.
- Q Where is it? A I don't know.
- Q When is the last time you saw the child? A Last spring or winter.
- Q You think then it was about six or seven? A Yes, sir, I think so, I don't know.
- Q Do you know it was her child? A She said so.
- Q Do you know that child's name? A No, sir, don't know its name.

By Mr. Blue:

- Q Where did you first see Catherine? A I first saw Catherine between Lane and Ottawa, Kansas.
- Q How far is it from Ottawa to Lane? A Now, I don't know, I think about 15 miles; am not certain.
- Q You say it was over near Dutch Henry's Crossing? A Yes, sir.
- Q That is on what stream? A Ottawatonic.
- Q Then you next saw her where? A It was in Kansas.
- Q How long after you first saw her? A It was the next year, I believe in '05.
- Q When did you next see her after that? A The next year after that with her aunt down here at Webbers Falls.
- Q When did you next see her after that? A That was with Jess Brown.
- Q When? A I don't know.
- Q You say you have seen her frequently in the country since that? A Since 1900, yes, sir.
- Q Has she been married? A That's what they say.
- Q You say you saw her now sometime, have you seen him more than once? A Yes, sir, two or three times, to the enrollment, and after that a time or two.
- Q Aren't you mistaken when you say it is six years old? A I said that was my judgment.
- Q Where was it you saw him when he was about six years old? A At the enrollment.
- Q What enrollment? A The Dawes Commission enrollment at Nowata.
- Q Aren't you mistaken about his age? A I said I didn't know, I was giving my judgment; some are large to the age and some small.
- Q Wasn't he more than six years of age? A He may have been, I have seen children six years of age bigger than he.
- Q Are you not mistaken about the time you saw him? A I may be, but I think I am right.

- Q If he is 18 or 19 years old, you must be are you not? A I may be a mistake in the children, then.
- Q What is the fact about your seeing Catherine in the Territory frequently or otherwise? A I don't see her frequently until after 1880.
- Q You speak of having seen her at these different times, did you have anything specially to call the fact to you that you saw her at these times, what were you doing at Ottawa? A When I saw her at Ottawa, we had the first celebration that I was ever at.
- Q What were you doing at Webber's Hall? A A whole lot of us got on our horses and went down there as boys would to see who would.
- Q You said you saw her afterwards, how happened you to see her there? Q When I saw her at Jose Brown's, we had orders to kill beavers and we had a stopping place there.
- Q Whatever may be your faulty recollection as to time, are you sure that you saw Catherine at Ottawa and in the Indian Territory? A I am sure I saw her at these different time you state, yes, sir, I am certain I saw her.
- By Mr. Hastings:
- Q Do you know where she was married? A No, sir, I don't.
- Q Where do they say? A I don't know that even.
- Q Didn't Sam Webber marry her? A I don't know.
- Q Is that the information you have? A Yes, sir, I just heard of it.
- Q That is just what you heard in the country up there? A Yes, sir.
- Q Where was Sam Webber living about the time she married? A Sam Webber has lived a good many places.
- Q About the time she married? A I don't know.
- Q About how many years ago did you hear she was married? A Sam Webber lived on Big Creek and on the river.
- Q I am asking you about how long ago it was you got that information about her being married by Sam? A That is a question I couldn't answer, I don't know.
- Q Did you see her along about the time she married? A I would see her all the time and maybe wouldn't know when she was married.
- Q You would see her with her husband? A I don't know; I don't know her husband.
- Q But it was your information that she was married up there? A Yes, sir, but if I had met her husband I would not have known it.
- Q Don't you know that she wasn't married there, but in Chanute, Kansas? A It all you I don't know.
- Q Then you didn't have any information on that subject? A No, sir.
- Q I thought you said you heard she was married by Sam Webber? A Then I misunderstood you, because I didn't.
- Q How long has she been continuously living up there in your section of the country? A I seen this Catherine pretty often after 1880.
- Q Well, now about recent days, when did she come from Kansas the last time? A I don't know.
- Q How far do you live from where she stops? A About five or six miles.
- Q Don't you know that she come down here on May 27? A I don't know.
- Q Don't you know her boy, Sam, is up in Chanute to-day? A I don't know.
- Q Why are you testifying then? A I said I saw her, I saw her pretty often after 1880, but I don't know---
- Q This woman testifies that she is 22, and, therefore, she was born in 1866, how big was she when you saw her? A Just a baby.
- Q In her mother's arms? A Yes, sir.

- Q Was she with her mother when you saw her? A Yes, sir.
- Q Did her mother bring her here? A No, she died up there.
- Q But she was nursing when you first saw her? A Yes, sir.
- Q That was in 1866? A No, that was before 1866.
- Q How long before? A She was born, if I aint mistaken, just after Price's raid.
- Q The first time you saw her was in 1866? A That's right; she was a baby before Price's raid; now how old she is, you count that, yourself.
- Q Did you ever see her with her mother after that? A Yes, sir, at Ottawa.
- Q When was that? A In '66.
- Q With her mother? A Yes, sir, the first celebration we had.
- Q Living in a house with her mother? A I don't know where she was living.
- Q Did she have any sisters? A Yes, sir.
- Q On her mother's side? A Yes, sir.
- Q How many? A Millie, Sarah and Rachel.
- Q Her mother's children? A You mean--
- Q I want to know if she has any brothers or sisters by her mother?
- A No, sir.
- Q In fact you never heard of any? A No, sir.
- Q You never saw her mother with another child? A Never did.
- Q Did you know her mother up to the time of her death? A Yes, sir, and before.
- Q When did she die? A I don't know; I didn't see her die; they tell me at Ottawa.
- Q Did they tell you what year she died? A N, but before '66; she died in that fall after the celebration.
- Q She didn't have but the one child? A That is all the one I seen.
- Q She died in Ottawa? A That is what I heard.
- Q When was it you went to Webbers Falls and saw this woman? A Just before we went to Tahlequah; went right from Gibson down to Webbers Falls.
- Q Just riding around? A Yes, sir.
- Q You didn't have anything else to do? A No, sir, wasn't doing nothing.
- Q Went down and met her there? A Yes, sir.
- Q Was she living in town or in the country? A No, sir, she wasn't living in town.
- Q Then where was she living? A In the country.
- Q Two or three miles or how far? A About a mile and a half; maybe not so far.
- Q At Webbers falls? A Yes, sir.
- Q About what direction from the town? A I think south of the town.
- Q You don't recall very well about it? A About south of town;
- Q About 1 1/2 miles? A That's what I think.
- Q Living in a house? A In a cabin.
- Q That is all the time you saw them down there? A The next time I saw them was on Pryors Creek.
- Q You know that she married in Chanute, Kansas? A No, sir.
- Q You knew that she and her husband always lived in Chanute, Kansas, all the time they were living together? A That's all right.
- Q You know that her boy Sam was born in Chanute, Kansas? A No, sir, I don't know.
- Q You know that this boy Sam is now in Kansas? A He may be.
- Q Do you know that this woman came from Kansas on the second day of Last May, 1904? A No, sir, I don't know.
- Q When were you spoken to to be a witness in this case? A The other day.

- Q You were asked to come here by this woman? A Yes, sir.
Q And you came here to testify in her case, did you? A Yes, sir.

CATHERINE KIK, re-called:

By Mr. Blue:

- Q Did you hear George Vann's testimony in regard to your son?
A Yes, sir.
Q Do you remember of having seen him at one time when you had a boy with you? A Yes, sir.
Q Just tell the Commissioner how that was? A I had my father's sister's little boy, Freddie, and he always called me mama, and he asked me whose little boy it was, and he told him it was mine.
Q About how old was Freddie that you had with you? A Six or seven years old.
Q Was your son there at that time at all? A No, sir.
Q Did you ever at any time that you recall have a conversation with George about your son, Sam? A No, I never, because he seen, at least I think he seen my son when I lived at Nowata; I often spoke of him, but didn't speak of his age.
Q Do you recall now the incident of his having seen you with your nephew, Freddie? A Yes, sir.
Q Do you recall having called this little boy your boy in his presence? A Yes, sir.
Q At that time? A Yes, sir.
Q About when was that if you remember? A I had him down here last year.
Q About what time last year? A In August I come down.
Q That is the only time? A He was with me again, but that was before that time.
Q Do you mean that Freddie was with you at some other time or do you mean that George was with you at some other time? A No, I just seen him and he asked me whose little boy that was, and I said mine.
Q Who do you mean by him? A I mean Mr. Vann.

By Mr. Hastings:

- Q How is it that you happen to conveniently remember that you told this fellow, called your nephew your boy in George Vann's presence a year or two ago? A He was with me when I met Mr. Vann, and he always said "Catherine, we feel him, and he think I see your little boy?" He was always saying that to me and I haven't forget it.
Q You remember that with reference to George Vann? A Yes, sir.
Q Where did you meet him? A In Lenapah.
Q In the town? A Yes, sir, in the town.
Q When was it with this boy? A In August.
Q This last August now? A Yes, sir.
Q That is the time now that you had this talk with him with reference to this nephew of yours? A Yes, sir.
Q In the town of Lenapah? A Yes, sir.
Q At whose house? A Out in front of Katy Vann's; we were going from the passenger.
Q Where did you come from, Kansas? A No, sir, from Betay Vann's.
Q Where had you brought him from? A He had been visiting his grandfather.
Q Whose boy was that? A My half sister's little boy.
Q What was her name? A Mary Taylor.
Q How far does she live from George Vann's? A She lives in Chamato.
Q How did you get the boy down here? A He come to visit his grandfather, and I got him and come down to Lenapah.

GEORGE WEST VANN, re-called for the purpose of additional cross-examination.

By Mr. Hastings:

Q When did you ever see this boy of Catherine Mix'? A Well, if I ever see him they said it was; it might not have been.

Q When did you see him? A I saw him time of the enrollment!

Q Of the Dawes Commission? A Yes, if it was her boy; they said it was.

Q They just told you that in the crowd? A Yes, sir.

Q If you ever saw it that was the time? A Yes, sir.

Q Where was the enrollment at? A At Nowata, you know where it was.

Q Down there at the tent? A Yes, sir.

Q Down on the south side of town? A Yes, sir.

Q About 3/4 of a mile? A Yes, sir.

Q Right around where they were enrolling? A Yes, sir.

Q We were there enrolling in June or July, 1901, wasn't it? A Yes, sir.

Q About three years ago now? A Yes, sir.

Q That is the time you saw this boy? A Yes, sir, if that is Catherine's boy. That's what they told me.

Q That is the only time you remember seeing it? A Yes, sir.

Q And she told you it was her boy? A No, sir, she was there by us.

Q And she never did tell you that any boy was her boy? A She had a boy, but she never did point a boy out to me.

By Mr. Blue:

Q Who told you it was her boy? A It was Johnson Blunt, I believe, that that was Catherine Mix' boy, and the boy was just there?

Q That enrollment was in 1901? A Yes, that is the last and only time anybody ever pointed her boy out to me.

Q And that is the only time you ever recollect of seeing him? A Yes, sir.

By Mr. Hastings:

Comes now the representatives of the Cherokee Nation, and for the purpose of discrediting the witness, George W. Vann, ask that the contradictory statements of George W. Vann, under oath, in the case of Susie Harrison, et al., Freedmen # 1037, taken upon this date before the commission, as well as his testimony taken, under oath, on October 23, 1901, at Vinita, Indian Territory, be made a part of the record in this case.

By Mr. Blue: The representatives of the applicant object to that as being incompetent and immaterial and wholly irrelevant, because contradictory statements made in an entirely different application, having no connection with this application, are not competent to introduce to effect the testimony of a witness who has testified herein, and especially so when such statements do not contradict any part of said witness' testimony in this application. An issue of veracity tried in an entirely distinct application can have no bearing in this. The attorneys for the applicant still further object for the reason that the witness wasn't challenged to the statements he made in the Harrison application, nor any question asked him as to what he testified in that case or the truthfulness thereof, denying thereby the opportunity to said witness to explain any inconsistency of it that might be claimed to exist while he was upon the witness stand.

Mr. Hastings: In reply to the objections made by counsel for the applicant the representatives of the Cherokee Nation desire to further add that it has been a known policy of this Commission

to seek after the truth regardless of technical objections, and it has been the policy of this Commission to look into and inquire as to the reputation of the witnesses and it has been the policy of the Department in a great number of cases to refer one case to another where witnesses have testified at variance with other statements in other cases, and if this witness had directly contradicted himself on a material point in the Harrison case, and it is shown in that case that he was reckless of his statements, we think it is perfectly proper that the attention of the Commission be called to it in determining what weight they shall give to his testimony in this case.

Mr. Blue: In reply to the statement made by the representative of the Cherokee nation, counsel for this applicant says that applicant's attorneys recognize the force of the liberal ruling of the Commission in matters of the character of the application in hearing, but we have never understood it to be the policy of any Department of the Government of the United States, nor any bureau or commission therein, to disregard the settled rules of judicial determination in regard to the impeachment of witnesses that are brought before them. It is a principle of law older than the government, itself, that a witness may be impeached by the testimony of those who know his reputation for truth and veracity in the community where he resides, or his testimony may be affected by establishing that he has made statements outside of court at variance with those he gives in testimony upon the same subject, but so far as counsel is informed it never has been the policy of any department or bureau of this government to offer the testimony of a witness in a case entirely distinct from the one on hearing, upon different subject matter, and having no connection with the matter in hearing. To introduce the testimony of the witness George Vann given in the Harrison case is to put into this trial of this application an independent issue as to whether or not George Vann has testified truthfully and consistently of in the Harrison case, a so as to affect the truthfulness and veracity of said witness in this case. It is wholly incompetent and immaterial and irrelevant and should be excluded.

Commission: The request of the Cherokee Nation's attorney will be complied with and copies of the testimony referred to in the Harrison case, will be filed with and made a part of the record in this case, subject to the objections of the attorneys for the applicants.

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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 July, 1904.

[Handwritten signature]

[Handwritten signature]

Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
MUSKOGEE, I.T., JULY 28, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Catherine Mix, et al., as Cherokee freedmen, this case having been continued by agreement of the parties concerned from June 17, 1904, until this date.

APPEARANCES:

Applicant Catherine Mix appears in person and by attorney, R. W. Blue.
Cherokee Nation by its attorney, James S. Davnport.

DUNK VANN, being first duly sworn, testified as follows upon the in behalf of the applicants.

By the Commission:

- Q What is your name? A Dunk Vann.
Q How old are you? A 50 some odd years old.
Q What is your postoffice address? A Lenapah.
Q Are you a Cherokee freedman? A Yes, sir.
Q Do you know the applicants in this case, Catherine Mix? A Yes, sir.
Q What relation is she to you, if any? A Supposed to be my daughter.
Q Where was she born? A In Kansas.
Q About how old is she now? A She must be about 35 years old, or 36, I guess, somewheres along there.
Q When did she first come to the Cherokee Nation? A She came here in '66.
Q How old was she then, how large was she? A She was quite a girl when we brought her down here.
Q About how old? A I don't know; she may have been six.
Q Was she born before the war? A Since the war.
Q How long after the war? A Just right after the war.
Q She came to the Cherokee Nation in 1866? A Yes, sir.
Q And she was about how old then? A She must have been, I reckon, I don't know, maybe three or four years old; I don't know exactly; there was once girl born in '66, on the 25th day of December, I believe, and I think this one is two years older than the other one.
Q What was the name of Catherine's mother? A Jane Blackwell.
Q Who came with Catherine when she came to the Nation right after the war? A John Blackwell brought her here.
Q He was her stepfather? A No, sir, some relation to him.
Q To what point in the Cherokee Nation did she come, if you know?
A Over on Cabin Creek and lived there and there about Russell Creek.
Q Where were you all of this time? A I was over in Galine district.
Q You had come to the Cherokee Nation from Kansas before that?
A Yes, sir.
Q Do you know how long Catherine continued to stay in the Cherokee Nation after that time? A She must have stayed until she was 10 or 12 years old, to my knowledge, then she went out to the states, then come back again, and she has been going backwards and forwards.
Q Has she been just backwards and forwards from the states to the Territory since she was 12 years old? A Yes, sir, she stayed at Nowata a while.

- Q What has been her home, her permanent residence since then?
A Just around with her folks, sometimes a day or two with me, then come to her aunts and stay, then to Blackwell's, and she stayed with John Reess.
- Q Has she ever had any home or any property of any kind in the Cherokee Nation? A No, sir, no land; she had a cow.
- Q Is that all she ever owned in the Cherokee Nation? A That is all that I know.
- Q When was she first married, if you know? A I just couldn't tell you; I don't know what year it was in.
- Q How many times has she been married? A Twice, she says.
- Q Was her first husband a state man? A Yes, sir.
- Q What was his name? A Mix.
- Q That was her first husband? A Yes, sir.
- Q Is he living now? A I think so.
- Q They have separated? A Yes, sir.
- Q Has she married again since that? A She says so.
- Q Who did she marry the second time, if you know? A I don't know.
- Q Do you know whether she married a state man the second time?
A No, sir, I don't.
- Q Where does Catherine live now? A She has been up in the states there somewhere.
- Q She isn't living in the Cherokee Nation? A No, sir, not at the present time.
- Q How long has it been since she did live in the Cherokee Nation?
A It must be six or seven years since she just lived here.
- Q Has she got any children? A Yes, sir, a boy.
- Q How old is that boy? A It must be 16 or 17 years old, I reckon.
- Q Where is he? A He is off up in Chasute or somewhere.
- Q Chasute, Kansas? A Yes, sir.
- Q How long since he has been in the Cherokee Nation to your knowledge? A I don't know.
- Q Do you know where he was born? A No, sir, must be born up in Kansas, I guess.
- Q You have applied to be enrolled as a Cherokee freedman, yourself?
A Yes, sir.
- Q Is your name on the 1880 roll? A Yes, sir.
- Q Were you married to the mother of Catherine? A No, sir, I wasn't married to her.
- Q Did you ever live with her? A Yes, sir, I lived with her; I was there where she was; I stayed there, and I was in and out.
- Q Where was it that you lived with her? A At Ossawatimie, Kansas.
- Q You never lived with her in the Territory? A No, sir.
- Q How long did you live with her? A When I was there I would be with her; two or three weeks and would be away and go back there.
- Q Did you ever live with her at any one time more than two or three weeks? A Sometimes I would be around there a month and that would be my place of stopping.
- Q Did any other man live with her during that time? A Not as I know of.
- Q You don't know whether during your absence whether some other man was living with her or not? A No, sir, I don't know that.
- Q Do you acknowledge this woman as your child? A Yes, sir, I recognize her and she has been going that way ever since she was that high (indicating).

By Mr. Blue:

- Q Where were you born? A Saline District, Cherokee Nation.
- Q Were you a slave at the commencement of the war? A Yes, sir.
- Q Whose slave were you? A Joseph Vann and Lizzie Vann.
- Q What rolls have you been on in the Cherokee Nation? A I guess you could find me on all of them.

Q Have you been enrolled by the Dawes Commission? A Yes, sir.
Q You are now a Cherokee freedman, duly enrolled? A Yes, sir.

Commission: The Commission's records show that Dunk Vann, his wife, Chick Vann, and their three minor children, Eli, Patsie and Watt Vann, have been listed for enrollment on Cherokee freedmen straight card No. 850, and their names appear upon the final roll of Cherokee freedmen, approved by the Secretary of the Interior opposite Nos. 2043 to 2047, both inclusive.

Mr. Davenport: The representatives of the Cherokee Nation object to putting in this record on the ground that it is incompetent irrelevant and immaterial, and move to strike it out.

Commission: Objection noted.

By Mr. Blue:

Q What, if anything, have you done in the way of supporting Catherine?

Mr. Davenport: We object to that as incompetent, immaterial and irrelevant.

Commission: Objection noted; witness will answer.

A When she was close where I could get to her I helped feed her and give John money to help clothe her.

Q Who is John? A John Reese and then when I moved from down there I moved right close to where she was and helped her.

Q You say when you moved from down there? A From Saline over into Cooweescoowee district; I was close where she was then and I helped feed her and give her money to buy her clothes.

Q At what places in the Cherokee Nation did she reside after she was brought here in 1866, as you have stated? A Well, in one place up there on Russell Creek, John Reese lived there, and I lived further over in Saline, and on Cabin Creek.

Q About how far did you reside from where Catherine was at that time? A Must have been between seven and eight miles, maybe farther.

Q How long did Catherine continue to reside with John Reese? A I made two crops there; it must have been between two and three years.

Q Then where did she go? A She came over on the river to stay with Mrs. Foster.

Q What river? A Verdigris.

Q What is Mrs. Foster's first name? A Malissa.

Q How long did she stay there? A About a year, I guess.

Q Then where did she go? A One of her aunts come and got her and took her up in Kansas.

Q When she was at Malissa Foster's, was she in the Cherokee Nation or in Kansas? A In the Cherokee Nation.

Q What aunt was it that took her back to Kansas? A Rachel.

Q Rachel who? A We call her Rachel Blackwell.

Q How long did she remain there then? A I don't know exactly just how long.

Q When did she return to the Territory, if you know, or about when?

A I just really couldn't tell you, about the time Cherokee bill was ranging up there she was there at Nowata; I don't know exactly what time that was; she must have come back before that; she was there quite a while and I found her there.

Q When you found her at Nowata was she keeping house there? A Yes, sir, she and the boy.

Q Are you able to state about what year that was? A No, sir, I am not.

Q When you say that it was about the time Cherokee Bill was ranging around, do you mean by that when he was ranging there? A Yes, sir, I think it was 1894, about the time of the first payment at Tahlequah.

Q What, if any other place, has Catherine Mix claimed as her home than the Cherokee nation, Indian Territory?

Mr. Davenport: Objected to as leading, incompetent and immaterial.

Commission: Objections noted; witness will answer.

A I couldn't answer that.

Q Has she ever claimed any other place as her home than the Cherokee Nation, Indian Territory?

Mr. Davenport: Objected to as incompetent and immaterial.

Commission: Objection noted.

A She claimed this was her home, but I understood you asked if she had improvements.

Q I understand you to say that you recognize Catherine Mix as your child? A Yes, sir.

Q And have always done so since her birth? A Yes, sir, I recognize her as mine. Her mother says she is mine.

Q You believe she is your child? A Yes, sir, I believe she is if I didn't I wouldn't help try to raise her.

By Mr. Davenport:

Q Where was Catherine born? A In Kansas.

Q What place? A Just can't tell you, either Ottawa or Ossawatimie.

Q How old were you at the close of the war, Duck? A I don't know, sir; I was a full man, grown.

Q How old do you think you are now? A 50 odd years old; was what the the old folks tell me.

Q What was the name of Catherine's mother? A Jane Blackwell.

Q Where did you first meet her? A I first met her at Scott.

Q You mean Fort Scott, Kansas? A Yes, sir.

Q When was that you met her there? A It was in time of the war.

Q Has Catherine's mother ever lived in the Cherokee Nation since the close of the war? A No, sir.

Q Do you know whether she is living now or not? A They tell me she is dead.

Q How long since you knew of her being alive? A It has been 30 odd years; she is dead, all right; I wasn't there when she died, but I am satisfied of it.

Q Had she been married before you got acquainted with her? A Not as I know of.

Q You were never married to Jane Blackwell, the mother of Catherine? A No, sir.

Q Where did she and you ever keep house and have a home as man and wife? A I never kept no house; she stayed with her mother.

Q You and she never lived together as man and wife and held yourselves out as such? A No, sir, I never went around with her as man and wife.

Q You just come there and had illegal cohabitation with her the same as you would any other woman? A Yes, sir.

Q You would only be there a short while at a time? A Sometimes two or three weeks.

Q Then you would be gone how long? A Sometimes a month or two.

Q Did Catherine's mother marry after you knew her there in Kansas?

A Yes, sir.

Q Who did she marry first? A She married a man they called Joe Tucker.

Q When did she marry Joe Rucker? A I couldn't tell you the year or month, but she married a man by that name, I am satisfied she did.

Q She married Joe Rucker before Catherine was born? A Yes, sir, just before she was born.

Q Nearly a year before Catherine was born, didn't she? A No, sir, I think not.

Q Are you able to state positively that it wasn't from nine to 18 months after they married---? A No, sir, I couldn't, because I don't want to tell it, but I see I will have to tell you.

Q Just answer my question? A No, sir, it wasn't that long.

Q How long if you know had Jane been acquainted with Joe Rucker before they married? A I don't know.

Q Had you known Rucker before their marriage? A A very short time.

Q Do you know whether or not he had been living in the neighborhood there where Jane lived? A Not at that time, they wasn't.

Q Where did he meet her? A He come in there, and just fixed it up with her; somebody else got her to marry him, because Jane got in that fix.

Q You don't how long Rucker had known her before he married her? A No, sir.

Q And you don't know how long they had been married before Catherine was born, do you? A I am satisfied it wasn't 18 months.

Q Do you know how long it was before Catherine was born that they married? A No, sir, I am satisfied it wasn't 18 months.

Q Do you know whether it was one or six months or a year? A It wasn't a year.

Q It was more than a month? A Yes, sir.

Q It was more than eight months, wasn't it? A I don't think so.

Q Can you give me the date that Catherine was born and the year? A No, sir.

Q Don't you know that Joe Rucker and Catherine's mother were married in the fall of 1863? A No, sir.

Q Were they or were they not? A It couldn't be.

Q Are you able to state whether they were or not? A I don't think they were; of course, I never kept no record of the time.

Q Did Catherine's mother ever go to the Cherokee Nation with Catherine at all? A No, sir, I never seed her when she brought Catherine.

Q She continued to live in the states after you came back to the Territory, for some time, didn't she? A Yes, sir.

Q When Catherine came to the Cherokee Nation did she come to you or who? A She come to Reese up there; there is where I found her.

Q Was Reese kin to you? A No, sir, Reese had her aunt.

Q What was her name? A Rachel.

Q Now, when was it that Reese brought her back to the Cherokee Nation? A Reese was in the Cherokee Nation; lived there this side of Russell Creek in Coowescoowee, I guess.

Q Did he always live there or move back to the Cherokee Nation? A John Reese come back from the South, I guess, and moved up there.

Q Do you know anything about where he moved and when he came? A I don't know where John Reese come from, but in '66 I found John and this girl up there this side of Russell Creek.

Q Near whose place? A Do you know where Mills lived?

Q Near whose place? I don't know them? A Near Mills.

Q Don't you know that Mills never moved to the Cherokee Nation until in the '70's when the railroad started through there? A She was living there and that was in '66; I don't know whether Mills owned it at that time or not.

Q Don't you know that that place wasn't started until after the railroad come through there in the fall of 1869 and '70? A The best of my knowledge they called that the Mills place.

Q What Cherokee or white man was living near where you claim Reese was living that had Catherine with him? A There was a man living there called Say Summers.

- Q Was he a Cherokee or white man? A White man, had a Shawnee family.
- Q Now, I will ask you if Captain Summers wasn't son-in-law of Milles, the man you spoke of? A Yes, sir.
- Q Didn't he come there after Col. Moudinet located his place there near in 1871? A No, sir, I think not.
- Q Did he or not, did you see him there before 1871? A I saw him there in, it appears to me, somewhere in '66 or '7, when Summers came there.
- Q You are not positive as to the year? A No, sir.
- Q You lived at that time how far from where you claim you saw Reese living? A It must be between seven and eight miles.
- Q On what Creek did you live? A Right at Summers' house.
- Q You, yourself? A Yes, sir, and Murrell Johnson and his wife.
- Q How long did you live there? A I think two years.
- Q How long did Catherine stay at Reese's? A Must have been there between two and three years.
- Q Then what became of her? A She came over to the old lady's, ever on Verdigris.
- Q After she went there what became of her? A She went back across the line.
- Q To what point? A I don't know exactly.
- Q About Erie or Haporia? A I don't know.
- Q How long did she stay up there? A I don't really know exactly.
- Q She married, didn't she? A She came back down and stayed a while then went back up there.
- Q When was it she came back and stayed a while? A About the time I told you about Cherokee Bill.
- Q--She didn't marry then?--A--
- Q She hadn't married then? A Yes, sir, she had.
- Q That is when she married Mix? A Yes, sir, I guess so.
- Q Then she has been living in Kansas ever since? A Backwards and forwards.
- Q Hasn't she been married ever since? A No, sir, she and Mix quit.
- Q When she had married Mix she lived in Kansas? A No, sir, she was at Nowata.
- Q Do you know whether or not she and Mix ever had a home in the Cherokee Nation? A No, sir.
- Q Do you know whether they lived and kept house in Kansas? A No, sir, I don't know.
- Q After you saw her at Nowata what became of her? A She went up to Kansas.
- Q And has been living there ever since? A Yes, sir.
- Q Don't you know at what point she lives? A No, sir.
- Q Don't you know her postoffice? A No, sir.
- Q And she is your daughter and you don't know? A No, sir.
- Q She came down here to-day and didn't tell you from what point she came, in Kansas? A No, sir, she didn't tell me; she has been down here for about four months.
- Q Has she been at your house during that time? A Yes, sir.
- Q How long did she stay there? A About a month--in and close.
- Q And you haven't yet found out what place in Kansas she has been living? A No, sir, I never asked her, to tell the truth, she has been here about four months; sometimes with me and sometimes with her aunt, right there close.

By Mr. Blue:

Q You have been asked about the marriage of Catherine's mother to Joe Rucker, state what, if anything, you know about that, giving all the facts?

Mr. Davenport: Objected to because he has already told about that.

Commissioner: Objection noted, witness will answer.

A I have given all the facts in the case.
 Q Did you know the man? A Yes, sir, I know him.
 Q Were you present at the marriage of Catherine's mother and Joe?
 A No, sir.
 Q Where were you then, that time? A Fort Gibson.
 Q Why have you called this Catherine to be your daughter and helped support her, as you have stated?

Mr. Davensport: Objected as an incompetent, immaterial and not cross-examination of any matter brought up by the representatives of the Cherokee nation.
 Commission: Objection noted; witness will answer.

A Well, I had Catherine's mother and I supposed Jane was in a family way; I left home because she said she was; I lit out and went to Fort Gibson and when I come back she was married.
 Q About what was that, if you know, when you lit out, as you say, and went to Fort Gibson?
 A I just couldn't tell you what year.
 Q When was it that you come back and found that she was married?
 A I couldn't just tell you what year it was.
 Q What you come back and found that she was married had Catherine been born?
 A No, sir.
 Q How soon after you went down to Fort Gibson was it until you returned and found that Jane was married?
 A Been about two months, I reckon.
 Q Who do you mean by Jane?
 A Jane Blackwell.
 Q Catherine's mother?
 A Yes, sir, Catherine's mother.
 Q Did you see her when you come back at the end of the two months?
 A Yes, sir.
 Q Was she then in a family way?
 A Yes, sir.
 Q When you lit out and went to Fort Gibson, as you have stated, did you then believe she was in a family way?

Mr. Davensport: Objected to as calling for an opinion and being absolutely irrelevant.
 Commission: Objection noted; witness will answer.

A Yes, sir, that is the reason I went away; I had an idea she was in a family way.
 Q You were afraid of getting into trouble?

Mr. Davensport: Objected to as immaterial and not cross examination of any matter brought out by the representatives of the Cherokee Nation.
 Commission: Objection noted; witness will answer.

A Yes, sir, she said she was.
 Q Why did you leave that place at that time?

Mr. Davensport: Objected to as being incompetent, irrelevant and immaterial and not cross-examination of any matter brought out by the representatives of the Cherokee Nation, and not in support of any contention that the applicant sets forth, nor denial of the Cherokee nation.
 Commission: Objection noted; witness will answer.

A She said she was in a family way, and I supposed they would make me take her, and I got out from there and left; that is what I left for.

By Mr. Davensport:
 Q When did you first try to enroll this girl of yours or ever resort to the enrolling division this girl as one of your children?
 A When the Supreme court at Vinita, I was going to enroll her, and old Mrs. Foster told me she was going to.

Q What did you do? A Nothing.
Q Never have before? A No, sir.
Q You were on the 1880 roll and discontinued? A Yes, sir.
Q And you claim you had her with you in 1885 and never had until
this roll any indication of her or as one of your family? A No,
sir, I haven't, and I want to tell you why.
Q I haven't asked you why? A No, sir.
Q When you claim you were running back and forth from Fort Gibson,
dragging furs, she had ample opportunity to have seen other men?
A Yes, sir.

By Mr. Elms:

Q You may state if you please whether you didn't seek to enroll
Catherine before this time? A Mrs. Foster said--

Mr. Davanport: We object to what Mrs. Foster said, and I ob-
ject to anything he states other than what he did.
Commission: Objection noted.

A I didn't enroll her. Catherine was with Mrs. Foster, and Mrs.
Foster said she was going to enroll her, that is why.
Q In Mrs. Foster one of the ladies that you said kept Catherine?

Mr. Davanport: Objected to as incompetent and immaterial.
Commission: Objection noted.

A Yes, sir.

Q What relation, if any, was she to Catherine? A It seems that it
was her aunt; they are all kin folks, close kin, but I wouldn't want
to tell it just the way it is; and Mrs. Foster, I think, is her aunt
or something; they all claim close kin folks.

Q State whether or not, if you, Mrs. Foster is a recognized citizen
of the Cherokee Nation?

Mr. Davanport: Objected to as immaterial and incompetent, the
recognition of Mrs. Foster not being a part of the citizenship
through whom this applicant claims.
Commission: Objection noted; witness will answer.

A Yes, sir, Mrs. Foster is a recognized citizen, as they say.

Q Do you know under what name Mrs. Foster was enrolled? A I think
it is Malissa Foster.

Q In what district was she enrolled if you know? A I think it is
Seewannawhah district, Cherokee Nation, if I mistake not.

By the Commission:

Q What roll is this Malissa on? A She applied to Mr. Wallace at
Vinita.

Q You think that she is on the Wallace roll? A No, I looked and
she isn't on there.

By Mr. Elms:

Q Is she on the 1880 roll? A She is not there.

Mr. Elms: I think Mr. Vann is mistaken, and I would like to
have the 1880 roll examined.

By the Commission (of Mr. Vann, the witness):

Q What name did Malissa Foster go by in 1880? A Malissa Foster.

Q Would she have been enrolled with anybody else at that time?

A No, sir, she was an old lady.

Q And she would be on the roll by herself? A Yes, sir, and some other children along with her, she would be called Lark.

Q Lark what? A Lark-~~blackwell~~.

Q The what? A I think Lark is the family, and Lou.

Q And they would have been enrolled in Coowescoowee district in 1860, as Cherokee freedmen? A Yes, sir, they would have been in Coowescoowee district.

Q Where does this Malissa Foster live now? A She is dead now.

Q How long has she been dead? A It has been just about two months, I think.

Q Where did she live? A Right above Lompah there about seven or eight miles, across Hickory Creek.

Q Who did she live with? A Her and Lark.

Q Do you know what her father's name was? A No, sir.

Q Do you know what her mother's name was? A Nellie Blackwell, I think.

Q Who is Percy Foster? A I don't know him--Pierces?

Q Percy? A They must have put him down as Percy; Pierce is in the family.

Q How old is this one you refer to as Pierces? A He must have been right at 25 years old.

Q Do you know who Malissa belonged to before the war? A No, sir, not really; I heard, but don't know for certain.

Q About how old was she when she died? A I don't know; she must have been 60, she looked like an old lady near 60 years old, maybe older.

Q Did you ever know any other Malissa Foster up about Lompah?

A No, sir.

Commission: It appears that one Malissa Foster, aged 70 years; postoffice Lompah; father's name William Blackwell; mother's name Sarah Blackwell, has been listed for enrollment on Cherokee freedmen card No. 1862, and is included in the final roll of Cherokee freedmen approved by the Secretary of the Interior opposite No. 211. This person's name is also found on the 1880 authenticated Cherokee roll, Coowescoowee district, aged 80 years, No. 1874, together with the following names in the same family: Sara Foster, aged 11 years; Lou Foster, aged 27; Lucinda Foster, aged 25; Fannie Foster, aged 15 years.

Mr. Davaport: The representatives of the Cherokee Nation object to including in the record the statements by the Commission as to Malissa Foster and the enrollment of Malissa Foster and as to her ancestors, Blackwells, for the reason that it tends to confuse the records with the ancestry through which this applicant claims, and is incompetent and immaterial; that it further tends to show, without sufficient identification, that the Foster that one time had the applicant in custody and living with them which is immaterial and not in support of any allegation of the application, and move that that part of the record be stricken out.

Commission: Objection noted.

By the Commission:

Q This man Mix, did you ever see him in the Cherokee Nation? A Yes, sir, I have seen him here.

Q Do you know whether he ever lived in the Cherokee Nation? A No, sir, he didn't live here.

Q He is supposed to be the father of Gatherine's only child, is he?

A Yes, sir.

Q That is your understanding? A Yes, sir, that is what he told me.

Q Were they married before that child was born? A No, sir, I guess not.

Q Do you know about when they were married? A No, sir.

Q But they lived together before this boy was born and had been living together? A Yes, sir, that is what they said; that that was their boy.

Q You say Catherine is now married again? A Yes, sir, she says so.

Q Did you ever see her present husband? A No, sir.

Q Do you know whether he ever lived in the Cherokee Nation? A I don't know; I have never seen him.

By Mr. Davenport:

Q Do you know either the date of the birth of Catherine or the date of the marriage of Joe Baker to Catherine's mother? A No, sir, I don't.

Q Either the month or the year? A No, sir, I don't.

By Mr. Elms:

Q You have stated that Catherine was related to Mrs. Malissa Foster, did that relationship exist through Catherine's mother or through you? A It must be her mother; they were no kin to me at all.

ELMER THOMPSON, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Elmer Thompson.

Q How old are you? A 64.

Q What is your postoffice address? A -Hotopa, Kansas.

Q You are a Cherokee Freedman? A I am.

Q Do you know the applicant in this case, Catherine Elms? A I used to.

Q About how old is she? A I don't know; she is 30 some odd, I think.

Q When did you first get acquainted with her? A I don't know whether it was in '72 or '73; sometime in there.

Q Where was she then? A She was living with a man and his family on the Neosho, down below Hotopa.

Q In the Cherokee Nation? A Yes, sir.

Q Who was it she was living with? A John Reese.

Q How long did you continue to know her; there with John Reese?

A Not very long, I only stayed there part of the summer and winter.

Q When did you next see her? A Not any more until the Kansas

Commission set out to Nowata, as I know of.

Q That was in 1927? A I guess it was.

Q Do you know where the applicant is living now? A Not exactly.

Q Do you know anything as to her whereabouts since you saw her with John Reese sometime in the '70's until now? A No, sir.

Q Do you know anything as to her parentage, who her father or mother was, to your own knowledge? A No, sir, only what I heard.

By Mr. Elms:

Q As I understand you, Mr. Thompson, you saw Catherine Elms at John Reese's place on the Neosho River in the Cherokee Nation the first time? A Yes, sir.

Q About when do you think that was? A I think it was along about '75 or somewhere along there.

Q About that mixed girl was she then? A Kind of a chunky built girl to the best I know.

Q Are you able to state about what her age was at that time? A I don't know; looked like a girl nine years old, maybe less or more.

Q The next time you saw her was in 1927? A I think so.

Q Do you know anything about where she had been during that time?

A No, sir.

By Mr. Davenport: (No cross-examination.)

By the Commission:

Q Do you know that this person who is the applicant in this case

is the same person you saw as a child with John Bease in the '70's?
A Yes, sir, to the best of my knowledge this is her.

CATHERINE MIX, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Catherine Mix.
Q You are the applicant in this case? A Yes, sir.
Q Is your present name Catherine Mix? A Yes, sir.
Q How many times have you been married? A Just the one time.
Q Are you still living with him? A No, sir.
Q Since you separated from him you have not married again? A No, sir.
Q What is your present postoffice? A Leaping.
Q Have you any proof of your marriage to him? A No, sir, I have not.
Q Did you marry under a license? A Yes, sir.
Q You have no copy of that license, nor certificate? A No, sir.
Q About when were you married to him? A I can't tell; I never kept the number of years; quite a while ago; I have a son by him.
Q You were married before or after that child was born? A I married before my child was born.
Q How old is he now? A About 18.
Q Where did you say you were married? A Chanute.
Q Chanute, Kansas? A Yes, sir.

By Mr. Blue:

- Q When were you married, Catherine, if you remember? A I just don't remember; I know it was May, but I don't remember the year.
Q How soon was it after you were married until your child was born?
A About nine months, I guess.
Q How old is he now? A 18.
Q By whom were you married? A By Squire Conba.
Q Was he living there? A I think so.
Q Where did you say you were married? A At Chanute.
Q That is in Neosho County, Kansas? A Yes, sir.
Q Did you say you never had been married to anyone else? A That is all.
Q What is his first name? A Sam.
Q Same as your son? A Yes, sir.
Q Have you ever been divorced from Samuel Mix? A Yes, sir.
Q Where were you divorced, in what court? A In Court at Erie, Kansas.
Q That is in Neosho County, also? A Yes, sir.
Q About when was that, if you know? A That has been a year, I guess, three or four years.
Q You have stated, Catherine, that you have worked up in Kansas for several years, state to the court why you have done so?

Mr. Davenport: Objected to on the ground that it is incompetent and immaterial.

Commission: Objection noted; witness will answer.

- A I worked up there, because I made better wages for my labor, and wherever I could get better wages I want to work, because I had my child to support; as and my husband had separated.
Q Where were you on June 28, 1888, if you remember? A I was here in the Territory.
Q At what place were you on June 28, 1888? A I was at Leaping, out in the country there at my aunt Malissa Foster's.

Q Have you ever claimed or had your residence or home in any other place than the Cherokee nation, Indian Territory?

Mr. Baysport: The representatives of the Cherokee nation object to that as immaterial and incompetent, the question being where she has had her home and not what she claimed.

Commissioner: Objection waived, witness may answer.

A I never owned a home in the States; I claim this as my home, because here is where my father lived.

Mr. Baysport: I want her to answer that question yes or no.

Mr. Elmer: I insist that the witness should be allowed to answer without being interrupted.

Commissioner: You may answer the question yes or no, and then make any explanation you may wish.

A No, no place but here.

Q The court states that you may make any explanation you may desire to clarify that question; you may proceed to do so? A I haven't only just the geography; I have always claimed that my home; I haven't had a home no place else.

Q What, if anything, did your father, Bensen Vann, do for you in the way of supporting you? A He bought me clothes and give me money and give me a home.

By Mr. Baysport:

Q He didn't buy you clothes while you lived with Mix as his wife, did he? A Yes, sir, I came here occasionally and he clothed me.

Q While you were living with Mix? A Yes, sir.

Q Where were you living when you first remember? A On the Nevashe, below Chatoga.

Q With whom? A Uncle John Reese.

Q How long did you stay there? A I don't know how long I stayed there; I was too small to remember; a good long time with him.

Q Have you any recollection of leaving him at all? A Yes, sir.

Q How long did you stay before you left? A I stayed with him so much I don't know, on this place down here, I don't know, I was small when they took me away.

Q Then what did you do? A My aunt Malissa Foster took me.

Q How long did you stay with her? A When I wasn't working I made that my home.

Q How big were you when you went there? A I was a good big girl.

Q That was after you lived at Reese's? A Yes, sir.

Q After you left Malissa Foster's where did you go? A To my aunt Millie; she came and got me.

Q Where was that? A At Chatoga.

Q After you went to Chatoga, Kansas, how long did you live there?

A I don't know; I was in and out all the time.

Q The greater part of the time you were in wasn't you? A No, sir, I was out as much as in.

Q When you went back there was your mother? A She was dead; I don't remember her.

Q Where did you meet Sam Mix? A My aunt come through pris and I met him there.

Q That was his home? A Yes, sir.

Q Then you and he married, how long did you live with him as your husband? A I lived with him off and on I don't know how many years it was.

Q Can't you give an idea about how many years you lived with your husband? A I guess we lived together some seven or eight years; he would go off and stay three or four months and if he found me again he would stay again.

- Q You kept house in Erie, you and Sam? A Yes, sir.
- Q How long? A Couple of months.
- Q No longer? A No, sir.
- Q How long did you keep house in Kansas City, Missouri or Kansas? A Never kept house there.
- Q How long have you lived in Kansas City? A I worked there about two years, I guess.
- Q You are working there no, aren't you, when you are doing anything at all? A No, sir.
- Q How long since you left Kansas City? A I was up there since then, it has been about five months ago.
- Q You had been there for about how long before you left there about five months ago? A I had been working there----
- Q How long had you been there? I don't care what you were saying.
- A I think I stayed there a year and went back and worked another year.
- Q You have been getting your mail at Kansas City the most of the time for the last five years, haven't you, except when you were away a little while at a time? A No, sir.
- Q Who did you work for there? A Mrs. James.
- Q Was that Kansas City, Kansas, or Missouri? A Missouri.
- Q What was the number of the street? A I don't know what number that was.
- Q How do you find it when you go there, if you don't? A When I was working there I kept it in my memory.
- Q You have been working for her in the last six months, haven't you? A No, sir.
- Q Who have you worked for there in the last six months? A No one.
- Q Who did you work for there in the last twelve months? A Mrs. James when I was there.
- Q Can't you tell me the number? A No, sir.
- Q Is it the queensware dealer's wife that you worked for? A Yes, sir.
- Q How long have you lived at Erie since you and Nix separated? A Haven't at all.
- Q How far is Chamute from Erie? A I think it is 15 miles.
- Q You had lived in the county in which Erie is the county seat for sometime before you applied for divorce, hadn't you? A Yes, sir, I was in and out.
- Q Didn't you apply and set forth and swear in your divorce proceedings that you were a resident of the state and had been for two years prior thereto? A I don't remember what I did swear; of course I was married there; they swore me and I didn't pay any attention to what it was.

Mr. Blue: Objected to as not the best evidence and ask to strike it out.

Commission: Objection noted.

Q Didn't you swear in your divorce suit in Kansas that you were a resident of the county and that your home was there? A I don't know; they swore me, because I wanted to get my divorce; I married there and lived there

Mr. Blue: We object to that as not the best evidence and ask to have it stricken out.

Commission: Objection noted.

Q What you did swear in the divorce proceedings was the truth at the time you swore it, wasn't it? A Yes, sir.

Q And if you did state that you were a resident and your home was in the county it was a fact at that time? A I might have been there at that time.

Q And as a matter of fact you did claim Kansas as your home and Charlotte as your residence at the time you applied for your divorce, didn't you? A I don't know whether they asked me that or not; I never thought anything about it; I was too glad to get away from the man.

Q You were ready to set forth the facts if necessary to get the decree? A Yes, sir, I wanted my divorce.

Q You and your husband owned your property there in Charlotte, didn't you? A No, sir.

Q Didn't your husband have a home there and property? A No, sir.

Q The kept house there? A Yes, sir.

Q Where is your son now? A In Charlotte.

Q He has lived there all his life? A No, sir, he lived at Nowata with me, and backwards and forwards.

Q He has made his home up there in Kansas the greater part of the time, hasn't he? A Part of the time.

Q When you were at Nowata, he was during the enrollment, wasn't it? A It was while Charles's bill was out.

Q You went back to Kansas after the payment closed, didn't you?

A No, I came to Leechport and stayed a while, worked there and went back to Charlotte.

Q Went back to where you had been all keeping house? A Yes, sir, I went back there, but didn't keep house.

Q You went to the same town? A Yes, sir.

By Mr. Blue:

Q You never did have a home anywhere in Kansas? A No, sir.

Mr. Blue: I want to note here now that the laws of the state of Kansas don't require a party to have a home in Kansas in order to entitle them to prosecute an action for divorce; that all they do require is actual residence in good faith for a period of one year, and that a party can maintain an action and procure a divorce in the State of Kansas without being a citizen of the State of Kansas.

By Mr. Davenport:

Q I will ask you when you were married to Sam Mix if you were not married to him under the name of Catherine Tucker? A Yes, sir.

By Mr. Blue:

Q You may explain how that was? A When I was married to him I was with aunt Millie Tucker, the aunt that had me in Charlotte, and her husband was a Tucker, and they told me just to go under the name of Tucker, because they didn't want to make any difference in me, and so just told me to go under the name of Tucker.

Q Had your aunt Millie Tucker any children of her own? A Yes, sir.

Q When living with her by what name did you go? A Catherine Tucker; they called me Catherine Tucker.

Q Were you known at the time you were living with her by the name of Catherine Tucker? A Yes, sir.

Q Your father stated on the stand that you had been married again since you were married to Mr. Mix, have you any explanation to make in regard to that?

Mr. Davenport: Objected to because question of father is not disputed - in dispute.

Commission: Objection noted. Witness will answer.

A I have not been married, but I told him that I was; I told him that, because this Mr. Mix would write letter and send gentlemen to me to tell me what he would do if I married, and I wanted him to get the news that I was married so he would worry more, but I haven't been married except to Sam Mix.

By Mr. Davenport:

Q Wasn't your mother living with her husband, whose name was Joe Backer, at the date of your birth, and didn't she live with him for several years thereafter? A You couldn't prove that by me, because I don't know.

Q Did you never know whether or not your mother was married to anyone? A I heard she was married to Joe Backer.

Q That wasn't the name and that your mother was living with, as her husband? A They say he married her before.

Q When it was the same man that your mother had married prior to that time? A Yes, sir, the same man.

By Mr. Blue:

Q What information, if any, have you that you are the daughter of any other man than Bunk Vann?

Mr. Davenport: We object unless she get the information from her mother, as the duly competent witnesses would be the father and mother.

Commission: Objection noted.

Q Do you remember your mother? A I think sometimes I do, but my aunt says I don't.

Q What, if anything, do you know about what your mother said as to who was your father?

A My aunt has raised me and they have told me all the time----

Mr. Davenport: We object to what her aunt told her.

Commission: Objection noted.

----that Bunk Vann was my father, and besides my stepfather, this Backer, would mistreat me and they told me he did it because I was only a stepdaughter, is all I know anything about.

Commission: At the request of the applicants' attorney he will be allowed 15 days to file a brief in this case, a copy of which he will be required to serve upon the Cherokee Nation's attorney, and the Cherokee Nation's attorney will be given the same 15 days within which to file marriage and divorce papers and to cite the Commission to the Kansas Statutes, as above stated, and this case is now considered closed.

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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 cases 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 5th day of August, 1904.

[Signature]

The Commission Expires June 12, 1905

Oliver C. Hinkle

Notary Public.

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FILED
AUG 5 1904
COMMISSION TO FIVE TRIBES.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VIENNA, I.T., OCTOBER 22d, 1901.

EXHIBITION TESTIMONY in the matter of the application of
Sadie Harrison, et al., for enrollment as Cherokee Freedmen, intro-
duced on part of the applicants:

APPRAISEMENT:

Applicant present in person.
Mr. Newport, of Council for Cherokee Nation.

GEORGE VAN, being duly sworn and examined by Commissioner
Needles, testified as follows on part of applicants:

- Q What is your name? A George Van.
- Q What is your age? A 34.
- Q What is your post office address? A Lompah.
- Q Do you know Sadie Harrison? A Yes, sir.
- Q How long have you known her? A I have known her ever since
the war, I knowed her mother before the war.
- Q Was she a slave? A I don't know, I didn't see her when she was
a slave.
- Q Was her mother a slave? A Yes, sir.
- Q Who did her mother belong to? A Mrs. Archer.
- Q Was Mrs. Archer a Cherokee citizen? A Yes, sir.
- Q Well, when was the first that you know Sadie and what year? A
About '89 was the first that I saw her.
- Q Do you know where she had been before that? A She was raised
in the Creek Nation, I guess that is true.
- Q Raised in the Creek Nation? A That is she lived in there, I
was her at home.
- Q In '87? A '87.
- Q You don't know where she was during the war? A No, sir, I don't.
- Q Don't know whether she was out of the Cherokee Nation or not?
A No, sir.
- Q All you know about it then is she is the daughter of?
A Mrs. Archer.
- Q And that Mrs. Archer belonged to? A Mrs. Polly Archer.

J. G. Bacon, being first duly sworn, states that as stenogra-
pher to the Commission to the five civilized Tribes he 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. Bacon.

Subscribed and sworn to before me this October 21st, 1901.

(Signed) T. E. Needles,
Commissioner.

H. E. Vance, being first duly sworn, states that as stenographer
to the Commission to the five civilized Tribes, he made the above
and foregoing copy and that the same is a true and correct copy of
the original transcript.

Subscribed and sworn to before me this the 24th day of July, 1901.

Charlotte Freeman
D 1037.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
WASHINGTON, I. T., JUNE 17, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of SUEDE HARRISON, ET AL., as Cherokee freedmen.

It appears that on May 16, 1904, the applicant and the attorney for the Cherokee nation were 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 June 14, 1904, and introduce further testimony touching the points mentioned in said letter. Upon notice of the attorney for the Cherokee nation this case was continued from June 14, to June 17, 1904, when the following testimony was introduced.

APPENDIX:

Applicant appears in person,
Charlotte Nation by its attorneys, V. W. Hastings and L. B. Hall.

SUEDE HARRISON, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Suede Harrison.
Q How old are you? A I don't know exactly; said I was born first year peace was declared, I don't know.
Q You are an applicant for enrollment as a Cherokee freedman?
A Yes, sir.
Q What is your postoffice address? A Ridge.
Q What is in the Creek Nation? A Yes, sir.
Q What was the name of your mother? A Rose Archie.
Q What was the name of your father? A I don't know him at all.
Q Your mother was a Cherokee freedman? A Yes, sir.
Q Who did she belong to? A Folly Archie.
Q Since your recollection where did your mother live up to the time of her death? A She died right there at Ridge.
Q Where did she live up to that time since you can remember? A At Gibson.
Q She died there? A Yes, sir.
Q Since your recollection where have you lived? A In the Creek Nation and Cherokee Nation.
Q How long have you lived in the Creek Nation? A Been living here about 16 years, on and off; sometimes I would get out as my old man and go back to my people, in the way I have been living to tell you the facts about it.

By Mr. Hastings:

- Q You were born the year peace was declared? A Yes, sir.
Q You don't know of your own knowledge anything about what happened before the war? A I don't know anything about that.

GEORGE VANN, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A George Vann.
Q Captain George Vann? A Yes, sir, West Creek fight Vann.
Q How old are you? A Going on 50.
Q What is your postoffice? A Longport.
Q You are claiming to be a Cherokee freedman? A Yes, sir, that is what I claim.
Q Do you know the applicant in this case, Suede Harrison? A Yes, sir, I know her mother.

Q What was her mother's name? A Hese Archie, belonged to Miss Pally Archie.

Q Pally Archie was a Cherokee citizen? A Yes, sir.

Q Did Hese Archie go out of the Cherokee Nation during the war?

A Not as I know of.

Q Do you know? A No, sir, I don't.

Q When did you first get acquainted with Hese Archie? A We were raised together.

Q You didn't know her when the war came up? A When the war come up most of the people left that neighborhood, but a few of us; we were the last; Miss Archie still stayed there.

Q This applicant's mother, was she still there when you left?

A No, sir, she left before we did.

Q You don't know where she went? A No, sir; I saw her in Fort Gibson after we come back; this child was a little girl, and I think she died in 1867.

Q When did you first see the applicant's mother in the Cherokee Nation after the war? A In September or October, I forget; when we come down to Fort Gibson she was there.

Q September or October of what year? A '66, when we come down.

Q Was she living there at that time? A She was staying there; I don't know whether she had a house.

Q You say the applicant was a small child then? A Yes, sir. Her mother died soon afterwards.

Q At Fort Gibson? A Yes, sir.

Q And she lived there from September or October, 1866, until her death? A Yes, right there till her death.

Q When she died what become of this applicant? A I wasn't, I seen her a time or two afterwards, off and on, but I don't know who raised her.

Q Don't you know anything of your own knowledge as to the residence of this woman Susie Harrison since the death of her mother? A I have knowed her to live at Gibson and in the Creek Nation.

Q You have seen her off and on in the Creek and Cherokee Nation?

A Yes, sir.

By Mr. Hastings:

Q Your name is George W. Vann? A Yes, sir, George West Vann.

Q Your age is what? A 33, going on 34.

Q What is your postoffice address? A Lookah.

Q Do you know Susie Harrison? A Yes, sir.

Q How long have you knowed her? A Ever since she was a baby.

Q Was she a slave? A No, sir.

Q Born after the war? A Yes, sir.

Q Was her mother a slave? A Yes, sir.

Q To whom did her mother belong? A Pally Archie.

Q Was Mrs. Archie a Cherokee citizen? A Yes, sir.

Q When was the first time you know Susie Harrison? A After the war?

Q Yes, when did you know her first? A After the war she was just a baby; I knowed her when her mother had her in her arms.

Q Was that the first time you saw her mother after the war? A Yes, sir.

Q She had this applicant, Susie, when you first saw her? A Yes, sir.

Q What time was that? A In October, '66.

Q You are positive about that? A Yes, you see the reason I am positive, when we come down it was the last of September, and we got there and buried our men and stayed around there, and a whole lot of us come down to Gibson about October.

Q You don't know where her mother was during the war? A No, sir.

Q Do you know whether she was in the Cherokee Nation or not?

A No, sir; don't know whether she was in the Cherokee Nation or Georgia or Arkansas.

Q All you know is that this girl was the daughter of Hese Archie?

A Yes, sir.

- Q And Rose Archie belonged to Pally Archie? A Yes.
- Q Now George, did you on October 23, 1961, at Vinita, Indian Territory, before this Commission, give testimony in this case? A I think I did.
- Q Do you know that I have asked you every single, solitary, identical question that was asked you at that time, with a few additional? A Well, I stated just what I knew about it.
- Q Did you make that same statement in answer to this same question at that time? A I don't know, I think I did.
- Q Do you know in what particulars you have made different statements if you have made them? A No, I don't.
- Q Then you made the same statements, in answer to these same questions before the Commission at Vinita, Indian Territory, on October 23, 1961, that you have here to-day? A Did I know I made it?
- Q You made the same answers, did you? A I meant to make the same answers that I made then.
- Q You know as much about it then as you do now? A I am just like, I practiced up on these things, and I found out more particulars than I did at that time.
- Q What more particulars have you found out with reference to this woman? A I tell it just like I know.
- Q You had no occasion to find out more about this woman; you hadn't thought any more of it, had you? A When I thought about it I knew just what I knew then.
- Q You have already stated that you made the same answers to those questions? A If I made any different questions I don't know it.
- Q You have got no new light upon these answers, because you answered them as you have here to-day, according to your statement? A I just naturally told the truth about it.
- Q On October 23, 1961? A As near the truth as I knowed now.
- Q You were sworn to tell the truth? A Yes, sir.
- Q I am asking you about your testimony, you told the truth then? A I aimed to then and now, too.
- Q I am asking you if you told it then; you had warter forgotten that you testified before hadn't you? A I didn't think I testified in it at all.
- Q If you had thought you had testified before you wouldn't have taken the stand this time would you? A If I taken the stand this time and it don't do any good, she could get somebody else.
- Q You had forgotten that you testified before, hadn't you? A Yes, sir, but I am testifying the truth.

By the Commission:

- Q When you appeared before the Commission on October 23, 1961, and testified in the case of Susie Harrison, you were asked, "When was the first time you knew Susie, and what year?" You answered, "About '09 was the first time I saw her." A As I told Mr. Hastings, I had a chance to reckon back and that is the reason.
- Q You want to explain, after thinking the case over, that you remember of seeing her before that? A Yes, sir, that is it; after I had a chance to reckon back I remember seeing her with her mother.

By Mr. Hastings:

- Q I have asked you every single, solitary question that was asked you on October 23, 1961; you said also that you had forgotten that you had ever testified in this case? A Yes, sir.
- Q But I asked you on cross-examination if you had testified? A That's right.
- Q You have been a standing witness in these cases, haven't you? A No, sir.
- Q You have followed the Commission from place to place at every sitting? A Yes, sir, I know the people.
- Q You have been here nearly every time there has been a hearing in Freedom cases? A Yes, sir.

Q You had forgotten this morning that you had testified in this case and didn't have a chance to refresh your memory by reading over the testimony, had you? A No, sir.

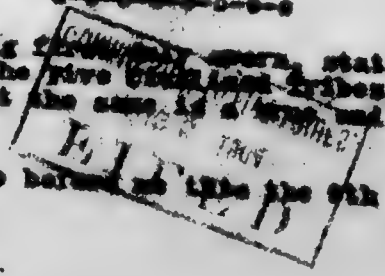
H. K. Vance, being first duly sworn, states that as stenographer to the Commission to the five civilized tribes, he reported the proceedings had in the above entitled case, and that the above and foregoing is a true and correct transcript of his stenographic notes thereof.

(Signed) H. K. Vance,

Subscribed and sworn to before me this the 21 day of July, 1904.

(Signed) Charles H. Sawyer,
Notary Public.

H. K. Vance, being first duly sworn, states that as stenographer to the Commission to the five civilized tribes, he made the above and foregoing copy and that the same is a true and correct copy of the original transcript.



Subscribed and sworn to before me this the 21 day of July, 1904.

My Commission Expires January 19th 1906.

Seal

Chas. H. Sawyer
Notary Public.

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

In the matter of the application for the enrollment of
Catherine and Samuel Mix as Cherokee Freedmen.

DECISION.

The record herein shows that on June 24, 1901, Catherine Mix appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself and minor child, Samuel Mix, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, June 17, and July 28, 1904. A copy of the testimony of George W. Vann taken at Vinita, Indian Territory, October 23, 1901, and at Muskogee, Indian Territory, June 17, 1904, in the case of Susie Harrison, et al., Cherokee Freedmen Bill, is filed herewith and made a part of the record in this case.

The evidence herein shows that the principal applicant, Catherine Mix, was born at Ottawa, Kansas, during the latter part of the rebellion; that at the time of her birth her mother, Jane Tucker, nee Blackwell, and one Joe Tucker, were living together in lawful wedlock, and it is presumed that the said Catherine Mix is the legitimate offspring of that union.

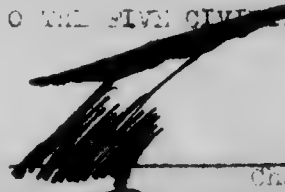
The evidence further shows that the said Catherine Mix possesses no rights to enrollment other than through her claim that she is the illegitimate child of one Duncan Vann, a recognized Freedman of the Cherokee nation. But, in view of the conditions shown to have existed prior to the birth of Catherine Mix, it is not considered that the testimony of her alleged father, Duncan Vann, in re her paternity, is sufficient to rebut the legal presumption above indicated.

The evidence further shows that the said principal applicant has never become a bona fide resident of the Indian Territory, and has never owned or controlled any property therein. The minor applicant, Samuel Mix, was born in Kansas, has resided with his mother since birth, and possesses no rights to enrollment

except as her descendant. The applicants herein can not be identified on the Cherokee authenticated tribal roll of 1890.

It is, therefore, the opinion of this Commission that the application for the enrollment of Catherine and Samuel Mix 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 OF THE FIVE CIVILIZED TRIBES.


Chairman


Commissioner.


Commissioner.

Muskogee, Indian Territory,
this 22 day of APR 1905

DEPARTMENT OF THE INTERIOR.

In the matter of the application for the enrollment of
Catherine Mix, et al., as Cherokee freedmen.

Cherokee Freedmen R 133.

Reply of Cherokee Nation to motion to reopen.

The representatives of the Cherokee Nation contend that in this case the presumption of law is so strong against the applicants that it seems useless to encroach upon the time of the Department in attempting to discuss this question.

The testimony shows that Joseph Rucker was the husband of Jane Rucker who was formerly Jane Blackwell, and that they were living together in wedlock at the time of the birth of Catherine Mix, and the law presumes the legitimate offspring of that union. It is true an effort has been made to show by other parties that Dunk Vann who claims not to be the father of this Catherine Mix supported or helped to support the child, but no contention of this kind was ever urged until since allotment was begun. Dunk Vann was never married to Catherine Mix' mother. They also offered the affidavit of Joseph Rucker who swears that Jane Blackwell informed him that she was pregnant about the time or before their marriage, but the testimony in this case is of such a character that no reasonable thinking, intelligent mind could believe to be the truth. It is preposterous to think that any human being would go on for years and years after claiming to be the father of a child, or that any human being would marry a woman, knowing her to be pregnant and about to be delivered of a child, unless the man marrying her was the father of the child or had every reason to believe that he was the father of the child. The facts of this case show that Jane Blackwell had ample opportunity to be with other men as well as with Dunk Vann, and we contend that the decision of the commission to the five Civilized Tribes is correct and should be affirmed.

Respectfully submitted,

Attorneys for the Cherokee Nation.

9.27.04
JSD

Cherokee Freedmen N 133.

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

In the matter of the application for the enrollment of
Catherine and Samuel Mix as Cherokee Freedmen.

-1-

D E C I S I O N .

The record herein shows that on June 24, 1901, Catherine Mix appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself and minor child, Samuel Mix, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, June 17, and July 28, 1904. A copy of the testimony of George V. Vann taken at Vinita, Indian Territory, October 22, 1901, and at Muskogee, Indian Territory, June 17, 1904, in the case of Basin-Harrison, et al., Cherokee Freedmen B 1057, is filed herewith and made a part of the record in this case.

The evidence herein shows that the principal applicant, Catherine Mix, was born at Ottawa, Kansas, during the latter part of the Rebellion; that at the time of her birth her mother, Jane Eaker, nee Blackwell, and one Joe Eaker, were living together in lawful wedlock, and it is presumed that the said Catherine Mix is the legitimate offspring of that union.

The evidence further shows that the said Catherine Mix possesses no rights to enrollment other than through her claim that she is the illegitimate child of one George Vann, a Freedman of the Cherokee nation. But, in view of the evidence shown to have existed prior to the birth of Catherine Mix, it is not considered that the testimony of her alleged father, George Vann, in re her paternity, is sufficient to rebut the usual presumption above indicated.

The evidence further shows that the said principal applicant has never become a bona fide resident of the Indian Territory, and has never owned or controlled any property therein. The minor applicant, Samuel Mix, was born in Kansas, has resided with his mother since birth, and possesses no rights to enrollment.

... as her ... The ... can not be ...
... as the fall of 1905.

It is, therefore, the ... of this Commission that
the application for the ... of
... .. the provisions of
... .. 1905,
(20 Stat., 425), and it is so ordered.

COMMISSION TO THE SEVE CIVILIZED TRIBES.

James Blady
CHIEF

T. B. Noodles
CHIEF

C. R. Breckinridge
CHIEF

Muskogee, Indian Territory,

APR 22 1905

Winita

Indian Territory, Aug 20 1904

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in Cattaraugus No. 133

Alue V. Chase

Attorney for Applicant.

C. F. R. - 133

Catherine Mix et al

Should have testimony
of other witnesses as to
the residence of the
applicant Catherine
Mix and her son.

Her father is on parcel
Mae

Department of the Interior
Commissioner to F. in civilized
Tribes
Chester Fox

Chester Fox
R. No. 133

Motion for Rehearing

Copy

Ans

Thomas Foxman
Attorney at Law

COMMISSIONER OF THE FIVE CIVILIZED TRIBES,
CHEROKEE NATION.

Cherokee Freedmen R. No. 122.

In the matter of the application
for the enrollment of Catherine Mix,
and Samuel Mix, as Cherokee Freedmen.

Comes now your petitioner Catherine Mix, for herself and her son Samuel Mix, by Thomas A. Foreman, her attorneys, and respectfully prays that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1908, and afterward affirmed by the Secretary of the Interior, wherein it was decided that your petitioner and her son Samuel Mix, are not entitled to enrollment as citizens of the Cherokee Nation, on the Freedmen roll thereof, be set aside, and said case set down for rehearing and reconsideration and as ground for said action, your petitioner shows the following facts:

I.

That upon a rehearing of this cause, your petitioner will be able to show by the testimony of Katie Taylor, of Langkah, Indian Territory, that the said Katie Taylor knew the mother of petitioner before petitioner was born; and that at the time of petitioner's birth, the mother of petitioner told Katie Taylor, that petitioner was the daughter of Sam Vann, a duly enrolled citizen of the Cherokee Nation; that the said Katie Taylor will testify that just previous to petitioner's birth, the said Sam Vann and petitioner's mother Jane Blackwell were continually together; and that said Jane Blackwell was pregnant by the said Sam Vann at the time Jane Blackwell was married to Joseph Baker, and that after said marriage the said Jane Blackwell gave birth to your petitioner.

II.

That your petitioner will be able to show upon a rehearing, by James Mix, petitioner's father in law, that he was acquainted with petitioner's mother at the time of petitioner's birth; that at the time the said Jane Blackwell, mother

mother of petitioner, was married to Joseph Rucker, she was pregnant and that petitioner was born three months after the marriage of her mother to Rucker.

III.

That upon a rehearing, petitioner will be able to show Edmund Rucker, husband of petitioner's mother, that at the time of his marriage to Jane Rucker, she, Jane Rucker, was pregnant and that within three months after said marriage, the said Jane Rucker gave birth to petitioner, and that Jane Rucker admitted to him, Joseph Rucker, that Dunk Vann was the father of petitioner and said Dunk Vann made the same admission to said Joseph Rucker.

IV.

The decision complained of recites that:-

" The evidence herein shows that the principal applicant Catherine Mix was born at Ottawa Kansas, during the latter part of the Rebellion; that at the time of her birth her mother, Jane Rucker, nee Blackwell, and one Joe Rucker were living together in lawful wedlock, and it is presumed that the said Catherine Mix is the legitimate offspring of that union.

" The evidence further shows that the said Catherine Mix possesses no rights to enrollment other than through her claim that she is the illegitimate child of one Duncan Vann, a recognized Freedman of the Cherokee Nation. But, in view of the conditions shown to have existed prior to the birth of Catherine Mix, it is not considered that the testimony of her alleged father, Duncan Vann, in re her paternity, is sufficient to rebut the legal presumption above indicated."

Petitioner shows that if given a rehearing she will be able to produce in addition to the witness Duncan Vann, three other disinterested witnesses, who will testify directly upon the point referred to in said paragraph quoted from the decision of the Doves Commission, and that such testimony will successfully rebut the legal presumption of the legitimacy of petitioner's paternity; the three witnesses referred to being the said Katie Taylor, James Mix, and Joseph Rucker, whose affidavits as to said facts are attached hereto and made part of this petition. That upon a rehearing petitioner will be able to establish positively and conclusively that she is the daughter of Duncan Vann, a duly enrolled citizen of the Cherokee Nation, on the Freedman Roll, and as such she is entitled to be enrolled as a Cherokee Freedman citizen and that her son Samuel Mix is also entitled to enrollment.

Petitioner therefore prays that the decision complained of be set aside and the case reopened and set down for hearing when and where petitioner will have an opportunity to produce as witnesses in her behalf the said Katie Taylor, James Mix and Joseph Rucker, and that upon such additional testimony the undersigned Commissioner to the Five Civilized Tribes, will reconsider this case, and direct the enrollment of petitioner and her son Samuel Mix, as Cherokee citizens.

on the Freedom Bell.

And your petitioner will ever pray.

Catherine Mix

United States of America,
Indian Territory, Okla.
Western Judicial District

Catherine Mix being first duly sworn, deposes and says that she is the petitioner in the preceding petition, that she has read the same and understands the contents thereof, and that the matters and things therein set forth and alleged are true.

Catherine Mix

Subscribed and sworn to before me this
19th day of July, 1906.

My commission expires August 19th, 1906.

J. H. [Signature]
Notary Public

(CONT.)

UNITED STATES OF AMERICA,
INDIAN TERRITORY
SOUTHERN DISTRICT

vs.

Mary Taylor, of lawful age first being sworn on oath depose and say that she is 33 years of age, and that her post office address is Muskogee, Indian Territory, and that she is acquainted with Catherine Mize, and that she has known said Catherine Mize all of her life, and that she was acquainted with Jack Vann, well the father of the said Catherine Mize, and was acquainted with Jack Vann, and have known him all of his life.

Affiant further states that when the said Jack Vann and Jane Blackwell were young, they were together most of the time, and that when the said Jack Vann was not at work, he was at the house of Jane Blackwell; this happened long time either the said Jack Vann and Jane Blackwell were married; affiant further states that a short time after they quit going together, the said Jane Blackwell married a man by the name of Joseph Fisher, and that the said Jane Blackwell was pregnant when she married the said Joseph Fisher, and she gave birth to her said child shortly after her marriage, she was afterwards named Catherine.

Affiant further states that the said Jane Fisher, nee Blackwell, said that Jack Vann was the father of the said Catherine.

Affiant also states that she has every reason to believe that the said Catherine Mize is the daughter of Jack Vann.

Sworn to and subscribed to before me
Mary E. Taylor

Witnesses to mark, Wm. Sullivan, S. L. Smith.

Subscribed and sworn to before me this 17th day of July 1906, S. L. Smith
Notary Public. (C.M.) My Commission Expires October 20th 1906.

State of Kansas,)
) ss
Muskogee County)

Now on this the 17th day of July 1, 1906, came Jack Mize a citizen of Erie, Muskogee County Indian and being first duly sworn by me according to law both depose and say, that he is well acquainted with Catherine Mize and has known her since her birth in 1901, and that her mother Jane Fisher was married to Joseph Fisher some short time before the birth of the said Catherine

Mix, and that the mother of this affiant married the mother at the time of the birth of the said Catherine Mix and was well known to all the facts touching her birth.

(Seal)

James Mix affiant.

Subscribed and sworn to before me this the 17th day of July A.D. 1906,
U. G. Jeffrey, Probate Judge.

State of Kansas,)

Neosho County,)

Now on this the 17th day of July A.D. 1906, comes Joseph Rucker, a citizen of the City of Chanute, Neosho County Kansas, and being first duly sworn according to law doth depose and says that his wife Jane Rucker, nee Blackwell, was pregnant at the time of his marriage to her, and that within three months after their marriage a girl child was born to her, now known as Catherine Mix. Said affiant further deposes and says that his wife stated to him that Dunk Vann was the father of her child and that the said Dunk Vann acknowledged the said child to be his and in a material way contributed to her support.

(Seal)

Joseph I Rucker affiant

Subscribed and sworn to before me this the 17th day of July A.D. 1906.

Witness to said,
G. A. Denison.

U. G. Jeffrey, Probate Judge.

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

Dunk Vann, of legal age first being duly sworn on oath according to law deposes and says that he is 37 years of age, and that his post office address is Lamph, Indian Territory, and that he is a citizen of the Cherokee Nation and is duly identified upon the authenticated Cherokee citizenship roll of 1906 as such.

Affiant further states, that he is acquainted with Catherine Mix, applicant for enrollment, and Samuel Mix, also applicant for enrollment as Cherokee nee Freedman-Cherokee 1, 1852; said Catherine Mix, is my illegitimate daughter, and Samuel Mix, is my grand son.

The mother of Catherine Mix, Jane Blackwell, married Joseph Rucker, about three months prior to the birth of said Catherine.

Said Jane Rucker, nee Blackwell, died when Catherine was quite young and he was to it that Catherine Mix, was properly cared for during her infancy.

Affiant further states that he has reasons to believe that she is his child; Catherine Mix, was partially brought up in the Cherokee Nation and particularly in Kansas. Affiant further states that

Catherine Mix is his descendant, and his daughter, and that he (this affiant) is identified upon the authenticated Cherokee roll of 1906, and as his descendant, Catherine Mix, is entitled to be enrolled under section twenty one of the act of congress approved June 20th 1906.

Subscribed and sworn to before me this 17th day of July, 1906.
(Seal)
By commission expires October 24-1906.

Dunk Vann,
U. G. Blackwell, Notary Public.

C 7 R 133

No. 5286

Certified Copy of Decree of Divorce

DISTRICT COURT.
NEOSHO COUNTY, KAS.

Catherine Mix

vs.

Sauw Mix.

S. L. Brown

Attorney.

Office in the City of Erie, this the 12th day of August, A. D. 1904.

Fred Kauten

(Seal)

UNITED STATES OF AMERICA

Be It Remembered, That at the July Term, A. D., 1902 of the District Court, within and for Neosho County, Kansas, held in the City of Erie, commencing on the 8th day of July, 1902,

Officers of the Court present

Hon. L. Stillwell Judge
Hon. Fred Carter Clerk
Hon. J. P. Yockey Sheriff

Catherine Mix
vs.
Sam Mix

No. 5786

And now on this 18th day of July, 1902, came the plaintiff in the above action, in person and by S. C. Brown, her attorney, and the defendant came not, but made default, and thereupon said cause came on to be tried by the court, upon the petition of the plaintiff filed herein, and the evidence adduced on the hearing of said cause.

Whereupon the Court finds for plaintiff: That the defendant, Sam Mix, was duly and legally notified of the pendency of this action, by personal service of summons herein, by publication, proof of which has been filed herein, and is this day approved by the Court; that at the time of filing said petition the plaintiff had been for more than one year prior, and next preceding thereto, an actual and bona fide resident of the State of Kansas and Neosho County, and that the parties hereto were married as in said petition set forth.

The Court further finds, upon the evidence adduced, that the defendant has been guilty of ~~abandonment, and said abandonment has continued more than one year prior~~ or the date of the filing of the petition, filed herein, and that by reason thereof, the plaintiff is entitled to a divorce, as prayed for.

It is Therefore considered, ordered and adjudged by the Court, that the marriage contract heretofore existing between the said Catherine Mix and Sam Mix be, and the same is hereby dissolved, and both parties are released from the obligations of the same. This decree not to become absolute and take effect until six months from this date.

It is further ordered that

And it is now by the Court further ordered that the plaintiff pay the costs herein, and that execution issue therefor.

State of Kansas, Neosho County, ss.

I, Fred Carter, Clerk of the District Court of the Seventh Judicial District of the State of Kansas, sitting in and for the County aforesaid, do hereby certify that the above and foregoing is a full and complete copy of Decree of Divorce

Catherine Mix, vs Sam Mix

In the therein entitled cause, as the same remains of record in my office.

Witness my hand and the seal of said Court, affixed at my office in the City of Erie, this the 12th day of

August, A. D. 1904.

Fred Carter

Clerk.

No. 5286

Certified Copy of Decree of Divorce

DISTRICT COURT.

NEOSHO COUNTY, KAS.

Catherine Mix

Sam Mix,

S. G. Brown

Att-ny.



C. F. D. 133 -

Motion for

Review

Catherine

et al

T. R. 133 -

P. B.

BEFORE THE DEPARTMENT OF THE INTERIOR,
Washington, D. C.

To the Honorable,

The Secretary of the Interior.

In the matter of the application of Catherine Mix, et al, for
enrollment as Cherokee freedmen

Catherine Mix,
Samuel Mix,

Cherokee freedman R- 133
Cherokee freedman R- 133.

MOTION FOR REVIEW OF DECISION dated April 22, 1906.

Come now the above named applicants for enrollment as Cherokee freedmen, by their attorneys, and move the Honorable secretary of the Interior to rescind the decision of the Commission to the Five Civilized Tribes denying said application; to reverse said decision, and to enroll said applicants as Cherokee freedmen, for the reasons following:

The evidence introduced in support of said application, together with the affidavits of Dunk Vann the father of Catherine Mix and grand-father of Samuel Mix, and Joseph Rucker the husband of the mother of Catherine Mix, filed herewith in support of this motion shows:

That Catherine Mix is the illegitimate daughter of one Catherine Jane Rucker, nee Blackwell, and Dunk Vann a Cherokee freedman identified upon the authentic Cherokee citizenship roll of 1880;

That about three (3) months prior to the birth of said Catherine Mix, one of the above affiants, Joseph Rucker, married said Christina Jane Blackwell;

That at the time of said marriage said Christina Jane Blackwell was in a "delirious or pregnant condition", and informed said Joseph Rucker that said Dunk Vann was the cause of it all, and that after the child was born, she informed him that said Dunk Vann was its father.

That Dunk Vann always claimed to be the father of said Catherine Mix, and provided for her when she was a child;

That Samuel Mix is the son of Catherine Mix and grand son of Dunk Vann.

The record shows that Dunk Vann, the father of Catherine Mix, is identified upon the authenticated Cherokee citizenship roll of 1880.

In its decision dated April 23, 1903, the Commission said:

"At the time of her birth her mother, Jane Rucker, nee Blackwell and one Joe Rucker were living together in lawful wedlock, and it is presumed that the said Catherine Mix is the legitimate offspring of that union".

The fact that Joe Rucker and Jane Blackwell were married only three (3) months prior to the birth of Catherine Mix, makes this presumption one of that character known as rebuttable, and while the burden of proof is upon the one denying the legitimacy of Catherine Mix, the fact that Dunk Vann claims in his testimony and in his affidavit to be her father, and has made such claim ever since her birth, and the fact that Joe Rucker whom the Commission says is presumed to be her father, swears that her mother informed him that Dunk Vann was her father, coupled with the testimony given by John Reese who with his wife Jane Blackwell's sister, assisted Dunk Vann in taking care of Catherine Mix when she was a child, and the testimony of Blue Thompson who has known Catherine Mix and knows of the claim of Dunk Vann as her father for over 35 years, clearly rebuts the presumption mentioned by the Commission and established the fact beyond a reasonable doubt that Dunk Vann is the father of Catherine Mix.

The evidence shows that Samuel Mix is a son of said Catherine Mix, and that Catherine Mix is a benificient citizen of the Cherokee nation; owns and controls property there and is entitled to be enrolled as a Cherokee freedman, and her son Samuel Mix, is also entitled to be so enrolled.

Therefore said Catherine Mix and Samuel Mix, by their attorneys, respectfully request that they be enrolled as Cherokee freedmen.

Respectfully Submitted,

 ATTORNEYS AT LAW.

UNITED STATES OF AMERICA,

Indian Territory,

SS.

Northern District,

Dunk Vann of lawful age first being duly sworn on his oath according to law deposes and says that his post office address is Tanepah, Cherokee nation, Indian Territory, and that he is a citizen of the Cherokee nation, Indian Territory, and that he has arrived at the age of 56 years, and that Catherine Mix is his daughter and that he always recognized her as such and that she is a bona fide citizen of the Cherokee nation. Affiant further states she the said Catherine Mix owns and controls property in the Cherokee nation Indian Territory

(Signed) Dunk Vann,

Subscribed and sworn to before me this 9th day of May, 1905,
in my office at Tanepah Cherokee nation Indian Territory.

William E. Tracewell,

Notary Public

My Commission expires
September 16th-1905.

FIFTH JUDGE OF MICHIGAN,

Judge of the Court,

MI.

Notary Public of the State of Michigan

Joseph Baker of Leavitt and Eliza being duly sworn on his oath

deposes, swears, and that he is 40, and that in the year of 1884 or 1885, he married a young lady by the name of Christina, nee Blackwell and about three months after he married Miss Blackwell, she gave birth to a female child which she named Catherine and that before he married Miss Blackwell she informed him that she Miss Blackwell was in a delicate or pregnant condition. Affiant further states that Miss Blackwell upon being asked by himself who was the father of this child Catherine, she informed him that Jack Jones was the father of said child

Affiant further saith not.

Witness my hand and seal
Joseph H. Baker,
Notary

Subscribed and sworn to before me this 9th day of May, 1905.

William H. Trueswell,
Notary Public.

My commission expires

September 15th-1905.

Cherokee Freedman R. 123.

Department of the Interior,

Commissioner to the Five Civilized Tribes.

In the matter of the application for the enrollment of Catherine Mix and Samuel Mix as Cherokee Freedmen.

Comes now the applicant Catherine Mix and offers in support of her motion to reopen this case the affidavits of Stephen Little, Levi Bird, Abraham W. Ketchum and Cornelius Bacon, in addition to the affidavits previously filed by her for said purpose.

Your petitioner represents that by the affidavits filed herein, it appears that as a matter of fact she lived in the Cherokee Nation and in the Indian Territory.

Your petitioner shows that while it is a fact that she was born in the state of Kansas, it was because her mother who was not a citizen of the Cherokee Nation, was not married to her father, and naturally did not retain the same residence that he father did. That on the death of petitioner's mother while petitioner was a small child, she was sent in to the Cherokee Nation, and petitioner's first recollection is that as a little girl she was living in the north east part of the Cherokee Nation on the Neosho River with her aunt. After living there several years petitioner was taken by her aunt's family to a place near Pryor Creek. After that another aunt of petitioner living in Kansas came for petitioner and took her to live at Chanute, Kansas. After living in Chanute about a year petitioner went to Lenapah, Indian Territory where she worked as a domestic in different families including among others the family of a white man named Cave, and the family of Katie Vann. At this time petitioner was not a grown woman. Before petitioner became of age she returned to Chanute to live with her aunt, and before living there long she was married to Sam Mix. Sam Mix was a laboring man and as he did not provide for petitioner she was obliged to support herself. Sometime she was employed as a cook and domestic and when she became tired of that work she would take in washing. On account of the nature of her work petitioner lived sometimes in Indian Territory and sometimes in Kansas. She went on several

occasions to work and live in the vicinity in which her relatives lived in localities between Lenapah, Indian Territory, and Coffeyville, Kansas and in and around Nowata, Indian Territory.

In the years 1893 and 1894, petitioner had a house where she lived with her two little boys in Nowata, Indian Territory where she supported her family by taking in washing, and where she owned and kept a cow and two hogs. During the next two years she was working as a domestic in Lenapah, a town twelve miles from Nowata, Indian Territory. Continuously during these four years petitioner was a resident of the Cherokee Nation, and only left to go to Kansas to work where she could secure better wages for the support of herself and children. And that the petitioner has now been living in the Indian Territory and in the Cherokee Nation, a year and three months.

Gatherine Mix

United States of America,)
Indian Territory,)SS.
Western Judicial District.)

Gatherine Mix being first duly sworn on her solemn oath deposes and says that she is the petitioner in the above and foregoing petition, that she has here read and thoroughly understands the contents of said petition, and that the matters and things therein contained and alleged are true as she verily believes.

Gatherine Mix

Subscribed and sworn to before me this
7th. day of September, 1908.

(Seal)

Jay P. Farnsworth,
Notary Public.

My commission expires August 16th., 1908.

In the matter of the enrollment of Catherine Mix as a citizen of the Cherokee Nation.

United States of America,)

C O P Y .

Indian Territory)SS.

Northern District.)

Cornelius Bacon being first duly sworn on his oath states that he is sixty-seven years of age and that his post office address is Nowata, Ind. Ter.

That he is a citizen of the Chickasaw Nation, and has resided in Nowata, Ind. Ter. for thirty-nine years last past; that he has been acquainted with one, Dunk Vann, a Freedman citizen of the Cherokee Nation for twenty-five years, and is well acquainted with the family of the said Dunk Vann; that he became acquainted with one, Catherine Mix, daughter of the said Dunk Vann about eighteen years ago; that he knows the said Catherine Mix lived in Nowata, Ind. Ter., and vicinity, during the years 1893 and 1894, or about those years, having seen the said Catherine Mix in Nowata, Ind. Ter., in the summer and fall of 1893, and knows that she lived here at that time for about two years; that he has seen the said Catherine Mix in Nowata, Ind. Ter., very often since that time. Further affiant sayeth not.

Witness to mark:

E. B. Lawson,

Ethel A. Smith,

His
Cornelius Bacon X
mark

Subscribed and sworn to before me this the 5th.
day of September, A.D. 1906.

H. G. Garnett,
Notary Public.

My commission expires February 7th., 1907.

United States of America,)

Indian Territory, SS.

Northern District.

Abraham W. Ketchum being first duly sworn on his oath states that he is fifty seven years of age, and that his post office address is Coody's Bluff, Ind. Ter.

That he is a citizen of the Cherokee Nation, Indian Territory, and has resided in the vicinity of Nowata, Ind. Ter., about thirty years last past.

That he is personally acquainted with one Dunk Vann, a freedman citizen of the Cherokee Nation, and has been acquainted with the said Vann for about twenty years last past.

That he is acquainted with the family of the said Dunk Vann, and is personally acquainted with one Catherine Mix, whom he knows to be the child of the said Dunk Vann.

That he saw the said Catherine Mix in Nowata, Ind. Ter., during the years 1895 and 1896, and knows that she was a resident of the Indian Territory during this period.

Abraham W. Ketchum

Subscribed and sworn to before me this the 21st day of August A.D. 1906.

H. G. Garnett,
Notary Public.

(Seal)

My commission expires February 7th., 1909.

United States of America,

Indian Territory, SS.

Northern District.

C O P Y .

Levi Bird of lawful age being first duly sworn on his oath states that he is a citizen of the Cherokee Nation, Indian Territory, and that his post office address is Nowata, Indian Territory.

That he has lived at Nowata, Ind. Ter., and in the vicinity of Nowata, Ind. Ter., about eighteen years last past; that in the spring of 1894 he became acquainted with one Catherine Mix in the town of Nowata, Ind. Ter. and that he knows the said Catherine Mix lived in the town of Nowata, Ind. Ter., between six months and one year at that time; that he knows the said Catherine Mix to be the daughter of one, Dunk Vann, a Freedman citizen of the Cherokee Nation; that he knows the said Dunk Vann and has known him for about forty years last past, and knows the family of the said Dunk Vann.

That he has seen the said Catherine Mix in Nowata, Ind. Ter., several times since 1894, but is unable to state the exact time that same occurred; that he knows the said Catherine Mix has been an inhabitant of Nowata, Ind. Ter., for more than one year last past.

Further affiant sayeth not.

Witness to mark.

Ethel A. Smith
E. B. Lawson.

his
Levi Bird X
mark.

Subscribed and sworn to before me this the 5th day of September, A.D. 1906.

(Seal)

My commission expires February 7th. 1909.

H. G. Garnett,
Notary Public.

United States of America,

Indian Territory,

Northern District.

SS.

C O P Y.

Stephen Little, of lawful age first being duly sworn on oath according to law, deposes and says that he is 82 years of age and that his post office address is Lenapah, Indian Territory, and that he is acquainted with Catherine Mix, and that he has been acquainted with her thirty two years, and that she has been a resident of the Indian Territory during the time which he knew her.

Affiant further states that the said Catherine Mix, has been a resident of the Indian Territory all of her life to his best knowledge and belief, that he lived neighbors with her when she was a small child.

Affiant further states that when he became acquainted with the said Catherine Mix, she was a small child and had no mother, and that he was informed and understood that Dunk Vann, was her father, and that it was the general belief throughout the community that the said Dunk Vann, was her father.

Witnesses to mark.

Tal Gwillim,

W. L. Keith

his
Stephen X Little
mark

Subscribed and sworn to before me this 1st. day of September, 1906.

(Seal)

My commission expires October 24th. 1909.

W. E. Twichell
Notary Public.

DR. 133

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

FILED

JUL 26 1906

Commissioner

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

In the matter of the motion for a rehearing of the application for the enrollment of Catherine Mix, et al., as Cherokee freedmen V. R. 133.

Reply of the Cherokee Nation.

The motion filed for a rehearing on behalf of the applicants in this case on July 19, 1906, is for the purpose of showing that Catherine Mix is the illegitimate child of Duncan Vann, and that Duncan Vann is a freedman citizen of the Cherokee Nation, and the motion for a rehearing copies from the decision of the Commission and objects to the finding of the Commission that the said Catherine Mix is not a descendant of Duncan Vann. Attached to the motion for a rehearing are affidavits intended to show that Catherine Mix is the illegitimate child of Duncan Vann, born after the mother of Catherine Mix was married to Joseph Rucker.

It is evident that the counsel for applicants in this case have not seen the decision of the Department rendered on May 21, 1906, (D.O. 20724) (I.T.D. 2066-1906), wherein the Department reviews that part of the decision complained of by counsel for applicants in their motion for a rehearing, and then continues as follows:

"Conceding without so deciding that Catherine Mix is the illegitimate daughter of Duncan Vann, there are other grounds upon which a decision may be based. The testimony clearly shows that the applicant, though born in the State of Kansas, removed to the Cherokee Nation when a small child and resided therein until about eleven or twelve years ago. She then returned to the State of Kansas, where she resided until remarried. She married some time between the years of 1860 and 1865 in said State and with her husband continued to reside there for the succeeding ten years or more and perhaps longer. If she ever kept house or made a home in the Cherokee Nation it was some time after this period of residence with her husband.

Under the circumstances the Department considers that her marriage to a non-citizen and her residence beyond the limits of the Cherokee Nation the principal applicant, even though conceded to have once been entitled to citizenship, abjured the same and that her case comes within the rule prescribed by the Department March 17, 1903, in the letter relative to the Cherokee enrollment case of Elizabeth C. Payne which was prepared in the office of the Assistant Attorney General."

It will be seen from the above decision of the Department affirming the rejection of the applicants that, without passing upon the paternity of the said Catherine Mix, the Department decides that she is not entitled

to be enrolled because of her marriage in the State of Kansas and her con-
tinuous residence therein for a number of years as shown from the above
petition.

For these reasons we submit that the motion for a rehearing should
be denied, because if all of the facts were proved alleged in the motion
and in the attached affidavits then under the decision of the Department
the applicant would not be entitled to be enrolled as Indian citizen
of the Cherokee Nation.

Respectfully submitted,

Attorneys for the Cherokee Nation.

RECORDED
INDEXED
MAY 1 1911
U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Department of the Interior
Commissioner to the 5 Civil
Tribes
Cherokee Division

Cherokee Freedman
R. No. 133

In the matter of the
application for the
enrollment of Catherine
Trix & Samuel Trix,
as Cherokee Freedman.

Motion for Rehearing

Copy

Thomas Foreman
Mustogee, J. T.
Attys for Petitioners

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

Cherokee Freedman R. No. 133.

In the matter of the application
for the enrollment of Catherine Mix,
and Samuel Mix, as Cherokee Freedmen.

Does now your petitioner Catherine Mix, for herself and her son Samuel Mix, by Thomas & Foreman, her attorneys, and respectfully prays that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, and a toward affirmed by the Secretary of the Interior, wherein it was decided that your petitioner and her son Samuel Mix, are not entitled to enrollment as citizens of the Cherokee Nation, on the Freedman roll thereof, be set aside, and said case set down for rehearing and reconsideration and as ground for said motion, your petitioner shows the following facts:

I.

That upon a rehearing of this case, your petitioner will be able to show by the testimony of Katie Taylor, of Langsah, In lan Territory, that the said Katie Taylor knew the mother of petitioner before petitioner was born; and that at the time of petitioners birth, the mother of petitioner told Katie Taylor, that petitioner was the daughter of Dunk Vann, a duly enrolled citizen of the Cherokee Nation; that the said Katie Taylor will testify that just previous to petitioners birth, the said Dunk Vann and petitioner's mother Jane Blackwell were continually together; and that said Jane Blackwell was pregnant by the said Dunk Vann at the time Jane Blackwell was married to Joseph Hooker, and that ^{soon} after said marriage the said Jane Blackwell gave birth to your petitioner.

II.

That your petitioner will be able to show upon a rehearing, ^{of Jesse Mix} petitioner's father in law, that he was acquainted with petitioner's mother at the time of petitioner's birth; that at the time the said Jane Hooker mother

mother of petitioner, was married to Joseph Rucker, she was pregnant and that petitioner was born three months after the marriage of her mother to Rucker.

III.

That upon a rehearing, petitioner will be able to show that Joseph Rucker, husband of petitioner's mother, that at the time of his marriage to Jane Rucker, she, Jane Rucker, was pregnant and that within three months after said marriage, the said Jane Rucker gave birth to petitioner, and that Jane Rucker admitted to him, Joseph Rucker, that Dunk Vann was the father of petitioner and said Dunk Vann made the same admission to said Joseph Rucker.

IV.

The decision complained of recites that:-

" The evidence herein shows that the principal applicant Catherine Mix was born at Ottawa Kansas, during the latter part of the Rebellion; that at the time of her birth her mother, Jane Rucker, nee Blackwell, and one Joe Rucker were living together in lawful wedlock, and it is presumed that the said Catherine Mix is the legitimate offspring of that union.

" The evidence further shows that the said Catherine Mix possesses no rights to enrollment other than through her claim that she is the illegitimate child of one Duncan Vann, a recognized Freedman of the Cherokee Nation. But, in view of the conditions shown to have existed prior to the birth of Catherine Mix, it is not considered that the testimony of her alleged father, Duncan Vann, in re her paternity, is sufficient to rebut the legal presumption above indicated."

Petitioner shows that if given a rehearing she will be able to produce in addition to the witness Duncan Vann, three other disinterested witnesses, who will testify directly upon the point referred to in said paragraph quoted from the decision of the Dawes Commission, and that such testimony will successfully rebut the legal presumption of the legitimacy of petitioner's paternity; the three witnesses referred to being the said Katie Taylor, Jesse Mix, and Joseph Rucker, whose affidavits as to said facts are attached hereto and made part of this petition. That upon a rehearing petitioner will be able to establish positively and conclusively that she is the daughter of Duncan Vann, a duly enrolled citizen of the Cherokee Nation, on the Freedman Roll, and as such she is entitled to be enrolled as a Cherokee Freedman citizen and that her son Samuel Mix is also entitled to enrollment.

Petitioner therefore prays that the decision complained of be set aside and the case reopened and set down for hearing when and where petitioner will have an opportunity to produce as witnesses in her behalf the said Katie Taylor, Jesse Mix and Joseph Rucker, and that upon such additional testimony the honorable Commissioner to the Five Civilized Tribes, will reconsider this case, and direct the enrollment of petitioner and her son Samuel Mix, as Cherokee citizens

on the Freedman roll.

And your petitioner will ever pray.

Catherine Mix

United States of America,)
Indian Territory,)SS.
Western Judicial District)

Catherine Mix being first duly sworn, deposes and says that she is the petitioner in the preceding petition, that she has read the same and understands the contents thereof, and that the matters and things therein set forth and alleged are true.

Catherine Mix

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

My commission expires August 16th., 1906.

W. H. Starnes
Notary Public.

(COPY)

UNITED STATES OF AMERICA,
INDIAN TERRITORY
NORTHERN DISTRICT

SS.

Katy Taylor, of lawful age first being sworn on oath deposes and says that she is 60 years of age, and that her post office address is Lenapah, Indian Territory, and that she is acquainted with Catherine Mix, and that she has known said Catherine Mix all of her life, and that she was acquainted with Jane Blackwell the mother of the said Catherine Mix, and am acquainted with Dunk Vann, and have known him all of his life.

Affiant further states that when the said Dunk Vann and Jane Blackwell were young, they were together most of the time, and that when the said Dunk Vann was not at work, he was at the house of Jane Blackwell; this happened before either the said Dunk Vann and Jane Blackwell were married; affiant further states that a short time after they quit going together, the said Jane Blackwell married a man by the name of Joseph Rucker, and that the said Jane Blackwell was pregnant when she married the said Joseph Rucker, and she gave birth to female child shortly after her marriage, who was afterwards named Catherine.

Affiant further states that the said Jane Rucker, nee Blackwell, said that Dunk Vann was the father of the said Catherine.

Affiant also states that she has every reason to believe that the said Catherine Mix is the daughter of Dunk Vann.

her
Katy X Taylor
mark

Witnesses to mark, Tal Gwillin, W. L. Keith.

Subscribed and sworn to before me this 17th day of July 1906. W. E. Trichell
Notary Public. (SEAL) My Commission expires October 24th 1909.

(COPY)

State of Kansas,)
) SS
Neosho County)

Now on this the 17th day of July A. D. 1906, comes Jesse Mix a citizen of Erie, Neosho County Kansas and being first duly sworn by me according to law doth depose and say, that he is well acquainted with Catherine Mix and has known her since her birth in 1864, and that her mother Jane Rucker was married to Joseph Rucker some three months before the birth of the said Catherine

(4)

Mix, and that the midwife of this affiant nursed the mother at the time of the birth of the said Catherine Mix and was well known to all the facts touching her birth.

Jesse Mix affiant.

(Seal)

Subscribed and sworn to before me this the 17th. day of July A.D. 1906.

W. O. Jeffrey, Probate Judge.

State of Kansas,)
)SS.
Neosho County,)

COPY

Now on this the 17th. day of July A.D. 1906., comes Joseph Rucker, a citizen of the City of Chanute, Neosho County Kansas, and being first duly sworn according to law doth depose and says that his wife Jane Rucker, nee Blackwell,

was pregnant at the time of his marriage to her, and that within three months after their marriage a girl child was born to her, now known as Catherine Mix. Said affiant further deposes and says that his wife stated to him that Dunk Vann was the father of her child and that the said Dunk Vann acknowledged the said child to be his and in a material way contributed to her support.

his

(Seal)

Joseph T. Rucker affiant

Subscribed and sworn to before me this the 17th. day of July A.D. 1906.

Witness to mark.
C. S. Denison.

W. O. Jeffrey, Probate Judge.

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

COPY

Dunk Vann, of lawful age first being duly sworn on oath according to law deposes and says that he is 57 years of age, and that his Post Office address is Lenapah, Indian Territory, and that he is a citizen of the Cherokee Nation and is duly identified upon the authenticated Cherokee citizenship roll of 1880 as such.

Affiant further states, that he is acquainted with Catherine Mix, applicant for enrollment, and Samuel Mix, also applicant for enrollment as Cherokee Freedmen-Cherokee R.-133; Said Catherine Mix, is my illegitimate daughter, and Samuel Mix, is my grand son;

The mother of Catherine Mix, Jane Blackwell, married Joseph Rucker, about three months prior to the birth of said Catherine;

Said Jane Rucker, nee Blackwell, died when Catherine was quite young and he saw to it that Catherine Mix, was properly cared for during her infancy,

Affiant further states that he has reasons to believe that she is his child Catherine Mix, was partially brought up in the Cherokee Nation and partially in Kansas. Affiant further states, that,

Catherine Mix is his descendant, and his daughter, and that he (this affiant) is identified upon the authenticated Cherokee roll of 1880, and as his descendant, Catherine Mix, is entitled to be enrolled under section twenty one of the act of congress approved June 28th-1888.

Dunk Vann,

Subscribed and sworn to before me this 17th. day of July, 1906.

(Seal)

W. E. Swishell, Notary Public.

My commission expires October 24-1906.

B. JR. 133

RECEIVED
FILED
JUN 15 1901

APPLICATION.

CHEROKEE FREEDMEN.

Date *June 24, 1901*
Post Office *Senapah T.*
District *Co.*

1. Name _____ Age _____
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____
 Parents:
 Father _____ Citizenship _____
 Mother _____ Citizenship _____
 19. Name of wife *Catherine* Age *37*
 Owner's name _____ Citizenship _____
 Year _____ Page _____ No. _____ District _____

Repeated

Parents:
 Father *Quintan Yarn* Citizenship _____
 Mother *Jane Blackwell* Citizenship _____

Names of Children
 2. *Samuel* Year _____ Page _____ No. _____ Dist. _____ *16*
 4. Year _____ Page _____ No. _____ Dist. _____
 5. Year _____ Page _____ No. _____ Dist. _____
 6. Year _____ Page _____ No. _____ Dist. _____
 7. Year _____ Page _____ No. _____ Dist. _____
 8. Year _____ Page _____ No. _____ Dist. _____
 9. Year _____ Page _____ No. _____ Dist. _____
 10. Year _____ Page _____ No. _____ Dist. _____
 11. Year _____ Page _____ No. _____ Dist. _____
 12. Year _____ Page _____ No. _____ Dist. _____

Repeated

Application made by *no. 1* Stenographer *L. L. Jones*

1169

MM 100
LAW OFFICE
T. H. HASTINGS
C. K. HASTINGS
W. J. HASTINGS

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

SEE KINDLY FOLLOWING

Cherokee Freedman
R-133.

COMMISSIONER IN CHARGE

Muskogee, Indian Territory, February 25, 1904

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

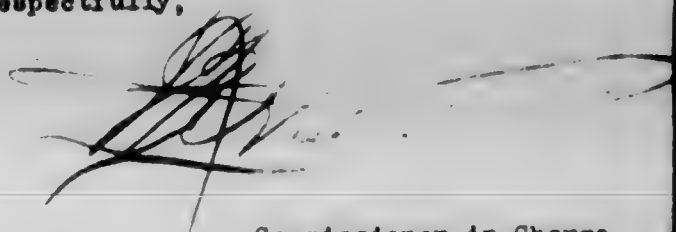
Dear Sir:

In the matter of the application for the enrollment of Catherine Mix et al., 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 the residence of Catherine Mix and her son, Samuel Mix, since birth. It has been requested that testimony other than her own be introduced.

The said Catherine Mix has therefore this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, on Tuesday, April 5, 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.

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

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

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 133

ALLISON L. AYLESWORTH,
SECRETARY

Muskogee, Indian Territory, February 28, 1904.

Catherine Mix,

Lenapah, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and your minor son, Samuel Mix, 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 your residence since birth; also as to the residence of your son, Samuel Mix. It is desired that testimony other than your own be introduced.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday April 5, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

M.D.G.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
WM. O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

PLEASE IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-133.

ADDRESS ONLY TO
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 13, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

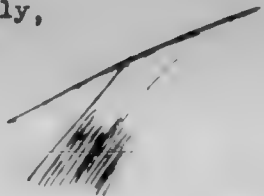
Dear Sir:

In the matter of the application for the enrollment of Catherine Mix et al., 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 the residence of said Catherine Mix since birth, and as to the residence of her son, Samuel Mix. It is desired that testimony other than that of the applicant, be offered.

Said Catherine Mix has, therefore, this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., 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.

Respectfully,



Chairman.

Cherokee Freedmen
R-133.

Muskogee, Indian Territory, May 13, 1904.

Catherine Mix,

Lenapah, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of May 9, stating that you have been informed by the postmaster at Lenapah, that a letter from the Commission addressed to you at that place, has been returned. You ask that this letter again be forwarded to you at the same postoffice.

In reply you are advised that the Commission's letter of February 25, addressed to you at Lenapah in regard to your enrollment as a Cherokee freedman, has been returned. You are further advised that before the Commission can render a final decision in your application for enrollment it will be necessary that further testimony be introduced as to your residence since birth and as to the residence of your son, Samuel Mix. It is desired that testimony other than your own be offered.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., Thursday, June 16, 1904, and introduce testimony as above indicated.

Respectfully,

Chairman.

Cherokee Freedmen
R-133.

Muskogee, Indian Territory, May 31, 1904.

Catherine Mix,

Lenapah, Indian Territory.

Dear Madam:

In the matter of your application for the enrollment of yourself and your minor child, Samuel Mix, as Cherokee freedmen, which case was set for further hearing at Muskogee, at nine o'clock A. M., Thursday, June 16, 1904, you are advised that upon motion of the attorney for the Cherokee Nation a continuance of one day has been granted.

You will, therefore, appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Friday, June 17, 1904, at which time further hearing will be had in your case.

Respectfully,

Commissioner in Charge.

Mustang, Indian Territory, 6/28 1904

Received of the Commission to the Five Civilized Tribes,
one copy of the testimony in the matter of the application for the
enrollment of Catherine Marshall
as Cherokee freedman.

W. B. Blue
Attorney for applicant

Cherokee Freedman

R-133,

Muskogee, Indian Territory, August 16, 1904.

Blue A. Glover,

Vinita, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of supplemental testimony of July 28, 1904, in Cherokee Freedman R-133, Catherine Wik, et al. You have heretofore been furnished with a copy of the supplemental testimony of July 17, 1904, in this case. There is also enclosed a blank form of receipt for said testimony which you are requested to sign and return to the Commission.

Respectfully,

Encl. 3-71
Registers.

Commissioner in Charge

COMMISSIONERS
TAMS SIXBY,
THOMAS B. NEEDLES,
C. E. BRACKINRIDGE

WM O. BRALL,
Secretary

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

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen

R-133.

ADDRESS OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 16, 1904.

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

Gentlemen:

There is herewith enclosed a copy of the supplemental
testimony recently had in Cherokee Freedmen R-133, Catherine
Mix, et al.

Respectfully,

Encl. 3-72.



Commissioner in Charge.

COPY

Cherokee Freedmen

R-133.

Muskogee, Indian Territory, April 12, 1906.

Catherine Fix,

Lehaphah, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of March 26, 1905, relative to the enrollment of yourself, et al., as Cherokee freedmen.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

T. B. Needles.

(SIGNED)

Commissioner in Charge.

COPY:

Cherokee Freedmen

133.

Muskogee, Indian Territory, April 22, 1905.

Catherine Mix,

Leahman, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting the application for the enrollment of yourself and your minor child, Samuel Mix, as Cherokee freedmen. There has heretofore been furnished your attorneys, Blue & Bulger, Vinita, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commission's decision.

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

Respectfully,

Wm. T. Bixby

Chairman

Incl. 2-24
Register

COPY

Cherokee Freedmen

133.

Muskogee, Indian Territory, April 22, 1905.

Blus & Bulger,

Attorneys for Catherine Mix, et al.,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting the application for the enrollment of Catherine and Samuel Mix as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

SIGNED: *Tamie Bixby*

Chairman.

Incl. 5-14

246

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

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

WM. O. BRALL,
Secretary.

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen

R 133.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 22, 1905.

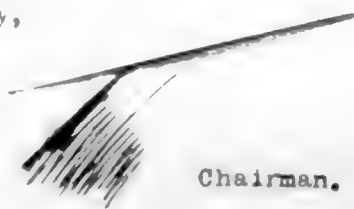
Bell, Hastings & Davenport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting the application for the enrollment of Catherine and Samuel Mix 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-12

COPY

Cherokee Freedmen
1863

Muskogee, Indian Territory, April 22, 1905.

The Honorable,

The Secretary of the Interior.

Sirs:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Catherine Mix and her minor child, Samuel Mix, as Cherokee freedmen, including the Commission's decision dated April 22, 1905, rejecting said application.

Respectfully,

SIGNED,

Tams Dixby
Chairman.

Incl. 3-15

Through the

Commissioner of Indian Affairs.

LAND
31914-1905.

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

May 6, 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 April 22, 1905, transmitting the record of the application for enrollment as Cherokee freedmen by Catherine Mix for herself and her minor child, Samuel Mix.

April 22, 1905, the Commission decided adversely to the applicants.

The record shows that the principal applicant was born in Ottawa, Kansas, during the latter part of the war of the rebellion; that at the time of her birth, her mother, Jane Rucker (born Blackwell) and one Joe Rucker were living together in lawful wedlock and it is presumed that Catherine Mix is the legitimate offspring of that union. The record further shows that Catherine Mix possesses no rights to enrollment other than through her claim that she is the illegitimate child of one Duncan Vaan, a recognized Freedman of the Cherokee Nation. The record further shows that the principal applicant has never

become a bona fide resident of the Indian Territory and has never owned or controlled any property therein. The minor applicant was born in Kansas, has resided with her mother since birth and possesses no rights to enrollment except as her descendant. Neither is identified on any tribal roll of the Cherokee Nation.


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

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M.M.K.
V.



-Copy-

J.W.H.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

D.C. 20724
I.T.D. 5262-1905
4589- "
3537- "
9586- "

May 21, 1906.

L.R.S.

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

Sir:

The Department has considered the record in the matter of the application of Catherine Mix for the enrollment of herself and her minor child, Samuel Mix, as Cherokee freedmen.

The record in this case was transmitted by the Commission to the Five Civilized Tribes April 23, 1905, together with its decision of the same date, adverse to the applicants.

In a letter dated May 6, 1905, the Indian Office recommended that the decision of the Commission be approved.

The claim of these applicants is based upon the allegation that the said Catherine Mix is the daughter of a Cherokee freedman named Duncan Vann, whose name appears upon the 1880 roll of the Cherokee Nation. The Commission found, however, that

"The evidence further shows that the said Catherine Mix possesses no rights to enrollment other than through her claim that she is the illegitimate child of one Duncan Vann, a recognized freedman of the Cherokee Nation. But, in view of the conditions shown to have existed prior to the birth of Catherine Mix, it is not considered that the testimony of her alleged father, Duncan Vann, in re her paternity, is sufficient to rebut the legal presumption above indicated.

The evidence further shows that the said principal applicant has never become a bona fide resident of the Indian Territory, and has never owned or controlled any property therein. The minor applicant, Samuel Mix, was born in Kansas, has resided with his mother since birth, and possesses no rights to enrollment except as her descendant. The applicants herein can not be identified on the Cherokee authenticated tribal roll of 1880.*

Conceding, without so deciding, that Catherine Mix is the illegitimate daughter of Duncan Vann, there are other grounds upon which a decision may be based. The testimony clearly shows that the applicant, though born in the State of Kansas, removed to the Cherokee Nation when a small child and resided therein until about 11 or 12 years of age. She then returned to the State of Kansas, where she resided until womanhood. She married sometime between the years 1860 and 1864 in said State, and with her husband continued to reside there for the succeeding ten years or more, and perhaps longer. If she ever kept house or made a home in the Cherokee Nation it was sometime after this period of residence with her husband.

Under the circumstances, the Department considers that by her marriage to a noncitizen and her residence beyond the limits of the Cherokee Nation the principal applicant, even if conceded to have once been entitled to citizenship, abjured the same, and that her case comes within the rule prescribed by the Department March 17, 1903, in a letter relative to the Cherokee enrollment case of Elizabeth C. Payne, which was prepared in the office of the Assistant Attorney-General.

It is observed that the testimony taken in certain other cases was appended to the record herein and made a part of the same, contrary to the objection of counsel for the applicants. While this action of the Commission is not considered proper in view of such objection, the additional testimony has not been considered inasmuch as the testimony submitted by and on behalf of the principal applicant is of itself sufficient to warrant the conclusion which the Department has reached in the matter.

Briefs submitted by counsel for the applicants and for the nation have been considered. It is found that the brief submitted on behalf of the applicants was supported by affidavits. Inasmuch as new testimony can be properly introduced only for the purpose of securing a rehearing, these affidavits have not been considered in connection with said motion, which was designed merely to secure a review of the decision of the Commission to the Five Civilized Tribes.

Premises considered, the decision of said Commission of April 22, 1905, is hereby affirmed.

A copy of the Indian Office letter of May 6, 1905, is inclosed.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedmen

R-133.

Muskogee, Indian Territory, June 8, 1906.

Catherine Mix,

Lenapeh, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1906, rejecting your application for the enrollment of yourself and child, Samuel Mix, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 21, 1906.

Respectfully,

LS

Commissioner.

Cherokee Freedmen

R-133.

Muskogee, Indian Territory, June 8, 1906.

Blue & Bulger,

Attorneys for Catherine Mix, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1906, rejecting the application of Catherine Mix for the enrollment of herself and child, Samuel Mix, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 21, 1906.

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

Respectfully,

Incl. B-16
IS

Commissioner.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen

R-133.

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:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated April 22, 1905, rejecting the application of Catherine Mix for the enrollment of herself and child, Samuel Mix, as Cherokee freedmen, was affirmed by the Secretary of the Interior on May 21, 1906.

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

Respectfully,



Commissioner.

Incl. 8-17
LS

Cherokee Freedmen
R 133

Muskogee, Indian Territory, August 30, 1906

Thomas & Foreman,

Attorneys for Catherine Mix, et al.

Muskogee, Indian Territory.

Gentlemen:

This office is in receipt, on July 19, 1906, of a motion made by you for a rehearing in the Cherokee freedmen enrollment case of Catherine Mix, et al.

Said motion will receive the proper consideration of this office and be transmitted to the Department for action thereon, at the earliest practicable date, of which you will be promptly advised.

Respectfully,

L M B

Acting Commissioner

D.C.770-1907.

(C O P Y)

Y.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

LLB

I.T.D.15853-1906.

January 4, 1907.

L.R.S.

Direct.

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

Sir:

Referring to departmental letter of May 21, 1906, it is requested that you advise the Department direct whether any motion for review or rehearing has been filed in the matter of the application of Catherine Mix for the enrollment of herself and minor child, Samuel Mix, as Cherokee freedmen.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

(copy)

Muskogee, Indian Territory, January 8, 1907.

Direct.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is acknowledged of Departmental letter of January 4, 1907 (I.T.D. 15853-1906), asking to be advised whether a motion has been filed to review or rehear the Cherokee freedmen case of Catherine Mix et al.

In reply you are respectfully advised that on July 19, 1906, a motion was filed by Thomas & Foreman, Attorneys, Muskogee, Indian Territory, for a rehearing of said case. A reply of the Cherokee Nation was filed on July 26, 1906, and on September 11, 1906, said attorneys submitted affidavits by the principal applicants, Catherine Mix, Stephen Little, Cornelius Bacon, Levi Bird and Abraham W. Ketchum, which they requested to be filed in support of their motion. Attached to the original motion are affidavits of Katy Taylor, Jesse Mix and Dunk Vann.

The decision of the Commission to the Five Civil-

Secretary-----2

ized Tribes, dated April 22, 1905, rejecting the application of Catherine Mix for the enrollment of herself and minor child, Samuel Mix, as Cherokee freedmen, was affirmed by the Department May 21, 1906 (I.T.D. 5262, 4589, 3537, 9556-1905).

The only right to enrollment possessed by Catherine Mix and her child is whatever right she may have acquired to freedmen citizenship as a descendant of Duncan (Dunk) Vann, a duly enrolled Cherokee freedman, and the Commission found that the evidence introduced in the case was not sufficient to rebut the legal presumption that Duncan Vann is not the father of Catherine Mix. The Department stated in its decision that:

"Conceding, without so deciding, that Catherine Mix is the illegitimate daughter of Duncan Vann, there are other grounds upon which a decision may be based. The testimony clearly shows that the applicant, though born in the State of Kansas, removed to the Cherokee Nation when a small child and resided therein until about 11 or 12 years of age. She then returned to the State of Kansas, where she resided until womanhood. She married sometime between the years 1880 and 1885 in said State, and with her husband continued to reside there for the succeeding ten years or more, and perhaps longer. If she ever kept house or made a home in the Cherokee Nation it was sometime after this period of residence with her husband.

"Under the circumstances the Department considers that by her marriage to a non citizen and her residence beyond the limits of the Cherokee Nation the principal applicant, even if conceded to have been entitled to citizenship abjured the same, and that her case comes within the rule prescribed by the Department March 17, 1903, in a letter relative to the Cherokee enrollment case of Elizabeth C. Payne, which was prepared in the office of Assistant Attorney General."

The evidence now sought to be introduced as to the paternity of Catherine Mix, appears to be merely cumulative.

In view of the Department's decision under the evidence heretofore taken the applicants in this case would not be entitled to enrollment as Cherokee freedmen if it had been proved that Catherine Mix ^{was} actually the daughter of Duncan Vann.

As to the residence in the Cherokee Nation of Catherine Mix there is no showing now made that would change the status of her case. It appears from the admission in her affidavit that the only property interests she ever had in the Cherokee Nation, was a cow and two hogs.

It therefore appears that there is no merit to the motion, and it is respectfully recommended that the same be denied.

Respectfully,

Commissioner.

C O P Y .

J.P.

I.T.D.786-1907
L.R.S.

DEPARTMENT OF THE INTERIOR,

Washington, January 19, 1907.

YHM

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

Sir:

The Department has considered the motion for rehearing in the matter of the application for the enrollment of Catherine Mix, et al., as Cherokee freedman, received with your letter of January 8, 1907, and the same is denied in accordance with your recommendation. You will advise the parties filing the motion of such action, furnishing them a copy of your letter of January 8, 1907.

The papers, including your letter of the 8th instant, have been sent to the Indian Office.

Respectfully,

(Signed) Theo Ryan,

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

4 inclosures for Ind.Of.

Cherokee F.
R-133.

Muskogee, Indian Territory, January 30, 1907.

Catherine Mix,

Lenapah, Indian Territory.

Dear Madam:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of yourself, et al., was denied by the Secretary of the Interior, January 19, 1907.

Respectfully,

JMH

Commissioner.

Cherokee F.
R 133

Muskogee, Indian Territory. January 30, 1907.

Thomas & Foreman,
Attorneys for Catherine Mix, et al.,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Catherine Mix, et al., filed by you July 19, 1906, was denied by the Secretary of the Interior, January 19, 1907.

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

Respectfully,

Enc. H-10
JMH

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

**Cherokee F.
R 133.**

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

Muskogee, Indian Territory, January 30, 1907.

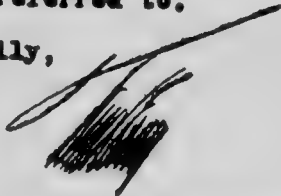
W. W. Hastings,
Attorney for Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that a motion for a rehearing in the Cherokee freedmen enrollment case of Catherine Mix, et al., was denied by the Secretary of the Interior, January 19, 1907.

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

Respectfully,



Commissioner.

Encl. H-11
JME

General Office Muskogee Div.

Admission to appear and introduce
evidence in the case of the
estate of A. C. Rice, deceased.



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.

Penalty for private use, \$300.

Return to writer

Catherine Mize;
Tenapah, Indian Territory.

FEB 10 1904

Cher. Fr. R. 134

Cher. Fr. R. 134

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

In the matter of the application of Abbie Beardon for enrollment as a Cherokee citizen; she being sworn by Commissioner T. B. Needles, testified as follows:-

- Q What is your name? A. Abbie Beardon
Q What is your age? A. I guess I am about 60.
Q What is your post office address? A. Neosho Falls, Kansas.
Q Where do you live, in Kansas? A. Yes sir.
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who else do you desire to have enrolled besides yourself? A. Just myself.
Q What is your name? A. Abbie Beardon
Q Is your name on any of the rolls of the Cherokee Nation? A. Wallace
Q Who did you belong to before the war? A. William Buffington
Q Was he a Cherokee citizen? A. Yes sir.
Q Where were you born? A. In the Cherokee Nation.
Q Did you go out of the Cherokee Nation during the war? A. Yes sir.
Q Where? A. Fort Scott Kansas.
Q And you live in Kansas yet? A. Yes sir.
Q You have never been in the Cherokee Nation since? A. Yes sir, I came here in '66, and went back in '67.
Q And you have been living in Kansas since '67? A. Yes sir.
Q Who was your mother? A. Darkus Nave
Q Are your children in Kansas? A. Yes sir.

DAVID FRENCH called and sworn as a witness for the applicant:-

- Q What is your name? A. David French.
Q Do you know this applicant? A. Yes sir.
Q Where did you first know her? A. In the Cherokee Nation before the war.
Q Do you live in Kansas now? A. Yes sir.
Q She never lived in the Cherokee Nation with since the war, is she?
A. Yes sir.

WASH NAVE, called and sworn as a witness for the applicant:-

- Q What is your name? A. Wash Nave.
Q Do you know the applicant? A. Yes sir.
Q How long have you known her? A. Since '66
Q Where did you first know her? A. In '66? A. Up in Kansas.
Q How do you know her since that time? A. Yes sir, a little while since.
Q Where did you first know her? A. In '66? A. In Kansas.
Q Where was she living since then? A. I think they made a rop on the
V. in '67
Q Where did you first know her? A. In Kansas.

By the Commission:-

Abbie Beardon applies for herself; she is not identified on any of the rolls of the Cherokee Nation in the possession of the Commission; the testimony shows that she has not lived in the Cherokee Nation since 1867, and now resides in Kansas, that she married and raised her family in Kansas, consequently her application for enrollment as a Cherokee freedman will be rejected.

Commissioner T. B. Needles, in the presence of the above named witnesses, and the above named applicant, has read the foregoing and the applicant is a true and correct transcription of the stenographic notes thereof.

Done at Nowata, I. T. this 25th day of July, 1901.

Commissioner.

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



In the matter of the application for the enrollment of
Abbie Beardon as a Cherokee freedman.

D E C I S I O N .

The record in this case shows that on June 25, 1901, Abbie Beardon appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself as a Cherokee freedman.

The evidence shows that Abbie Beardon was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during said rebellion and returned 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 said Nation.

The evidence further shows that in the year 1867 she removed to the State of Kansas, and has resided therein continuously since that time. The said Abbie Beardon is not identified on the Cherokee authenticated roll of 1880.

It is, therefore, the opinion of this Commission that the application for the enrollment of Abbie Beardon as a Cherokee freedman should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1892 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]

Chairman.

[Signature]

Commissioner.

[Signature]

Commissioner.

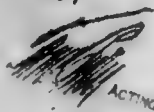
Commissioner.

Dated at Muskogee, Indian Territory,

this _____

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

FILED
JUN 25 1901


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN ⁵

Date June 24, 1901
Post Office Nevers Falls, Kas
District

1. Name Age
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Abbie Beardon Age 60
Owner's name Wm. Buffington Citizenship Cherokee
Year 1862 Page No. District

Parents:

Father Wm. Wain Citizenship

Mother Mary Citizenship

Names of Children:

3.	Year	1	Page	No.	Dist.
4.	Year		Page	No.	Dist.
5.	Year		Page	No.	Dist.
6.	Year		Page	No.	Dist.
7.	Year		Page	No.	Dist.
8.	Year		Page	No.	Dist.
9.	Year		Page	No.	Dist.
10.	Year		Page	No.	Dist.
11.	Year		Page	No.	Dist.
12.	Year		Page	No.	Dist.

Repeated

Application made by no. 1

Stenographer Geo. W. Meise

COMMISSIONERS:
TAMM DIXIEY,
THOMAS B. NEEDLES,
C. R. BRICKNORRIDGE.

WM. O. BEALL,
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
R-134.

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 Abbie Beardon 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,

Enc. D-68

Chairman.

Abbie BEARDON,

Heccho Falls, Kansas.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee Freedman, together with a copy of the Commission's decision dated April 20, 1904, rejecting said application.

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

Respectfully,

James Kirby

Register

Vol. 2-57

Chairman

COPY

Refer in reply to the following:

Land 30570-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, May 26, 1904.

The Honorable,

The secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the
Sixth Annual Report of the Five Civilized Tribes dated May 3, 1904, trans-
mitting the record of the application of Abbie Beardon for enroll-
ment as a Cherokee freedman.

April 20, 1904, the Commission found that the applicant was
not entitled to enrollment as a Cherokee freedman.

The evidence shows that the said Abbie Beardon was the
slave of a Cherokee citizen at the commencement of the war of the
rebellion; that she was taken out of the Cherokee Nation during
said war and returned thereto before February 11, 1867. It is
further shown that in the year 1867 she removed to the State of
Kansas and has resided there continuously since. Her name is not
identified on the 1860 authenticated Cherokee Roll.

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

Very respectfully,

A. C. Tonner,
Acting Commissioner.

D. C. 18820-1904.

I.T.D. 4334-1904.

L R S

FHE

W.C.F.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JUNE 2, 1904.

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

Gentlemen:

May 3, 1904, you transmitted the record in the matter of the application for the enrollment of Abbie Beardon as a Cherokee freedman, including your decision of April 26, 1904, rejecting said application.

Reporting in the matter May 26, 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) Thos Ryan,

Acting Secretary.

1 inclosure.

mdg

COMMUNICATIONS SECTION
DEPARTMENT OF THE INTERIOR
WASHINGTON, D. C.
JUN 14 1904
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE FIVE CIVILIZED TRIBES

SEEK ANSWERS TO THE FOLLOWING

**Cherokee Freedmen
R 134**

ADDRESS ONLY
COMMUNICATIONS SECTION

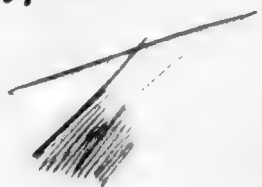
Muskogee, Indian Territory, June 14, 1904.

**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 Abbie Bearden as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 2, 1904.

Respectfully,



Chairman.

Cherokee freedmen
R 134

Muskogee, Indian Territory, June 14, 1904.

Abbie Bearden,

Necaho Falls, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 2, 1904.

Respectfully,

Chairman.

Cher. Fr. R-135

Cher. Fr. R-135

78-133

Ellis gave us a 2

1001
JUL 18 1901
KAL

Comparison to the live ~~Ellis~~ ^{Ellis} witness he correctly recalled the testimony and proceedings in ~~the~~ ^{his} own and that the foregoing is a true and complete transcript of his stenographic notes to read.

W. H. Jones

Subscribed and sworn to before me this July 2, 1901.

[Handwritten Signature]

Notary Public

COLLECTED, as to child, Earl.

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

In the matter of the application of Ellis Nave for the enrollment of himself and child as Cherokee Freedman; being sworn and examined by Com'r Needles, he testified as follows:

- Q What is your name? A Ellis Nave.
Q How old are you? A I don't know sir, about 29 or 30.
Q What is your post-office? A Lenape.
Q What district do you live in? A Coowaseeowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A I have a child.
Q You want it enrolled? A Yes sir.
Q What is its name? A Earl Nave.
Q How old is it? A It is 2 years old.
Q Are you married? A No sir.
Q Were you ever married? A No sir.
Q How did you have a child if you were never married? A She said it was mine, I don't know whether it was mine or not.
Q What is its mother's name? A Jessie Brown.
Q Where is she living? A I think she is in Vinita.
Q Were you never married to her? A No sir.
Q We can't enroll this child, is your name on the roll of 1880?
A Yes sir.
Q Who has got the child? A I have.
Q What is your father's name? A Eli.
Q Mother named Jane? A Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified on page 180 22141 Ellis Nave, Coowaseeowee District. (No age or nationality given.)

- Q Where were you born? A I don't know sir.
Q Where was you first recollect, where were you? A Here in Coowaseeowee District.
Q Cherokee nation? A Yes sir.
Q Have you lived here all of your life? A Yes sir.
Q Live here now? A Yes sir.
Q Ever married? A No sir.
Q Do you live with any woman as your wife? A Not that anybody knows of.
Q This brown woman, mother of this child, you never held her out as your wife? A No sir.
Q Never kept house with her? A No sir.

1896 census roll of citizens of the Cherokee Nation examined and applicant not found;

Com'r Needles: Ellis Nave applies for the enrollment of himself and one child, Earl; he is duly identified upon the authenticated roll of 1880 and makes satisfactory proof as to residence; he avers that he has one child, Earl, by Jessie Brown, a non-citizen; he was never married to her; said Ellis will now be listed for enrollment as a Cherokee Freedman; the application for the enrollment of his child, Earl, will be rejected.

M.D. Green, being first duly sworn, states that as stenographer to the

THIS HAVE AT AL 2

Counting to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes to read.

M. D. ...

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

[Signature]

Notary Public

RECORDED & INDEXED

COMMUNICATIONS TO THE PUBLIC
DEC 8 1944
RECEIVED

Cherokee Freedman R 138.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I.T. December 22, 1904.

SUPPLEMENTAL PROCEEDINGS in the matter of the application for the enrollment of Earl Hays, a minor, as a Cherokee Freedman.

On December 1, 1904, Jessie Brown, mother of the applicant, was notified by registered mail, and on December 3, 1904 Bell, Hastings & Davenport, attorneys for the Cherokee Nation, were notified by letter, that the matter of the application for the enrollment of Earl Hays as a Cherokee Freedman, would be taken up by the Commission to the five Civilized Tribes at its offices in Muskegee, Indian Territory, on the 22nd day of December, 1904, at which time an opportunity would be given both the applicant and the attorneys for the Cherokee Nation to introduce any testimony they might desire affecting said application.

Now on this 23rd day of December, 1904, this cause coming on to be heard, pursuant to said notice, the applicant being called failed to appear either in person or by attorneys, and the Cherokee Nation appearing by its attorneys, Bell, Hastings & Davenport, submit this case upon the evidence now of record.

--:--

Opal Griggs, being duly sworn, states that as stenographer to the Commission to the five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 22nd day of December, 1904, and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 23rd day of December 1904.

Opal Griggs
Charles A. Hayward
Notary Public.

COPY

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

In the matter of the application for the enrollment of
 Earl Nave as a Cherokee Freedman.

DECISION

THE RECORDS OF THIS OFFICE SHOW: That at Nowata, Indian Territory, June 28, 1901, Ellis Nave appeared before the Commission to the Five Civilized Tribes and made application for the enrollment of himself and one child, Earl Nave, as Cherokee freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, December 22, 1904.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant herein, Earl Nave, is alleged to be an illegitimate child of one Jessie Brown, who is not identified as a citizen of the Cherokee Nation, and Ellis Nave, a regularly enrolled Cherokee freedman, his name appearing upon the approved partial roll of Cherokee freedmen opposite No. 2610, but it is considered by this office that, following the ruling of the Department in the case of Sallie Brooks, et al. (I.T.D.17180-06), said Earl Nave is not entitled to enrollment as a descendant of his putative father.

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), Earl Nave 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 1907

C. F. R-135

Carl Nave

Get testimony of his
mother Jessie Brown
showing who is the
father of Carl Nave

It is claimed that
Ellis Nave is his father
Ellis is on 80 roll.

Should have mother's
testimony.

Address, Ellis Nave,
Leveport, D. I., ~~father~~
alleged father of applicant
and Jessie Brown, White,
D. I., Mother of Carl Nave.
11/21/04.

A. F. M. C.

(B)

JR 135

MISSION TO THE FIVE CIVILIZED NATIONS
FILED
JUN 25 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 25 1901
Post Office *Lumpkin Ga*
District *Car*

1. Name Age
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship
Mother Citizenship

2. Name of wife Age
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship
Mother Citizenship

Names of Children:

- 3. *Carl Nave* Year. Page No. Dist. 2
- 4. Year. Page No. Dist.
- 5. Year. Page No. Dist.
- 6. Year. Page No. Dist.
- 7. Year. Page No. Dist.
- 8. Year. Page No. Dist.
- 9. Year. Page No. Dist.
- 10. Year. Page No. Dist.
- 11. Year. Page No. Dist.
- 12. Year. Page No. Dist.

Application made by *Ellis Nave (father)* Stenographer *M. D. Green*

Copy

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE

WM O. BEALL
Secretary.

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Chm R
REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
R-135.

Muskogee, Indian Territory, December 1, 1904.

Alice Nave,

Lenapah, Indian Territory.

Dear Madam:

In the matter of the application for the enrollment of Earl Nave 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 establishing the parentage of this child.

In this connection you are advised that the Commission particularly desires the testimony of Jessie Brown, of Vinita, Indian Territory, the mother of this child, and she has this day been directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, December 22, 1904, and introduce testimony relative to this matter. Any further testimony that you have to introduce may be heard at the time and place above mentioned.

Respectfully,

Register.

[Signature]
Chairman.

COPY

Winnipeg, Indian Territory, February 26, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the matter of the application for the enrollment of Earl Nave as a Cherokee freedman, together with the decision of the Commissioner, dated February 26, 1907, denying said application.

Respectfully,

SIGNED *Travis B. Brey*

Commissioner.

Encl. N-127
JMB

Through the Commissioner
of Indian Affairs.

D.C. 3246
I. T. D.
7938, 7950, 7952,
7958, 7962, 7964,
all 1907.
IRS DIRECT.

COPY

W.H.W.

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 4, 1907.

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

Sir:

The Department has this day affirmed your decisions, adverse to the applicants, received with your letters of February 28, 1907, in the following named Cherokee citizenship cases:

Rosa Phillips, et al., (freedmen)
Marie Carey Rogers, (by blood)
Ellen Payne, et al., (freedmen)
Earl Waver, (freedman)
Henry Vann, (freedman)
Alfred Bell, et al. (freedmen).

Copies of your letters and all the papers in the above mentioned cases have been sent to the Indian Office for its files, together with a copy hereof.

Respectfully,

(Signed) Jesse E. Wilson,

Acting Secretary.

12 enclosures and copy
hereof to Indian Office.
Mc 3-5-07

Cherokee F.
1 288

Muskegon, Indian Territory, March 10, 1907.

Ellis Howe,

Leaugh, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 22, 1907, denying the application for the enrollment of your minor child, Ellis Howe, as a Cherokee freedman.

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

Respectfully,

Encl. I-36

JMH
Register.

Commissioner.

Cherokee F.
N 135

Muskogee, Indian Territory, March 14, 1907.

Ellis Hays,

Longmah, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, denying the application for the enrollment of your minor child, Ellis Hays, as a Cherokee freedman.

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

Respectfully,

Enal. I-34

Commissioner.

JHM
Register.

Cherokee K-136

Muskogee, Indian Territory, March 14, 1907.

W. V. Hastings,

Attorney for Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Earl Hays as a Cherokee freedman.

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

Respectfully,

Encl. I-36
HVI

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

Cherokee R-135

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

Muskogee, Indian Territory, March 14, 1907.

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

Dear Sir:

There is enclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Earl Nave as a Cherokee freedman.

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

Respectfully,

Encl. I-35
RPI


Commissioner.

REFER IN REPLY TO THE FOLLOWING

Cherokee F
R 136.

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

Muskogee, Indian Territory, March 20, 1907.

Earl Nave,

Lenapah, Indian Territory.

Dear Sir:

You are advised that the decision of the
Commissioner to the Five Civilized Tribes, dated February 23,
1907, rejecting your application for enrollment as a Cherokee
freedman, was affirmed by the Department March 4, 1907.

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

Respectfully,



Encl. HJ-8.
HJC

Commissioner.

REFER IN REPLY TO THE FOLLOWING.

**Cherokee F
R 136.**

CAB

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

Muskogee, Indian Territory, March 20, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,

Muskogee, Indian Territory.

Dear Sir:

You are advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 28, 1907, rejecting the application for the enrollment of Earl Hove as a Cherokee freedman, was affirmed by the Department March 4, 1907.

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

Respectfully,



Commissioner.

**Encl. HJ-9.
HJC**

THE MATTER OF THE APPLICATION

Earl Nave

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

A. Original testimony June 20

B. Memo of application June 20

*Copy of testimony filed
with Cherokee Nation*

see to her name Freedmen file

no-1101

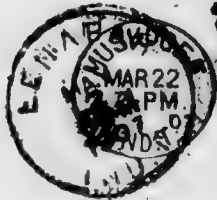


THE SPACE ABOVE IS RESERVED FOR POSTMARK.
POSTAL CARD.
 THE SPACE BELOW IS FOR THE ADDRESS ONLY.

*Mr. J. M. ...
*

Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOCHEE, IND. TER.



Earl Hove,
 Lenapah, Indian Territory.

Mr. Hove

55-135

105

DEPARTMENT OF THE INTERIOR.
BUREAU OF THE GEOLOGICAL SURVEY,
WASHINGTON, D.C. 20548.

1882

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REGISTERED
U.S. PATENT OFFICE
MAY 1904

U.S. DEPT. OF THE INTERIOR
BUREAU OF LANDS
MUSKOGEE, IND. TER.

Return to Writer.
UNCLAIMED.

~~12/10/04~~

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REGISTERED
JAN 10 1905
VINITA, IND. TER.

REGISTERED
DEC 9 1904
MUSKOGEE, IND. TER.

JAN 11 1905

U.S. DEPT. OF THE INTERIOR
BUREAU OF LANDS
MUSKOGEE, IND. TER.

Cher. Fr. R-136

Cher. Fr. R-136

12

JUL 18 1901
JUL 18 1901
JUL 18 1901

Jane John son, et al.---

The applicant in the enrollment of her grandchild, 11 years of age. The testimony shows that the mother of said Ada, Mamie, now deceased, was the child of the said applicant, born in the State of Missouri and returned when she did with her children, consequently her application for the enrollment of her said grandchild, Ada, will be rejected for the similar reason that her children and herself are rejected.

---00000000---

J. O. Roxson, 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. Roxson

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



Commissioner.

NR/30

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, L.T., JUNE 23th, 1901.

In the matter of the application of Jane Johnson for the enrollment of herself, three children and one grandchild as Cherokee Freedmen; said Johnson being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Jane Johnson.
Q How old are you? A I guess I am about 52.
Q What is your post office address? A Low spin.
Q What district do you reside in? A Coxsawadesee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Me and my children.
Q How many children have you got under age and unmarried? A All of them is un married all except one.
Q How many have you got unmarried? A Four.
Q Give me their names? A Charley Johnson.
Q How old is Charley? A 19.
Q The next one? A Minnie.
Q How old is Minnie? A She is 18.
Q The next one? A Louella.
Q How old is Louella? A 15.
Q The next one? A I got a grand child.
Q What is its name? A Ada Johnson.
Q How old is Ada? A 11 years old.
Q Grandchild? A Yes, sir.
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 I don't know whether I am or not; I tried to the Wallace roll but never got anything.
Q Are you married? A Yes, sir.

The tribal rolls of Freedmen of tens of the Cherokee Nation examined and names of applicants not found on any of them.

- Q What is your husband's name? A Isaac Johnson.
Q Is he living? A Yes, sir.
Q Is he a citizen? A No, sir.
Q What is known as a State man? A Yes, sir.
Q When were you married to him? A I don't know.
Q Is he the father of all these children? A Yes, sir.
Q Were these children born and raised in the Cherokee Nation?
A No, sir, they was born in the States.
Q Where was Charley born? A He was born in Missouri.
Q Where was Minnie born? A In Missouri.
Q Where was Lula born? A She was born in the Nation.
Q You live here now do you? A Yes, sir.
Q How long have you been from Missouri? A About 16 years.
Q How did these children happen to be born in Missouri were you living in Missouri? A I was living in Missouri.
Q How long have you been living in the Nation? A I have been living here about 16 years.
Q Well after Minnie was born you moved down to the Cherokee Nation did you? A Yes, sir.
Q What was your father's name? A I don't know.
Q What was your mother's name? A Malissa Foster.
Q Is your mother is Cherokee citizen? A Yes, sir.
Q Is she living? A Yes, sir.
Q Were you a slave? A Yes, sir.
Q Who was your owner? A Riley Foster's sister, Rachel Foster.
Q Was your mother's name on the roll of 1880? A Yes sir.
Q Why isn't your name on it? A I wasn't with her you know.
Q You were living then in Missouri were you? A No, sir, I was living on Grand river, lived there as a child I was taken out of there.

Jane Johnson, et al.--2.

- Q Taken out of here during the war? A Yes, sir.
Q Where to? A First one place and another, when I can re-collect I was in Missouri.
Q When did you first come back to the Cherokee Nation? A I don't know the date.
Q Well, 16 years ago? A Yes, sir.
Q That is the first time you come back? A Yes, sir.
Q Now, you were a slave of Rachel Foster? A Yes, sir; she was Riley Foster's sister.
Q Malissa Foster was your mother? A Yes, sir.
Q You were taken out of the Cherokee Nation at the Civil War?
A Yes, sir.
Q And come back up here about 16 years ago? A Yes, sir.
Q And married up there? A Yes, sir.
Q Your husband is a state man? A Yes, sir.
Q You have been living here 16 years? A Yes, sir.

COLUMBUS McNAIR, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Columbus McNaair.
Q What is your post office? A Vinita.
Q What is your age? A 51 years.
Q Do you know Jane Johnson the applicant here? A Yes, sir; I have saw her.
Q How long have you known her? A I don't know, about 18 or 19 years.
Q Did you know her father? A No, sir.
Q Did you know her mother? A Yes, sir.
Q What is her mother's name? A Her name was Malissa?
Q Malissa? A Yes, sir.
Q Well, do you know whether Jane was a slave or not? A No, sir, I don't know.
Q When was the first time you saw her after the Civil War?
A I do not remember what year it was.
Q About how long ago? A I guess it must have been about 18 or 20 years.
Q Do you know where she has been living? A No, sir.
Q You have known her since that? A Yes, sir.
Q She has always lived in the Cherokee Nation since that?
A Yes, sir.
BY MR. HASTINGS, Cherokee Representative:
Q 18 or 20 years ago is the first time you ever saw the applicant?
A Yes, sir.

CLARA FOSTER, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Clara Foster.
Q How old are you? A 49.
Q What is your post office? A Lenapeh.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q Name on the roll of 1880? A Yes, sir.
Q Are you any relation to Jane Johnson, the applicant here?
A She is my sister.
Q What was her mother's name? A Malissa Foster.
Q You are her own sister? A Yes, sir.
Q Well, where has Jane Foster been living since she was a child?
A I don't know, she has been living; I know where I left her.
Q Where did you leave her? A I left her up here on Grand river at Gilstrap Ferry.
Q What was that? A '62.
Q Where did you next see her? A Up here on Grand river.

Jane Johnson, et al.—3.

- Q When was that? A About 18 years ago.
Q Do you know her child Luella? A Yes, sir.
Q Was that child born since you saw her? A Yes, sir, born right in my mother's house.
Q She has been living in the Cherokee Nation since that time?
A Yes, sir.
Q Do you know her children, Charley and Minnie?
A Yes, sir.
Q Do you know where they were born? A No, sir.
Q She had these 3 children when you saw her? A Yes, sir.

HAMMER BROWN, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Hammer Brown.
Q What is your age, Mr. Brown? A 55.
Q You are a Cherokee Freedman are you? A No, sir, Cherokee.
Q By blood? A Yes, sir.
Q You belonged to the Riley family? A Yes, sir.
Q Well, did you know the applicant, Jane Johnson? A Yes, sir.
Q How long have you known her? A About 18 or 20 years.
Q Is that the first time you ever saw her? A Yes, sir.
Q Where was that? A Up where I live in Coowescoowee.
Q Do you know who her mother was? A I knew her mother, she lives right there by me.
Q About 18 or 20 years ago is the first time you ever saw Jane?
A Yes, sir.
Q Do you know where she was living before that? A No, sir.
Q She has been living here since that? A Yes, sir.

JANE JOHNSON, the Applicant, recalled:

- Q Did you ever apply to the Cherokee authorities to be listed for enrollment at Tahlequah? A I went to the Courts that Wallace was enrolled, and when they had the payment they lost my name.
Q How old were you when you first went to Missouri?
A I don't know, I was a child then, I don't know my age.
Q You are 52 years of age now? A Yes, sir.
Q Did you live all that time up in Missouri? (No response.)
Q What is the mother's name of Ada? A Mamie Johnson.
Q Is she living? A No, sir, she is dead.
Q How old was she when she died? A I think she was 23 or 24.
Q Where was Ada born? A She was born in Missouri.
Q Did she come back with you when you came back?
A Yes, sir.
Q Afterwards she married did she? A No, sir, she was never married.
Q After she came back she had the child, Ada? A Yes, sir.

COMMISSIONER NEEDLES: Jane Johnson applies for the enrollment, of herself, her three children, Charley, Minnie and Luella. Her name cannot be identified upon any of the rolls of the Cherokee Nation. She avers that she is a child of Malissa Pester, and Malissa Pester is a recognized Cherokee Freedman. She avers that she was taken out of the Cherokee Nation to the State of Missouri during the Civil War, where she married and as a result of said marriage has two children Charley and Minnie. She avers that she returned to the Cherokee Nation about 18 or 19 years ago and since her return had one child, Luella, has been born. She avers that she was married in the State of Missouri to one Isaac Johnson. The testimony is conclusive that the applicant did not return to the Cherokee Nation according to the terms prescribed by the treaty of 1866 to regain her citizenship, consequently the application of Jane Johnson for the enrollment of herself and three children, as submitted herein, is not admissible.

Jane Johnson, et al.--4.

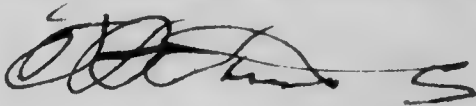
She applies for the enrollment of her grandchild, 11 years of age. The testimony shows that the mother of said Ada, Mamie, now deceased, was the child of the said applicant, born in the State of Missouri and returned when she did with her children, consequently her application for the enrollment of her said grandchild, Adal, will be rejected for the similar reason that her children and herself are rejected.

---00000000---

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 11th day of July, 1901.



Commissioner.

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

In the matter of the application for the enrollment of
Jane Johnson et al., as Cherokee freedmen.

D E C I S I O N .

The record in this case shows that on June 28, 1901, Jane Johnson appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself and her minor children, Charles, Minnie and Luella Johnson, and for Ada Johnson, a minor grandchild, as Cherokee freedmen.

The evidence shows that Jane Johnson was the slave of a Cherokee citizen at the commencement of the rebellion; that she was taken out of the Cherokee Nation during said rebellion and did not return thereto until after February 11, 1867. Her minor children were born since the last mentioned date and possess no rights not acquired by their said mother. The said minor grandchild is the daughter of Minnie Johnson, deceased, an adult daughter of said Jane Johnson, who returned to the Cherokee Nation after the date last mentioned, and said Ada Johnson can possess no rights not acquired by her said mother. Neither the said Jane Johnson nor her deceased daughter, Minnie Johnson, are identified on the 1860 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Jane Johnson, Charles Johnson, Minnie Johnson, Luella Johnson and Ada Johnson 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)

Tamie Dixby.

CHAIRMAN.

(SIGNED)

T. D. Needles.

COMMISSIONER.

(SIGNED)

C. T. Brookins.

COMMISSIONER.

Dated at Muskogee, I. T.,

this JUL 20 1904

COMMISSIONER.

Ⓟ

FR136

U.S. DEPARTMENT OF JUSTICE

FILED

JUN 25 1901

[Faint handwritten notes and markings, possibly including a signature and illegible text.]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 25 1901
Post Office Lenapeh 29,
District Boas

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____
Parents: Repeated
Father _____
Mother _____ Citizenship _____
Name of wife Jane Johnson Age 52
Owner's name Rachel Foster Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother Melissa Foster - living citizenship _____

Names of Children:

- | | | | | | | |
|-----|------------------------|------|------|-----|-------|----|
| 3. | <u>Charles Johnson</u> | Year | Page | No. | Dist. | 19 |
| 4. | <u>Minnie</u> | " | Page | No. | Dist. | 18 |
| 5. | <u>Lulla</u> | " | Page | No. | Dist. | 16 |
| 6. | <u>Ada</u> | " | Page | No. | Dist. | 11 |
| 7. | | Year | Page | No. | Dist. | |
| 8. | | Year | Page | No. | Dist. | |
| 9. | | Year | Page | No. | Dist. | |
| 10. | | Year | Page | No. | Dist. | |
| 11. | | Year | Page | No. | Dist. | |
| 12. | | Year | Page | No. | Dist. | |

Application made by

no. 1

Stenographer

J. O. Ross

COPY.

Cherokee Freedmen
B-136.

Muskogee, Indian Territory, August 1, 1904.

Jane Johnson,

Langsah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your three minor children, Charles, Minnie and Luella Johnson, and your grandchild Ada Johnson, as Cherokee freedmen, together with a copy of the Commission's decision dated July 29, 1904, rejecting the said application.

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

Respectfully,

Encl. B-100.
Register.

Commissioner in Charge.

COPY.

Cherokee Freedmen

N-136.

Muskogee, Indian Territory, August 1, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Jape, Charles, Minnie, Luella and Ada Johnson as Cherokee freedmen, including the Commission's decision dated July 29, 1904, rejecting said application.

Respectfully,

Incl. 8-201.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Mr. 1
Cherokee Freedmen

R-136.

Muskogee, Indian Territory, August 1, 1904.

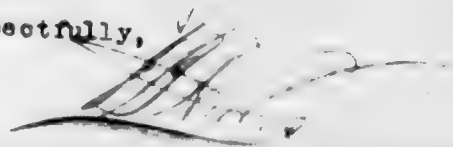
Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

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 Jane, Charles, Minnie, Luella and Ada Johnson 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-200.

(COPY)

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

Refer in reply
to the following
Land,
53808-1904

Washington, August 18, 1904.

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated August 1, 1904, transmitting the record of the application for enrollment as Cherokee Freedmen of Jane Johnson for herself and her minor children, Charley, Minnie and Lucilla Johnson, and for Ada Johnson, a minor grand child.

July 29, 1904, the Commission decided adversely to the applicants.

The record shows that Jane Johnson 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 on or before February 11, 1904; that the other applicants claim title solely through Jane Johnson. None of the applicants is identified on any roll relating to the Cherokee Nation.

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

Very respectfully,

W.M.H.

V. A. Jones

(COPY)
DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.

Refer in reply
to the following:
Land.
53808-1904

Washington, August 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated August 1, 1904, transmitting the record of the application for enrollment as Cherokee freedmen of Jane Johnson for herself and her minor children, Charley, Minnie and Luella Johnson, and for Ada Johnson, a minor grand child.

July 29, 1904, the Commission decided adversely to the applicants.

The record shows that Jane Johnson 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 on or before February 11, 1904; that the other applicants claim title solely through Jane Johnson. None of the applicants is identified on any roll relating to the Cherokee Nation.

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

Very respectfully,

M. N. H.
W.

W. A. Jones

(COPY)

D.C. 50002-1004
I.T.L. 6622-1004

J.P.
M.H.
L.R.B.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

August 22, 1904

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

Gentlemen:

August 1, 1904, you transmitted the record in the matter of the application for the enrollment of Janw, Charles, Minnie, Luella and Ada Johnson, as Cherokee freedmen, including your decision of July 27, 1904, rejecting said application.

Reporting in the matter of August 18, 1904, the 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) Theo Ryan
Acting Secretary

COPY

Washington, Indian Territory, October 4, 1904.

James Johnson,
Langston, Indian Territory.

Dear Sir:

You are hereby advised that the Commissioner's decision, dated July 29, 1904, rejecting your application for the enrollment of yourself, your three minor children, Charles, Elmer and Beulah Johnson, and your minor grandchild, Miss Johnson, nee Elizabeth French, was affirmed by the Secretary of the Interior on August 22, 1904.

Respectfully,

ASSIGNED

T. A. BIRD

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

Cherokee

Cherokee Freedmen
R 136


Muskogee, Indian Territory, October 4, 1904.

Bell, Hastings & Bavenport,
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 June Johnson, her three minor children, Charles, Elsie and Luella Johnson, and her minor grandchild, Ada Johnson, was affirmed by the Secretary of the Interior on August 22, 1904.

Respectfully,



Chairman.

Cher. Fr. R. 137

Cher. Fr. R. 137

10

34131

Q Was she taken out of the country during the war? A Yes sir
 Q When did she come back home? A I don't know
 Q What was her mother's name? A Betsy.
 Q Were you married to her? A Yes sir.
 Q Is she living? A Dead.
 Q Have you married since? A Yes sir.
 Q Was Betty taken out of the country with you? A Yes sir to Texas
 Q When did she come back? A I don't know.
 Q Did you never live with her after she was? A Never.
 Q When was the first time you saw her after she was in the States
 Nation? A At the Wallace court.

WASING WILLIAMS

Q What is your name? A Master Williams.
 Q What is your age? A 50.
 Q Are you a recognized slaveholder? A Yes sir.
 Q Do you know the applicant, Robbie Lovel? A Yes sir, I know
 her by the old man claiming her as his daughter
 Q What relation are you to her? A Her father Ben Williams my
 brother
 Q Where did you first see this applicant? A At Hur-
 rogen.
 Q How long ago? A 2 or 3 years ago.
 Q Did you know her mother? A Yes sir, I know her mother.
 Q Was she known as Betsy Lovel? A Yes
 Q Was Betsy Gandy a slave? A Yes sir
 Q You don't know when this applicant came back after from... No

By the Commission of applicant-

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

In the matter of the application of Mollie Love for the enrollment of herself and two children. She being sworn by Commissioner T.B. Needles, testified as follows-

- Q What is your name? A Mollie Love.
Q How old are you? A. 44.
Q What is your post office address? A. Gateona.
Q In what district do you live? A. Gansessawee.
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who else do you want to have enrolled besides yourself? A My children.
Q How many? A. Two.
Q What are their names? A. Ullion Love.
Q How old? A. 19 years
Q Next? A. Mand
Q How old? A. 16 years.
Q Are you married? A. No sir not now.
Q What is your fathers name? A. Ben Grimmett.
Q Is he living? A. Yes sir.
Q What is your mothers name? A. Betsey Gandy.
Q Is she living? A No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A. The Wallace and Kern Clifton rolls.
Q What is your husbands name? A. Robert Love.
Q Is he living? A. I dont know.
Q You dont live with him? A. No sir.
Q Were you a slave? A. Yes sir.
Q Who did you belong to? A. George Gandy.
Q What 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. Texas.
Q Was your mother also? A. Yes sir.
Q When did you return? A I dont know exactly, how long I have been here.
Q When did you get back? A I dont know exactly, I have been here a good while.
Q Where were you married? A In Texas.
Q Was your husband a non citizen or was he a Cherokee freedman? A I dont know.
Q Where were your children born? A. Some were born in Texas.
Q Where was Ullion born? A. In the Creek Nation.
Q Where was Mand born? A. In the Creek Nation.
Q Did you ever live there? A. Yes sir for a while back and forth.
Q With your husband? A. Yes sir.
Q Did you ever apply to be enrolled as a Creek? A. No sir.
Q Did you ever draw any money from the Creek Nation? A. No sir.
Q How many years did you live there? A. Just a year or two backwards and forward.
Q What part of the Creek Nation? A. Muskogee, just first one place and then another.

Q

By Hastings-

- Q What is the name of your oldest child? A. Charles.
Q Where was he born? A. Texas.
Q How old is he? A. 28.
Q What is your next child's name? A. Nellie.
Q Where was she born? A. Texas.
Q What is the name of the third one? A. Loyd.
Q Where was this one born? A. In Texas.

- Q How old is she? A. I dont know her age
 Q What is the next one? A. Ullien.
 Q That one was born in the Creek Nation? A. Yes sir.
 Q That was your first child to be born in the Territory? A. Yes sir.
 Q You were married in Texas? A. Yes sir.
 Q And you came here after your third child had been born there? A. Yes sir.

By Com'r Needles.

- Q How old were you when you came up here? A. I just dont know.

JULIA A. SCRIPPSHER called and sworn as a witness for the applicant, testified as follows-

- Q What is your name? A. Julia A. Scrippsher.
 Q What is your age? A. 59.
 Q Are you a Cherokee citizen by blood? A. Yes sir.
 Q Do you know the applicant, Mollie Love? A. I know her mother.
 Q What was her name? A. Betsy.
 Q Was she a slave? A. Yes sir.
 Q Who did she belong to? A. My father.
 Q What was his name? A. George Gandy.
 Q Was she taken out of the Cherokee Nation during the war? A. Yes sir.
 Q Did she return to the Cherokee Nation? A. Yes sir.
 Q About what time did she come back? A. I dont know, it has been not more than 10 or 15 years ago that she came to my house.
 Q Did Mollie come back with her? A. I dont know.
 Q Do you know when this applicant came back? A. No sir.
 Q Is her mother living now? A. No sir.
 Q Where was her mother taken to during the war? A. Texas.

By Hastings-

- Q Do you know where this applicant was born? A. No sir.

By Com'r Needles of applicant-

- Q Did you come back here when your mother came? A. Yes sir.
 Q You never did come before that? A. No sir.

By Hastings? e.

- Q You had three children born to you before you came here? A. Yes sir.

BEN CRIMMETT, called and sworn as a witness for the applicant-

- Q What is your name? A. Ben Crimmett
 Q What is your age? A. 63.
 Q What is your post office address? A. Nowata.
 Q Do you know the applicant Mollie Love? A. Yes sir.
 Q What relation is she to you? A. My daughter.
 Q How old is she? A. I cant tell her age.
 Q Was she a slave? A. Yes sir.
 Q Who did she belong to? A. George Gandy.
 Q Was that the same man you belonged to? A. No sir.

- Q Was she taken out of the Cherokee Nation during the war? A Yes sir
 Q When did she come back here? A. I don't know
 Q What was her mother's name? A. Betsy.
 Q Were you married to her? A. Yes sir.
 Q Is she living? A. Dead.
 Q Have you married since? A. Yes sir.
 Q Was Betsy taken out of the Cherokee Nation? A. Yes sir to Texas
 Q When did she come back? A. I don't know.
 Q Did you never lived with her after the war? A. No sir.
 Q When was the first time you saw her after the war in the Cherokee Nation? A. At the Wallace court.

EASTER WILLIAMS called and sworn as a witness for the applicant

- Q What is your name? A. Easter Williams.
 Q What is your age? A. 50.
 Q Are you a recognized Cherokee freedman? A. Yes sir.
 Q Do you know the applicant, Mollie Love? A. No sir, I only know her by the old man claiming her as his daughter
 Q What relation are you to her? A. Her father Ben Grimslett is my brother
 Q Where did you first see this applicant after the war? A. At Muskogee.
 Q How long ago? A. 2 or 3 years ago.
 Q Did you know her mother? A. Yes sir, so said to be her mother.
 Q Was she known as Betsy Gandy? A. Yes sir.
 Q Was Betsy Gandy a slave? A. Yes sir
 Q You don't know when this applicant came back after the war? A. No sir.

By the Commission of applicant-

- Q You were born in the Cherokee Nation were you? A. Yes sir.
 Q You were taken to Texas with your mother at the breaking out of the war? A. Yes sir.
 Q And you married there? A. Yes sir.
 Q And you came back here about ten or fifteen years ago? A. Yes sir
 Q And have been here ever since? A. Yes sir.

By Court Needles,-

The applicant applies for herself and two children, Ullion, 19 years of age and Maud Love 16 years of age; she swears that she was a slave of one Gandy a Cherokee citizen and was taken to Texas during the war. The testimony shows that she was married in Texas and raised three children there. The evidence is conclusive that the applicant did not return to the Cherokee Nation in time to take advantage of the treaty of 1866 requiring slaves to return in less a certain time in order to hold their citizenship, consequently the applicant, Mollie Love and her two children as herein named will be rejected.

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

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

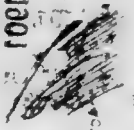
Commissioner.

to

100-137

COMMISSION TO THE FIVE CIVILIZED TRIBES
ESTABLISHED BY THE ACT OF MARCH 3, 1874

THE S.S. JACO
P.L.D. 137



ACTING CHAIRMAN

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

F.-R.#137.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, IT T., JULY 2d, 1901.

A U P P L E M E N T A L T E S T I M O N Y in the matter of the enrollment of
Mollie Love as a Cherokee Freedman; introduced on the part of ap-
plicant:

A P P E A R A N C E S :

A. S. McRea for Applicant.
J. S. Davenport for Cherokee Nation.

S A I D M O L L I E L O V E , being duly sworn by Commissioner T. B.
Needles, testified as follows: EXAMINATION BY MR. McREA:

- Q What is your name? A Mollie Love.
Q What is your post office address? A Catoosa.
Q You are the same Mollie Love that applied for enrollment?
A Yes, sir.
Q Were you born a slave? A Yes, sir.
Q To whom did you belong? A George Canady.
Q Where were you born? A Fort Gibson my mother said.
Q In the Cherokee Nation? A Yes, sir.
Q Now, where were you when you first had any recollection of your-
self? A In the Choctaw Nation.
Q Indian Territory? A Yes, sir.
Q How long did you live there? A I don't remember, I was there
quite a while, I was quite small.
Q Where were you born? A In Texas.
Q Well, when did you return to the Cherokee Nation? (No response.)
Q How long have you been living in the Cherokee Nation since the
war? A About 15 or 16 years, about 20 years I guess, been here
in the Cherokee Nation.
Q Have you acquired any property upon the public domain of the
Cherokee Nation? A Yes, sir.
Q How long have you been operating it? A About eight years.
Q How many children have you over 21 years of age?
A Two.
Q Give me their names? A The oldest?
Q The oldest. A Charley.
Q Charley Love? A Yes, sir.
Q How old is he? A 25.
Q The next oldest? A Well she.
Q How old is she? A About 23 I reckon.
Q Are those all? A No, sir, one more.
Q What is the name of the mother? A Loy.
Q How old is he? A About 20.
Q Now, have you lived continuously in the Cherokee Nation for
these 15 or 20 years of ~~xxx~~ which you have mentioned?
A Yes, sir.

BY MR. DAVENPORT:

- Q Your children, Charley and Nellie and Loy, were all born in the
State of Texas? A Yes, sir.
Q You were married there? A Yes, sir.

---ooo000ooo---
J. O. Rosson, being first duly sworn, states that as stenog-
rapher to the Commission to the Five Civilized Tribes, he correctly
recorded the testimony and proceedings in this case, and that the
foregoing is a true and complete transcript of his stenographic
notes thereof.

Subscribed and sworn to before me this July 19th, 1901.


Commissioner.

Conrad

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

In the matter of the application for the enrollment of Nellie Love, et al., as Cherokee Freedmen, consolidating the applications of--

Nellie Love, et al.,	Cherokee Freedmen R-157,
Charlie Love,	Cherokee Freedmen R-159,
Lloyd Love,	Cherokee Freedmen R-160,
Nellie Thompson,	Cherokee Freedmen R-161.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Nellie Love for herself and her minor children, Ulian and Maude Love; by Charlie Love for himself; by Lloyd Love for himself and by Nellie Thompson for herself.

The evidence in this case shows that the applicant, Nellie Love, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she was taken out of 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 Whitfire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; that the applicants, Ulian Love, Maude Love, Charlie Love, Lloyd Love and Nellie Thompson, have been born since 1866, are the children of the said Nellie Love, and have no rights to enrollment except through her.

It does not appear that any of the applicants herein are identified on the 1866 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Nellie Love, Ulian Love, Maude Love, Charlie Love, Lloyd Love and Nellie Thompson as Cherokee freedmen should be denied, under the provisions of section twenty-

one of the act of Congress approved June 29, 1898, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tammie Eddy

Chairman.

(SIGNED)

I. D. Newcomb

Commissioner.

(SIGNED)

W. J. ...

Commissioner.

(SIGNED)

Commissioner.

Muskogee, Indian Territory.

this

APR 20 1900

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:

WILLIAM LOTT, 137

WILLIAM LOTT, 159

WILLIAM LOTT,

WILLIAM LOTT,

WILLIAM LOTT, 137

MOTION FOR REVIEW OF DECISION.

Come now the above named persons who have been denied enrollment as Cherokee Freedmen, by their attorneys, Blue & Sulger and McGowan & Berven, 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, 1903.
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 and were absent to some other state or nation and by such absence were not subject to the laws of such other state or nation.

WHEREFORE, said applicants, by their attorneys, respectfully request that they be enrolled as Cherokee Freedmen.

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., day of _____, 1905.

BILL, EASTMAN & DAVENPORT,
Attorneys for Cherokee Nation.

By _____

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 25 1901

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Handwritten notes in vertical columns.

Handwritten notes in vertical columns.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 25, 1901
Post Office Catoosa, Ga.
District 600

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____
Parents: _____
Father _____ Citizenship _____
Mother _____ Citizenship _____

Repeated

1 2 Name of wife Mollie Love Age 44
Owner's name Geo. Candy Citizenship Cherokee
Year _____ Page _____ No. _____ District _____

Parents:
Father Ben Gummert - living Citizenship _____
Mother Betsy Candy - dead Citizenship _____

Names of Children:

No.	Name	Year	Page	No.	Dist.
1	<u>Charles Love</u>	Year	Page	No.	Dist.
2	<u>Marian Love</u>	Year	Page	No.	Dist.
3	<u>Maudie</u>	Year	Page	No.	Dist.
4		Year	Page	No.	Dist.
5		Year	Page	No.	Dist.
6		Year	Page	No.	Dist.
7		Year	Page	No.	Dist.
8		Year	Page	No.	Dist.
9		Year	Page	No.	Dist.
10		Year	Page	No.	Dist.
11		Year	Page	No.	Dist.
12		Year	Page	No.	Dist.

19
16

Repeated

Application made by

Geo. Candy

Stenographer

Chas. von Weise

mxg

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

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

WM. O. BEALK,
SECRETARY

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 137, et al.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, May 3, 1904.

W. V. 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 April 20, 1904, in the consolidated case of Nellie Love, et al., rejecting the applications for the enrollment of Nellie, Ulian, Maude, Charlie and Lloyd Love, and Nellie Thompson, 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.

Encl. V-6

Cherokee Freedmen
R 137

Muskogee, Indian Territory, May 3, 1904.

Mollie Love,

Catoosa, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your two minor children, Ulian and Maude Love, as Cherokee freedmen, together with a copy of the Commission's decision dated April 20, 1904, in the consolidated case of Mollie Love, et al., reflecting, among others, your said application.

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

Respectfully,

Encl. VI
Register.

Chairman.

CCP

Cherokee Freedmen
R 137, et al.

Muskogee, Indian Territory, May 3, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Mollie Love, et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Mollie, Ulian, Maude, Charlie and Lloyd Love, and Nellie Thompson, as Cherokee freedmen.

Respectfully,

Encl. V-7

Through the
Commissioner of Indian Affairs.

Chairman.

Refer in reply
to the following:
Land
30802-1904.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 20, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated May 3, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen of Mollie Love for herself and her minor children, Lillian and Mauds Love; by Charlie Love for himself; by Floyd Love for himself, and by Nellie Thompson for herself.

April 20, 1904, the Commission decided that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that the applicant, Mollie Love, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war she was taken out of the Cherokee Nation and did not return thereto on or before February 11, 1867. That the other applicants were born subsequent to February 11, 1867, and their sole title is derived from the principal applicant, Mollie Love. The names of none are found on the 1880 authenticated Cherokee Roll.

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

Very respectfully,

A.C. Tonner,
Acting Commissioner.

W.M.V.
W.
3 encl.

(COPY)

J.P.
CMR

D.C. 26559-1904.

ITD 5900-1904.

L R S

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

July 25, 1904.

The Commission

to the Five Civilized Tribes.

Gentlemen:

The Chairman with his letter dated May 3, 1904, transmitted the citizenship case involving the applications for enrollment as Cherokee freedmen, of Mollie Love, Ulian and Maude Love, Charlie Love, Lloyd Love and Nellie Thompson, together with the decision of your Commission, dated April 20, 1904, denying said applications.

The papers in the case were forwarded to the Department by the Acting Commissioner of Indian Affairs on the 20th instant, and he recommends approval of your decision.

The Department also concurs and your said decision is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen

R-137.

Muskogee, Indian Territory, August 5, 1904.

Mollie Love,

Catoosa, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting, among others, your application for the enrollment of yourself and your two minor children, Ulian and Maude Love, as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 25, 1904.

Respectfully,

Commissioner in Charge.

COMMISSIONERS

TAMM SLIBY,
THOMAS B. NEEDLES,
C E BRECKINRIDGE

WM O. BEALL,
Secretary

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

MADEY

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
B-137-169-100-161.

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:

You are hereby advised that the Commission's decision, dated April 20, 1904, in the consolidated case of Mollie Love, et al., rejecting the applications for the enrollment of Mollie, Ulian, Maude, Charlie and Lloyd Love and Mollie Thompson as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 28, 1904.

Respectfully,



Commissioner in Charge.

Cherokee Freedmen
B-137

Muskogee, Indian Territory, May 26, 1906.

Mollie Love,

Satoosa, Indian Territory.

Dear Madam:-

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

LMG

Mustang, Indian Territory, May 29, 1934.

Miss A. Dulger,

Attorneys for Miss A. Arnold, et al.,

Viola, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1934, a copy of which is enclosed herewith, covering motions filed by you September 7, 1933, for review in the Cherokee Freedmen enrollment cases of Miss A. Arnold and others named in said letter.

Respectfully,

WSP

WSP

Muskogee, Indian Territory, May 29, 1906.

Messrs. Hastings & Burdick,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sirs:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

Encl. 3-4

IN THE MATTER OF THE APPLICATION OF

Mollie Love et al

ENROLLMENT AS

CHEROKEE FREEDMEN

- ① Original testimony 6/25/04
- ② Memo of application 6/25/04
- ③ Supplementary testimony July 2 1904

REFUSED

ACTION APPROVED BY SECRETARY

JUL 25 1904

Copy of testimony filed with Cherokee Nation.

See Cherokee Freedmen paper

No R 159 200 2101

Cher. Fr. R-138

Cher. Fr. R-138

CONF

Henry Harlin - 3.

or fifty years.

Q You have the same mother? A Yes, sir, I do.

Q What age were you at the time? A I was about 10 years old.

Q Well, was she ever married? A Yes, sir, she was.

Q When did they take her to Texas?

A About '48.

Q When was the settlement you are talking about? A I don't know his

until here about when the Civil War was coming on.

Q You know his wife, Harlin? A No, sir, not until I saw him.

Q How long have you known him? A About four years.

SECRET

Commissioner: My reason for the fact that the applicant and none of his children are upon the public trustee roll of 1890 or on any of the rolls of the Cherokee Nation, and the further reason that he makes no satisfactory proof of present residence in the Cherokee Nation until some seven or eight years ago, and makes no satisfactory proof of having resided in the Indian Territory prior to the prescribed by the provisions of the Treaty of 1892, the application of Henry Harlin for the allotment of an acre of land will be rejected.

James H. Jones, being duly sworn, gave the following stenographer to the Commission of the Five Civilized Tribes. He has personally recorded the proceedings and testimony in the above case, and is now going to the town and complete transcript of his proceedings.

James H. Jones

July 10, 1891.

[Handwritten signature]

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

In the matter of the application of Henry Harlin for the enrollment of himself and six children as Cherokee Freedmen.

Henry Harlin, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Henry Harlin.
Q How old are you? A 65.
Q What is your post office address? A Coffeyville, Kansas.
Q What district do you live in? A Cowessawee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Well, there is six children.
Q Any of them under age? A Yes, sir, all of them; I have one child at Muskogee I guess, and he may be enrolled.
Q In jail? A No, sir, he is married.
Q Well, give me the names of your children under 21 years of age, unmarried? A Elisha Harlin, 14.
Q The next one? A Elijah.
Q How old is Elijah? A 12.
Q The next one? A Cordelia.
Q How old is Cordelia? A 20.
Q The next one? A Lenora.
Q How old is she? A 7 years old.
Q The next one? A David.
Q How old is David? A David is three.
Q The next one? A Edwin.
Q How old is Edwin? A About 17 months old.
Q Is your name on the roll of 1880? A No, sir.
Q Your name on any of the rolls of the Cherokee Nation? A No, sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee freedman? A No, sir, I guess not.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Melvina.
Q Is she living? A Yes, sir.
Q How old is she? A 36.
Q You apply for her enrollment? A Well ---
Q Is she a citizen? A No, sir, she is a citizen too, but she has never had it proved up.
Q Is she the mother of these children? A Yes, sir.
Q Have you got any witnesses here? A Yes, sir, Blue Thompson and Lum McKair.
Mr. E.W. Hastings, Cherokee attorney: Where did you live before the war? A I lived in Texas a year or two.
Q Where you born in Texas? A No, sir.
Q How long before the war did you go to Texas? A Well a right smart bit.
Q As much as 20 years? A No, sir, I believe not.
Q 15? A Yes, sir.
Q Who took you to Texas? A Thompson.
Q What Thompson? A Frank Thompson.
Q Where did he formerly live? A On Seattle's prairie.
Q You remember that? A Yes, sir.
Q What side of the prairie did you live on? A I guess I lived on this side.
Q That the north, east, south or west? A I don't recollect that either.
Q How far from town was it? A About three or four miles from Maysville.
Q What direction? A Seems to me like it was north-east.

Henry Harlin - 3.

Q Did you live northeast from Maysville or Maysville northeast from you? A Maysville northeast from us, seems like.

Q Have a spring or a well there? A A spring.

Q What side of the stream was the house on? A On the side.

Q On which side is that, north, east, south or west? A The house is on the south side, seems to me like it is.

Q You went to Texas about fifteen years before the war? A About that, maybe a little over.

Q And your owner lived down in Texas? A He wasn't my owner.

Q Who wasn't? A Frank wasn't.

Q Who was? A Wilson.

Q What kin was he to Wilson? A Son of old Frank Thompson.

Q Married in Texas? A Yes, sir; I was given to Frank Wilson's father.

Q Then were you first married? A I was married once in Texas.

Q What was your wife's name? A Her name was Eliza.

Q When were you married? A Married in '61.

Q Your wife dead? A Yes, sir, she died.

Q In what year? A She died in '83.

Q You lived with her till she died? A Yes, sir.

Q Then you married your second wife? A Yes, sir.

Q Did you have any children by your first wife? A Yes, sir.

Q What are their names? A Well, one named Willie, one named Joe and one named Eliza and one named Frank.

Q All born in Texas? A All but one, Frank was born in the Chickasaw Nation.

Q That was the youngest one by that wife? A Yes, sir.

Q When you went back to Texas did you, after that? A No, sir.

Q I thought you said your wife died in Texas? A Well she did.

Q Didn't you go back with her? A Yes, sir.

Q Your wife died in '83? A Yes, sir.

Q Where did you marry the second time? A Married the second time in the Chickasaw Nation.

Q When was that? A It has been in '83 or '4; in '85.

Q What is your oldest child by that wife named? A Richard Elisha.

Q Where was he born? A In the Chickasaw Nation.

Q What is the next child named, by her? A Elijah.

Q Where was Elijah born? A Chickasaw Nation.

Q Where was Cordelia born? A In the Chickasaw Nation.

Q Where was Lenora? A In the Chickasaw Nation.

Q Where was David? A Here in Tablequah.

Q When did you first come back to the Cherokee Nation after the war? A I went back Christmas, not Christmas neither, I came back in '65.

Q How long did you stay here? A I stayed here till in '66.

Q What time in '66? A I don't remember the time, it was along about Christmas and I went back to see about my wife.

Q Where did you come up here with? A Blue Thompson.

Q Now what time of the year '65 did you come here? A I came here about fall.

Q About what time in the fall, November or December? A Yes, sir, about that.

Q Now where did you come to? A I came to Union.

Q Did you come straight from there to Union? A Yes, sir.

Q Now who did you live with in West Union? A I lived there with Fred Martin.

Q This Fred here? A No, sir, his father.

Q This boy born then? A Yes, sir.

Q How long did you live there with him? A Well I lived there, stays there off and on I reckon a year.

Henry Harlin - 3.

- Q What did you do? A I didn't do much of anything, I went then from there up to Joe Martins.
- Q That a Cherokee? A Yes, sir, my mistress' brother.
- Q Where did he live? A Lived up on Grand Bay.
- Q The old home place? A Yes, sir.
- Q On what side of the river? A He lived on this side.
- Q That the east or west? A I disremember, I can't place the river exactly.
- Q Now what time did you go up there? A I disremember the time.
- Q Was it in the fall of '65 or in '66? A In '66.
- Q What time in '66? A I believe it was in the fall.
- Q What were you doing all this time from the fall of '65 till the fall of '66? A I went from Gibson, tried to go to Beattie's Prairie where I used to live, and then went through around to Gibson.
- Q Did you go to Beattie's Prairie? A No, sir.
- Q Now r went? A No, sir, and went there around to, well around and about hunting my folks.
- Q You never found any of the? A No, sir, I didn't know where they lived and I couldn't find them.
- Q And you stayed there a whole year did you around Fort Gibson?
- A Yes, sir.
- Commissioner: Were you a slave? A Yes, sir, slave of Annie Thompson.
- Q Was she a Cherokee or tizon? A Yes, sir, sister to Joe Martin.
- Q Where were you born? A I was born in Georgia, came here with them.
- Q You came here with Anne Thompson? A Yes, sir.
- Q To the Cherokee Nation? A Yes, sir.
- Q When did you leave the Cherokee Nation? A I disremember exactly the time.
- Q Did you go out during the war? A No, sir, went out before the war.
- Q About sixteen years before, you state I believe? A Yes, sir.
- Q Who were you taken out by? A Frank Kahanaka Thompson.
- Q Your owner? A Yes, sir.
- Q I thought you said you belonged to Annie? A No, she gave me to Isabelle and she married.
- Q Was Frank Thompson your owner when you were taken out?
- A Yes, sir.
- Q Was he a Cherokee? A No, sir, I believe he was a white man.
- Q When his wife was a Cherokee? A Yes, sir.
- Q Was she his wife? A Annie Martin.
- Q Tell me took you out into the State of Texas? A Yes, sir.
- Q Well you married in Texas the first time? A Yes, sir, married during slavery times.
- Q You left Texas then and went to the Chickasaw Nation? A Yes, sir.
- Q When was that? A I went back to Texas.
- Q When did you first leave Texas and go to the Chickasaw Nation?
- A I went to Texas and - -
- Q Now you were taken down to Texas by Frank Thompson? A Yes, sir.
- Q Then when did you come back from Texas the first time? A I came back in '65.
- Q Where to? A Came here to Fort Gibson.
- Q How long did you stay in the Cherokee Nation? A I stayed a little over a year, stays two years.
- Q Then where did you go? A Well I went to Texas.
- Q How long did you stay in Texas then? A Well I stayed in Texas for a season, I stayed there about six or eight months.
- Q Did you have your wife with you when you were taken out?
- A No, sir.
- Q Not the first time? A No, sir.

Henry Harli - 4.

Q When you went back after being up the first time your wife was still in Texas? A Yes, sir.

Q You stayed there five or six months? A Yes, sir.

Q Then where did you go to? A I fetched her over in the Chickasaw Nation.

Q Fetched your wife up there? A Yes, sir.

Q And all these five or six oldest children were born in the Chickasaw Nation? A Yes, sir.

Q Well the next largest child after Elisha was born there? A Well that is by my second wife.

Q I am talking about the children, not your second wife? A Yes, by my second wife.

Q Your children by your second wife? A Yes, sir.

Q They were born in the Chickasaw Nation? A Yes, sir.

Q When did your first wife die? A In '83.

Q In Texas? A Yes, sir.

Q Where did you marry your second wife? A In the Chickasaw Nation.

Q You came back from Texas to the Chickasaw Nation after your first wife died then? A Yes, sir.

Q When you married your second wife, that is your present wife? A Yes, sir.

Q In the Chickasaw Nation? A Yes, sir.

Q Where did she live? A Right near Colbert.

Q How long did you live there in the Chickasaw Nation? A I reckon I lived there about near eight years.

Q And then you came to the Cherokee Nation? A Yes, sir.

Q You have lived in the Cherokee Nation ever since? A I have been here ever since pretty well.

Q About eight years ago? A Yes, sir.

Q Lived in the Cherokee Nation from that time to this; those children all in the Cherokee Nation now? A Yes, sir.

Q All living? A Yes, sir.

Q Got a place in the Cherokee Nation? A No, sir, I haven't taken up a place.

Q What do you do for a living? A I live with Dave Martin.

Q Is he living on a farm? A Yes, sir.

Q You are some relation of his? A Yes, sir, I am a brother of his; I never went there till this year.

Q All these children live with Dave? A Yes, sir, they are taken care of for him.

Q Do no some of your own? A No, sir.

Q You pay no vote in the Cherokee Nation? A No, sir.

Q Never draw any money? A No, sir.

Q Did you ever claim citizenship in the Chickasaw Nation? A No, sir.

Q What of your last wife, the mother of these children; was she a Chickasaw or a Chickasaw? A She was a Cherokee, all right, but she never had her rights proved up; her mother did.

Q How long? A Yes, sir.

Q She never drew any money herself? A No, sir.

Q Was she on the Chickasaw rolls? A No, sir.

Q Would your wife and children have never been recognized by the Chickasaw authorities? A No, sir.

Q Ever try to be? A No, sir, I was down there preaching.

Q What church do you belong to? A I belong to the Methodist.

Mr. Hastings: You state that your owner took you to Texas 15 years ago, is that so? A Yes, sir, I think it was about that, it might have been longer or might have been nearer.

Q After you got down there your owner gave you to one of his daughters, who married in Texas? A Yes, sir.

Q And you continued to stay there till after the war? A Yes, sir.

Q Your three oldest children by your first wife were born in

Henry Harlin - 5.

Texas? A Yes, sir.

Q Was Joe Martin living up there, did you find him up here when you came up there after the war to see him? A No, sir.

Q You didn't find him there? A No, sir.

Commissioner: Who married your mistress down in Texas? A That I was given to.

Q Yes? A Ben Wilson.

Q Was that before you were taken to Texas or after you went to Texas? A Afterwards.

Q The man who took you down there dead? A Yes, sir, he is dead now, he died during the war.

Q He gave you to his daughter? A Yes, sir.

Q Is she living? A No, sir, she is dead now.

Q She died in Texas? A Well yes sir, she did.

Q She always live in Texas? A No, she didn't always.

Q She was born in the Cherokee Nation? A Yes, sir.

Q Did she go down to Texas at the time you went? A Yes, sir.

Q She married a man named Wilson? A Yes, sir.

Q Was Wilson a state man, a citizen of Texas? A Yes, sir.

Q Did you live with Wilson and her until she died? A No, not exactly, she died since freedom.

Q Did you live with Wilson and her then until freedom? A Yes, sir.

Q You belonged to them? A Yes, sir.

Q Did Wilson have any authority over you or were you supposed generally there to belong to Wilson or her? A I belonged to her.

Q You were acknowledged as her slave? A Yes, sir.

Q And now as Wilson's? A Yes, sir.

Q Is Wilson living? A No, sir, he is dead.

Q He die before or after the war? A He died during the war.

Q And you were freed down in Texas? A Yes, sir.

Q And you came back to the Cherokee Nation in '85? A Yes, sir.

Mr. Hastings: Did you apply to the Kern-Clifton for enrollment?

A I never tried, for my wife was sick at the time, and I had to ~~xxxxxxxxxxxx~~ go home, and before I got back I got sick and I wasn't before then.

Q Where were you living, in the Chickasaw Nation? A I was living in the Chickasaw Nation, I was there at Tahlequah then and I applied to them.

Q You came up to apply to them? A I was there at Tahlequah in that year.

Q Was that the year when you came up to Tahlequah first? A No, sir.

Q When did you go up there first? A I came up there in '90.

Q And went back to the Chickasaw Nation? A I came up there in '80 and '83.

Commissioner: Did you have any property in the Chickasaw Nation?

A No, sir.

Q Never settled on a farm? A No, sir, worked around.

Q Worked around and preached? A Yes, sir; I was sent from here there to preach.

Q Who sent you? A A man by the name of - - - -

Q Was he your elder? A Yes, sir.

Q Were you ordered there by the church authorities? A I was just sent there by him, by the elder, he wasn't the bishop, he just sent me there.

Q Was he a minister or officer of the church? A Yes, sir.

Q You have a church organization? A Yes, sir.

Q You have a conference? A Yes, sir.

Q Have a bishop? A Yes, sir.

Q Who is the bishop? A Bishop Gaines was the bishop the last time I was in the conference.

Q Were you a licensed preacher or just a local preacher? A I

Henry Harlin - 6.

have been a licensed preacher, you might say an ordained deacon.

Q You have a regular appointment or circuit or station? A Yes, sir

Q Where was that? A Down there at Colbert, called it Wesley Chapel.

Columbus McNair, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Columbus McNair.

Q What is your age? A 51.

Q What is your post office? A Vinita.

Q Do you know Henry Harlin, the applicant? A I know Henry Wilson.

Q Did he ever go by the name of Wilson? A Yes, sir, went by Wilson when I knew him.

Q How did he get the name of Harlin? A I don't know about Harlin

Q Well, when did you know the Henry Wilson? A Knew him in Quitman, Texas.

Q When was that? A Time of the war.

Q Never knew him before that? A No, sir.

Q Was he held as a slave down there? A Yes, sir

Q Who did he belong to? A Belonged to Wilson, daughter of Franklin Thompson.

Q Wilson married? A Married Franklin Thompson's daughter.

Q What was Wilson's wife named? A Isabell.

Q Do you know where Henry was taken from, where he was born?

A Carried from the Nation.

Q How do you know? A I don't know about that at all no more than what he told me.

Q You never knew him until you saw him in Texas? A No, sir.

Q When did you see him after the war? A I have seen him about two years ago.

Q Not from that time until about two years ago? A Yes, sir.

Mr. Hastings: You were around to Fort Gibson a good deal in '65 or '67? A Well I never saw him.

Bliss Thompson, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Bliss Thompson.

Q What is your age? A 51 years old.

Q What is your postoffice? A Chetopa.

Q You are a freedman citizen of the Cherokee Nation? A I am.

Q You know the applicant, Henry Harlin? A Slightly, yes, sir.

Q When did you first know him? A I don't know sir.

Q Did you know him before the war, the Civil War? A No, sir.

Q Well, where did you first know him, to your recollection?

A I had some business in the Choctaw Nation, I had a brother live down there, and went down to visit him a short time, there was a camp meeting, about 15 years ago possibly, and during the time I was down there this man was preaching down there, and I got acquainted with him then personally.

Q That the first time you got acquainted with him? A That is the first time to my knowing, he might have seen me when I was a little boy.

Q Know whether he was a slave during the war? A No, sir, only what he told me.

Q You don't know whether he went out during the war or not?

A No, sir, I don't know.

Q Do you know him to be the Henry Harlin that you got acquainted with at the camp meeting several years ago in the Choctaw Nation?

Henry Harlin - 7.

A Yes, sir, but he didn't call himself Harlin; he called himself Thompson.

Henry Harlin, recalled, testified:

Commissioner: How does your name happen to be Harlin? A Just call myself after my father.

Q Your father's name was Harlin? A Yes, sir.

Q Your father has been dead many years I suppose? A Yes, sir.

Q You are called Wilson I suppose? A Yes, sir, I have been.

Q What is because of the name of Wilson that married your mistress?

A Yes, sir.

Q Then you were called sometimes Thompson? A Well, when I belonged to Thompson.

Mr. Hastings: You are a preacher, are you? A Yes, sir.

Q And you have just now sworn that you came up here with this man Blue Thompson who was your witness, in '65 or '67? A I did come up with him.

Q And that is the man you have brought up here as a witness? A Yes, sir, he has just forgot it, I did come with him, me and him were both sorter in a little tangle, he ~~understands~~ knowed my mother and knowed my two brothers.

Commissioner: Henry Harlin applies for the enrollment of himself and six children, to-wit, Elisha, Elijah, Cordelia, Lenora, David, and Edwin. He avers that he was the slave of the Thompson family, he was taken to the State of Texas about fifteen years before the Civil War; upon the death of his original master he was given to his master's daughter, nee Thompson, who married one Wilson, a citizen of the State of Texas. He avers that he returned to the Cherokee Nation in the year '65, but afterwards returned to the State of Texas and brought his wife from the State of Texas to the Chickasaw Nation, where he lived and where all his children, except his two youngest, David and Edwin, were born. He avers that his wife is a non citizen, and that he now resides with her and the children in the Cherokee Nation.

Henry Harlin, recalled, testified as follows:

Q Have you any proof of your marriage between yourself and your wife? A Not here I have not, I have in the Chickasaw Nation.

Q What proof have you got? A Well, just proof that we married, we were not married with the law of the Chickasaws then; I think I can get my father and mother.

Commissioner: He avers that he was married to the said Melvina, his wife, and has been living with her continuously since his marriage, and that during said time the said children for whom he applies were born. He makes no satisfactory proof of his marriage.

Dave Martin, being duly sworn and examined by Commissioner Hastings, testified as follows:

Q What is your name? A Dave Martin.

Q What is your occupation? A Coffeyville.

Q What is your age? A 64.

Q Do you know Henry Harlin? A Yes, sir.

Q What relation is he to you? A Half brother.

Q How long have you known him? A Been knowing him about fifty

Henry Harlin - 8.

or sixty years.

- Q You have the same mother? A No, sir, the same father.
Q What was your father's name? A Henry Harlin.
Q Who did he belong to? A Belonged to Miss Annie Thompson.
Q Well, was he ever taken out of the Cherokee Nation? A Yes, sir, they took him to Texas.
Q When? A About '48.
Q When was the first time you saw him after that? A Never saw him until here about when the Griston Court was coming on.
Q You know his wife Melvina? A No, sir, not until I saw him.
Q How long have they been living together, he and his wife, to your knowledge? A About four years.

Commissioner: By reason of the fact that the applicant and none of his children are upon the authenticated roll of 1840 or on any of the rolls of the Cherokee Nation, and the further reason that he makes no satisfactory proof of permanent residence in the Cherokee Nation until some seven or eight years ago, and makes no satisfactory proof of having resided in the Indian Territory during the time prescribed by the provisions of the Treaty of 1866, the application of Henry Harlin for the enrollment of himself and children will be rejected.

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 July, 1901.

[Signature]

Commissioner.

in a full, true, and correct transcript of his stenographic notes
taken in said room on said date.

~~_____~~

subscribed and sworn to before me this 17th day of January
1905.

Charles N. Brown

Notary Public.

FILED
JAN 17 1905
COMMISSION TO FIVE TRIBES.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskeges, Indian Territory, Aug. 15, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of ORRENA WILLIAMS, ET AL., as Cherokee freedmen.

APPEARANCES:

Applicants appear in person and by attorney, Grant Yerman.
Cherokee Nation by its representative, W. W. Hastings.

JERRY MARTIN, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Jerry Martin.

Q How old are you? A About 58 or '9 to the best of my judgment.

Q What is your postoffice address? A Oktaha.

Q Are you a Cherokee freedman? A Yes, sir.

Q Do you know the principal applicants in this case, Orrena Williams and Frank Harlin? A Yes, sir.

Q When did you first get acquainted with them? A I couldn't tell you; it has been a good while.

Q About how long ago? A They were small boys; Orrena was a little girl.

Q Before the war? A No, sir.

Q After the war? A Yes, sir.

Q What relation are they to each other? A Sisters I guess they are; they are sisters and brothers, children of Henry Wilson's; Henry Harlin belonged to the Wilson's.

Q How long after the war was it when you first got acquainted with them? A This little girl was a little bit of a thing, and I couldn't say it was his child, but he claimed it was his child just right after the war.

Q Was the father of these people, Frank Harlin and Orrena Williams, a Cherokee freedman, do you know? A Before the war he belonged to Miss Isabella.

Q Isabella who? A Wilson.

Q Was she a Cherokee citizen by blood of the Cherokee Nation?

A Yes, sir.

Q Do you know who was their mother? A I couldn't tell you.

Q You don't know whether she was a slave or not? A I couldn't tell you.

Q Where were these applicants living when you first knew them after the war? A The girl was up on Grand river a piece, and the boy I saw him all around, at Tahlequah, and around.

Q Do you know how long after the war that was? A I can't exactly give you the exact date.

Q Was it a year or five years or fifteen years? A It wasn't fifteen years.

Q Was it ten? A After the war?

Q Yes. A Less than that.

Q Five years after the war? A To the best of my judgment it was about ~~more~~ that.

Q Do you know where they have continued to live since that time?

A They was just rambling about in the Nation here, and I expect out of the Nation; I couldn't just tell where the home was in the Nation and out of the Nation to the best of my judgment.

Q Did their father go out of the Cherokee Nation at the commencement of the war? A His mistress took him off.

Q Where to? A I didn't go; I can tell you where she said.

Q You needn't tell that.

Q When did you first see him in the Cherokee Nation after the war? A '66.

Q What time? A Either in the spring or in the summer, right at Gibson.

Q Port Gibson? A Yes, sir.

Q Was he living there? A He come to Gibson and me and him went up Grand river together.

Q Do you know who he come back to the Cherokee Nation with? A No, sir.

Q Do you know whether he continued to live in the Cherokee Nation from that time until he died? A I couldn't tell you that at all. I went off and listed in the army.

By Mr. Foreman:

Q When did you first see this child, Orrena Williams? A She was a little bit of a child.

Q When did you first see her? A It was up the river there, I think in Saline district.

Q Was that when you first saw her father, was it the same time? A It was a few days afterwards.

Q That was directly after his return from where he went during the war? A Yes, sir. This was his child, he claimed it was his child, and I give him 25 cents to get some bread.

Q Do you know when Orrena Wilson's father left the Cherokee Nation, when did he go away? A I couldn't tell you that; I was in the Army, but when I saw him again I saw him in the Cherokee Nation and have been seeing him on up until he died in the Cherokee Nation.

By Mr. Hastings:

Q Where did you see him before the war, Jerry? A Who?

Q The father of these applicants? A Saline district.

Q Before the war? A He is aunt Lucinda's child.

Q How long before the war was it that you saw him? A I just could not tell you that.

Q As much as ten years before the war? A I don't think it was, but I couldn't tell you.

Q Don't you know that this man was taken to Texas by his owner years before the war and was living there when the war came up? A I know they went there.

Q Years before the war come up? A No, sir, I don't know about that.

Q As much as 10 or 15 years? A I know they got away from here.

Q How long was it before the war that you last saw Henry Wilson in the Cherokee Nation? A I couldn't tell you.

Q Haven't you any idea? A I just couldn't tell you, I had no chance to know these things.

Q Do you know what this year is? A Yes, sir, I do.

Q Do you know what year the war come up? A It come up in '61.

Q Don't you know how long before that it had been since you saw Henry Wilson? A I have told you I don't know, not exactly.

Q About how long? A If I use about I might use hearsay.

By the Commissioner:

Q As to your best knowledge? A Well, four or five years.

By Mr. Hastings:

Q It had been four or five years since you had seen him? A It may have been.

Q Will you swear positively that you had seen him in ten years before the war? A I couldn't swear that before I come here, I have got to have my recollection to what I swear to, I was small.

Q How old are you now? A I am in 50, maybe 57 or 59, I can't tell and be positive to it.

Q Do you know about how old Henry Wilson was when the war come up? A No, sir, he was older than I was.

Q You say Orrena Williams was born after the war? A I don't know, she couldn't have been, I think in time of the war from the best of my knowledge.

Q What was her mother's name? A I just stated that I didn't know her mother.

Q Didn't know her mother? A Her mother was in Texas, I wasn't there.

Q Was Orrena born in Texas? A When I saw her she was a child, like that.

Q You make her two or three years? A Well I don't know.

Q About how old was she when you first saw her? A I didn't ask.

Q And you formed no idea? A I expect may be two, maybe elder.

Q That is the best of your judgment, about two years old? A Yes, sir.

Q Just beginning to talk? A I didn't talk to her.

Q You never heard her talk any? A No, sir.

Q You never heard her talk to her father any? A I went where she was and went on about my business.

Q Where was her mother? A I don't know, he said she died in Texas. I don't know.

Q Is this Frank Harlin a brother of Orrena? A I never was in Texas.

Q Is he or do you know? A I know one thing, Henry Harlin claims them as his child and Frank was Henry Harlin's child, and Frank was, but I don't know about the mothers.

Q And she died in Texas? A That's what he said.

Q He said their mother died in Texas? A Yes, sir.

Mr. Foreman: We object to that as hearsay.

Commission: Objection noted.

Q That is what the father told you? A He said it was his child.

Q You said that Henry Wilson, the father of Orrena Williams and Frank Harlin, when you first saw him after the war, had this girl with him and he told you that the girls mother was dead, and that she died in Texas, is that true?

Mr. Foreman: We object to that.

Commission: Objection noted.

A Henry Wilson told me that Frank's mother died in Texas.

Q Did he tell you that when you first saw him there with these children after the war? A I didn't make any in quiry and since that time I learned these things.

Q You saw him with this baby girl after the war, didn't you? A I went with him to the house where the child was.

Q At whose house? A A woman by the name of Mahaley.

Q Mahaley is dead? A Yes, sir, I can take you to her grave.

Q There you found Orrena? A Yes, sir.

Q Did you find Frank? A No, sir.

Q Where was Frank then? A I didn't say I saw Frank at the close of the war.

Q You didn't say that? A I said some years after the war.

Q Where did you live at that time? A How could I see Frank before he was born?

Q Then Henry must have gone back to Texas? A I told you I listed

Q Where did you join the Army? A Here at Gibson.

Q How long did you see Henry Wilson around Gibson? A I worked at the Gutler store and Henry Wilson was there and that Spring or along in the summer when the water got so we could travel we went off, went up Grand river, in '66.

Q Spring of '66? A Yes, sir.

- Q How long after that till you saw him again? A I went into the Army and stayed 17 years.
- Q And you never saw him for 17 years? A When I come home I saw him.
- Q Did you see him for 17 years after you went up on Grand river?
- A How could I?
- Q Did you? A I did not.
- Q Then after the spring of 1866 you never saw Henry Wilson for 17 years, is that correct? A For 15 years.
- Q You said 17 years? A Three enlistments of five years each, 15 years.
- Q You never saw him for 15 years then? A No, sir.
- Q You never saw the girl for 15 years? A I couldn't.
- Q You didn't did you? A No, sir.
- Q That was 15 years from the spring of 1866? A Yes, sir.
- Q Now, where did you see Frank Harlan? A Saw him all about.
- Q Who was he with? A Lad of a boy, running about.
- Q Who was with him? A Himself and sometimes at his father's.
- Q When did you see him at his father's? A When he was a small boy.
- Q Five or six years after the war? A He wasn't born; he aint no 40 years old.
- Q When did you see him at his father's after the war, about how long after the war? A He was a good big boy.
- Q The best of your judgment about how long after the war was it that you saw this Frank Harlan at his father's house in the Cherokee Nation? A That is hard for me to tell.
- Q Give us your best judgment? A About 17 years.
- Q That is the first time you saw him after the war? A Yes, sir.
- Q That is your best judgment? A Yes, sir.
- Q You don't know where he was born? A No, sir, I don't know.
- Q You don't know who Henry Wilson come here with? A No, sir.
- Q You don't know who brought him back here? A No, sir.
- Q You didn't see Orrena Williams' mother here at all? A No, sir.
- Q Never did see her? A No, sir.
- Q Did he tell you at the time you saw Orrena Williams in the spring of 1866, where Orrena's mether was? A No, sir.
- Q You didn't see her? A No, sir, I didn't, didn't know her.
- Q You didn't talk with him about where her mother was? A No, sir.
- Q Never heard him say? A No, sir.
- Q Orrena was about two years old then? A Yes, sir, I reckon.
- Q That is your best judgment? A Yes, sir, he says, "Give me two bits to get my baby some bread," and I give it to him, and I listed and went to the Army and I have told you the truth.
- Q But you never saw Frank at all until about 17 years after the war? A That is my best judgment.
- Q Did Frank ever tell you where he was born? A I didn't ask.
- Q You say Orrena was born during the war? A I said I reckon, I don't know.

COLUMBUS McNAIR, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Columbus McFair.
- Q How old are you? A 55.
- Q What is your postoffice address? A Vinita.
- Q Are you a Cherokee freedman? A Yes, sir.
- Q Do you know the applicants in this case, Orrena Williams and Frank Harlan? A Yes, sir, I have met the lady, met her when she was small.
- Q Do you know Frank Harlan? A Been with him a few times.
- Q When did you first meet these people? A I saw her in the State of Texas, when she was small.
- Q When was that? A During the war.
- Q During the Civil War? A Yes, sir.

- Q About how old was she then? A I don't know exactly; small.
Q Two years old or 15 years old? A I couldn't say.
Q To the best of your knowledge? A I couldn't say to the best of my knowledge.
Q Can you give an idea? A No, sir, I couldn't.
Q Do you think she was a hundred years old? A No, sir, I think not.
Q Two years old? A Yes, sir, maybe older, I couldn't say.
Q Was she grown? A No, sir, she wasn't grown.
Q How old are you now? A I am 55.
Q Do you think she was older than you? A Not sir.
Q Was she about your age? A I don't know.
Q Do you know anything about this case? A Yes, sir, I know the parties; I knowed her father; I met him in Texas.
Q Who is the father of these people? A Henry Wilson.
Q Was he the slave of a Cherokee citizen before the war? A Yes, sir.
Q Who did he belong to? A First to Frank Thompson. His daughter married a man by the name of Wilson.
Q When did you first see these people in the Cherokee Nation after the war? A I couldn't remember what year it was; several years after the war, though, I met them.
Q Where were they living then? A No certain place, just travelling around.
Q Has she got any children? A I don't know.
Q Has Frank? A I don't know.
Q Do you know where they live now? A No, sir, I don't.
Q Do you know where they came to when they first came to the Cherokee Nation after the war? A I don't know.
Q Was Frank born in Texas? A I don't know.
Q How old is he now? A I don't know.
Q Was Frank born before the war? A I don't know.
Q Was Orrena born before the war? A I reckon about the time of the war.
Q But you don't know? A I went to Texas in '62, and she was born when I got there.

By Mr. Foreman:

- Q Did you know the father of Orrena Williams before the war? A I knew him in time of the war.
Q Did you know him before the war? A No, sir, I don't know him until I went to Texas.
Q Where did you go to Texas from? A From the Cherokee Nation.
Q Where did you live then? A Up here on Grand river in Saline district.
Q When did you go to Texas? A In '62.
Q Was it there on your arrival that you met the father of Orrena Williams? A Yes, sir.
Q How long had he been there then? A He went there, I guess, when old Frank Thompson moved there.
Q During the war? A Before the war.
Q How long? A I am not able to say.
Q When did the father of Orrena Williams return to the Cherokee Nation? A I don't know.
Q When did you return? A In '66, myself.
Q Did you ever see him then after you come back? A Yes, sir, after I got back, I met him.
Q When did you first meet Frank Harlan? A The first time I met him was here in Muskegee. I met the sister several times up at Vinita.
Q Do you know where Frank Harlan was born? A No, sir, I don't.
Q Do you know who is the father of Frank Harlan? A Henry told me he had a son by the name of Frank.

- Q. Was Henry Harlan the father of Frank Harlan? A. He claimed him as his son.
- Q. Who did you say owned Henry Harlan during the war? A. When I first knew him?
- Q. Yes? A. A man by the name of Wilson. His former owner was Frank Thompson.
- Q. Did he belong to Mrs. Wilson? A. Yes sir.
- Q. Was she a Cherokee citizen? A. Yes sir.
- Q. Do you know when she went to Texas? A. No sir, I don't. She was a niece of my mistress.
- Q. Where did she live in the Cherokee Nation? A. Who, my mistress?
- Q. No, Mrs. Wilson? A. I don't know. Up there on Beatty's prairie I suppose. I don't know exactly where abouts in the Cherokee Nation she did live. I never got acquainted with her till after she went to Texas.

By MR. HASTINGS:

- Q. You know that old man, Frank Thompson, sold his place up there to John Stover, my grandfather, and it is the same place where my mother now lives, and they went to Texas 15 years before the war? A. I know that they went to Texas, but I do not know what time. It was a number of years before the war. I couldn't say. I was small when the war come up.
- Q. You never saw Frank Thompson in the Cherokee Nation? A. No sir.
- Q. And never saw his daughter in the Cherokee Nation? A. No sir.
- Q. All you knew of her was in Texas? A. Yes sir.
- Q. They had houses and farms there when you knew them? A. Yes sir.
- Q. And your niece, his wife, had lived there some time before then? A. Yes sir.
- Q. And Frank Thompson died there? A. Yes sir.
- Q. And this same Wilson and his wife died there? A. Yes sir.
- Q. And were citizens and residents there when you knew them? A. Yes sir.
- Q. And you never saw Henry Wilson in the Cherokee Nation before the war? A. No sir.
- Q. About what time did you see Frank Harlan here in Muskogee after the war, first? A. The first time I saw Frank must have been 6 or 7 years ago.
- Q. Did you have any talk with him? A. No sir.
- Q. You do not know where he was from? A. No sir, only his father said he had a son named Frank.
- Q. Did not he say his son was in Texas? A. No sir.
- Q. Where did you see his father? A. At Fort Gibson.
- Q. How many years after the war was that? A. I don't know. 10 or 15? A. It may have been, and maybe not so long.
- Q. He didn't have any children with him when you saw him? A. No sir.
- Q. Didn't have any wife? A. No sir.
- Q. Do you know where the mother of these children died? A. No sir.
- A. Do not you know she died in Texas? A. No sir.
- Q. Do not you know that Frank Harlan was born in Texas? A. No sir.
- Q. You were living around Fort Gibson in 1866 and '67? A. I never came there until spring.
- Q. What spring? A. '66.
- Q. Did you stay there the rest of the year of 1866 and 1867? A. All the year of 1867.

- Q. How about the rest of the year of 1866? A. I wasn't there regularly. Was on Grand River and one place and another, but in 1867 I was there all the time.
- Q. But you never saw Henry Wilson for a number of years after the war? A. No sir.
- Q. Was it as much as 10 or 12 years after the war? A. It may have been. I don't know.
- Q. Is that your best judgment? A. I don't know. I could not say. It may have been that long, and it may have been earlier.
- Q. It couldn't have been much earlier? A. Not much earlier.
- Q. You never did see his wife after the war? A. No sir.
- Q. When did you tell me you saw Orrena? A. I saw her ---it was several years after the war.
- Q. How many years ago now since you first saw her? Six or seven years ago? A. Yes sir, I guess it was that long.
- Q. Where did you see her then? A. When I remember of seeing her was at the time of the Freedman Payment at Gibson?
- Q. That was the Dixon Payment, eight years ago? A. Yes sir.
- Q. That was the first time you saw her? A. Yes sir.
- Q. When you saw her in Texas during the war what is your best judgment as to her age? A. I do not know.
- Q. When you see a child playing around you can form some kind of an idea? A. I was a boy myself and had no judgment about it.
- Q. Was she old enough to talk when you first saw her? A. Yes sir.
- Q. Would you judge she was three or four years old? A. It may have been.
- Q. How old? A. I couldn't say.
- Q. You mean about 3 or 4? A. I don't mean when I first went down there?
- Q. That is what I want to know --when you first saw her down there I want to know your best judgment of your age? A. A.
- Q. When I first went we stayed at Frank Thompson's place.
- Q. Did he have a farm there? A. Yes sir.
- Q. How big? A. I couldn't tell you.
- Q. A thousand acres? A. I couldn't tell you.
- Q. Did he have houses and stock? A. Yes sir.
- Q. Old man Wilson, also? A. Yes sir.
- Q. Did he have stock? A. Yes sir.
- Q. You never told us about how old this girl was when you first saw her down there? A. I don't know. I come up there and went back to Rusk County, and I couldn't tell how long it was.
- Q. When you talked to Henry Wilson here when you first saw him after the war, some 8 or 10 years, he told you he had some children? A. Yes sir.
- Q. Did he say he had a girl? A. Yes sir.
- Q. Where did he say his girl was? A. He didn't say.
- Q. Do you mean to say that he told you about them and didn't say where they were? A. He went before a Notary and wanted me to testify about him being a freedman.
- Q. When was that? A. About the time of the payment.
- Q. That was the first time you saw him after the war? A. Yes sir.
- Q. What payment was that? A. The Dixon Payment.
- Q. That was the first time you saw him after the war? A. Yes sir.
- Q. Don't you know that was in 1877? A. I don't know.
- Q. What did he want you to testify to? A. To the truth.
- Q. Where did he say his children were then? A. He didn't tell me.

- Q. They were not there? A. No sir.
- Q. That is the first time he told you he had some children? A. Yes sir, and I saw this lady afterwards at Vinita.
- Q. And that is the first time you saw her? A. Yes sir.
- Q. He never pointed out this woman as being his child? A. No sir.
- Q. And never pointed out Frank? A. No sir.
- Q. You have been about Ft. Gibson more or less all your life and about Vinita and Grand River more or less all your life? A. Yes sir.
- Q. And they are settled more or less with colored people? A. Yes sir.
- Q. And you have testified that you never saw Henry Wilson until during the Dixon Payment? A. Yes sir.
- Q. And never saw Frank Harlan and Orrena Williams until after the Dixon Payment? A. Yes sir. I never saw her till after the payment.
- Q. When did you see Frank? A. Here in Muskogee.
- Q. I said when? A. I do not know.
- Q. This morning? A. Before this.
- Q. When? A. Maybe a year or so ago.
- Q. You never saw Henry Wilson around Gibson before the Dixon Payment? A. No sir.
- Q. You knew everybody that lived around there? A. Yes sir.
- Q. Well acquainted with the colored people living there? A. Yes sir.
- Q. Knew all the old citizens? A. Yes sir.
- Q. Inasmuch as you knew Henry Wilson in Texas before the war he could not have lived around Gibson in 1867 without you seeing him, could he? A. No sir, it looks that way.

WITNESS EXCUSED.

Jerry Martin, being first duly sworn, testified as follows: in additional cross examination.

Mr. Hastings:

- Q. Uncle Jerry, did you and Henry Wilson stay all night with Columbus McNair, this other witness, at the time you stated you went up on Grand River, just after the war? A. We stayed with some man. I think it was him.
- Q. You know Columbus McNair, this other witness? A. Yes sir.
- Q. Did you stay all night with him on that trip up there? A. We stayed several places.
- Q. Did you stay with him? A. We stayed with so many. It has been along time, and I think we stayed with him.
- Q. You remember seeing Columbus on that trip, do you? A. Yes sir.
- Q. You feel positive about that? A. I saw him to the best of my knowledge, but to say positively, it has been too long a time.
- Q. At whose places did you stay on that trip? A. At some places we camped.
- Q. Those are not the places I am inquiring about. Who did you stay all night with? A. With Dabbs.
- Q. He is already dead, is he not? A. I don't know. I haven't seen him for years.
- Q. Where do you live? A. I live in Canadian District.
- Q. You have not seen him for years? A. No sir.
- Q. Who did you stay with? A. I don't know.

- Q: Don't you remember staying all night with Columbus McNair?
A. We stayed up on the prairie.
- Q. Who with? A. With some colored people.
- Q. Who? A. I just don't know who.
- Q. Did you see Columbus McNair on this trip? A. Yes sir, we saw him to the best of my judgment.
- Q. That is the trip you went to Grand River on with Henry Wilson after you saw him here? A. Let me twll you the truth. after we went up Grand River we went up to Spavinaw and played around and then we went over on Beatty's prairie and knocked around.
- Q. Who did you see at Beatty's prairie? A. I couldn't tell you all the people I saw.
- Q. That is where I was born and I would like for you to tell me one person you saw on Beatty's prairie? A. I saw Lynch.
- Q. What Lynch? A. I couldn't tell you that.
- Q. A colored man? A. A Cherokee.
- Q. By the name of Lynch? A. Yes sir.
- Q. Don't you know there was never a Lynch lived on Beatty's prairie after the war? A. It was right after the war, and they were right there.
- Q. Where did you stay over there? A. I went on out on Big Creek, out in Coaweescoovee District and left the old man on the west side of Grand river, and went on about my business.
- Q. Do you remember anybody that you stayed all night with on that trip? A. I would know them if I would see them, but to call their names, I can't do it.
- Q. Did you go through the town of Vinita then? A. No sir.
- Q. Did you go through any town out there? A. I went to the town of Mingo, what is called Mingo Creek, and went from there and broke some horses and come on back to Gibson and enlisted in the cavalry.
- Q. Who lived on Mingo? A. Nobody hardly then. There wasn't a house there at that time --- nothing but ranches.
- Q. Who had a ranch there? A. Bill Halsell. He lived on the west side of Bird Creek at that time. He had no ranch there at that time. I helped him move his cattle away after I come back out of the army.
- Q. Who did have one? A. I think it was Miller.
- Q. You do not know his first name? A. I don't know. I think it was Miller.
- Q. You never went through any towns on this trip? A. I never saw none.
- Q. What did you go up on Beatty's prairie for? A. Just knocking around.
- Q. Who did you go up there to see? A. No individual person.
- Q. You never found any colored people up there, did you? A. A few.
- Q. Who? A. Aught Lynch.
- Q. On Beatty's prairie? A. Yes sir.
- Q. Don't you know he never lived there? A. Yes sir.
- Q. Do you swear he lived there after the war? A. I saw him there. He lived in a house.
- Q. At whose house did you see him? A. It was an Indian's house, and I never asked him. You know, I hadn't the privilege to walk up and ask his name.
- Q. If you stayed all night at houses all along on this trip and do not remember any of them? A. Yes sir, and out of houses.
- Q. How long were you gone on this trip? A. I don't know.
- Q. Were you gone three days? A. More than that.
- Q. About how many days? A. We went by Carey's Ferry and crossed there.

- Q. At Carey's Ferry? A. Yes sir.
Q. Henry Wilson was not with you then? A. No sir.
Q. He wasn't with you on this trip? A. Yes sir.
Q. Where was he when you crossed there? A. A. We were parted then and he went on his way and I went on about my business.
Q. Did you leave him over there with Columbus McNair when you went on? A. I couldn't be positive.
Q. Is that your best judgment? A. A I couldn't be positive. Not knowing, I am afraid to say.

MR. FOREMAN:

- Q. Do you know where Henry Harlan lived after the war? A. A. I know he lived at Gibson, and know he lived at Tahlequah. He was a traveling minister. He lived at Colbert Station preaching, and all around up in here. I believe he stayed here a while.
Q. He didn't live at any one place? A. He was a traveling minister.
Q. He didn't live at any one place? A. No sir.

Mr. HASTINGS:

- Q. You never saw him live here or anywhere at all until 17 years after the war, did you? A. When I come back out of the army I was with him often and on.
Q. That is what you are testifying to now? A. Yes sir, of course it is.

WITNESS EXCUSED.

Orrena Williams, being duly sworn, testified as follows:

BY COMMISSIONER:

- Q. What is your name? A. Orrena Williams.
Q. How old are you? A. About 43.
Q. What is your post office address? A. Checota.
Q. You are the applicant who has applied here for the enrollment of yourself and five children as Cherokee Freedmen? A. Yes sir.
Q. What was the name of your father? A. Henry Wilson, but he went, after the war, by his father's name, Henry Harlan.
Q. What was the name of your mother? A. Emma Harlan.
Q. Are your parents both dead? A. Yes sir.
Q. How long has your father been dead? A. About three years this August, I think.
Q. How long has your mother been dead? A. I don't know, sir. he died quite a while ago.
Q. Were both your father and mother slaves of Cherokees ever since before the war? A. No sir. My father was, my mother wasn't.
Q. Your mother was a state woman? A. Yes sir.
Q. Who did your father belong to? A. Wilsons.
Q. Were they recognized Cherokee citizens? A. Their children were living in the Nation. They are dead.
Q. They are recognized citizens, are they? A. I suppose so.
Q. Do you remember anything about the war? A. No sir.
Q. Were you born after the war? A. My father said I was born in '61, and that must have been about the time of the war. I do not remember.
Q. Where were you living when you first remember? A. I reman

- ber when he moved to one place, and he said that was Texas. I just know we moved, is all I know.
- Q. About how old were you when he moved to Texas? A. I don't know sir, quite small.
- Q. Give some idea? A. I must have been at least three or four years old. I just remember moving. I did not know one place. I just know we moved.
- Q. Do you know where you moved? A. He said we come from the Nation.
- Q. You are stating what your father told you. I asked you where you lived when you first remember? A. It must have been in Texas. I remember us moving when I was small.
- Q. When do you first recollect of being in the Cherokee Nation? Where were you? A. The first I can remember being in the Cherokee Nation was on Snow Creek.
- Q. About how long after the war was that? A. I don't know. I was small.
- Q. Who were you living with there? A. My father left me there when I was small and I stayed first with one person and then with another. I was small and don't know no certain place.
- Q. How much older are you than your brother Frank? A. I must be about maybe 10 or 12 years older, a good many years older.
- Q. Where was he born? A. I don't know. My father left me here when I was small. He traveled about, and left me on Snow Creek and I don't know just where Frank was born.
- Q. Who did he leave you with? A. An old woman up on Snow Creek -- Aunt Polly Ryder, first one person and then another-- with an old lade named Aunt Harriet.
- Q. Where do you live now? A. Down here near Pine Hollow.
- Q. In the Cherokee Nation? A. Yes sir.
- Q. How long have you been living there? A. I have been living around in there three or four years.
- Q. Where did you come from to that neighborhood? A. From the Seminole, near Wewoka.
- Q. How long had you been living there? A. Just a little while.
- Q. Where did you go from down there? A. Up on Snow Creek.
- Q. Cherokee Nation? A. Yes sir. Have lived the most of my time, since father brought me here, in the Cherokee Nation.
- Q. Who is the father of these children for whom you have made application? A. John Williams.
- Q. Is he a slave man? A. Yes sir.
- Q. Makes no claim to being a freedman? A. No sir, he is a slave man.
- Q. Is he living now? A. Yes sir.
- Q. When were you married to him? A. We have been married 20 odd years.
- Q. Where were you married? Up on Snow Creek? A. I met him there.
- Q. Who married you? A. A colored minister.
- Q. Did you get a license? A. No sir. We didn't have no license. People didn't have no license then. We just married.
- Q. Where has Frank been living since his birth? A. Frank has lived around here in the Nation--sometimes at Talliquah and sometimes here, and he lived down below where I am living now a while--not the same place I am living, but near.
- Q. He and you had the same father and mother? A. Yes sir.
- Q. You do not know where he was born? A. No sir. I wasn't living with them when he was born.
- Q. When did you first see him after his birth? A. He was a little boy.

- Q. About how old? A. He must have been 5 or 6 years old before I saw him.
- Q. Where was he then? A. With father.
- Q. Where were they? A. Father was at a big meeting, and had
- Q. Where was that? A. I don't know.
- Q. In Arkansas? A. No sir, here in the Nation somewhere.

THE FOLLOWING:

NO QUESTIONS.

MR. HASTINGS:

- Q. Is Frank your full brother? A. We have the same father and mother.
- Q. Where did your mother die? A. I think father said she died in Texas. I wasn't with there.
- Q. Where was Frank born? A. I don't know. I wasn't with then when he was born.
- Q. You never drew any money in the Cherokee Nation? A. No sir.
- Q. Where were you then Mr. Wallace made a roll? A. I don't know.
- Q. Wasn't in this country? A. Yes sir, but I don't know anything about the Wallace roll.
- Q. You never applied to him? A. No sir, I reckon my father did. I depended on him.
- Q. You were married and had a good many children born in 1889, were you not? A. I had a child born in 1884.
- Q. You never applied to the same court? A. No sir, never applied to an one at all.
- Q. You never applied to the Ferns-Clifton Commission in 1896? A. No sir, never applied to any of them at all.
- Q. Still, you claim you have been in this country all the time? A. Yes sir, I was waiting for father to prove his right, and I thought mine would be too.
- Q. Did your father never proved his? A. No sir, he died. He went to Muskata and applied there and was going to get his witnesses and go back, but he went home and got sick and never went back, and I was waiting on him.
- Q. Who married you? A. It was a minister.
- Q. That is rather an important event in a person's life, and if you and I are going to get along we have got to have some sort of answers? A. Yes sir.
- Q. You do not know his name? A. No sir.
- Q. You never heard it? A. Al heard it, but I don't remember it.
- Q. Preaching around there, was he? A. Yes sir.
- Q. Do you now what became of him? A. No sir.
- Q. With whom were you living when you were married? A. With this Aunt Polly Hyder.
- Q. Is she dead now? A. I don't know whether she is or not. I haven't been up there for a good bit.
- Q. How long had you been living with her when you were married? A. I don't know. I stayed at several places.
- Q. Who was the minister? A. Aunt Polly sometimes.
- Q. How long had you been staying with Aunt Polly when you got married? A. Often and on every since I was a little girl.
- Q. About how many years was he with you? A. Sometimes with me and sometimes with another.
- Q. How long with you a minister? A. No sir, longer.
- Q. Two months? A. Maybe two or three months, and maybe a year

- Q. Who was the other? A. Aunt Harriet.
- Q. Harriet who? A. Aunt Harriet Laridy. I caller her aunt.
- Q. You stayed with a woman you called aunt and don't know her name? A. Yes sir, I called her aunt Harriet.
- Q. Don't you know there was no person living up there in Coowee-coowee District by that name? A. I lived with an old lady named that.
- Q. Do you swear that? A. Yes sir.
- Q. Where did she live? A. On Snow Creek not very far from Sarah Ross'.
- Q. Was there any town near there? A. Not right there.
- Q. Did you ever hear of a town while you were up in there? A. Yes sir, I used to go sometimes to Coffeerville, but don't know if it was the nearest town or not.
- Q. What direction were you from coffeerville? A. West, I think.
- Q. Were you toward the sunset from Coffeerville? A. I don't remember about the direction, but I think it was west.
- Q. If you lived up there you do not pretend to tell this Commission that you do not know which direction you lived from the town of Coffeerville? A. I think it was west.
- Q. Was it towards the sunset? A. I think it was west from Coffeerville.
- Q. Do you know whether it was toward the sunset or not? A. I do not know whether it was or not, but it was west.
- Q. How long did you live there? A. I do not know, sir, how long, all told. It must have been 8 or 10 years.
- Q. And yet you do not know where you lived at? A. Yes sir, I told you.
- Q. You do not know whether you lived toward the sunset or not, do you? A. It was west, I think.
- Q. Are you sure? A. I am almost.
- Q. Don't you know Snow Creek is east from Coffeerville? A. No, I lived on Snow Creek.
- Q. Don't you know that Snow Creek is east from Coffeerville, and rises up there east of Coffeerville? A. Yes sir, I know it comes into the Cherokee Nation, I don't know where it rises.
- Q. What stream does it go into? A. That river there.
- Q. Grand River? A. No sir.
- Q. Arkansas River? A. No sir, I think not.
- Q. Verdigris river? A. I think so.
- Q. Are you certain? A. I don't know.
- Q. Did you ever hear of the Verdigris river up there? A. Yes sir. It goes in with some river, I reckon.
- Q. You do not know what direction Snow Creek flows, do you? A. No sir, never paid any attention to it.
- Q. Let's get at this Harriet Laridy. What was her husband's name? A. His name was Green Laridy or Larity.
- Q. You are not certain about that? A. His name was Green.
- Q. What was the name of that couple? A. I don't know. This Green killed a man or three and I think he was arrested.
- Q. Did she have any children? A. Yes sir, had three.
- Q. What were their names? A. I don't remember their names.
- Q. There was a son, Willie, born? A. Yes sir.
- Q. At what place? A. At Aunt Ross'.
- Q. Did he die? A. Yes sir.
- Q. What about the other two? A. Yes sir.
- Q. Who? A. I don't know.
- Q. What was Aunt Ross' husband named? A. I don't remember that.
- Q. Did she have any other family? A. Some children.

- Q. What were their names? A. I don't know. She had several children.
- Q. You don't remember their names? A. No sir.
- Q. Did she live on Snow Creek? A. Yes sir.
- Q. What side of Snow Creek? A. I don't know.
- Q. How far from Snow Creek? A. I don't know just how far.
- Q. What was her nearest neighbors? A. I don't know.
- Q. You never saw a neighbor of hers? A. Yes sir.
- Q. What direction did she live from Coffeenville? A. Same direction as Snow Creek.
- Q. Was that west of Coffeenville? A. I don't know.
- Q. Did you ever go to Coffeenville? A. Yes sir I have been there.
- Q. When is the first time you ever went there? A. I don't know, sir, a good many times.
- Q. After you were married? A. Yes sir, and before, too.
- Q. Where was Anna born? A. Up there, too.
- Q. At whose house? A. At Aunt Parriet's.
- Q. Where was Alonzo born? A. Up there.
- Q. At whose house? A. At Aunt Sarah Ross's.
- Q. Where was Arlesta born? A. Near Newokv.
- Q. Where was Suzanne born? A. He was born over there, too.
- Q. You never could get anybody that ever knew you up in that Snow Creek country, could you? A. I suppose I could if I was to go up there.
- Q. You never introduced one, did you? A. There was a man that was here this winter that was up there.
- Q. This Jerry Martin? A. Yes sir, and Columbus McNair.
- Q. He was up there? A. Yes sir.
- Q. That was when you first went up there? A. He saw me up there since I first went.
- Q. How long has it been since you lived up there? A. It has been quite a little bit.
- Q. About how many years ago? A. I guess it must have been about 14 years since I lived up there.
- Q. Don't you know that you were married in Texas? A. No sir let me tell you, I never saw Texas since I was big enough to remember.
- Q. Where did your father continue to live? A. He went about and reached.
- Q. Left his life in Texas? A. He brought her here. I wasn't married in Texas. That is not true.
- Q. You claim that your three oldest children were born in three separate people's houses, and that you lived around among them and you never did keep a house of your own? A. No sir, till a long time after my three children were born.
- Q. What did your husband do? A. He worked about.
- Q. Who for, up there? A. He mostly farmed.
- Q. On whose farm? A. I do not remember him working on anybody's farm there. He used to work days work sometimes in Coffeenville.
- Q. How far did you live from Coffeenville? A. Not very far.
- Q. About how far? A. I haven't any idea. I don't know.
- Q. You never did apply to Mr. Wallace to get money for yourself and children? A. No sir, because I was waiting on my father.
- Q. When is the first time you ever saw Columbus McNair? A. I have seen him I don't know how many times. The first time I don't know.
- Q. Did you ever see him before 1897 -- seven years ago? A. Yes sir, I saw him when I was small.
- Q. He didn't go there? A. I don't know whether he did or not. I remember seeing him, all right.

Commissioner:

- Q. Have you ever been enrolled upon any of the tribal rolls of the Cherokee Nation? A. No sir.
- Q. Was your father ever enrolled upon any of them? A. I don't know.
- Q. Have you ever been recognized in any manner as a citizen of the Cherokee Nation? A. I never applied to any. I was depending on my father.
- Q. When did your father die? A. About three years ago this august.
- Q. He never applied to the Dawes Commission to be enrolled? A. Yes sir, he made several trips to the Dawes Commission. I do not know whether it was the Dawes Commission.
- Q. He died about three years ago? A. I think it was about three years ago.

WITNESS EXCUSED.

Frank Harlan, being duly sworn, testified as follows:

Mr. Foreman:

- Q. What is your name? A. Frank Harlan.
- Q. How old are you? A. 32 years old.
- Q. Where do you live? A. Here in Muskogee, now.
- Q. How long have you lived here? A. Been living here now about a year--about a year after the payment was over at Gibson. I do not know just what year that was, about 7 years I think.
- Q. You have been living here ever since then? A. Yes sir, often and on. Been at Tahlequah and here.
- Q. Where were you born? A. My father told me over here close to Gibson.
- Q. Who did you wish to have enrolled here besides yourself? A. William Harlan.

COMMISSIONER:

- Q. You are the person who has applied here for the enrollment of yourself and child, William, as Cherokee Freedmen? A. Yes sir.
- Q. What was the name of your parents? A. My father --Henry Harlan, my mother --Erma Harlan.
- Q. You are a full brother to Orrena Williams are you? A. I suppose so. I couldn't swear that I was.
- Q. Where were you living when you can first remember? A. Down this side of Red River at what they called Big Sandy, in the Chickasaw Nation.
- Q. How long did you continue to live there? A. We lived there A. We lived there often and on, from my recollection, along about six years or more I guess.
- Q. Was your sister there too? A. No, she left me when I was quite small, when I could just remember a little bit.
- Q. When did you next see her after she left you when you were small? A. About three years ago.
- Q. That was the first time you had seen her? A. Yes sir.
- Q. You continued to live in the Chickasaw Nation --then where did you go? A. Back up here, and from here down to Gibson.
- Q. Port Gibson, Cherokee Nation? A. Yes sir.
- Q. How long did you continue to live there? A. We lived there I think about four years, I guess, close on to that.

- Q. When was the first time you recollect to ever have been in the Cherokee Nation? A. When we lived over there at Gibson, I was little. My father told me the name of the place, and I never will forget it. He said it was Gibson.
- Q. How old were you? A. I guess about 5 or 6 years old.
- MR. HASTINGS:
- Q. Was your sister married at your father's house? A. I suppose so. I don't know exactly whether she was or not.
- Q. What is her husband's name? A. His name is John Williams, I think.
- Q. How long had you known John before he and your sister were married? A. I do not know. I didn't know him then.
- Q. You had seen him before? A. If I had I don't recollect it. It had been so long since I had seen him that I couldn't recognize him.
- Q. Did she and her husband go away from down there together? A. Yes sir, directly after they married.
- Q. Hadn't they had a child born then? A. No sir, not at father's.
- Q. Was Willie Williams born there? A. Not at father's.
- Q. Wasn't Anna born there? A. Not at my father's.
- Q. Do you know where Willie and Anna were born? A. From what they told me, up close to Vinita.
- Q. That is where she told you? A. Yes sir, I heard my father say he had a daughter further up in the Nation.
- Q. That was when you were living on Red River? A. Yes sir. I was quite a big boy then. That was a little bit before my mother died.
- Q. Where did your mother die? A. Right there at Colbert.
- Q. Colbert Station? A. Down below it a piece.
- Q. When did she die? A. She dies when --- I don't remember just exactly what year it was. I was just past ten going on eleven years old. I don't know what month she died in.
- Q. Was your mother dead when your sister married? A. No sir.
- Q. She was living when your sister married? A. Yes sir.
- Q. Then you were eight or nine years old when your sister married? A. No sir, not that old. She was ten years older than me.
- Q. You just can recollect her marrying? A. I don't know that I remember it. I ain't positive.
- Q. Do you remember the fact of her being married there? A. I wouldn't swear that she married there.
- Q. You say she and her husband left there together? A. That is what they told me.
- Q. And they left there before your mother died? A. They just told me that. I was too small to swear to it.
- Q. When did you move up here first? A. The first time I come up here was with my father.
- Q. When you first come up here? A. I was born here and moved down there.
- Q. How could you be born here and your mother having never been here? A. I didn't say she wasn't.
- Q. You can not find anybody that ever saw her here? A. I don't know about that.
- Q. If you were born there why can't you get somebody that knew your people there? A. Well, they have to go wherever they get a place to go.
- Q. You never saw anybody in Port Gibson who ever saw your mother there, did you? A. I do not remember any right now.
- Q. You can not find one person over there? A. I haven't tried I might. It was 32 years ago and there could be many people died in that time.

- Q. But when you were old enough to remember of your own knowledge you were on Red River? A. Yes sir.
- Q. Did you ever live in Texas. A. We lived in Texas a while - in Denison. My father was a minister and wherever he was sent to preach, we went there.
- Q. Did you live in Denison? A. When he was sent to preach, we went there.
- Q. Did you live at Denison? A. Certainly, we lived there.
- Q. Did you live at any other town in Texas? A. Not as I know of.
- Q. You don't remember any more? A. Not as I know of while we lived there. I have been all over Texas nearly.
- Q. When did you first go to Texas? A. I was about 15 years old.
- Q. Where did you go? A. I went to Denison and from Denison to Mineola and from Mineola to Quitman, Texas.
- Q. Any of these places where you were born? A. No sir.
- Q. Didn't the Wilsons, your father's owners, live there? A. Yes sir, right around Quitman. Some of their relatives are living there today. I couldn't swear that.
- Q. They were where you lived? A. I do not know that for certain.
- Q. Your mother died there, didn't she? A. No sir she didn't.
- Q. When was the last time you lived in Texas? A. I told you when I lived in Texas.
- Q. I am asking you again? A. I said when I was 15 years old I went there.
- Q. When did you leave the state of Texas? A. I don't know when --the last time I was there.
- Q. When is the last time you lived there? A. About six or seven years ago.
- Q. That is the first time you left the state, too, is it not? A. No sir, it isn't. When I first went there I was 15 years old.
- Q. You never applied to the Wallace court for enrollment, did you? A. I did not. My father did, I think.
- Q. You never applied to the Kerns-Clifton court, did you? A. No sir, I didn't.
- Q. Never tried to be enrolled before in the Cherokee Nation? A. No sir.
- Q. Never was recognized as a citizen of the Cherokee Nation? A. Never tried, because I left that for my father to do.

WITNESS EXCUSED.

L. B. Bell, being first duly sworn, testified as follows on behalf of the Cherokee Nation.

MR. HASTINGS:

- Q. Your name is L. B. BELL? A. Yes sir.
- Q. What is your age? A. 65 years old.
- Q. What is your post office address? A. Vinita, Indian Territory.
- Q. You are a citizen of the Cherokee Nation? A. Yes sir.
- Q. Mr. Bell, did you know one, Franklin Thompson's family that lived on Beatty's Prairie some years prior to the war? A. Yes sir, I was acquainted with them. Benjamin Franklin Thompson was his name, usually called Franklin Thompson. His wife was a sister to my mother.
- Q. Where were they living when the war came up? A. His wife had died when the war came up. The old man was living in Rusk County Texas.

- Q. Where did his wife die? A. In Texas.
- Q. They had formerly lived in the Cherokee Nation? A. They lived up in Delaware District, Cherokee Nation on what is known as Beatty's Prairie. I was living with them at the time they went to Texas.
- Q. When did they go to Texas? A. About 1848.
- Q. And they continued to live in Texas, and were living there when the war came up? A. Yes sir, I found them living there in 1853. I stayed there two or three years and then came back here, and then I was backwards and forwards from then until 1860 -- along about 1860, and then the old man Thompson died.
- Q. Did they own property in Texas? A. Yes sir, he had cotton land there, negroes, mules, and land.
- Q. Did one of Franklin Thompson's daughters marry Wilson? A. Three of them died.
- Q. Do you know whether this young Frank Wilson was one of their children? A. He was the son of Ellen Wilson the daughter of Franklin Thompson.
- Q. They owned slaves there in Texas, did they? A. Yes sir, they owned slaves there.
- Q. They were recognized as citizens of the state of Texas? A. Yes sir.
- Q. Do you know where Franklin Thompson's daughter was married to Wilson, whether here or in Texas? A. They were married in Texas, right at Uncle Franklin's house.
- Q. He never did go ---he died in Texas? A. Yes sir, he and his wife both died there.
- Q. None of his children ever returned here to live after the war? A. Some of the grandchildren came here.
- Q. They were readmitted to citizenship here? A. Yes sir, that is my understanding.
- Q. They were not recognized as citizens when they came here, but were readmitted by act of Council? A. Yes sir, and they were born there, too.

MR. FOREMAN:

- Q. Were you present at the marriage between Thompson's daughter and Wilson? A. I was present at the marriage of John Wilson and Lone Thompson.
- Q. You were not present at the marriage of Frank Wilson and his wife? A. No sir. I do not know the year they were married.
- Q. How old do you say you are? A. 65 years old --about that.
- Q. Where did you live at the time you knew these Thompsons in the Cherokee Nation? A. It is sort of a long story. My mother died when I was about a year old and my father broke up housekeeping, sold out down there, and took me up there and left me at my aunt's, Mrs. Ann Thompson, the wife of this Franklin Thompson. Franklin Thompson was fixing then to go to Texas with his family, and my father bought the place he lived on, and we owned it a while.
- Q. How old were you when they moved to Texas? A. I guess I was nine years old ---about that.

WITNESS RECUSED.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported all proceedings had in the above entitled cause on the _____ day of _____, 1890, and that the above and foregoing

is a full, true, and correct transcript of his stenographic notes taken in said cause on said date.

H. M. Vance

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

Charles W. Sawyer

Notary Public.

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H. M. Vance, being first sworn, states, that as stenographer to the Commission to the Five Civilized Tribes, he reported in all his proceedings had in the above entitled cause on the 24th day of September, 1904, and that the above was referred to a jury, and a verdict returned in his favor, and that the same was affirmed on appeal.

[Handwritten signature]

Subscribed and sworn to before me this 15th day of January, 1905.

[Handwritten signature]
Notary Public

FILED
JAN 17 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory. September 22, 1904.

Supplemental proceedings had in the matter of the application for the enrollment of Orrena Williams et al. as Cherokee Freedmen.

The applicant appeared in person and by attorneys, Thomas A. Foreman.

Cherokee Nation, by its attorney, James S. Davenport.

John E. Wilson, being first duly sworn, testified as follows on behalf of the Cherokee Nation:

Mr. Davenport:

- Q. What is your name? A. John E. Wilson.
Q. What is your age? A. 43 years.
Q. What is your post office address? A. Tahlequah.
Q. Where were you raised? A. I was raised in Texas.
Q. Did you ever know a colored man in the state of Texas by the name of Henry Harlan? A. Yes sir.
Q. Where did he live, with reference to where you lived? A. He lived in the same town part of the time.
Q. Do you know from whom he took the name of Harlan? or to whom he belonged? A. He belonged to the Thompsons.
Q. What Thompsons? A. Grandfather Thompson.
Q. Where did he live when the war broke out? A. In Texas.
Q. What county in Texas, if you know? A. Musk County, at that time.
Q. Where were they living when you first recollect after the war? A. Quitman, Wood County.
Q. Where was Henry Harlan living when you can first recollect? A. In Quitman, Wood County.
Q. Do you know whether or not Henry Harlan had a family? A. Yes sir.
Q. Do you know the names of any of his family? A. I recollect Frank, here.
Q. Do you mean Frank, the applicant here? A. Yes sir, he had several children, but I do not recollect all the names.
Q. When did you leave the state of Texas and move to Tahlequah? A. In 1864.
Q. Where were Henry Harlan and his family living when you left? A. Quitman or Wincola -- two towns ten miles apart. I don't know which one he lived in.
Q. Have you ever seen this applicant, Frank Harlan, or Orrena Williams since they came to the Indian Territory? A. Yes sir.
Q. Do you know what part of the country they live in now? A. No sir, I don't.

- Q. When was the first time you saw them after you came to the Cherokee Nation? A. I saw Frank here I think it has been about 6 or 7 years ago.
- Q. Where was he at that time? A. Tahlequah.
- Q. Did he recognize you then as being the man he had known in Texas, or did you recognize him? A. He recognized me, and told me who he was.
- Q. Do you know whether or not Henry Harlan, his father, ever moved to the Cherokee Nation? A. I never knew of his being here since I have been here until about 7 years ago.
- Q. When you moved from Texas to the Cherokee Nation in 1884 you left Henry Harlan and his family in the state of Texas? A. Henry was there when I left.

Mr. Foreman:

- Q. When did you move to the Cherokee Nation? A. In 1884.
- Q. You have never seen Harlan here since you came, Henry Harlan? A. Yes sir.
- Q. Where? A. At Tahlequah.
- Q. When did you see him there? A. It has been about 6 or 7 years.
- Q. Do you know where he was living then? A. He told me he came from Texas. He belonged to my people, and he stayed there. I fed him there about two weeks after he came.
- Q. You do not know whether he was ever in the Cherokee Nation before then or not? A. I couldn't say.
- Q. How far did he live from you in Texas? A. He lived, part of the time, in the same town.
- Q. How much of the time? A. A good while. I knew him afterwards. I was a kid.
- Q. How long did he live in the same town you did? A. He lived there some time, I don't know how long.
- Q. A year or two? A. Yes sir, several years.
- Q. Four or five years? A. Was at Quitman, where I was raised, and he was at Mineola, and was in Rusk County part of the time.
- Q. He moved around a good deal? A. A right smart.
- Q. You didn't keep track of him all the time? A. No sir. It was none of my business to keep right after him.
- Q. Do you know how old Frank Harlan is? A. No sir.
- Q. Do you know where he was born? A. I am not sure. Think he was born in Rusk County, Texas.
- Q. How many brothers and sisters did he have? A. I don't remember.
- Q. Did he have any? A. I think he did. I don't know how many he had. Henry had two or three wives. They were kinder mixed up to me.
- Q. You do not know, then, whether Frank Harlan had any brothers and sisters or not? A. I think he had one or two. I am not sure.
- Q. Did Frank Harlan live with his father in Texas? A. He did when he was a boy, I think.
- Q. You think he did? A. Yes sir. The children, part of them, were mixed up. He had two or three wives. I hadn't seen him in a good while until he came here. I recollected Frank.
- Q. Where did you see Frank Harlan in Texas? A. I saw him in Rusk County, and at Quitman, Wood County.
- Q. You are sure he was the son of Henry Harlan? A. He is supposed to be.
- Q. What was Henry Harlan's business? A. It was of every kind. He just worked around at first one job and then another. Did not have any particular business that I knew of.

Commissioner:

- Q. Were you born in Texas? A. Yes sir.
- Q. Were you born near this town where you knew these parties?
A. I was born in the town of Quitman, Wood County, Texas.
- Q. How large were you when you first can remember the father of Frank Harlan here? A. I was very small. I knew him ever since I was big enough to recollect any one.
- Q. What is your best idea as to the year you first got acquainted with these people after the war? A. After the war?
- Q. What is your best impression as to the year you got acquainted with these parties? A. I knew the father ever since I was big enough to recollect any one. I knew him right after the war. I was 5 or 6 years old.
- Q. What year were you born? A. 1861.
- Q. And you say you have known them since you were large enough to know anybody? A. Yes sir. My people owned him during the war. My father had charge of him a while.
- Q. Are you a Cherokee by blood? A. Yes sir.
- Q. How long did your father live in Texas before the war? A. He lived there all his life. He was raised in Texas.
- Q. Well, your mother? A. I don't know how long she had been there. She was a grown girl when her father moved from the Cherokee Nation to Texas --- about 17 or 18.
- Q. Your mother was a Cherokee by blood? A. Yes sir.
- Q. Who did Henry belong to at the beginning of the war? A. He belonged to my grandfather. My grandfather gave him to Izzie Wilson, my aunt.
- Q. Was Izzie Wilson a Cherokee? A. Yes sir, my mother's sister.
- Q. How long had Izzie Wilson been in Texas at the beginning of the war? A. I couldn't tell you. But then a good while though. She was a girl when her father moved there.
- Q. Several years? A. Yes sir.
- Q. Did she ever go back to the Cherokee Nation after the war?
A. No sir.
- Q. Never did? A. No sir.
- Q. You were too young to give the Commission a definite year as to when you began knowing Henry Harlan? A. I couldn't say the exact year. I was too small. I recollect them though when I was very small.
- Q. Did you ever know Errena Williams? A. I sarter recollect her -- don't have much recollection of her.
- Q. You do not know when she came to the Cherokee Nation, do you?
A. No sir, I knew when I first saw her there, but I do not know when she came.

Mr. Foreman:

- Q. You are on the roll as a Cherokee citizen? A. Yes sir.

Mr. Davanport:

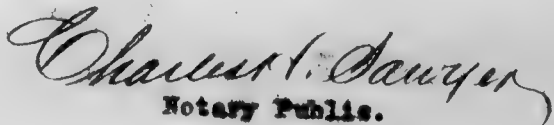
- Q. When you came to the Cherokee Nation in 1884 how did you get on the Cherokee roll? A. I was admitted by the Cherokee Citizenship Court.
- Q. Do you know by what name the Court was known? A. Cherokee Citizenship Court.
- Q. Who were the members of the Commission? A. Charley Fry, Old man Speers, a man named Smith, an Indian named Snakepuppy, and I forget the others.

WITNESS EXCUSED.

H. M. Vance, being first duly sworn, states, that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause on the 22nd day of September, 1904, and that the above and foregoing is a full, true, and correct transcript of his stenographic notes taken in said cause on said date.



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


Notary Public.

A. F. No.
D. C. L.

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

In the matter of the application for the enrollment of Henry Harlin et al., as Cherokee Freedmen, consolidating the applications of:

Henry Harlin et al.	Cherokee Freedmen R 138
Orrona Williams et al.	Cherokee Freedmen R 329
Frank Harlan et al.	Cherokee Freedmen R 389

-: 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 Henry Harlin for himself and minor children, Eliza, Elijah, Cordelia, Lenora, David and Edwin Harlin; by Orrona Williams for herself and minor children, Willie, Anna, Alonzo, Alberta, and Eugene Williams; and by Frank Harlan for himself and minor child, William Harlan.

THE EVIDENCE IN THIS CASE SHOWS: That the applicant, Henry Harlin, was born a slave in Georgia about the year 1830, and, later, was brought to the Cherokee Nation by his master, the Anna Thompson, a Cherokee by blood, and wife of the herein mentioned Franklin Thompson; that subsequently he was raised in the Cherokee Nation as above indicated, and prior to the first date mentioned above, the said Henry Harlin became the property of one Franklin Thompson, who, it appears, was a Cherokee citizen by intermarriage; that about the year 1848, the said Franklin Thompson and family, after having disposed of part of their property in the Cherokee Nation, removed with the remainder of their ef-

facts, which included the said Henry Harlin, to the state of Texas, where they acquired vast property interests, and where said Franklin and Annie Thompson continuously lived until their death; that prior to the year 1861, the said applicant, Henry Harlin, became the property of Isabell Wilson, nee Thompson, a daughter of the said Franklin Thompson, and wife of one Ben Wilson, a citizen of the state of Texas, and remained the property of the said Isabell Wilson until freed by the rebellion; that the said applicant, Henry Harlin, was married about the year 1861, and again about the year 1884, in each instance marrying a state woman, and that he died on August 14, 1901; that all the other applicants herein were born since the commencement of the rebellion, are descendants of the said Henry Harlin, deceased, and possess no rights to enrollment as Cherokee freedmen, other than as such descendants; and that none of the applicants herein nor their ancestors, can be identified on any roll of the Cherokee Nation in the possession of the Commission.

It is further shown that none of the members of the said Thompson family who removed from the Cherokee Nation as above indicated, have since re-established their citizenship therein, and those descendants of said family who have, did so by Act of the Cherokee National Council admitting them to citizenship in said Nation.

FINDINGS OF FACT AND CONCLUSION: It is considered by the Commission that the evidence in this case shows that the said Thompson family, former owners of the said Henry Harlin, deceased, had, under the ruling of the Department in the case of Clara A. Ward (I. T. D. 8878-10132-04), expatriated themselves from the Cherokee Nation, under the provisions of Section 11, Article I, Cherokee Constitution, several years prior to the commencement of the rebellion, and that, at the commencement of said rebellion they were non-citizens of said Nation.

IT IS THEREFORE ORDERED that the application for the enrollment of Henry Harlin as a Cherokee freedman, be, and the same is, hereby dismissed, in accordance with the provisions of section twenty-five of the Act of Congress approved July 1, 1902 (32 Stat., 716).

AND IT IS THE OPINION OF THIS COMMISSION that the applications for the enrollment of Elisha Harlin, Elijah Harlin, Cordelia Harlin, Lenora Harlin, David Harlin and Edwin Harlin, Orrena Williams, Willie Williams, Anna Williams, Alonzo Williams, Arleeta Williams and Eugene Williams, Frank Harlan and William

Harian, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 20, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(Signed) T. B. Hasty
Chairman.

(Signed) T. B. Hasty
Commissioner.

(Signed) C. R. Breckinridge
Commissioner.

Dated at Muskogee, Indian Territory,
this JUN 18, 1905

C.F.R.-138.

32

IN RE
THE DEATH OF

Henry Gordon

a citizen of the


Cherokee

Nation.

Approved.

NOV 22 1904

190


Commissioner.

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

In the matter of the death of Henry Horlan
(Here insert name of deceased.)
Medson
a citizen of the Cherokee Nation Nation, who formerly resided at or near
Coffeyville, Ko. (Here insert name of post office), Ind. Ter., and died on the _____ day of
August, 1901.

AFFIDAVIT OF RELATIVE.

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

I, Orrena Williams, on oath state that I am 43
years of age and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Cherokee, Ind. Ter.; that I am
the daughter of Henry Horlan, dead,
(State relationship as the father, an uncle, a cousin etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Henry Horlan died on the _____ day of
August, 1901.

Orrena Williams

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 22 day of November, 1904,
J. H. Campbell
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, Nicholas Sandrum, on oath state that I am 50
years of age, and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Coffeyville, Ko. Ind. Ter.;
(Here insert name of post office)
that I was personally acquainted with Henry Horlan
(Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Henry Horlan died on the _____ day of
August, 1901.

Nicholas Sandrum

WITNESSES TO MARK:

(Must be Two Witnesses.)

Subscribed and sworn to before me this 22 day of November, 1904,
J. H. Campbell
Notary Public.

Muskogee, Indian Territory, November 14, 1903

Received of the Commission to the Five Civilized Tribes one
copy of the testimony in Cherokee Freedmen N-120, Henry Harlin,
et al.; Cherokee Freedmen N-28, Frank Harlan, et al.; and Cherokee
Freedmen N-21, Orrona Williams, et al.

A. S. M. Kea

Attorney for Applicants.

①

34138

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 27 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 27 1901

Post Office Coffeyville, Kas.

District 600

1. Name Henry Harlin Age 65
Owner's name Patience Thompson Citizenship Cherokee
Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District

Parents:

Father ~~Repealed~~ Citizenship

Mother ~~Repealed~~ Citizenship

Names of Children:

No.	Name	Year	Page	No.	Dist.	
3.	Clissha Harlin					14
4.	Elijah "					12
5.	Abdelia "					10
6.	Leuora "					7
7.	David "					3
8.	Edwin "					17
9.						
10.						
11.						
12.						

Application made by

no

Stenographer

W. Jones

~~stagnant, did not apply~~

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

W. O. SKALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

766w
REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen

R-138.

Muskogee, Indian Territory, June 16, 1905.

Elisha Harlin,
Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, dismissing the application for the enrollment of your father, Henry Harlin, and rejecting, among others, the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorney, A. S. McRee, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,



Chairman,

Incl, 8-72,
Register,

COPY.

Cherokee Freedmen

B-138.

Muskogee, Indian Territory, June 16, 1906.

A. S. MOORE,

Attorney for Henry Harlin, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1906, dismissing the application for the enrollment of Henry Harlin, and rejecting, among others, the application for the enrollment of Eliza Harlin, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

Encl. 3-75.

Register

JAMES B. BERRY,
Chairman.

COMMISSIONERS:
TAMM RILEY,
THOMAS E. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

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

D 610

<small>REFER IN REPLY TO THE FOLLOWING:</small> Cherokee Freedmen
R-138, et al.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 16, 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 16, 1905, dismissing the application for the enrollment of Henry Harlin, and rejecting the applications for the enrollment of Elisha Harlin, 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,

Incl. 8-77


Chairman.

COPY.

Charles Young
June 16, 1905

Wartogee, Indian Territory, June 16, 1905.

The Honorable,

The Secretary of the Interior,

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Henry Harlin, et al., as Cherokee freedmen, including the Commissioner's decision dated June 15, 1905, dismissing the application for the enrollment of Henry Harlin, and rejecting the applications for the enrollment of Eliza Harlin, et al., as Cherokee freedmen.

Respectfully,

W. H. D. Tams Pixby,
Chairman,

Incl. 3-78.

Through the

Commissioner of Indian Affairs.

B.C. STONE
I.T.D. 7968-1905.

J.F. JR.
June 25, 1905.

LRS DEPARTMENT OF THE INTERIOR, LRS
WASHINGTON.

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

sir:

June 16, 1905, the Commission to the Five Civilized Tribes transmitted the record in the matter of the application for the enrollment as Cherokee freedmen by Henry Harlin for himself and his minor children, Elisha, Elijah, Cordelia, Lenora, David, and Edwin Harlin; by Orrona Williams for herself and her minor children, Willie, Anna, Alonso, Arlesta, and Eugene Williams, and by Frank Harlin for himself and his minor child, William Harlin.

Reporting June 29, 1905, the Indian Office recommended that the Commission's decision, adverse to the applicants, be approved.

The Department concurs in said recommendation, and the decision of the Commission to the Five Civilized Tribes dated June 16, 1905, is hereby affirmed.

Respectfully,

Jesse E. Wilson

Assistant Secretary.

COMMISSIONERS

TAMS BIXBY,
THOMAS B NEEDLES,
C R BRACKINRIDGE,
W E STANLEY

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

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 136

ALLISON L. AYLESWORTH
SECRETARY

COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25, 1904.

Malvina Harlin,
Ceffeyville, Kansas.

Dear Madam:

In the matter of the application of your husband, Henry Harlin, for the enrollment of himself and his minor children, Elisha, Elijah, Gerdelia, Lenora, David and Edwin Harlin, 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 or not Henry Harlin was the slave of a Cherokee citizen at the commencement of the war of the rebellion, as to the date of his return to the Cherokee Nation after the war and his residence since that time.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday April 5, 1904, and introduce testimony as above requested.

Respectfully,



Commissioner in Charge.

MO4

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

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

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R 138

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, February 25, 1904.

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

Dear Sir:

In the matter of the application for the enrollment of Henry Harlin, et al., 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 or not Henry Harlin was the slave of a Cherokee citizen at the commencement of the war of the rebellion, as to the date of his return to the Cherokee Nation after the war and his residence since that time.

Malvina Harlin 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 April 5, 1904, 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.

Cherokee Freedmen
B-155.

Muskogee, Indian Territory, February 25, 1904.

A. S. McRea,

Attorney for Henry Harlin et al.,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Henry Harlin et al., 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 or not Henry Harlin was the slave of a Cherokee citizen at the commencement of the rebellion, as to the date of his return to the Cherokee Nation after the rebellion and his residence since that time.

Malvina Harlin 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, April 5, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

REFER IN REPLY TO THE FOLLOWING

**Cherokee F.
R. 136. et al.**

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, July 5, 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 16, 1905, dismissing the application for the enrollment of Henry Harlin, and rejecting the applications of Elisha Harlin et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior, June 25, 1906.

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

Respectfully,



Commissioner.

Incl.C-39
LMC

Cherokee F.
R. 138.

COPY.

Muskogee, Indian Territory, July 5, 1906.

A. S. McRea,

Attorney for Henry Harlin, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, dismissing the application for the enrollment of Henry Harlin, and rejecting the applications for the enrollment of Elisha Harlin, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, June 25, 1906.

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

Respectfully,

(SIGNED).

Tame Bixby.
Commissioner.

Incl. C-40
LHC

REFER IN REPLY TO THE FOLLOWING

Cherokee F.
R. 138.

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

Muskogee, Indian Territory, July 5, 1906.

Elisha Harlin,
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, dismissing the application for the enrollment of Henry Harlin, and rejecting, among others, the application for the enrollment of yourself, your brothers and sisters, as Cherokee freedmen, was affirmed by the Secretary of the Interior, June 25, 1906.

Respectfully,



Commissioner.

LMC

NO. YER.

GENERAL DELIVERY,
JUL 7 1906
NUMBER 2
COFFEYVILLE, KAN

Elisha Harlin,
Coffeyville, Kansas.



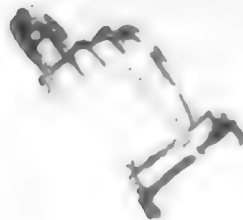
Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Elisha Harlin,
Coffeyville, Kansas,



Department of the Interior,
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.,
OFFICIAL BUSINESS,
Penalty for private use, \$300.

Unreturned



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Cher. Fr. R-139

Cher. Fr. R-139

FILED
APR 1904
COMMISSION TO FIVE TRIBES.

Received by...

~~XXXXXXXXXXXXXXXXXXXX~~

Cherokee Freedmen R 139.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, April 6, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application of Henry Melton for the enrollment of his minor children, Bessie, Joe and Iola Melton, as Cherokee freedmen.

It appears that on the 25th day of February, 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 April 6, 1904, and then and there to introduce further testimony touching the matter stated in said letter.

APPEARANCES:

Henry Melton in behalf of the applicants;
Cherokee Nation by its attorney, W. W. Hastings.

MATILDA GIBSON, being first duly sworn, testified as follows:

By the Commission:

- Q What is your name? A Matilda Gibson.
Q What is your age? A I tell you I don't know my age.
Q About how old? A I had it on paper and lost it; I am about 40 I expect.
Q What is your postoffice address? A Coffeyville.
Q Do you claim right to enrollment as a Cherokee freedman?
A No sir, as adopted.
Q You mean you have been married to a Cherokee freedman?
A Yes sir.
Q Do you know Henry Melton? A Yes sir.
Q Were you ever married to him? A No sir, I never was married to him.
Q Did you live with him? A Yes sir.
Q How long? A About ten or fifteen years, or longer.
Q When did you begin living with him, as well as you remember?
A As well as I remember I can't tell you just when. It has been about 16 years since I first lived along with him.
Q Does he claim to be a Cherokee freedman? A Yes sir.
Q Did you have any children by him during these years you lived with him? A Yes sir.
Q How many? A Three.
Q What are their names? A Bessie, Joe and Iola.
Q About how old are they now? A One is 16, I haven't got their ages correct, can't keep them.
Q How old are they? A Bessie is 16, Joe is 15 I think and Iola she is 12; That is the baby one, I can't keep the ages correct.

Q You are the mother and Henry is the father of all the children?
A Yes sir.
Q Are these three children living now? A Yes sir.
Q In the Cherokee Nation? A Yes sir.
Q They have lived in the Cherokee Nation ever since their birth?
A Yes sir, born and raised in the Cherokee Nation.
Q In what part of the Cherokee Nation were they born?
A On Snow Creek in Cooweescoowee district.
Q Have they been outside of the Cherokee Nation? A No sir, they didn't know where else to go, never been no where else.

By Mr. Hastings:

Were you and Henry living together as husband and wife when the oldest child was born? A Yes sir.
Q Did Henry have any other wife at that time?
A I don't now he didn't tell me if he did.
Q Was there any other woman that he held out as his wife?
A I don't know.
Q Did you have any other man? A No sir.
Q Nobody but Henry? A No sir.
Q All three of these children were born in the house where you and Henry were living together as husband and wife, although not lawfully married? A Yes sir.
Q That's the truth is it? A Yes sir.
Q Do they go by the name of Melton? A Yes sir.
Q Always did? A Yes sir.
Q You have quit living with him? A Yes sir.
Q Have you married some one else? A No sir.
Q Has he? A No sir.

HENRY MELTON, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Henry Melton.
Q How old are you? A I must be about 64 years old.
Q What is your postoffice address? A Coffeyville.
Q You claim to be entitled to enrollment as a Cherokee freedman?
A Yes, sir.
Q You applied for yourself and three children, did you? A Yes, sir.
Q What are their names? A Bessie, Joe and Iola.
Q All of them are living now with you in the Cherokee Nation?
A Yes, sir.
Q In what part of the Cherokee Nation were they born? A Right there in Cooweescoowee, on Snow Creek.
Q Have they ever lived outside of the Cherokee Nation? A No, sir.
Q Have they ever been outside of the Cherokee Nation? A No, sir, they have been right there with me and I aint been out.
Q Are they on any of the Cherokee rolls? A Yes, sir, they are on the Clifton roll, and Mr. Lips, we got the money there, one did.

By Mr. Hastings:

Q Were these children born while you and their mother were living in a house together as husband and wife? A Yes, sir.

- Q Born while you and she were living together? A Yes, sir.
Q Do you acknowledge them as your children? A Yes, sir.

0-0-0-0-0-0-0-0-0-0

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.



Subscribed and sworn to before me this the 7th day of April, 1904.



Notary Public.

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FR 139

8

FR 139

FR 139

FR 139

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, K., To June 27th 1900.

In the matter of the application of Henry Walton for the enrollment of Bessie, Joe and Iola Walton as Cherokee Freedmen; in hearing conducted by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Henry Walton.
Q What is your age? A. 64.
Q What is your post office address? A. Coffeyville.
Q In what district do you live? A. Coowocowocooe.
Q Who do you want to have enrolled at this time? A. Bessie, Joe and Iola Walton.
Q An Cherokee Freedmen? A. Yes sir.
Q How old is Bessie? A. 13 years.
Q How old is Joe? A. 13 years old.
Q How old is Iola? A. 9 years old.
Q Who is the father of these children? A. I am.
Q Who is the mother of these children? A. Matilda Gibson, a state raised woman.
Q Where are these children living now? A. On Snow Creek.
Q With you? A. With their mother, but I support them.
Q Is their mother a citizen? A. No sir she is a state raised woman.
Q Are you living with her? A. No sir.
Q Why don't the mother apply for them? A. I don't want her to enroll them.
Q Are you and their mother separated? A. Yes sir.
Q Is your name on the roll of 1890? A. Yes sir.

1890 authenticated roll examined and the applicant identified as follows:

Page 140 No. 1908 Henry Walton, Coowocowocooe district.

- Q Were you ever married to the mother of these children? A. No sir.
Q How was married to her? A. No sir.
Q Never acknowledged her as your wife? A. No sir.
Q How do you know you are the father of them? A. She said they were my children.
Q Did you ever draw money for these children? A. Yes sir for Bessie.
Q Are you married? A. Yes sir.
Q What is your wife's name? A. Mintie.
Q Is she on the roll of 1890? A. Yes sir.
Q Have you been living with her continuously as your wife since 1890 to the present time? A. Yes sir.

By Com'r Needles,-

Henry Walton applies for three children, Bessie, Joe and Iola Walton; he avers that they are the children of Matilda Gibson a non citizen by him; the name of Henry Walton is found on the authenticated roll of 1890 as well as the name of his wife Annetta; he avers that he has lived with the said Annetta as his wife continuously from 1890 up to the present time and that he was never married to the mother of these children; but when he applied, neither did he live with her as his wife or acknowledge her as such, but that during the time he was living with his lawful wife he became the father of the children applied for by the woman Matilda Gibson. The testimony shows that he was married to his lawful wife who has been enrolled with him because of the fact that the mother of these children is not on the roll of 1890, and because of the fact that the applicant acknowledges that these children were born out of wedlock and are illegitimate, they will be rejected.

Com. T. B. Needles, being sworn stated that as commissioner 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.

Cherwood

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



Commissioner.

Cherokee Freedmen R-139.

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

In the matter of the application for the enrollment of
Bessie Melton et al., as Cherokee freedmen.

D E C I S I O N.

The record in this case shows that on June 27, 1900, Henry Melton appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of his minor children, Bessie, Joe and Iola Melton, as Cherokee freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April 6, 1904.

The evidence shows that Bessie, Joe and Iola Melton are the children of one Henry Melton, who is identified on the Cherokee authenticated tribal roll of 1860. It is further shown that the said applicants were born since the preparation of said roll.

The evidence further shows that Bessie, Joe and Iola Melton have lived in the Cherokee Nation all their lives.

It is, therefore, the opinion of this Commission that Bessie Melton, Joe Melton and Iola Melton 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., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED,

James D. McCoy

Chairman.

SIGNED,

I. E. J. A. ...

Commissioner.

SIGNED,

Commissioner.

Dated at Muskogee, Indian Territory,
this 19 .

DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
Cherokee Freedmen

R 139

Muskogee, Indian Territory, February 25, 1904.

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

Dear Sir:

In the matter of the application of Henry Melton for the enrollment of his minor children, Bessie, Joe and Iola Melton, 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 who is the real father of these children and as to their residence since birth. It has been especially requested that the testimony of the mother, Matilda Gibson, be introduced.

The said Henry Melton 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 Wednesday April 6, 1904, 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.

COMMISSIONER
W. W. HASTINGS,
TERRACE 5, WASHINGTON,
D. C.

W. W. HASTINGS,
Secretary

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

NAME OF PARTY TO THE DECISION
Cherokee Freedmen
N-159.

Mustang, Indian Territory, July 23, 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 Bessie Melton, Joe Melton and Iola Melton for enrollment as Cherokee freedmen.

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 such protest within the time allowed, this decision will be considered final.

Respectfully,



Commissioner in Charge

Encl. 2-24.

THE MATTER OF THE APPLICATION OF

Bessie Melton et al

FOR ENROLLMENT AS

~~CHIEF CLERK OF THE COURT~~

- ~~(A) Original testimony June 29, 01~~
- ~~(B) Memo of application June 29, 01~~

*Copy of testimony filed
with Charles Melton*

Cher. Fr. R-140

Cher. Fr. R-140

10



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M L L C T D
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~~SECRET~~

PRIMO

[Faint, mostly illegible text covering the main body of the page]

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application of Jeff Tyeskey for the enrollment of himself and five grandchildren as Cherokee Freedmen, Jeff Tyeskey, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q. What is your name? A. Jeff Tyeskey.
Q. How old are you? A. About 85.
Q. What is your postoffice? A. Allure.
Q. What district do you live in? A. I live on Lightning Creek.
Q. Is that in ~~Seaweesowee~~ district? A. Yes, sir.
Q. You want to be enrolled as a Cherokee freedman? A. Oh yes sir.
Q. Well, who do you want to enroll besides yourself? A. Well I have a son here.
Q. How old is your son? A. I don't know.
Q. He is over 21 isn't he? A. Well I guess about that, something along there.
Q. Is your name on the roll of 1880? A. No, sir.
Q. Well, is your name on any of the rolls of the Cherokee Nation? A. On Wallace.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.
The 1886 census roll of Cherokee Freedmen examined and the applicants not identified thereon.
Q. Have you got any witnesses? A. Well, Mr. Bell is one of my witnesses, and his sister, she isn't here.
The Wallace roll examined and the applicant identified thereon, page 108, No. 98, Delaware district.
A. I had one son, he died, but he left, I think, about five children.
Q. You want to enroll those children? A. Yes, sir.
Mr. W.V. Hastings, Cherokee attorney, did you draw strip money? A. No, sir, never drew a cent in my life.
Commissioner: What is your oldest child's name? A. Wah-hab-ohis Tyeskey.
Q. (Commissioner reading from affidavits handed him) He is 29; the next is Jeff, Jr., 17; the next one is Della, she is 18 years old; the next one is Eli, 10 years old, Willie, 9 years old. What is the name of the father of these children? A. Eli Tyeskey.
Q. Is Eli your son? A. Yes, sir.
Q. Is he living? A. He is dead.
Q. What was their mother's name? A. Their mother was named Mandy Tyeskey.
Q. Is she living? A. She is dead.
Q. Where were these children born? A. In the Cherokee Nation.
Q. All of them? A. They four.
Q. Where are they now? A. Some at home, and the biggest ones big enough to work, it is knocking about.
Q. They are all living in the Cherokee Nation, are they? A. Yes, sir.
Q. Were you a slave? A. Well, I lived with Mr. Bell's daddy.
Q. Were you a slave? A. Yes, sir, I was a slave, he owned us.
Q. Who did you belong to? A. I belonged to his sister.
Q. What was her name? A. Her name was Nancy Bell.
Q. Was Nancy Bell a Cherokee citizen? A. Yes, sir.
Q. ~~Were~~ you taken out of the Cherokee Nation during the war? A. I was ~~taken~~ before the war.
Q. Where did you go to? A. I went to Texas, my owners had a place around there.
Q. Who took you to Texas? A. He took me there.
Q. Was it his father?
Q. Whose father? A. Mr. Bell's.
Q. Did Nancy take you down there, you say you belonged to Nancy?

Jeff Tyeskey - 2.

- A No, she was a little girl, he was guardian for her.
Q Who was guardian for her? A Mr. Bell.
Q What Mr. Bell? A Jack Bell.
Q Well, how long did you stay in Texas? A I can't tell you.
Q When did you come back from Texas? A I got shot in Texas in '68, I know I didn't know come here then; well I came back in about '74.
Q You been living here ever since '74? A Yes, sir.
Mr. Hastings: Where was this son that is the father of these children born, Eli? A He was born in the south.
Q In Texas? A Yes, sir.
Q Before or after the war? A Before the war.
Q Where was he married? A He was married there.
Q In Texas? A Yes, sir.
Q Did he come up with you? A Yes, we all came together.
Q Where did you come to? A Sequoyah.
Q Did Eli bring his wife from Texas with him and with you? A Yes, they all came in an ox-wagon together.
Q All came together? A All came together.
Q Did they have some children born in Texas, Eli and this wife before they left? A None but one, he was a baby.
Q What was its name? A Martin.
Q Martin Tyeskey? A Yes, sir, they called them Bell at first.
Q Well then this grandson that is going to apply come with you, did he? A Yes, sir.

Note on Wallace roll opposite enrollment given supra, says: "The evidence shows that the three first named were slaves who were removed to Texas before the war but no evidence when they returned. Require evidence when they returned and that they have maintained a continuous residence in Cherokee Nation ever since return." A pencil note says: "Did not return till about 1868." The enrollment given appears on "Questioned List."

- Q Have you lived here ever since you came back the first time after the war? A Yes, sir.

The Wallace roll examined, and the applicant, Wah-hah-ah-dia Tyeskey identified thereon, page 188, No. 990, Delaware District, as Wa-bah-ah-dia Tyeskey.

Commissioner: Do you want Mr. Bell sworn? A Yes, sir.

- Q Got any witnesses besides him? A Lewis Wright.

L. B. Bell, being duly sworn and examined by Commissioner Headlan, testified as follows:

- Q What is your name? A L. B. Bell.
Q What is your age? A 63.
Q Your postoffice Vinita? A Yes, sir.
Q You know Jeff Tyeskey, the applicant? A Yes, sir.
Q Just tell the Commission all you know about his being a slave and when he went away and when he returned? A He was a slave and belonged to my stepmother, my father's second wife. He was married to Texas in about 1848, and after my mother died he belonged to my half sister, she is Mrs. Harlin now, lives over in Delaware district. She married there a man named Gibson and moved away from us, and lived in Smith County during the war. I lived in Ross county. I left there in '67, and I saw nothing more of Jeff from along in '65 or '6 until about '78. I met him down here in Sequoyah district; that is the first time I saw him.
Q You know anything about his oldest child? A Well he had several children, he had one named Ned, Eli, and Cornelius, three boys of them.
Q His mother was a Cherokee citizen? A Oh yes, I reckon, you would say he belonged to my father, he was a Cherokee citizen.
Q Yes Jeff born in the Cherokee Nation? A This man, I guess so.

Jeff Tyeskey - 3.

was, he started in a good deal ahead of me.

Q He went there in '48? A I think it was the spring of '48, not later than '47.

Lewis Wright, being duly sworn, sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lewis Wright.

Q What is your age? A 62 years old.

Q Sometimes called whitefire? Q Yes, sir.

Q What is your post office? A Hayden.

Q You a citizen of the Cherokee Nation, a freedman? A Yes, sir.

Q Do you know the applicant, Jeff Tyeskey? A Yes, sir, I know him.

Q How long have you known him? A I have known him ever since I can recollect.

Q Was he a slave? A Yes, he was a slave.

Q Who did he belong to? A He belonged to Mr. Jack Hall.

Q Do you know whether he was taken out of the Cherokee Nation during the Civil War? A I recollect when he was taken out, but I don't know how long it has been.

Q Don't know whether he was before the war or since? A It was before the war.

Q When did you first see him after the war? A The first time I saw him after the war was the winter of '68 at the National Council at Tahlequah, there is the first I saw him after the war.

Q You don't know when when he returned to the Cherokee Nation?

A No, I don't know, he came back to Sequoyah he told me, I don't know that.

Q He swears he didn't come back till '74? A (No response.)

Mr. Hastings: You saw him in the country in '68? A Yes, sir, there is the first place I saw him.

Q At Tahlequah? A Yes, sir, his sister lived there and I saw him.

Q What is his sister's name? A Eildy Sanders.

Commissioner: Jeff Tyeskey applies for the enrollment of himself, and five grandchildren enumerated in the testimony. He cannot be identified upon any of the rolls of the Cherokee Nation except the Wallace roll, and his name is identified upon the Wallace roll on the questioned list. His eldest grandson is also identified upon the Wallace roll. Applicant avers that he was a slave. The testimony shows that he was taken away or went out of the Cherokee Nation before the commencement of the Civil war. He himself avers that he returned in '74. No testimony is offered going to prove his return within the time prescribed by the provision of '68, consequently, the applicant of Jeff Tyeskey for the enrollment of himself and five grandchildren will be rejected. It will be necessary for him to make satisfactory proof as to the birth of the four younger children, their names not appearing upon the roll.

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

Sworn to and subscribed before me this 1st day of July, 1881.

Bruce G. Jones
[Signature]

Jeff
CR

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

In the matter of the application of Jeff Tyeskey et al.
for enrollment as Cherokee Freedmen, consolidating the applications
of

Jeff Tyeskey et al.-----Cherokee Freedmen R 140,
Cornelius Tyeskey-----Cherokee Freedmen R 141.

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 Jeff Tyeskey, for himself and minor grandchildren, Wah-hah-chia, Jeff, Jr., Della, Eli and Willie Tyeskey; and by Cornelius Tyeskey, for himself.

The evidence shows that the applicants, Jeff Tyeskey and Cornelius Tyeskey, were slaves of Cherokee citizens at the commencement of the rebellion; that, during said rebellion, they left the Cherokee Nation and did not return thereto until after January 19, 1867.

The evidence further shows that all the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through one Eli Tyeskey; that the said Eli Tyeskey 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 until after January 19, 1867.

Neither the name of the said Eli Tyeskey nor the names of any of said applicants are found on the 1860 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Jeff Tyeskey, Wah-hah-chia Tyeskey,

Jeff Tyeskey, Jr., Della Tyeskey, Eli Tyeskey, Willie Tyeskey and Cornelius Tyeskey, 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 Dixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

W. E. Stanton.

Commissioner.

Muskogee, Indian Territory,

this

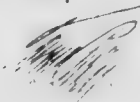
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FR140

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

FILED
JUN 28 1901



MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 28, 90
Post Office *Winnemucca*
District *Del*

1. Name *Samuel Jackson*

Age *25*

Owner's name
Year *Wallace* Page *56* No. *998*

Citizenship

District *Del*

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife

Repeated

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children

No.	Name	Year	Page	No.	Dist.	
23	<i>Annanchia Jackson</i>	<i>1865</i>	<i>65</i>	<i>001</i>	<i>Del</i>	<i>73</i>
34	<i>John</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>17</i>
4	<i>Willie</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>12</i>
5	<i>Bill</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>10</i>
6	<i>Willie</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>"</i>	<i>9</i>
8.		Year	Page	No.	Dist.	
9.		Year	Page	No.	Dist.	
10.		Year	Page	No.	Dist.	
11.		Year	Page	No.	Dist.	
12.		Year	Page	No.	Dist.	

Application made by

Stenographer *E. J. ...*

~~*Samuel Jackson*~~

*2 As Wallace ... Annanchia Jackson
3, 4, 5 and 6 Birth affidavits attached*

COPY.

Cherokee Freedmen
R-140.

Muskogee, Indian Territory, July 11, 1903.

Jeff Tyeskey,

Alluwee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your minor grandchildren, Wah-hah-ohia, Jeff, Jr., Della, Eli and Willie Tyeskey, as Cherokee Freedmen, together with the Commission's decision, dated July 1, 1903, rejecting, among others, your said application.

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

Respectfully,

Commissioner in Charge.

Register.

Enc. H-50.

COPY.

Cherokee Freedmen
R-140 & R-141.

Muskogee, Indian Territory, July 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the consolidated case of Jeff Tyeskey, et al., including the Commission's decision, dated July 1, 1903, rejecting the application for the enrollment of Jeff, Wah-hah-chia, Jeff, Jr., Della, Eli, Willie and Cornelius Tyeskey, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-53.

COMMISSIONER
JAMES H. HUGHES
THOMAS H. NEEDLES
C. R. HERRICK
W. E. STANLEY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REPLY IN REPLY TO LETTER NO. 1

**Cherokee Freedmen
R-140 & R-141.**

ALLISON AYLESWORTH
SECRETARY

Muskogee, Indian Territory, July 11, 1903.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Jeff Tyeskey, et al., rejecting the application for the enrollment of Jeff, Wah-hah-ohia, Jeff, Jr., Della, Eli, Willie and Cornelius Tyeskey, as Cherokee Freedmen.

The decision, with therecord 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.

Enc. R-52.

3

COPY

Refer in reply to the following:

Land 44289-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, February 8, 1904

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith for the consideration of the Department the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Jeff Tyeskey for the enrollment of himself and his minor grandchildren Wah-hah-chia, Jeff Jr., Della, Eli and Willie Tyeskey; and the application of Cornelius Tyeskey for the enrollment of himself and as Cherokee freedmen.

On July 1, 1903, the Commission rendered a decision in this case, finding from the evidence that the applicants, Jeff and Cornelius Tyeskey were slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and did not return thereto until after January 19, 1867; that all the other applicants have been born since 1866 and are the descendants and claim right to enrollment through one Eli Tyeskey who was the slave of a Cherokee citizen at the commencement of the rebellion; left the Cherokee Nation during said rebellion and did not return until January 19, 1867; that none of the names of these applicants are on the 1860 authenticated roll of the Cherokee

Nation, by reason of which findings and facts the Commission is of the opinion that these applicants should be denied, under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 495).

I have examined the testimony submitted in behalf of the applicants in this case, and am unable to see wherein they make out their claim. The decision of the Commission is fully supported by the facts developed at the hearing so far as I am able to determine, and I therefore recommend that it be affirmed by the Department.

Very respectfully,

A. C. Tonner

Acting Commissioner.

W.C.B. (B).

D.C.11274-1904.

DEPARTMENT OF THE INTERIOR

WASHINGTON.

WCF
FHE
IRS

April 5, 1904.

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

Gentlemen:

On July 11, 1903, you transmitted the record in the matter of the applications for enrollment as Cherokee freedmen of Jeff Tyeskey, Wah-hah-chia, Jeff Jr., Della, Eli, Willie and Cornelius Tyeskey, including your decision of July 1, 1903, rejecting the applicants.

Reporting February 5, 1904, the Acting Commissioner of Indian Affairs ~~initax~~ recommended that your decision be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation and your decision is accordingly affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
R-140

Muskogee, Indian Territory, April 16, 1904.

Jeff Tyeskey,

Alluwe, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, your application for the enrollment of yourself and your grandchildren, Wahhahohia, Jeff Jr., Della, Eli and Willie Tyeskey, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 5, 1904.

Respectfully,

Commissioner in Charge.

71179

COMMISSIONER
TAMM BIXBY
THOMAS H NEEDLES
C R BRECKINRIDGE
WM O BEALL
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFERRED IN REPLY TO THE FOLLOWING
Cherokee Freedmen
K. 140 R-141.

Muskogee, Indian Territory, April 18, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Jeff, Wahhahchia, Jeff Jr., Della, Eli, Willie and Cornelius Tyeskey, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 5, 1904.

Respectfully,

Commissioner in Charge.

NUMBER OF THE APPLICATION

Jeff Tyerney et al
FOR ENROLLMENT AS

CHEROKEE FREEDMEN

- A Original testimony June 25, 04
- B Memo of application June 25, 04
- X Birth cert of Willie Tyerney
- L Birth cert of Della Tyerney
- E Birth cert of Jeff Tyerney
- Birth cert of Eli Tyerney

RECORDED

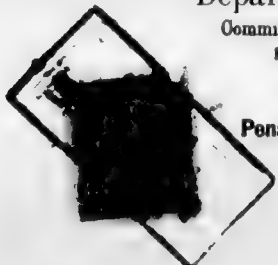
ACTION APPROVED BY THE SECRETARY OF THE INTERIOR

APR 5 1904

Copy of testimony filed with Cherokee Nation

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Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

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Alluwe, ~~Indian Territory.~~

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we he started in a good deal ahead of us.
He went there in '46? A I think it was the spring of '46 or
later than '47.

LEWIS WRIGHT, being duly sworn, and examined by Commissioner
Needles, testified as follows:

- Q What is your name? A Lewis Wright.
Q What is your age? A 62 years old.
Q Sometimes called Whitmire? A Yes, sir.
Q What is your postoffice? A Hayden.
Q You a citizen of the Cherokee Nation, a free man? A Yes, sir.
Q Do you know the applicant, Jeff Tyeskey? A Yes, sir, I know him.
Q How long have you known him? A I have knowed him ever since I
can recollect.
Q Was he a slave? A Yes, he was a slave.
Q Who did he belong to? A He belonged to Mr. Jack Bell.
Q Do you know whether he was taken out of the Cherokee Nation
during the Civil War? A I recollect when he was taken out, but I
don't know how long it has been.
Q Don't know whether he was before the war or since? A It was
before the war.
Q When did you first see him after the war? A The first time I
saw him after the war was the winter of '68 at the National Council
at Tahlequah, there is the first I saw him after the war.
Q You don't know when he returned to the Cherokee Nation?
A No, I don't know, he came back to Sequoyah he told me, I don't
know that.
Q He swears he didn't come back till '74? A (No response.)
Mr. Hastings: You saw him in the country in '68? A Yes, sir.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application of Jeff Tyeskey for the enrollment of himself and five grandchildren as Cherokee Freedmen.

Jeff Tyeskey, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Jeff Tyeskey.

Q How old are you? A About 85.

Q What is your postoffice? A Alluwe.

Q What district do you live in? A I live on Lightning Creek.

Q Is that in Cooweescoowee district? A Yes, sir.

Q You want to be enrolled as a Cherokee Freedman? A Oh yes sir.

Q Well, who do you want to enroll besides yourself? A Well I have a son here.

Q How old is your son? A I don't know.

Q He is over 21 isn't he? A Well I guess about that, something along there.

Q Is your name on the roll of 1880? A No, sir.

Q Well, is your name on any of the rolls of the Cherokee Nation?

A On Wallace.

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.

Q Have you got any witnesses? A Well, Mr. Bell is one of my witnesses, and his sister, she isn't here.

The Wallace roll examined and the applicant identified thereon, page 166, No. 98, Delaware district.

A I had one son, he died, but he left, I think, about five children.

Q You want to enroll those children? A Yes, sir.

Mr. W. W. Hastings, Cherokee attorney: Did you draw strip money?

A No, sir, never drew a cent in my life.

Commissioner: What is your oldest child's name? A Wah-hah-chia Tyeskey.

Q (Commissioner reading from affidavits handed him) He is 20; the next is Jeff, Jr., 17; the next one is Della, she is 12 years old; the next one is Eli, 10 years old, Willie, 9 years old. What is the name of the father of these children? A Eli Tyeskey.

Q Is Eli your son? A Yes, sir.

Q Is he living? A He is dead.

Q What was their mother's name? A Their mother was named Mandy Tyeskey.

Q Is she living? A She is dead.

Q Where were these children born? A In the Cherokee Nation.

Q A 1 of them? A Them four.

Q Where are they now? A Some at home, and the biggest ones big enough to work, it is knocking about.

Q They are all living in the Cherokee Nation, are they? A Yes, sir.

Q Were you a slave? A Well, I lived with Mr. Bell's daddy.

Q Were you a slave? A Yes, sir, I was a slave, he owned us.

Q Who did you belong to? A I belonged to his sister.

Q What was her name? A Her name was Nancy Bell.

Q Was Nannie Bell a Cherokee citizen? A Yes, sir.

Q Were you taken out of the Cherokee Nation during the war? A I went before the war.

Q Where did you go to? A I went to Texas, my owner had a place around there.

Q Who took you to Texas? A He took me there.

Q Who? A His father.

Q Whose father? A Mr. Bell's.

Q Did Nannie take you down there. you say you belonged to Nannie?

A No, she was a little girl, he was guardian for her.
Q Who was guardian for her? A Mr. Bell.
Q What Mr. Bell? A Jack Bell.
Q Well, how long d d you stay in Texas? A I can't tell you.
Q When did you come back from Texas? A I got shot in Texas in '66, I know I didn't come here then; well I came back in about '74.
Q You been living here ever since '74? A Yes, sir.
Mr. Hastings: Where was this son that is the father of these children born, Eli? A He was born in the south.
Q In Texas? A Yes, sir.
Q Before or after the war? A Before the war.
Q Where was he married? A He was married there.
Q In Texas? A Yes, sir.
Q Did he come up with you? A Yes, we all came together.
Q Where did you come to? A Sequoyah.
Q Did Eli bring his wife from Texas with him and with you? A Yes, they all came in an ox wagon together.
Q All came together? A All came together.
Q Did they have some children born in Texas, Eli and this wife before they left? A None but one, he was a baby.
Q What was its name? A Martin.
Q Martin Tyeskey? A Yes, sir, they called them Bell at first.
Q Well, then this grandson that is going to apply came with you, did he? A Yes, sir.

Note on Wallace roll opposite enrollment given supra, says: "The evidence shows that the three first named were slaves who were removed to Texas before the war but no evidence when they returned. Require evidence when they returned and that they have maintained a continuous residence in Cherokee Nation ever since return." A pencil note says; "Did not return till about 1880." The enrollment given appears on "Questioned List."
Q Have you lived here ever since you came back the first time after the war? A Yes, sir.

The Wallace roll examined, and the applicant, Wah-hah-chia Tyeskey identified thereon, page 166, No. 990, Delaware district, as Wa-hah-chi Tyeskey.

Commissioner: Do you want Mr. Bell sworn? A Yes, sir.

Q Got any witnesses besides him? A Lewis Wright.

L. B. Bell, being duly sworn and examined by Commissioner Neely, testified as follows:

Q What is your name? A L. B. Bell.
Q What is your age? A 62.
Q Your postoffice Vinita? A Yes, sir.
Q You know Jeff Tyeskey, the applicant? A Yes, sir.
Q Just tell the Commission all you know about his being a slave and when he went away and when he returned? A He was a slave and belonged to my stepmother, my father's second wife. He was carried to Texas in about 1846, and after my mother died he belonged to my half sister, she is Mrs. Harlin now, lives over in Delaware district. She married there a man named Gibson and moved away from us, and lived in Smith county during the war. I lived in Ross County. I left there in '67, and I saw nothing more of Jeff from along in '65 or '6 until about '75, I met him down here in Sequoyah district; that is the first time I saw him.

Q You know anything about his oldest child? A Well he had several children, he had one named Ned, Eli, and Cornelius, three boys of them.

Q His oldest was a Cherokee citizen? A Oh yes, I reckon you would say he belonged to my father, he was a Cherokee citizen.
Q Was he born in the Cherokee Nation? A This man, I guess he

was, he started in a good deal ahead of me.

Q He went there in '46? A I think it was the spring of '46; not later than '47.

LEWIS WRIGHT, being duly sworn, and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lewis Wright.

Q What is your age? A 62 years old.

Q Sometimes called Whitmire? A Yes, sir.

Q What is your postoffice? A Hayden.

Q You a citizen of the Cherokee Nation, a freedman? A Yes, sir.

Q Do you know the applicant, Jeff Tyeskey? A Yes, sir, I know him.

Q How long have you known him? A I have knowed him ever since I can recollect.

Q Was he a slave? A Yes, he was a slave.

Q Who did he belong to? A He belonged to Mr. Jack Bell.

Q Do you know whether he was taken out of the Cherokee Nation during the Civil War? A I recollect when he was taken out, but I don't know how long it has been.

Q Don't know whether he was before the war or since? A It was before the war.

Q When did you first see him after the war? A The first time I saw him after the war was the winter of '68 at the National Council at Tahlequah, there is the first I saw him after the war.

Q You don't know when he returned to the Cherokee Nation?

A No, I don't know, he came back to Sequoyah he told me, I don't know that.

Q He swears he didn't come back till '74? A (No response.)

Mr. Hastings: You saw him in the country in '68? A Yes, sir, there is the first place I saw him.

Q At Tahlequah? A Yes, sir, his sister lived there and I saw him.

Q What is his sister's name? A Tildy Sanders.

Commissioner: Jeff Tyeskey applies for the enrollment of himself, and five grandchildren enumerated in the testimony. He cannot be identified upon any of the rolls of the Cherokee Nation except the Wallace roll, and his name is identified upon the Wallace roll on the questioned list. His oldest grandson is also identified upon the Wallace roll. Applicant avers that he was a slave. The testimony shows that he was taken away or went out of the Cherokee Nation before the commencement of the Civil War. He himself avers that he returned in '74. No testimony is offered going to prove his return within the time prescribed by the provision of '66, consequently; the applicant of Jeff Tyeskey for the enrollment of himself and five grandchildren will be rejected. It will be necessary for him to make satisfactory proof as to the birth of the four younger children, their names not appearing upon the roll.

Amos 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.

Witness my hand and subscribed before me this 24th of July, 1901.

Notary Public.

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

In the matter of the application of Jeff Tyeskey et al.
for enrollment as Cherokee Freedmen, consolidating the applications
of

Jeff Tyeskey et al.-----Cherokee Freedmen R 140,
Cornelius Tyeskey-----Cherokee Freedmen R 141.

DE C I S I O N

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Jeff Tyeskey, for himself and minor grandchildren, Wah-hah-ehia, Jeff, Jr., Della, Eli and Willie Tyeskey; and by Cornelius Tyeskey, for himself.

The evidence shows that the applicants, Jeff Tyeskey and Cornelius Tyeskey, were slaves of Cherokee citizens at the commencement of the rebellion; that, during said rebellion, they left the Cherokee Nation and did not return thereto until after January 19, 1867.

The evidence further shows that all the other applicants herein have been born since 1866 and are descendants of and claim right to enrollment through one Eli Tyeskey; that the said Eli Tyeskey 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 until after January 19, 1867.

Neither the name of the said Eli Tyeskey nor the names of any 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 Jeff Tyeskey, Wah-hah-ehia Tyeskey,

Jeff Tyeskey, Jr., Della Tyeskey, Eli Tyeskey, Willie Tyeskey and Cornelius Tyeskey, 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.

W. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

this

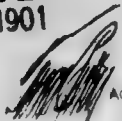
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 28 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 28, 1919*
Post Office *Altoona, Ga.*
District *No.*

1. Name *Cornelius Tyneskey* Age *46*
Owner's name _____ Citizenship _____
Year *Wallace* Page *166* No. *99* District *1st*

Parents:

Father *Jeff Tyneskey - living* Citizenship _____
Mother _____ Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Rejected

Application made by *W.C.*

Stenographer *R. E. Jones*

X Ref RR 140

Cherokee Freedmen
R-141.

Muskogee, Indian Territory, July 11, 1903.

Cornelius Tyeskey,

Alluwee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee Freedman, together with the Commission's decision, dated July 1, 1903, rejecting, among others, your said application.

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

Respectfully,

Commissioner in Charge.

Re. 1ster.

Enc. H-51.

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Cherokee Freedmen
R-140 & R-141.

Muskogee, Indian Territory, July 11, 1903.

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

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Jeff Tyeskey, et al., rejecting the application for the enrollment of Jeff, Wah-hah-chia, Jeff, Jr., Della, Eli, Willie and Cornelius Tyeskey, 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,

T. D. Needles.

Commissioner in Charge.

Enc. H-52.

Cherokee Freedmen
R-140 & R-141.

Muskogee, Indian Territory, July 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the consolidated case of Jeff Tyeskey, et al., including the Commission's decision, dated July 1, 1903, rejecting the application for the enrollment of Jeff, Wah-hah-chia, Jeff, Jr., Della, Eli, Willie and Cornelius Tyeskey, as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-53.

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11-11-1904.

W. I. ...

April 1, 1904.

Dear Sir, ...

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Cherokee Freedman
R-141

Muskogee, Indian Territory, April 16, 1904.

Cornelius Tyeskey,
Alluwe, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 5, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R. 140 R-141.

Muskogee, Indian Territory, April 16, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Jeff, Wabwahchia, Jeff Jr., Della, Eli, Willie and Cornelius Tyeskey, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 5, 1904.

Respectfully,

Commissioner in Charge.

THE MATTER OF THE APPLICATION

Genevieve Tyehey
FOR ENROLLMENT AS

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- Original testimony June 28/01
- Memo of application June 28/01
- Testimony, 6/28/01 from case of Jeff Tyehey, et al.

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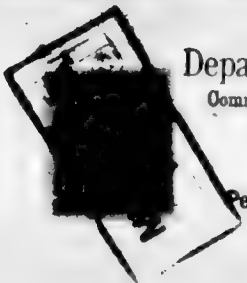
ACTION APR 5 1901

Copy of testimony filed with Cherokee Nation

See Cherokee Trustees Jakes

No D. 140

*Returned to me
Uncalled for*



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

~~Cornelius Tuskay,~~

~~Alluwe, Indian Territory.~~



AUG 1 1903

Cher. Fr. R-142

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RELE CTD, as to Joe Grinnett.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 28, 1901.

In the matter of the application of Ellis Grinnett for the enrollment of his child, William, and grand-child, Joe Grinnett; being sworn and examined by Commissioner Needles, and examined by the Commission, he testified as follows:

- Q What is your name? A Ellis Grinnett.
- Q How old are you? A About 49 years old as well as I can guess at it, I don't know my age.
- Q What is your post-office address? A Welch.
- Q You live in Cooweescoowee District? A In Delaware.
- Q Now who do you want to apply for? A Willie Grinnett, Harry Grinnett and Joe Grinnett; then is his two children.
- Q Willie Grinnett 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 At 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 census.
- Q The Kerns-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, Freed woman? 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 couldn't tell, I don't know whether she was or not.
- Q Did she ever live down there? A No sir.
- Q Were you ever married to her? A Yes sir. Choctaw.
- Q Has William ever been recognized as a citizen? 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.
- Q What is the name of the next child? A Joe.
- Q Joe or Joseph? A Joe.
- Q How old is Joe? A Joe 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.
- 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 You 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

Ellis Grinnett for child Wm and grandchild Joe 2

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 at all? A No sir.

Q She was a state woman? A Yes sir.

Q Is there anybody here that knows he was married to Hattie Adair?

A Not that I know of; she is here on the ground.

HATTIE ADAIR, being sworn by Con'F 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.

Commission: It appears from the testimony taken in the matter of the application of Hattie Adair for the enrollment of her two children, that application was made on the 7th day of June for the enrollment of one Harry Adair; it appears that the Harry Adair applies for at that time is the same Harry Adair for whom application is now being made, consequently, application being made at this time for the enrollment of said Harry Grinnett will be withdrawn.

Applicant, ELLIS GRINNETT, re-called and further examined;

BY THE COMMISSION:

Q You know of your own knowledge that William Grinnett 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 1880 roll? 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 Grinnett, Cooweescoowee Dist, "no app. or nationality."

1896 census roll of citizens of the Cherokee Nation examined and applicant not found;

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and Wm Grinnett identified on

page 105 #2630 William Grinnett, Cooweescoowee District.

page 105 #2632 Joe Grinnett, Cooweescoowee District.

Commission: Ellis Grinnett applies for the enrollment of his son, William Grinnett, and his 2 grand-children, Harry and Joe Grinnett; it appeared, however, during the course of the examination, that application had already been made for the enrollment of his grand-son, Harry Grinnett, consequently the application made at the present time was withdrawn; said William Grinnett is identified upon the authenticated roll of 1880 and the Kern-Clifton roll of 1896; he is absent 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 Grinnett, states that his son William Grinnett was never married to this child's mother, consequently the enrollment of the child is refused; this child however is identified upon


Ellis Grinnett for child Wm and grandchild Joe S

the Kern-Clifton roll as a Cherokee Freedman.

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 stenograph notes thereof.

M.D. Green

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



Commissioner.

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 JOE GRIMMETT as a Cherokee Freedman

Appearances:

W. W. Hastings, and L. B. Bell, for Cherokee Nation.

ELLIS GRIMMETT, being first duly sworn, and being examined, testified as follows:

- BY COMMISSION: State your name? A Ellis Grimm^et.
- Q What is your age? A About fifty.
- Q What is your post office address? A Welch.
- Q Do you know Joe Grimm^et, who is an applicant for enrollment as a Cherokee freedman? A Yes sir.
- Q Who is the mother of Joe Grimm^et? A Her name is Willie Brown.
- Q Who is the father? A Bill Grimm^et, supposed to be.
- Q How long have you known Joe Grimm^et? A About 17 or 18 years.
- Q How old is he? A I think he is about 18 years, I wouldn't be positive.
- Q How long has his mother, Willie Brown, lived in the Cherokee Nation? A She has never lived here.
- Q Where does she live? A Oswego.
- Q Has she always lived in Oswego? A Yes sir.
- Q Joe has always lived with his mother? A Yes sir.
- Q Always lived in Kansas? A Yes sir.
- Q Never lived here? A No sir.
- Q Do you know of your own knowledge whether Bill Grimm^et is the father of Joe Grimm^et? A No sir, that I couldn't say, no more than she claims it was his.
- Q Where does Bill Grimm^et live? A He is in Leavenworth.
- Q In prison? A Yes sir.
- Q How long has he been there? A Been there about eight years, I think.
- Q Before he was sent to prison the last time, where did he live? A Lived up here close to Welch.
- Q In the Cherokee Nation? A Yes sir.
- Q How long had he lived there then? A Right there, I think he lived there three or four months, then he went away and got into this trouble? Went up on Lightning Creek, and then went away.
- Q Where? A Into Kansas.
- Q How long had he lived in the Cherokee Nation before he was sent to prison the last time? A About eighteen years or more.
- Q He lived in the Cherokee Nation eighteen years continuously? A Yes sir.
- Q Then he was sent to the prison at Fort Leavenworth? A Yes sir.
- Q He has been there ever since? A Yes sir. I said eighteen years, might have been longer than that. He grew up right there.
- MR. HASTINGS: He was convicted in the Kansas courts, wasn't he? A Yes sir.
- Q For some crime committed up in Kansas? A Yes sir.
- Q Do you know how long he had been up there before he had been convicted? A He might have been up there probably a couple of months. He went right from the darkey court that was out here, if you remember, the first time it sat at Lightning Creek?
- Q You mean the Kern-Clifton Court? A Yes sir. Well, he went off then, and it wasn't but a little time until he got into trouble.

Supl. Cher. Fr. R-142. -- 2.

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 15th day of October, 1903.

Charles H. Sawyer
Notary Public.

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

In the matter of the application for the enrollment of
Joe Grimmett as a Cherokee Freedman.

-: D E C I S I O N :-

The record in this case shows that on June 28, 1901, Ellis Grimmett appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of Joe Grimmett, among others, as a Cherokee Freedman. The other parties to the application being differently classified are not embraced in this decision. Further proceedings in the matter of said application were had at Vinita, Indian Territory, September 22, 1903.

The evidence shows that the applicant, Joe Grimmett, was about eight years old at the date of this application and that he is the illegitimate child of Willie Brown (female); that neither the said Willie Brown nor any of her ancestors were the slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the rebellion. No claim is made that she has any rights as a Cherokee Freedman.

It is alleged that the putative father of the applicant is William Grimmett, a Cherokee Freedman, and who is identified on the 1860 authenticated Cherokee roll. The evidence shows, however, that neither the applicant nor his mother, Willie Brown, have ever resided in the Cherokee Nation, but that the applicant was born in the State of Kansas and that he and his mother have resided in said State continuously since his birth. Being an illegitimate child it is considered that his residence follows that of his mother and not that of his father.

The ninth paragraph of Section 21 of the Act of Congress, approved June 24, 1898 (30 Stats., 495), provides that,

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

It is, therefore, the opinion of this Commission that the application for the enrollment of Joe Grinnett as a Cherokee Freedman should be denied, under the provisions of Section 21 of the Act of Congress, approved June 28, 1896 (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNER)

CHAIRMAN.

SIGNER)

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,
this MAR 5 1900

B.

JR 142

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901



A handwritten signature in ink, appearing to be "J. R. [unclear]", is written over the "FILED" stamp.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *July 28, 1901*
Post Office *W. Va., S. D.*
District *X000.*

1. Name Age
Owner's name Citizenship
Year Page No. District

Parents:
Father Citizenship
Mother Citizenship

2. Name of wife Age
Owner's name Citizenship
Year Page No. District

Parents:
Father Citizenship
Mother Citizenship

Names of Children:

- | | | | | | | |
|-----|-------|------|------|-----|-------|--|
| 3. | ..... | Year | Page | No. | Dist. | |
| 4. | ..... | Year | Page | No. | Dist. | |
| 5. | ..... | Year | Page | No. | Dist. | |
| 6. | ..... | Year | Page | No. | Dist. | |
| 7. | ..... | Year | Page | No. | Dist. | |
| 8. | ..... | Year | Page | No. | Dist. | |
| 9. | ..... | Year | Page | No. | Dist. | |
| 10. | ..... | Year | Page | No. | Dist. | |
| 11. | ..... | Year | Page | No. | Dist. | |
| 12. | ..... | Year | Page | No. | Dist. | |

HC 105 No. 2637 Dist. X000 S

Application made by *Edna Williams* Stenographer *M. R. [unclear]*

1000

Cherokee Freedmen
B-142.

Muskogee, Indian Territory, September 10, 1903.

Ellis Grinnett,
Welch, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of your grandson, Joe Grinnett, you are hereby advised that further testimony is required as to his residence and that of his mother, Willie Brown.

You are further advised that the Commission will be at Vinita, Indian Territory, on Tuesday, September 22, 1903, for the purpose of hearing additional testimony in Cherokee Freedmen doubtful cases, and you are directed to appear before the Commission on that date and introduce testimony covering the point above mentioned.

Respectfully,

Chairman.

msy

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

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

ALLISON L. AYLESWORTH,
SECRETARY



Muskogee, Indian Territory, October 16, 1903.

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

Dear Sir:

There are herewith inclosed 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 142, Joe Grinnett,
- D 949, Leslie Bell,
- D 492, Donie Hill,
- D 446, Celia Thompson, et al.,
- D 317, Charles Martin, et al.,
- D 563, Charles Hughes, et al.,
- D 107, Ellis Rogers.

Respectfully,



Encl. V-16.

Commissioner in Charge.

mdg

IMMEDIATE
JAMES HENRY
THOMAS D. NEEDLES
C. R. BRAGG INBRISE
W. T. STANLEY

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

KEEP IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 142

A. LISON I. AY. BAWORTH,
SECRETARY

Muskogee, Indian Territory, March 24, 1904.

Joe Grimmett,
Welch, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of supplemental proceedings had in the matter of your application for enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated March 5, 1904, rejecting said application. You have heretofore been furnished with a copy of the record of proceedings had in the original application.

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

Respectfully,



Commissioner in Charge.

Encl. V-85
Registered.

m 29

COMMISSIONERS
TAMM HENRY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. F. STANLEY

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

REFERRED TO THE FOLLOWING

**Cherokee Freedmen
R 142**

ALLISON L. AYLESWORTH,
SECRETARY

Muskogee, Indian Territory, March 24, 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, rejecting the application of Joe Grinnett for enrollment 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,



Commissioner in Charge.

Encl. V-86

COPY.

Cherokee Freedman
148

Muskegee, Indian Territory, March 24, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith inclosed the record of proceedings had in the matter of the application of Joe Grimmett for enrollment as a Cherokee freedman, including the Commission's decision dated March 5, 1904, rejecting said application.

Respectfully,

I. B. ...

Encl. V-57

Through the

Commissioner of Indian Affairs.

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

D.C. 19426-1904.

Washington, May 31, 1904.

Land.

20540-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, dated March 5th, 1904 transmitting for your consideration, the application of Ellis Grimmett, for the enrollment of his child, William Grimmett, and grandchild, Joe Grimmett as Cherokee Freedman.

March 5, 1904, the Commission rejected the application.

On June 26, 1901, Ellis Grimmett appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of Joe Grimmett, among others, as a Cherokee Freedman. The other parties to the application being differently classified are not embraced in the decision.

Further proceedings in the matter of said application were had at Vinita, Indian Territory, September 22nd, 1903.

The evidence shows that Joe Grimmett for whom application is made, is the illegitimate child of Willie Brown (female) and that he was about eighteen years old at the time said application was made; that neither said Willie Brown nor her ancestors are descended of Cherokee citizens, or free colored persons.

residing in the Nation at the commencement of the rebellion, and it is not shown that she has any rights as a Cherokee freedman.

It is further shown by the evidence, that the putative father of Joe Grimmett, for whom application is made, is William Grimmett, a Cherokee freedman, and who is identified on the 1880 authenticated Cherokee Roll.

It is further shown by the evidence, that neither the said Joe Grimmett, nor his said mother, Willie Brown, have ever resided in the Cherokee Nation; but that the said Joe Grimmett, was born in the State of Kansas, and that he and his mother, the said Willie Brown, have resided in the State of Kansas continuously since his birth.

The Commission finds from the evidence that the said Joe Grimmett is an illegitimate child, and that his residence follows that of his mother and not that of his father, and cite the ninth paragraph of Section twenty-one, of the act of Congress approved June 20th, 1898 (30 Stats., 495) which provides that:

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

And for this, among other reasons, rejected said applicant.

This office does not consider the question of citizenship, the principal one in the case, although the right of claimant to enrollment, both by descent and citizenship may be considered.

In the application of Nancy Ray for enrollment of her four children, citizens by blood of the Cherokee Nation, decided by the Department, in departmental communication I.T. Div. 3039--5143 dated November 29, 1902, addressed to the Commission and signed by Thomas Ryan, Acting Secretary, holds that: "when once the fact of descent is established from one borne on the roll of 1880, whether legitimate or not, and whether recognized by tribal law and usage or not, the descendants establishing this fact are entitled to enrollment."

And that the duty of the Commission is imperative to inscribe such persons upon the roll, unless they have abandoned or forfeited such right, or have adjured their citizenship.

It appears that the putative father of the applicant is in the penitentiary of Kansas; that his name appears upon the 1880 roll; and as to whether these facts in themselves constitute adjuration or forfeiture of citizenship this office does not deem it necessary at this time to decide; since the evidence does not sufficiently establish the fact that the William Grismett, now in the penitentiary, and whose name appears upon said roll, is the father of the applicant, and it is therefore recommended that the said application be remanded to the Commission with instruction

that it procure more and better evidence, if possible, to establish this point.

Very respectfully,

A.C.TONNER,

Acting Commissioner.

J. T. H.

W.

W.C.F.
J.C.

DEPARTMENT OF THE INTERIOR,

THE
Washington, June 9, 1904.

D.C.19426-1904.

I.T.D. 4430-1904.

L.R.S.

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

Gentlemen:

On March 24, 1904, you transmitted the record in the matter of the application for the enrollment, among others, of Joe Grimmett as a Cherokee freedman, including your decision of March 5, 1904, rejecting said application. You state that the other parties to the application are differently classified; they are not therefore embraced in this decision.

It appears that the applicant Joe Grimmett was eighteen years old at the date of the application herein. He is the illegitimate son of Willie Brown, and claims the right to enrollment through his alleged father, William Grimmett, whose name is on the 1880 Cherokee roll, and who is now confined in the penitentiary of Kansas. It also appears that Joe Grimmett has always lived with his mother, who is a non-citizen, in the state of Kansas.

Reporting May 31, 1904, the Acting Commissioner of Indian Affairs refers to departmental decision of November 22, 1902, in the case of Nancy Ray, wherein it was held--

"When descent is established from one borne on the rolls of 1880, the right to be enrolled is perfect, and the duty of your Commission is imperative to inscribe such persons upon the rolls, unless he has abandoned or forfeited such rights or abjured his citizenship",

and recommends that the case be remanded to you, with instructions

to procure more definite information as to the father of Joe Grimmatt.

The Department does not concur in this recommendation. Even if it should be definitely shown that William Grimmatt is the father of the applicant, the fact remains that the applicant has always lived with his mother in the state of Kansas, and being an illegitimate child takes the domicile of the mother, and is therefore not entitled to enrollment. Your decision rejecting the applicant is approved.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) E. A. Hitchcock,

Secretary.

1 inclosure.

7209

COMMISSIONER
JAMES DIXON
THOMAS B. NEEDLE
R. BRACKENRIDGE
WYLLIALL
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
R 142

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 21, 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 application for the enrollment of Joe Grinnett as a Cherokee freedmen, was affirmed by the Secretary of the Interior on June 9, 1904.

Respectfully,



Chairman.

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

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

Cherokee Freedmen
R 142

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

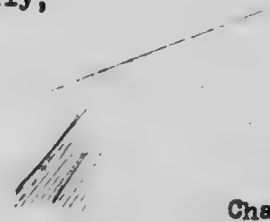
Muskogee, Indian Territory, June 21, 1904.

Joe Grimmett,
Welch, Indian territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 5, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 9, 1904.

Respectfully,



Chairman.

THE MATTER OF THE APPLIANT

Joe Y. Murrett

FOR ENROLLMENT AS

CHEROKEE INDIAN

- A Original testimony June 28, 1904
- B Memo of application June 28, 1904

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN - 9 1904

*Copy of testimony filed
with Cherokee Nation.*

See to her name Friedman fact

no 1126

un Called for.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

MUSKOGEE, IND. TER.
JUN 21
6 - P



E. F. A. 142

Shenandoah

~~The General~~

~~Welch~~

~~Indian Territory~~

Unclaimed

Reg $\frac{30}{30}$

Department of the Interior

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Joe Grinnett,

Welch, Indian Territory.

RETURN
TO
WRITER

was Called For.

SEP 21

Department of the Interior.

SEE IN

Cher. Fr. R-143

Cher. Fr. R-143

9

JR143

CC

FILED
JUL 16 1951

10
11

RECORDED:

Department of the Interior,
Commission to the Five Civilized Tribes,
Newata, I. T., June 28, 1901.

In the matter of the application of Squire Warren Owens for the enrollment of himself as a Cherokee Freedman; being sworn ~~and~~ by Commissioner Needles, and examined by the Commission, he testified as follows: (Applicant applies by intermarriage.)

- Q What is your name? A Squire Warren Owens.
Q How old are you? A About 44.
Q What is your post-office address? A Ruby.
Q What district do you live in? A Coowescoowee.
Q Do you apply for yourself as a Cherokee Freedman by intermarriage? A Yes sir.
Q You are not a Cherokee Freedman of your own right? A No sir.
Q What is the name of your wife? A Lizzie Ross before I married her.
Q Your wife is a Cherokee Freedman? A Yes sir.
Q Her name appears upon the authenticated roll of 1866? A Yes sir.
Q When were you married to her? A In '36.
Q Have you any evidence of your marriage? A Yes sir. (Produces papers.)

Commission: The applicant presents a Cherokee marriage license authorizing the marriage of E.W.Owens, a citizen of the United States, and Miss Sarah Ross, a citizen of the Cherokee Nation; license was issued by William V. Carey, Clerk of Coowescoowee District, Cherokee Nation; he also presents a marriage certificate, showing that said marriage was consummated on the 3rd day of October, 1836, by William Adams, the license was recorded by William Carey, Clerk of Coowescoowee District.

- Q Who was this William Adams who performed the marriage ceremony between you and your wife? A He is a Delaware.
Q Was he a minister of the Gospel? A Yes sir.

Commission: The license and certificate are in full accordance with

- Q Were you ever married before you married your present wife, Lizzie Ross? A Not in the Cherokee Nation.
Q Were you ever married outside of the Cherokee Nation? A Yes sir.
Q What was the name of your first wife? A Corby, I don't know exactly what she did go by.
Q When were you married to her, about when? A '77.
Q How long did you live with her? A Three years.
Q Did you live with her until her death? A No sir, she went away from me.
Q Were you ever divorced from her? A He went away from me.
Q You never procured a divorce from her? A No sir.
Q Was she ever divorced from you? A No sir.
Q You say she left you? A Yes sir.
Q She was a state woman was she? A Yes sir.
Q And you never procured a divorce from her or she from you?
A No sir.
Q Where were you married to her, where were you living at that time? A Appleton City, Missouri.
Q Had she ever been married before? A No sir.
Q Her present wife, Lizzie Ross, is a recognized citizen of the Cherokee Nation is she? A Yes sir.
Q What was the name of your present wife's father? A Frank Ross.
Q What was her mother's name? A Susie.

1866 authenticated roll of citizens of the Cherokee Nation now on file and applicant's wife identified on

Squire Warren Owens 2

page 153 #2492 Lizzie Ross, Coow-sacoowee Dist, adopted roll'd

Note: Applicant not found on any of the ~~above~~ rolls. Con'n.

Q Have you lived with your wife Lizzie continuously since you married her in '36? A Yes sir.

Q You are living with her at the present time are you? A Yes sir.

Q Was your first wife dead when you married your second wife, or do you know anything about that? A I don't know anything about that; I don't know whether she was dead or not.

Commission: Squire W. Owens applies for the enrollment of himself as a Cherokee Freedman by intermarriage; he is not identified upon any of the rolls of the Cherokee Nation in the possession of the Commission; he produces satisfactory proof as to his marriage to his wife, Lizzie Ross, in accordance with the laws and customs of the Cherokee Nation in the year 1886, he swears that he has lived with her continuously since that time; it appears from the testimony that he was previously married to a woman by the name of Cindy, about the year '77; he states that he lived with her about three years; they then separated, and neither ever procured a divorce, consequently, the application which Squire W. Owens makes for the enrollment of himself as a citizen by intermarriage of the Cherokee Nation, is refused, for the reason that he was never divorced from his former wife, Cindy Owens, prior to his marriage to his present wife, Lizzie Ross, who was a recognized ~~Cherokee~~ Freedman of the Cherokee Nation.

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

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



COMMISSIONER.

Cooweescoowee Dist.
Cherokee Nation, I. T.

To all whom it may concern:

JS

Know ye.

That I, Wm. V. Carey Clerk of the aforesaid Dist. by virtue of the authority in me vested by Law do this day issue a License of Marriage to one E. W. Owens a citizen of the United States to marry Miss Sarah Ross a citizen of the Cherokee Nation: he the said E. W. Owens having complied with the Law Regulating Intermarriage between citizens of the United States and citizens of the Cherokee Nation, now, Therefore,

To any of the judges and clerks of the Cherokee Nation, or any Regularly Ordained Minister of the Gospel of any Evangelical Denomination--Greeting.

You are hereby authorized and empowered to solemnize the rites of Matrimony between the said E. W. Owens and Miss Sarah Ross and Return this License for record in this office within thirty days from the solemnization of such such marriage, together with a certificate attached on the back of this License as provided by Law.

Given from under my hand and official seal this 2nd day of October A. D. 1886.

Wm. V. Carey Clerk.
Cooweescoowee Dist. C. N.

(SEAL)

This is to Certify that the Ceremony of Marriage between the within named parties--(Mr. E. W. Owen and Sarah Ross) was duly Performed by me on the third day of October, 1886.

William Adams.

Recorded as provided by Law--Law-

Wm. V. Carey Clk.
C. D. C. N.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original on file with this Commission.

C. R. Beckwith

Commissioner.

on the third day of October 1884.
Assisted by me.
The within named parties -
Ceremony of Marriage between
John to Betty that the

Recorded as provided
by said law.
J. C. C. C.

EX-107

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE PUBLIC LANDS
FILED
JUN 28 1884

[Signature]

NOTARY PUBLIC

do

Laqueus cordis sist.

Cherokee Nation &c. To all whom it may concern.
Know Ye.

That J. Wm. V. Cowen clerk of the aforesaid dist.
~~by virtue of the authority in me vested by Law as this day~~
issue a License of Marriage to one E. W. Owens a citizen
of the United States to marry Miss Sarah Ross a citizen
of the Cherokee Nation. In the said E. W. Owens having com-
plied with the Law regulating Intermarriage between
citizens of the United States and citizens of the Cherokee
Nation Now Therefore,

To any of the judges and clerks
of the Cherokee Nation or any Regularly ordained Minister
of the Gospel of any Evangelical Denomination. Writing
You are hereby authorized and empowered to solemnize
the rites of Matrimony between the said E. W. Owens and Miss
Sarah Ross and return this License for record in this
office within thirty days from the solemnization of such
such marriage, together with a certificate attached
on the back of this License as provided by Law.

Given Grace under my hand and official seal
this 2nd day of October A. D. 1886.

J. Wm. V. Cowen Clerk
Lawrence Co. Dist. C. N.

20

70143

ACTING CHIEF



DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FT L R HD
JUN 28 1891

Recorded as provided
by said laws -
Wm L. Hall
Acting Chief

This is to Certify that the
Ceremony of Marriage between
the within named parties -
(Mr E. N. Owen and Sarah Ross)
was duly Performed by me
on the third day of October 1886,
William Adams

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

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58,
Elta Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—109,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Elta Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Middleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—188,
John Kimbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—205,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Campbell,	Cherokee Freedmen D—279,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—293,
Alexander Chaggett,	Cherokee Freedmen D—308,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—323,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maudie Manley,	Cherokee Freedmen D—353,

George Reed, Sr.,
Buck Ledman,
Bell Thompson,
Lewis Scott,
Abe Scott,
Kender Lampton,
Thomas E. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Rose,
Jane Martin,
Lena Peterson,
Alex Johnson,
Martha Vann,
John Scott,
Naney Ross,
Charles C. Smith,
Susie Colbert,
William Skaggs,
Susie Johnson,
Alfred P. Hopkins,
Kixie Vann,
Freddie Looney,
Lacy Chouteau,
Alice Durant,
Mahaley Ward,
Fred D. Thomas,
Bettie Beck,
Ellis Warren,
Millie Robinson,
Mary Webber,
Frances Martin,
Mary Riley,
Emanuel Taylor,
Henry Sykes,
Larkin P. Powell,
Stepney Daws,
Malinda Vann,
Frances Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lane,
Jane Brown,

Cherokee Freedmen D—382,
Cherokee Freedmen D—406,
Cherokee Freedmen D—411,
Cherokee Freedmen D—420,
Cherokee Freedmen D—421,
Cherokee Freedmen D—423,
Cherokee Freedmen D—424,
Cherokee Freedmen D—426,
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Cherokee Freedmen D—874,
Cherokee Freedmen D—691,
Cherokee Freedmen D—692,
Cherokee Freedmen D—696,
Cherokee Freedmen D—699,
Cherokee Freedmen D—733,
Cherokee Freedmen D—735,
Cherokee Freedmen D—736,
Cherokee Freedmen D—741,
Cherokee Freedmen D—742,
Cherokee Freedmen D—743,
Cherokee Freedmen D—752,
Cherokee Freedmen D—758,
Cherokee Freedmen D—760,

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K. 1402

Samuel L. Young,
John Backner,
Willie Cox,
Leonard Bowles,
Malinda Murrell,
Charles Claggett,
Samuel Irvon,
Mary Ross,
Maggie Nave,
Neoma Nave,
Ella Ross,
Elizabeth Duncan,
Sadie Adams,
Georgeann Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazelrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Masir,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Isom Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—761,
Cherokee Freedmen D—780,
Cherokee Freedmen B—781,
Cherokee Freedmen D—787,
Cherokee Freedmen D—788,
Cherokee Freedmen D—789,
Cherokee Freedmen D—798,
Cherokee Freedmen D—799,
Cherokee Freedmen D—808,
Cherokee Freedmen D—816,
Cherokee Freedmen D—840,
Cherokee Freedmen D—871,
Cherokee Freedmen D—880,
Cherokee Freedmen D—901,
Cherokee Freedmen D—912,
Cherokee Freedmen D—923,
Cherokee Freedmen D—938,
Cherokee Freedmen D—973,
Cherokee Freedmen D—987,
Cherokee Freedmen D—990,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1062,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1105,
Cherokee Freedmen R— 39,
Cherokee Freedmen R— 45,
Cherokee Freedmen R— 48,
Cherokee Freedmen R— 56,
Cherokee Freedmen R— 73,
Cherokee Freedmen R— 82,
Cherokee Freedmen R— 83,
Cherokee Freedmen R— 86,
Cherokee Freedmen R— 94,
Cherokee Freedmen R— 96,
Cherokee Freedmen R— 99,
Cherokee Freedmen R—100,
Cherokee Freedmen R—102,
Cherokee Freedmen R—104,
Cherokee Freedmen R—105,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107,

Benjamin Clark,
 Emily Looney,
 John Groves,
 Matilda McNair,
 Bettie Vann,
 Nelson Lett,
 Fannie Rogers,
 William Washington,
 Squire Warren Owens,
 Fannie Goldsby,
 Susan Daniels,
 Anderson Turk,
 David Lane,
 Felix McClain,
 Henderson Jones,
 Belle Vann,
 Levi Stroud,
 John Sumpter,
 Mariah Thompson,
 Ellen Sheppard,
 Lula Melton,

Cherokee Freedmen R—108,
 Cherokee Freedmen R—110,
 Cherokee Freedmen R—112,
 Cherokee Freedmen R—117,
 Cherokee Freedmen R—122,
 Cherokee Freedmen R—125,
 Cherokee Freedmen R—129,
 Cherokee Freedmen R—131,
 Cherokee Freedmen R—143,
 Cherokee Freedmen R—144,
 Cherokee Freedmen R—146,
 Cherokee Freedmen R—148,
 Cherokee Freedmen R—155,
 Cherokee Freedmen R—165,
 Cherokee Freedmen R—173,
 Cherokee Freedmen R—181,
 Cherokee Freedmen R—196,
 Cherokee Freedmen R—311,
 Cherokee Freedmen R—330,
 Cherokee Freedmen R—337,
 Cherokee Freedmen R—347.

DECISION.

It appears from the record herein that applications for enrollment as *Cherokees* citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Reuben Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Cassie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William S. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband; Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

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himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irlen for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldaby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Lboney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepaney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, 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, JANUARY 19, 1905.

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JR143

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED NATIONS

FILED
JUN 28 1901

[Handwritten signature]

CHEROKEE FREEDMEN.

Date ... 1864
Post Office ...
District ...

1. Name ... Age 14
Owner's name ... Citizenship ...
Year ... Page ... No. ... District ...

Parents:
Father ... Citizenship ...
Mother ... Citizenship ...

2. Name of wife ... Age ...
Owner's name ... Citizenship ...
Year ... Page ... No. ... District ...

Parents:
Father ... Citizenship ...
Mother ... Citizenship ...

Names of Children:

- 3. Year ... Page ... No. ... Dist.
4. Year ... Page ... No. ... Dist.
5. Year ... Page ... No. ... Dist.
6. Year ... Page ... No. ... Dist.
7. Year ... Page ... No. ... Dist.
8. Year ... Page ... No. ... Dist.
9. Year ... Page ... No. ... Dist.
10. Year ... Page ... No. ... Dist.
11. Year ... Page ... No. ... Dist.
12. Year ... Page ... No. ... Dist.

Application made by ... Stenographer ...

COPY.

Cherokee Freedmen

R-143.

Muskogee, Indian Territory, January 24, 1905.

Squire Warren Owens,

Ruby, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

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,

(SIGN)

Tamc Dixby

Chairman.

Incl. S-98.

Register.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 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 January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Marham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Love, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Eurlin, Nellie Fields, John Klabe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Albarty, Dave Morris, Alexander Claggett, Ananda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Mahley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John I. Bewlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Essie Gilbert, William Skaggs, Essie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Lerney, Lucy

Chuteau, Aline Strant, Fehaley Ward, Fred J. Thomas, Bettie Ryak, Elma Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Wiley, Emanuel Taylor, Henry Sykes, Larkia P. Powell, Stagnow Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Kane, Jane Brown, Samuel L. Young, John Buckner, Willa Cox, Leonard Bowles, Malinda Marshall, Charles Claggett, Samuel Irwin, Mary Ross, Maggie Ware, Emma Nave, Ella Ross, Elizabeth Dineen, Sadie Mims, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lela Sanders, George Hambrick, Lillian West, Sadie French, Mary Johnson, Maggie Vann, William Watson, Sarah Rogers, Thomas Ballard, Laura David, John Hambrick, James B. Ferry, Isaac Welch, Lawson Logan, George Hambl, Betty Meier, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Alair, Robert Brown, Allie Chambers, Isaac Jones, Alben Cooper, Katie Alair, Carrie Martin, Margaret Clark, Betty Lacey, John Graves, Matilda Hambl, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Jones, Jennie Goldsby, Susan Smith, Anderson Park, David Lane, Fannie McCall, Henderson Jones, Malie Vann, Levi Stevud, John Suptar, Nathan Thompson, Elmer Sheppard and Lela Martin, as citizens citizens of intermarriage.

The decision, together with the record of proceedings had at the court, has this day been transmitted to the Secretary of the Auditor for his review and opinion. The action of the

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

Respectfully,

(SIGNED). *Tame Dixby.*
Chairman.

Incl. K-9.

COPY.

Cherokee Freedman
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Helton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Hildeten, Mary Earlin, Nellie Fields, John Kimbo, William S. Maddox, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Ananda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Busk Lathan, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rase, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Rase, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizale Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Hyles, Martha P. Powell, Stepnay Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Barker, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Otaggett, Samuel Irvan, Mary Ross, Maggie Nave, Fanna Hart, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Otaggett, Hattie Smith, Jack Jackson, Lula Sanders, George Kasabrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Aline Gumbert, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Coffey, Daniel Daniels, Anderson Turk, David Lane, Felix Hoffman, Henderson Jones, Belle Vann, Levi Stroud, John Slaughter, Mariah Thompson, Ellen Sheppard and Lala Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

SIGNED

Tame Dixby.

Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Lead.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by inter-marriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard P. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Beck Ledman, Bell Thompson, Lewis Scott, Ma Scott, Kander Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Essie Colbert, William Skuggs, Essie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Leckey, Lucy Chuteau, Alice Darnat,

Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Marrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Klizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deekman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Nasir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Neltog.

January 19, 1908, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the

Cherokee Nation or by any United States tribunal and that none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 2042-1004) in the Lemuel Williams case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

M. J. M.
W.

D.C. 20877-1905
I.T.D. 2904-1905

(COPY)

W.C.P.
F HE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L R S

April 17, 1905

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William S. Ma den, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggott, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Claude Vanley, George Reed, Sr., Buck Ledman, Bell Thompson, Louis Scott, Abe Scott, Wender Lupton, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Jess, Charles C. Smith, Susie Colbert,

William Skaggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann,
Freddie Leoney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary W. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Luckner, Willis Cox, Leonard
Coles, Malinda Murrell, Charles Claggett, Samuel Irvon, Mary
Koss, Annie Eave, Leona Eave, Ella Ross, Elizabeth Duncan,
Mattie Adams, Georgeann Archer, John Claggett, Mattie Smith
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Loria Branch, Mary Johnson, Marale Mann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Beckman,
James H. Perry, Isaac Welch Lawson Logan, George Howell,
Henry Gasir, George Adams, Annie Thomas, Lewis McConnell,
Mattie Vann, Le Peters, Ida Aair, Robert Brown, Allie Chambers
Iona Jones, Alice Center, Mattie Adair, Carrie Martin, Benjamin
Clark, Emil Rooney, John Groves, Matilda McHair, Bettie Vann,
Nelson Tate, Fannie Rogers, William Washington, Squire Warren
Cann, Tom H. Goldsby, Susan Ant 14, Anderson Turp, David Lane,
Sally Wilson, Henderson Jones, Belle Vann, Levi Stroud, John
Snyder, Marian Thompson, Allen Shepard and Lula Helton.

Reporting in the matter March 21, 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,

(Signed) Thomas Ryan
Acting Secretary.

1 inclosure

COPY.

Cherokee Freedmen

R-143.

Muskogee, Indian Territory, April 23, 1906.

Squire Warren Owens,

Ruby, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED: *James Dixby.*
Chairman.

COPY.

Cherokee Freedmen

No. 14, et al

Muskogee, Indian Territory, April, 22, 1905

Holl, Hastings & Devanport,
Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated January 12, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(S) *James Dixby*
Chairman

COPY

Cherokee Freedmen

D-14, et al.

Wahleget, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by inter-marriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tame Pixby*
Chairman.

Cher. Fr. R-144

Cher. Fr. R-144

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 28, 1901.

In the matter of the application of Fannie Goldsby for the enrollment of herself as a Cherokee Freedman by intermarriage.

Fannie Goldsby, being duly sworn and examined by the Commission, testified as follows:

- Q What is your name? A Fannie Goldsby.
Q How old are you? A 25.
Q What is your post office address? A Gatoosa.
Q What district are you living in? A Cooweescoowee.
Q Who do you desire to enroll? A Myself.
Q Do you now desire to make application for enrollment for yourself as a Cherokee Freedman by intermarriage? A Yes, sir.
Q You are not a Cherokee Freedman of your own right? A No, sir.
Q What is the name of your usband? A Luther Goldsby.
Q The one through whom you claim citizenship? A Yes, sir.
Q Is he a Cherokee Freedman? A Yes, sir.
Q Is his name on the roll of 1880? A Yes, sir.
Q When were you married to him? A Married in 1897.

The Commission: Attention is called to the Cherokee marriage license that is filed in the case of Nina Goldsby et al., said license issued by Joe M. Lahay, Clerk of Cooweescoowee district, Cherokee Nation, on the 15th day of January, 1897, and authorizes the marriage of Luther Goldsby, a citizen of the Cherokee Nation, to Miss Fannie Gordon, a citizen of the United States. The applicant does not produce any certificate showing that she was ever married in accordance with said license.

- Q Now were you ever married before you married Luther Goldsby?
A I was.
Q What was the name of your first husband? A Will Martin.
Q Was he a Cherokee Freedman? A No, he was a state citizen, we lived in the state then.
Q When were you married to him? A I married in 1890.
Q How long did you live with him? A I lived with him two years and six months I think.
Q Up until the time of his death? A Yes, sir.
Q Were you ever married to any other man? A Married to Luther Goldsby.
Q Only those two? A That is all.
Q Are you and Luther Goldsby living together at the present time?
A No, sir.
Q How long did you live together? A We married in 1897 and parted in 1898, and we went back together and lived together about three months, I guess, and parted again.

The 1880 authenticated roll of Cherokee Freedmen examined and Luther Goldsby identified thereon, page 512, No. 312, Illinois district, as Luther Beck.

The 1896 census roll of Cherokee Freedmen examined and Luther Goldsby identified thereon, page 951, No. 286, Illinois district.

Alicant not on any roll.

The Commission: Fannie Goldsby applied for the enrollment of herself, as a Cherokee Freedman by intermarriage. She is not identified upon any of the tribal rolls of the Cherokee Nation in the possession of the Commission. She produces a Cherokee marriage license issued the 15th of January, 1897, authorizing her marriage to one Luther Goldsby. The said Luther Goldsby is identified upon the authenticated roll of 1880 and the census roll of 1896, as a Cherokee Freedman.

Her marriage in 1897 was too late for her to acquire property rights in the Cherokee Nation under the provisions contained in the Cherokee law of December 16, 1895, regulating the marriage of white men and women and foreigners to Cherokee citizens, consequently the application which she makes for enrollment as a citizen by intermarriage is rejected.

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



Commissioner.

MARRIAGE LICENSE.

Cherokee Nation, Cooweescoowee District.

To any person legally authorized, greeting:

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

(SEAL)

Given under my hand and seal of office, this the 15th day of January 1897.

Joe M. Lahay,
Clerk Cooweescoowee District.
By R. Lee Comer, Dept Clk.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 11, 1903.

I, the undersigned, a member of the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original on file with this Commission.

C. R. Brantley
Commissioner.

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

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D— 14,
Henry Thomas,	Cherokee Freedmen D— 58,
Ella Vann,	Cherokee Freedmen D— 70,
Mary Markham,	Cherokee Freedmen D—100,
Frances Melton,	Cherokee Freedmen D—110,
John Dotson,	Cherokee Freedmen D—111,
Mary Jane Vann,	Cherokee Freedmen D—115,
Thomas Lowe,	Cherokee Freedmen D—119,
Ella Mayfield,	Cherokee Freedmen D—124,
Sallie Rider,	Cherokee Freedmen D—147,
Reuben Campbell,	Cherokee Freedmen D—167,
Van Jackson Luther,	Cherokee Freedmen D—174,
Cassie Middleton,	Cherokee Freedmen D—178,
Mary Harlin,	Cherokee Freedmen D—179,
Nellie Fields,	Cherokee Freedmen D—188,
John Kimbo,	Cherokee Freedmen D—198,
William S. Madden,	Cherokee Freedmen D—199,
Jane Bean,	Cherokee Freedmen D—206,
Albert T. Thomas,	Cherokee Freedmen D—249,
Mary Chubbell,	Cherokee Freedmen D—270,
Caroline Daniels,	Cherokee Freedmen D—282,
Melvina Alberty,	Cherokee Freedmen D—287,
Dave Morris,	Cherokee Freedmen D—288,
Alexander Claggett,	Cherokee Freedmen D—308,
Amanda Martin,	Cherokee Freedmen D—304,
Eliza Martin,	Cherokee Freedmen D—317,
John E. Barnes,	Cherokee Freedmen D—318,
Bell Davis,	Cherokee Freedmen D—355,
Samuel Brown,	Cherokee Freedmen D—345,
Howard F. Watson,	Cherokee Freedmen D—347,
Jack McConnell,	Cherokee Freedmen D—349,
Maudie Manley,	Cherokee Freedmen D—356,

George Reed, Sr.,
 Buck Ledman,
 Bell Thompson,
 Lewis Scott,
 Abe Scott,
 Kender Lantton,
 Thomas E. Allen,
 Lewis Vanderford,
 John L. Bowlin,
 Katie Davis,
 Charles Williams,
 John J. Rose,
 Jane Martin,
 Lena Peterson,
 Alex Johnson,
 Martha Vann,
 John Scott,
 Nancy Ross,
 Charles C. Smith,
 Susie Colbert,
 William Skaggs,
 Susie Johnson,
 Alfred P. Hopkins,
 Kizzie Vann,
 Freddie Looney,
 Lucy Chouteau,
 Alice Durant,
 Mahaley Ward,
 Fred D. Thomas,
 Bettie Beck,
 Ellis Warren,
 Millie Robinson,
 Mary Webber,
 Frances Martin,
 Mary Riley,
 Emanuel Taylor,
 Henry Sykes,
 Larkin P. Powell,
 Stepney Daws,
 Malinda Vann,
 Frances Johnson,
 Annie Foster,
 Mary H. Rogers,
 George Washington Lane,
 Jane Brown.

Cherokee Freedmen D-382,
 Cherokee Freedmen D-406,
 Cherokee Freedmen D-411,
 Cherokee Freedmen D-420,
 Cherokee Freedmen D-421,
 Cherokee Freedmen D-422,
 Cherokee Freedmen D-424,
 Cherokee Freedmen D-426,
 Cherokee Freedmen D-444,
 Cherokee Freedmen D-455,
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 Cherokee Freedmen D-733,
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 Cherokee Freedmen D-736,
 Cherokee Freedmen D-741,
 Cherokee Freedmen D-742,
 Cherokee Freedmen D-743,
 Cherokee Freedmen D-752,
 Cherokee Freedmen D-758,
 Cherokee Freedmen D-760.

C. R. 141

Samuel L. Young,
John Backner,
Willis Cox,
Leonard Bowles,
Malinda Murrell,
Charles Claggett,
Samuel Irvon,
Mary Ross,
Maggie Nave,
Neoma Nave,
Ella Ross,
Elizabeth Duncan,
Sadie Adams,
Georgeann Archer,
John Claggett,
Hattie Smith,
Jack Jackson,
Lula Sanders,
George Hazelrig,
Lizzie West,
Maria French,
Mary Johnson,
Maggie Vann,
William Hudson,
Sarah Rogers,
Abraham Ballard,
Laura David,
John Deckman,
James B. Perry,
Isaac Welch,
Lawson Logan,
George Howell,
Henry Masir,
George Adams,
Annie Thomas,
Lewis McConnell,
Callie Vann,
Lou Peters,
Ida Adair,
Robert Brown,
Allie Chambers,
Isom Jones,
Alice Gunter,
Katie Adair,
Carrie Martin,

Cherokee Freedmen D—761,
Cherokee Freedmen D—780,
Cherokee Freedmen D—781,
Cherokee Freedmen D—787,
Cherokee Freedmen D—788,
Cherokee Freedmen D—789,
Cherokee Freedmen D—798,
Cherokee Freedmen D—799,
Cherokee Freedmen D—808,
Cherokee Freedmen D—816,
Cherokee Freedmen D—840,
Cherokee Freedmen D—871,
Cherokee Freedmen D—880,
Cherokee Freedmen D—901,
Cherokee Freedmen D—912,
Cherokee Freedmen D—923,
Cherokee Freedmen D—938,
Cherokee Freedmen D—973,
Cherokee Freedmen D—987,
Cherokee Freedmen D—990,
Cherokee Freedmen D—1010,
Cherokee Freedmen D—1039,
Cherokee Freedmen D—1062,
Cherokee Freedmen D—1067,
Cherokee Freedmen D—1078,
Cherokee Freedmen D—1082,
Cherokee Freedmen D—1085,
Cherokee Freedmen D—1105,
Cherokee Freedmen R— 39,
Cherokee Freedmen R— 45,
Cherokee Freedmen R— 48,
Cherokee Freedmen R— 56,
Cherokee Freedmen R— 72,
Cherokee Freedmen R— 82,
Cherokee Freedmen R— 83,
Cherokee Freedmen R— 86,
Cherokee Freedmen R— 94,
Cherokee Freedmen R— 96,
Cherokee Freedmen R— 99,
Cherokee Freedmen R—100,
Cherokee Freedmen R—102,
Cherokee Freedmen R—104,
Cherokee Freedmen R—105,
Cherokee Freedmen R—106,
Cherokee Freedmen R—107.

Benjamin Clark,
 Emily Looney,
 John Groves,
 Magda McNair,
 Bettie Vann,
 Nelson Lett,
 Fannie Rogers,
 William Washington,
 Squire Warren Owens,
 Fannie Goldsby,
 Susan Daniels,
 Anderson Turk,
 David Lane,
 Felix McClain,
 Henderson Jones,
 Belle Vann,
 Levi Stroud,
 John Sumpter,
 Mariah Thompson,
 Ellen Sheppard,
 Lula Melton,

Cherokee Freedmen R—108,
 Cherokee Freedmen R—110,
 Cherokee Freedmen R—112,
 Cherokee Freedmen R—117,
 Cherokee Freedmen R—122,
 Cherokee Freedmen R—125,
 Cherokee Freedmen R—129,
 Cherokee Freedmen R—131,
 Cherokee Freedmen R—143,
 Cherokee Freedmen R—144,
 Cherokee Freedmen R—146,
 Cherokee Freedmen R—148,
 Cherokee Freedmen R—166,
 Cherokee Freedmen R—165,
 Cherokee Freedmen R—173,
 Cherokee Freedmen R—181,
 Cherokee Freedmen R—196,
 Cherokee Freedmen R—311,
 Cherokee Freedmen R—330,
 Cherokee Freedmen R—337,
 Cherokee Freedmen R—347.

C. F. R. 1 List

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Rider for his wife, Sallie Rider; by Bourbon Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Cassie Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nellie Fields; by John Kimbo for himself; by William S. Madden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Payton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barnes for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard F. Watson; by Jack McConnell for himself; by Maude Manley for herself; by George Reed, Sr., for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Keader Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Chouteau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by John Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Stepney Dawn for himself; by Ellie Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irvan for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armstead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Callie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Josie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, chiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1860 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 331).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteah, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webster, Frances Martin, Mary Biley, Emanuel Taylor, Henry Sykes, Larkia P. Powell, Stepmey Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duacan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelfig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompeon, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, 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, JANUARY 19, 1905.

(B)

JR 144

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 28 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 28, 1901
Post Office Xaloboka, Ok
District 000

1. Name Bennie Bolden Age 25
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

Rejected

- | | | | | |
|-----|------|------|-----|-------|
| 3. | Year | Page | No. | Dist. |
| 4. | Year | Page | No. | Dist. |
| 5. | Year | Page | No. | Dist. |
| 6. | Year | Page | No. | Dist. |
| 7. | Year | Page | No. | Dist. |
| 8. | Year | Page | No. | Dist. |
| 9. | Year | Page | No. | Dist. |
| 10. | Year | Page | No. | Dist. |
| 11. | Year | Page | No. | Dist. |
| 12. | Year | Page | No. | Dist. |

Application made by M. H. H. Stenographer B. E. Jones

2 nix

COPY

Charles Fredman

2-144.

Muskogee, Indian Territory, January 24, 1905.

Fannie Goldsby,
1215 South Maple Street,
Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

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

Respectfully,

(SIGNED) *James Dickey*

Chairman.

Incl. 2-92.

Register.

COPY.

Cherokee Freedmen
J. W. et al.

Muskogee, Indian Territory, January 24, 1905.

Bill, Hartman & Liverpool,

Attorneys for the Cherokee Nation,

Muskogee, Indian Territory.

Gentlemen:

There is herewith enclosed a copy of the decision of
the Commission to the Five Civilized Tribes, dated January 19, 1905,
regarding the application for the enrollment of, William Davis,
Nancy Thomas, Ella Kern, Mary Martha, Frances Helton, John Johnson,
Mary Jane Vann, Thomas Love, Ella Hayfield, Sallie Rider, Huber
Campbell, Tom Jackson Rother, Cassie Middleton, Mary Turkin, Nellie
Hicks, John Hicks, William S. Sadler, Jane Bean, Albert T. Thomas,
Mary Campbell, Caroline Daniels, Melvina Alberty, Jane Kervin,
Annemore Campbell, Jennie Martin, Ella Martin, John E. Dutton,
Bill Davis, Samuel Brent, Edward J. Waison, Jack McCannell, Maude
Carter, George Reed, Sr., Buck Lathan, Nell Thompson, Lewis Scott,
Geo Scott, Nancy Lupton, Thomas E. Allen, Lewis Vanierford, John
T. Ruppel, Ella Davis, Charles Williams, John J. Rose, Jane
Martin, Lou Ferguson, Mar Johnson, Martha Kern, John Scott, Nancy
Rose, Charles G. Scott, Wade Gilbert, William Rogers, Jessie
Johnson, Arthur P. Hopkins, Kinzie Vann, Freddie Leckey, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Wiley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stephen Dunn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hamalrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura Javid, John Deelman, James B. Perry, Isaac Welch, Lawson Logan, George Howall, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sawyer, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage.

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

THE UNIVERSITY OF CHICAGO LIBRARY
540 EAST 57TH STREET
CHICAGO, ILL. 60637

SIGNED: *Tamie Bixby.*

1964

COPY.

Charles Johnson
1884 24 25.

Muskogee, Indian Territory, January 24, 1884.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Jackson, John Linton, Mary Jane Vann, Thomas Lewis, Ella Dayfield, George Miller, Robert Campbell, Van Jackson Luther, Cassie McQueen, Mary Miller, Willie Fields, John Kline, William S. Nelson, Sam Cook, Albert F. Thomas, Mary Campbell, Carolina Jackson, William Miller, Sam Morris, Alexander Claggett, Susan Martin, John Martin, John S. Barnes, Bell Davis, Sarah Brown, Howard D. Nelson, Sam Johnson, John Haskley, George Bush, Dr., Sam Logan, Bill Thompson, Lella Scott, Abe Scott, Kester Langton, Thomas R. Child, Tom Vanderford, John L. Swain, Katie Davis, Charles Williams, John J. Ross, John Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Burr, Charles C. Smith, Willie Miller, William Miller, John Johnson, Alfred P. Perkins, Elsie Vann, Jennie Lewis, Lucy Chouteau, Alice Grant, Mahaley Ford, Sam J. Thomas, Rebecca Cook, Ella Farran, Willie Robinson, Mary Weber,

Frances Martin, Mary Riley, Samuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Jann, Malinda Vann, Frances Johnson, Annie Master, Mary F. Rogers, George Washington Laffo, Jess Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murray, Charles Sheppard, Samuel Iryon, Mary Ross, Maggie Bare, Emma Ross, Ella Ross, Elizabeth Duncan, Edie Adams, Georgetown Archer, John Sheppard, Mattie Smith, Jack Jackson, Lula Sanders, George Manning, Elsie West, Farris French, Mary Johnson, Maggie Vann, William Adams, Frank Rogers, Abraham Fairhard, Laura David, John Jackson, Samuel D. Berry, Isaac Welch, Lawson Logan, George Howell, Mary Mair, George Adams, Annie Thomas, Lewis McConnell, Willie Ford, Sam Peters, Ma Mair, Robert Brown, Elsie Chambers, Isaac Adams, Mair Supter, Katie Mair, Carrie Martin, Benjamin Clark, Emily Young, Sam Groves, Matilda McHair, Bettie Vann, Wilson Jeff, Fannie Rogers, William Washington, Squire Warren Owen, Fannie Williams, Susan Jansin, Anderson Turk, David Lane, Felix McClain, Buchanan Jones, Belle Vann, Levi Stroud, John Supter, Harriet Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

SIGNED: *Louis Bixby.*
S. I. M.

Encl. 1-3.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

Refer in reply
to the following:

OFFICE OF INDIAN AFFAIRS,

Land.
7908-1908.

WASHINGTON, March 20, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Ballie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John N. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Hanley, George Reed, Sr., Ruck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lupton, Thomas B. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck,

Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willie Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Ella Ross, Elizabeth Duncan, Sallie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Mariah French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Gallie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1905, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none

is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Samuel Welcome case, 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.

(C O P Y)

D. C. 20877-1905
I. T. D. 2904-1905

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

W.C.F.
F.H.E.
L.R.S.

April 17, 1905.

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

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred E. Hopkins, Kizzie Vann,
Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren Willie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irvén, Mary
Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers,
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turck, David Lane
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

Reporting in the matter March 21, 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,

(Signed) THOS. RYAN
Acting Secretary

1 inclosure.

COPY

Cherokee Freedmen

7-14, et al

Muskogee, Indian Territory, April, 26, 1905

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

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

CHERO:

James Bixby
Chairman

COPY

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1908.

Commissioner in Charge,

Cherokee Land Office,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

ASIGNED: *Tamm Dixey*

COPY.

Cherokee Freedmen

R-144.

Muskogee, Indian Territory, April 28, 1905.

Fannie Goldsby,

1215 South Maple Street,

Geffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

Signed

Fannie Goldsby

Chairman

THE MATTER OF THE APPLICATION OF

Fannie G. Oldby

FOR ENROLLMENT AS

CHEROKEE IN

A. Original testimony June 28, 1901.

B. Memo. of application June 25, 1901.

Copy of testimony filed
with Cherokee Nation

See to Cherokee Indian matter packet

Nov. 8, 1901

Cher. Fr. R-145

Cher. Fr. R-145

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FOREST INDIAN TRIBES.

FILED

JUL 29 1901

INDIAN

ENROLLED, as to child, Mary Bell:

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS,
WASHINGTON, D. C.,

In the matter of the enrollment of Edward Towers for the enrollment of himself and two children, as Cherokee Freedmen; said Towers being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Edward Towers.
Q How old are you? A About 40.
Q What is your post office address? A Winger.
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 16.
Q The next child? A Mary Bell.
Q How old is she? A She is 12.
Q Is your name on the roll of 1860? A Yes, sir.
Q Is it on any of the rolls of the Cherokee Nation?
A On the Walker 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. V. W. HASTINGS, Cherokee Representative:
Q Did you apply to the Kern-Clifton Commission five years ago?
A My father 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 father belonged to Elias 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 some-
where, I was 14 set 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 came 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, Edward, you don't remember your former owner do you?
A No, sir, I don't.
Q Well, when 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 why you came back to the Nation with?
A Wilson Towers.

Richard Towers, et al.--2.

- Q But you don't know when that was? A No, 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 40 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. H. Needles, testified as follows:

- Q What is your name? A Sam Webber.
Q How old are you? A About 58.
Q Post office howat? A Yes, sir.
Q Are you a recognized Freed an 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 Towers 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, sir.
Q Do you know when he returned to the Cherokee Nation?
A Yes, sir.
Q When? A He came down in the fall of '66, Towers brought him along.
Q How do you know that? A He came 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 in the Cherokee Nation to your knowledge 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 forget 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 the war? 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 the 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 family 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.
Q You are sure they came back in '66? A I know it because they came with me.

Richard Foster s, et al.--2-

Q Did you know Jim McLaughlin? A I don't know him.
Q Well, he was mixed up some way or another with this Richard
Fosters at one time? A I don't know.
Q You never know 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 COM'R HINDLES:

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 applicant taken by Stenographer Bruce C.
Jensen.

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

J. C. Rosson

Subscribed and sworn to before me this 17th day of July, 1901.

[Signature]

Commissioner

Richard Towers et al.

June 29, 1881. Continued from testimony taken by stenographer
J. C. Rossen.

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
some.
- 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 What? A They came back when Sam Webber moved back.
- Q When was that? A It was along in the Fall of '66.
- Q Richard and his mother both? A No, his mother didn't come,
she was dead, she died in Kansas, old man 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 that
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 with 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 how 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 fam-
ily, near Fort Scott, in May, 1867? A No, sir.

Richard Towers - 2.

Q Are you positive he wasn't there with his family? A He came back here when old man Sam Warner came, and this young man.
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 '47? 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 Winner.
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 Tower's sister.
Q Do you yearn? 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 '68.
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 '68 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 is your age? 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 you all I know, I can't tell you his age.
Q Was he something like six grown? A No, sir.
Mr. Hastings: 18 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 got 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 This boy wasn't big enough to plow when he came back?
A No, sir.

Richard Towers - 5.

- Q Pretty hard to get news of your home to blow at any age, isn't it?
A Well I don't know, it was 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 married 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 Freedmen examined and the applicants not identified thereon.
The 1895 census roll of Cherokee Freedmen 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. 3229, Coconawocooe district.
Q Did you draw for these two children? A I draw for Edward.
Edward Towers on page 142, No. 3227, Coconawocooe 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 Have 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 Naigs, recalled, testified:
Commissioner: Do you know Richard Tower's 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.

Richard Towers - 4.

Commissioner: Richard Towers applies for the enrollment of himself, his wife and child. He avers that he is married to the said child Mabel. He avers that he is the father of his child Edward. He avers that he 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 Willie 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, Wilson 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 N.A. ask that the testimony taken in the matter of the application of Willis Towers, an 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.

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.

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

Bruce C. Jones
[Signature]

Commissioner.

6777-5

Cherokee Freedmen R-145.

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

In the matter of the application for the enrollment of Mary B. Towers as a Cherokee Freedman.

DECISION.

It appears from the record herein that Richard Towers appeared before the Commission at Nowata, Indian Territory, on June 29, 1901, and made application for the enrollment, among others, of Mary B. Towers. The other parties to this application being differently classified are not embraced in this decision. A copy of the testimony taken in the case of Wilson Towers, et al., Cherokee Freedmen D-466, is filed herewith and made a part of the record in this case.


The evidence in this case shows that the applicant, Mary B. Towers, is the daughter of one Richard Towers, who was the slave of a Cherokee citizen at the commencement of the rebellion, and who left said Nation during the rebellion and returned thereto with his uncle, Wilson Towers. The Commission has found in the case of Wilson Towers, et al., Cherokee Freedmen D-466, that the said Wilson Towers did not return to the Cherokee Nation 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 Whitire, trustee, et al., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; therefore, the said Richard Towers, the father of the applicant herein, did not return to the Cherokee Nation and establish a residence therein within the time specified in said decree of said Court of Claims. It further appears that the said Mary B. Towers has been born since 1866 and possesses no rights to enrollment that are not possessed by her said father.

It does not appear that the applicant, Mary B. Towers, or her father, Richard Towers, is identified on the 1880 authenticated Cherokee Roll.


It is, therefore, the opinion of this Commission that the application for the enrollment of Mary B. Towers 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.


COMMISSIONER TO THE FIVE CIVILIZED TRIBES,



Chairman.



Commissioner.



Commissioner.

Commissioner.

and no, in fact, written,
to be _____

98.117

Cherokee Freedmen D-145.

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

In the matter of the application for the enrollment of
James Mackey as a Cherokee Freedman.

DECISION.

The record herein shows that on April 22, 1861, James Mackey appeared before the Commission at Fort Gibson, 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 Muskogee, Indian Territory, June 12, 1864.

The evidence herein shows that the applicant, James Mackey, was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that he left the Cherokee Nation during said war, but returned thereto and established a residence therein within the time specified in the decree of the Court of Claims rendered February 3, 1866, in the case of Moses Whitacre, trustee, etc., vs. the Cherokee Nation, et al., for the return of freedmen to the Cherokee Nation, and has since continuously resided within the domain of the Five Civilized Tribes.

It is, therefore, the opinion of this Commission that James Mackey should be enrolled as a Cherokee Freedman in accordance with the provisions of section twenty-one of the Act of Congress approved June 20, 1866, (20 Stat., 466) and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED: James Bixby
COMMISSIONER.

SIGNED: T. B. Needles
COMMISSIONER.

SIGNED: C. F. Brockinridge
COMMISSIONER.

Muskogee, Indian Territory

this JAN 10 1905

FR 145

MOTION

For Review of Decision of
Commission denying the
application for enroll-
ment 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:

MRY B. Towers.

145-

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 26, 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 _____

DEPARTMENT OF THE INTERIOR

ONE EIGHT FIFTY EIGHT

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE UN-CIVILIZED TRIBES.

FILED IN
JUN 29 1901

ASST. COMMISSIONER

[Faint, mostly illegible text and markings on the right side of the page, possibly bleed-through or a second page of a document.]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 29, 1904*
Post Office *Winnemac*
District

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Rejected

Names of Children:

3. *Mary C. Towers* Year _____ Page _____ No. _____ Dist. _____ *12*
4. Year _____ Page _____ No. _____ Dist. _____
5. Year _____ Page _____ No. _____ Dist. _____
6. Year _____ Page _____ No. _____ Dist. _____
7. Year _____ Page _____ No. _____ Dist. _____
8. Year _____ Page _____ No. _____ Dist. _____
9. Year _____ Page _____ No. _____ Dist. _____
10. Year _____ Page _____ No. _____ Dist. _____

Rejected

11. Year _____ Page _____ No. _____ Dist. _____
12. Application made by *Richard Towers* Photographer *W. B. Jones*

2 Ref

Washington, D. C., April 20, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Mary B. Towere as a Cherokee freedman, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

Through the
Commissioner of Indian Affairs.

Chairman.

MDY

COMMISSIONERS
TANS 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
R-145.

ADDRESS IN THE
MISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 30, 1904.

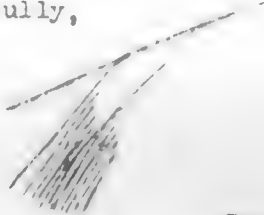
W. W. Hastings,
Attorney for Cherokee Nation,
Tahlequah, Indian Territory.

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 Mary B. Towers 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,



Enc. D-53.

Chairman.

Washington, Indian Territory, April 30, 1904.

Mary B. Taylor,

Wagon, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for enrollment as a Cherokee Freedman, together with a copy of the Commission's decision dated April 30, 1904, rejecting said application.

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

Respectfully,

Register

May 2-04

Chairman

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, June 17, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated April 30, 1904, transmitting the record of the application of Mary B. Towers for enrollment as a Cherokee freedman.

April 20, 1904, the Commission found that the applicant was not entitled to enrollment as a Cherokee freedman.

The evidence shows that the applicant is the daughter of one Richard Towers who was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that she left the Nation during the war and did not return and establish a residence therein on or before February 11, 1867.

It does not appear that the applicant's name is identified upon the 1869 authenticated Cherokee roll.

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

Very respectfully,

A. C. Jensen,

Acting Commissioner.

W.C.F
J.P.
FHE

D. C. 21701-1904.

I.T.D. 5036-1904.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, June 24, 1904.

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

Gentlemen:

April 30, 1904, you transmitted the record in the matter of the application for the enrollment of Mary B. Towers as a Cherokee freedman, including your decision of April 20, 1904, rejecting said application.

Reporting June 17, 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.

Cherokee Freedmen
R 145

Muskogee, Indian Territory, June 30, 1904.

Richard Towers,
Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of your minor daughter, Mary B. Towers, as a Cherokee freedman, was affirmed by the secretary of the Interior on June 24, 1904.

Respectfully,

Commissioner in Charge.

msg

IMMEDIATE
TAMM BEAHY
THOMAS M. NEEDLES
N. BRICKNIDGE

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

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
R 145

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

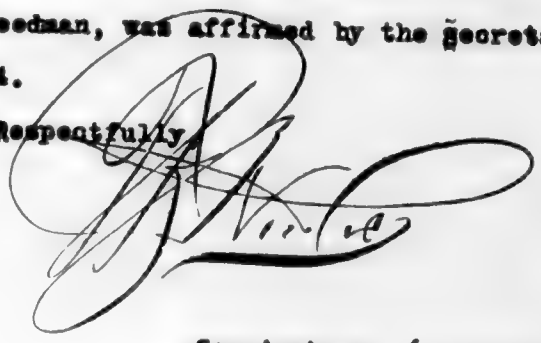
Muskogee, Indian Territory, June 30, 1904.

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

Dear sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of Mary B. Towers as a Cherokee freedman, was affirmed by the secretary of the interior on June 24, 1904.

Respectfully



Commissioner in Charge.

COMMISSIONERS:
TAMM BEKEY,
THOMAS B. HENKLE,
C. B. BRACKENRIDGE

WM. O. NEALL,
Secretary

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

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 10, 1905.

Wm R.

NUMBER IN REPLY TO THE FOLLOWING:
Cherokee Freedman
D-145.

Ball, Hastings & Davenport,
Attorneys for the Cherokee Nation,

~~Muskogee, Indian Territory.~~

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission of the Five Civilized Tribes, dated January 10, 1905, granting the application for the enrollment of James Mackey as a Cherokee Freedman.

You are hereby advised that you will be allowed fifteen days from date hereof within which to file such protest as you may desire 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,

Encl. L-91.


Chairman.

Cherokee freedman
E-145

Muskogee, Indian Territory, May 23, 1906.

Mary D. Towers,
Winor, Indian Territory.

Dear Madam:

You are hereby advised that the motion filed by
your attorneys September 7, 1905, for a review in your
Cherokee freedman enrollment case, was dismissed by the
Department May 2, 1906.

Respectfully,

Commissioner.

MP

Mustang, Indian Territory, May 21, 1906.

Miss & Balger,

Attorneys for Eliza A. Arnold, et al.,
Viatta, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

Muskogee, Indian Territory, May 20, 1906.

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

Dear Sir:-

You are advised that this office is in receipt of
 Departmental letter of May 2, 1906, a copy of which is enclosed
 herewith, denying motions by Blue & Bulger, filed September
 7, 1905, for review in the Cherokee Freedman enrollment cases
 of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
 Incl. C-2

ATTACHED

Mary B. Towere.

FOR ENROLLMENT AS

HER [unclear] [unclear] EN

- A. Original Testimony June 29, 1904
- B. Memo of application June 29, 1904

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 24 1904

Copy of testimony filed
 with Cherokee Nation
 see to her case Freedmen's
 No 8955

Cher. Fr. R-146

Cher Fr. R-146

M

FR 146

COMM

RECORDED IN B.C.A.

FILED
JUL 19 1901



ACTING CHAIRMAN

REJECTED, as to wife, Susan.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 29, 1901.

In the matter of the application of Charles Daniels for the enrollment of himself as a Cherokee Freedman, and for his wife as an intermarried Cherokee Freedman; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Mr. Smith, of Mallett & Smith, for the applicant;
Mr. Davenport, for the Cherokee Nation.

- Q What is your name? A Charles Daniels.
Q How old are you? A 59 years old.
Q What is your post-office? A Bartlesville.
Q What district do you live in? A Geoweseecowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you want to enroll besides yourself? A My wife.
Q Anybody else? A No sir.
Q What is your wife's name? A Susan Daniels.
Q How old is she? A I don't know exactly how old she is.
Q Well about how old? A Between 50 or 60.
Q She is older than you are then? A Yes sir.
Q Is she a citizen? A Non-citizen.
Q You apply to have her enrolled as an intermarried citizen? A Yes sir.
Q What is your father's name? A Andy Daniels.
Q What is your mother's name? A Ibbie Daniels.
Q Where were you born? A In the Cherokee Nation.
Q Where have you lived all your life? A Right north of Bartlesville.
Q Where were you married? A In the Cherokee Nation.
Q When? A After the Lightning Creek Payment.
Q Have you got any certificate of marriage? A (Produces papers.)
Com'r: The applicant presents a marriage license and certificate of marriage, certifying that he was married according to the laws of the United States on the 26th day of April, 1898, to one Miss Susie Johnson.
Q Your wife was named Susie Johnson when she married was she?
A Yes sir.
BY MR. SMITH:
Q Where do you live? A I live north of Bartlesville.
Q How long have you lived there? A All my life.
Q How far from Bartlesville? A Three miles.
Q In the Cherokee Nation? A Yes sir.
Q Is the Ibbie Daniels who applied here for enrollment the other day your mother? A Yes sir.
Q Andy Daniels your father? A Yes sir.
BY MR. DAVENPORT:
Q You say you have lived over there about Bartlesville all your life? A Yes sir.
Q Were you born over there? A Yes sir.
Q You were born over there before the war? A Yes sir.
Q Your father didn't live over there at that time did he? A Yes sir, he lived over there.
Q Where did you go during the war? A I never went anywhere.
Q You was hardly old enough to remember the war was you? A I was just a little fellow, I can't recollect it.
Q Where have you lived since you can remember? A That's all the place since I can remember.
Q Did I understand you to say your father didn't leave the Cherokee Nation at all during the war? A No sir.
Q Did your mother leave the Cherokee Nation during the war? A Yes sir.
Q Both of them remained in the Cherokee Nation during the war?

Charles Daniels et al 21

A Yes sir.

Q And have continued to reside there ever since? A Yes sir.

Q And you have resided continuously in the Cherokee Nation ever since you can remember? A Yes sir.

Q Were you married in the Cherokee Nation? A Yes sir.

Q You have no children? A No sir.

W. G. THIT:

Q Can you remember of your own knowledge and testify from your own recollection as to what took place during the war? A No sir.

Q You are just testifying from your hearsay as to what took place before the war and during the war? A No sir, I couldn't tell you anything about the war.

W. G. THIT:

Q Did you draw Stripes? A Yes sir.

Q You know you did? A Yes sir.

Turn-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified on page 134 #4535 Charles Daniels, Cowasseeeewee district;

Wallace roll of citizens of the Cherokee Nation examined and applicants identified on page 111 #2362 Charles Daniels, Cherokee Nation.

Said Charles Daniels, applied for the enrollment of himself as a Cherokee Freed man and his wife, Susie, as a Cherokee Freed man by intermarriage; he says that he is a child of John Daniels and Andy Daniels, and his wife, attorney asks that the testimony taken in the matter of the enrollment of said John Daniels, No. 859, be taken as part of the record in the case at bar, and a copy thereof will be filed herewith. Said Charles Daniels, makes affidavit as to his residence to his residence; he cannot be found upon the census roll of 1830 or the census roll of 1850; but he is found upon the Turn-Clifton and the Wallace rolls according to page and number of the rolls as indicated in the testimony, and now said Charles Daniels will be listed for enrollment as a Freed man upon a doubtful card; he presents satisfactory evidence as to his wife, Susie, in the year 1898, too late, under the laws of the Cherokee Nation for intermarriage persons to acquire rights by intermarriage, and consequently, the enrollment of his wife, Susie, will be refused.

The undersigned, first of the undersigned, of the State of Georgia, do hereby certify that the foregoing is a true and complete transcript of the testimony taken in the case at bar, and is a true and complete transcript of the testimony taken in the case at bar.

Subscribed and sworn to before me on this July 28, 1898.

[Handwritten Signature]

W. G. THIT

10
JK 146

JK-146
FILED

APR 30 1898

Jan. A. Winston
CLERK.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FIT I, E, D
JUN 29 1901



ACTING CHAIRMAN

MARRIAGE LICENSE

AUG 5 1898

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS.

No. 654

To Any Person Authorized by Law to Solemnize Marriage--Greeting:

You are Hereby Commanded to Solemnize the Rite and publish the Banns of Matrimony between Mr. Charles Daniels of Barlowville in the Indian Territory, aged 30 years, and Miss Susie Johnson of Clorum in the Indian Territory, aged 42 years, according to law, and do you officially sign and return this License to the parties therein named.

WITNESS my hand and official seal at Vinita, Indian Territory, this 23 day of April, A.D. 1898.

By J. H. Anderson Deputy. J. H. Anderson Clerk of the U.S. Court.

CERTIFICATE OF MARRIAGE.

United States of America,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS.

I, W. S. Browning, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 26 day of Apr, A.D. 1898, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Banns of Matrimony between the parties therein named.

WITNESS my hand this 26 day of Apr, A.D. 1898.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 29.
W. S. Browning
A Minister of the Gospel.

NOTE.—This License and Certificate of Marriage, when so returned to the Clerk of the Court of the United States Court in the Territory, Indian Territory, shall be recorded, unless they have been so recorded, or the party to whom the License was issued shall be notified.

CERTIFICATE OF RECORD.

United States of America, }
INDIAN TERRITORY, } as.
NORTHERN DISTRICT.

I, JAMES A. WINSTON, Clerk of the United States Court in the Northern District, Indian Territory,
do hereby certify that the instrument hereto attached was filed for record in my office the 5 day of
Aug 1898, at _____ M., and duly recorded in Book 5, Marriage
Record, Page 77

WITNESS my hand and seal of said Court at Tahlequah, in said Territory

this _____ day of _____ A.D. 1898
James A. Winston Clerk.

By _____ Deputy.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE INDIAN TERRITORIES
JUN 29 1898
JUN 29 1898
JUN 29 1898

FILED
JUN 29 1898
JAMES A. WINSTON
CLERK

Department of the Interior

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consulting the applications of:

Cherokee Freedmen D-100
 Cherokee Freedmen D-101
 Cherokee Freedmen D-102
 Cherokee Freedmen D-103
 Cherokee Freedmen D-104
 Cherokee Freedmen D-105
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DECISION.

It appears that the following applications for enrollment as Cherokee citizens by inter-marriage, were made to the Court by: William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Mrs. Van for her husband, Ella Van; by Sig Marham for his wife, Mary Marham; by Nathaniel Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Van for his wife, Mary Jane Van; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Mrs. Mayfield; by James Miller for his wife, Sallie Miller; by Nathan Campbell for himself; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William W. Maddox for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter-in-law, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggott for her husband, Alexander Claggott; by Peyton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John D. Brown for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Charles Brown; by Mary Ann Watson for her husband, Howard W. Watson; by Jack McConnell for himself; by George East, Sr. for himself; by Buck Ledman for himself; by Lewis Scott for himself; by Abe Scott for himself.

Adams; by Kedar Davenport for himself; by Thomas E. Adams for himself; by Lewis V. Elderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Vicki Peterson; by Samuel Johnson for her husband, Alan Johnson; by Joseph Mann for his wife, Martha Mann; by John Hunt for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skuggs for her husband, William Skuggs; by Essie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jack Hooney for his wife, Freddie Looney; by Lucy Johnson for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Orel Martin for his wife, Frances Martin; by Ed Miller for his wife, Mary Miller; by Emanuel Taylor for himself; by Henry Spivey for himself; by Larkin P. Powell for himself; by Steppay Dawn for himself; by Ellis Vann for his wife, Melinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers for his wife, Mary G. Rogers; by George Washington Bane for himself; by Silas Hampton Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Melinda Murrell; by Charles Claggett for himself; by Samuel Irwin for himself; by David Ross for his wife, Mary Ross; by George R. Nave for his wife, Maggie Nave; by Lewis Armstrong Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgiann Archer; by Nancy Claggett for her husband, John Claggett; by Chasly Sasser for his wife, Hattie Sasser; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Handley for her husband, George Handley; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham DeHart for himself; by King David for his wife, Laura David; by John DeKman for himself; by James B. Papp for himself; by Isaac Waith for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McCosson for himself; by Josh Vann for his wife, Orel Vann; by Lee Peters for himself; by Robert Adair for his wife, Eda Adair; by John Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isaac Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Wirtz for his wife, Orel Wirtz; by Benjamin Clark for himself; by Emily Lobley for herself; by Emily George for her husband, John George; by Willie McNitt for his wife, Mattie McNitt; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Sarah Daniels; by Fitch Turk for her husband, Anderson Turk; by David Lett for himself; by Willie McCole for himself; by Henderson Lett for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Slaughter for himself; by Maria Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Frederick Charlotte Childers.

and shall and will remain in full force and effect until the expiration of the term therein expressed.

The record further shows that none of the applicants herein make any claim to enrollment as
 off "bank" or Cherokee Nation other than as set forth above. It is noted that the only application
 that appears from the record herein that at the time applications were made for the en-
 rollment of the above named applicants, application was also made for the enrollment of other
 applicants as Cherokee Freedmen, but said applications being differently classified are not included
 in this decision. It does not appear that any of the applicants herein are identified upon the 1880 Authen-
 ticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cher-
 okee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commis-
 sion to the Five Civilized Tribes, or by a Judge of the United States Court in Indian Territory, under
 the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 381). It is, therefore, the opinion of this Commission that, following the ruling of the Department in
 the case of Lemuel Welcome, (I. T. D. 5548-1904, 11,776-1904), the applications made for the
 enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Mellon, John
 Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfeld, Sallie Bider, Reuben Campbell, Van Jackson
 Farber, Cassie Middleton, Mary Harbo, Nellie Fields, John Kinbo, William S. Maddox, Jane Boone,
 Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Albert, Dave Morris, Alexander
 Cleggott, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard E.
 Watson, Jack McConnell, Maude Mantey, George Reed, O. B. Beck, Edwin, Bert Thompson, Lettie
 Scott, Abe Scott, Roder Lampton, Thomas E. Ann, Lewis Vanderford, John L. Howlin, Katie
 Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,
 John Bobb, Nancy Ross, Charlot G. Smith, Saml Gilbert, William Shaggs, Sallie Johnson, Alfred
 P. Hopkins, Kizzie Vann, Freddie Looney, Lady Chouitash, Alice Durant, Mahaley Ward, Fred D.
 Thomas, Bettie Beck, Ella Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley,
 Samuel Taylor, Harry Sykes, Luther S. Powell, Suptey Daws, Malinda Vann, Fannie Johnson,
 Apple Foster, Mary H. Rogers, George Washington Labe, Jane Brown, Samuel L. Young, John
 Buckner, Willie Cox, Leonard Bowles, Mollie Murrell, Charles Cleggott, Samuel Iven, Mary Ross,
 Maggie Nave, Fennie Nave, Ella Rice, Elizabeth Dumas, Sadie Adams, Georgessie Archer, John
 Cleggott, Hattie Smith, Jack Jackson, Lula Sanders, George Handing, Lizzie West, Maria French,
 Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura Dutil, John
 Deckman, James B. Parry, Lema Welch, Lewis Logan, George Howell, Henry Mads, George
 Adams, Anna Thomas, Lewis McConnell, Callie Vann, Lou Peete, Ida Adair, Robert Brown, Ann
 Chambers, Lora Jones, Alice Gantler, Katie Adair, Corrie Martin, Benjamin Clark, Emily Lacey,
 John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Helen McJain, Henderson Jones, Belle Vann, Levi Street, John Sampter, Mariah Thompson, Ellen Susppard and Lula Melton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 23, 1898, (30 Stat., 485), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[SIGNED] TAMS BIXBY,
Chairman.

[SIGNED] T. B. NEEDLES,
Commissioner.

[SIGNED] O. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

3

X R 146

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 29 1901


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 29, 1901*
Post Office *Cottsville TN*
District *102*

1. Name Age
Owner's name Citizenship
Year Page No. District

Parents:
Father Citizenship
Mother Citizenship

2. Name of wife *Susan Daniels* Age *50+*
Owner's name Citizenship
Year Page No. District

Parents:
Father Citizenship
Mother Citizenship

~~Name of Children~~

~~3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.~~

Application made by *Chas Daniels* Custodian *M. N. Green*

Marriage license and certificate attached

X Ref

Represented by Mellett and Smith

COPY.

Cherokee Freedman
D-205 et al.

Muskogee, Indian Territory, January 24, 1905.

Edgar Smith,

Attorney for Jane Bean et al.,

Vinita, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the applications for the enrollment of Jane Bean, Albert T. Thomas, Melvina Alberty, Alexander Claggett, Amanda Martin, Maud Manley, Katie Davis, Charles Williams, John J. Rose, Alex Johnson, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Looney, Lucy Chouteau, Mahalay Ward, Millie Robinson, Frances Martin, Mary Riley, Samuel Irvon, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Ida Adair, Robert Brown, Isom Jones, Alice Gunter, Katie Adair, Susan Daniels, and Levi Stroud as Cherokee citizens by intermarriage.

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,

Tamc Dixey
Chairman.

Encl. L-122.
Register.

COPY.

Cherokee Freedmen

R-146.

Muskogee, Indian Territory, January 24, 1905.

Susan Daniels,

Bartlesville, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage. A copy of the Commission's decision has this day been forwarded to your attorney, Edgar Smith, Vinita, Indian Territory.

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

Respectfully,

SIGNED

James D. Kirby

Chairman.

Incl. S-100.

Register.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 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 January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melten, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbe, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Albarty, Dave Morris, Alexander Claggett, Ananda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Kenley, George Reed, Sr., Buck LeGnan, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas H. Allen, Lewis Vanderford, John I. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Iona Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Hess, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Fizzie Vann, Freddie Leoney, Lucy

Chetson, Alice Durant, Fidelity Park, Paul D. Hanson, Bettie Smith,
Katie Warren, Willie Robinson, Mary Walker, Frances Martin, Mary
Haley, Samuel Taylor, Henry Stone, Larkin P. Howell, George Stone,
Kathleen Stone, Frances Johnson, Annie Foster, Mary E. Rogers,
George Washington Stone, Jane Stone, Samuel L. Young, John Walker,
Willie Cox, Leonard Stone, William Howell, Charles Claggett,
Samuel Irwin, Mary Stone, Maggie Stone, Emma Stone, Ella Stone,
Elizabeth Stone, Belle Stone, Margaret Stone, John Claggett,
Hattie Stone, Jack Jackson, Lula Stone, George Stone, Lillian
Stone, Marie Stone, Mary Stone, Maggie Stone, William Stone,
Sarah Stone, Susan Stone, Sarah Stone, John Stone, Sarah
D. Stone, Laura Stone, Emma Stone, George Stone, Mary Stone,
George Stone, Annie Stone, Louis Stone, Callie Stone, Lou
Stone, Ella Stone, Robert Stone, Alice Stone, Jane Stone,
Alice Stone, Katie Stone, Carrie Stone, Margaret Stone, Sarah
Stone, John Stone, William Stone, Bettie Stone, Helen Stone,
Emma Stone, William Stone, Squire Stone, Francis
Stone, Susan Stone, Andrew Stone, David Stone, John Stone,
Enderby Stone, Belle Stone, Levi Stone, John Stone, Sarah
Stone, Ellen Stone and Lela Stone, as Cherokee citizens
by intermarriage.

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

RECEIVED BY THE DIRECTOR OF THE BUREAU OF THE CENSUS
WASHINGTON, D. C.

SIGNED: *Tamara Bixby*

1901. 100.

COPY.

Charles Franklin
Dale et al.

Muskogee, Indian Territory, January 22, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Martin, Frances Nelson, John Nelson, Mary Jane Vann, Thomas Lewis, Ella Griffiths, Nellie Rider, Rebekah Campbell, Van Jackson Luther, Cassie Johnson, Mary Smith, Nellie Fields, John Kimes, William S. Nelson, Jess Ross, Albert T. Thomas, Mary Campbell, Caroline Smith, Malvina Alberty, Jess Harris, Alexander Claggett, Annetta Martin, Eliza Martin, John K. Parker, Bell Davis, Samuel Brown, Howard F. Wilson, Jess McWhorter, Maude Manley, George Reed, Sr., Jess Lewis, Nell Thompson, Lewis Scott, Abe Scott, Kendra Lupton, Thomas E. Allen, Essie Vandartford, John L. Bewlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alon Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Gilbert, William Skaggs, Susie Johnson, Alfred P. Hawkins, Elsie Ross, Freddie Levey, Lucy Shontson, Alice Swant, Mahaley Vard, Fred J. Thomas, Nettie Cook, Ellis Warren, Hillie Robinson, Mary Weber,

Frances Martin, Mary Kelly, Samuel Taylor, Henry Smith, William F.
 Powell, Stanley Lane, Malinda Vann, Frances Johnson, Kate Miller,
 Mary E. Rogers, George Washington Lane, Jane Brown, Samuel L. Young,
 John Doolittle, Willis Cox, Leonard Bowie, Melissa Burdell, Charles
 Clappell, Samuel Lyman, Mary Ross, Maggie Cook, James Cook, Ella
 Ross, Elizabeth Johnson, Nellie Adams, Georgiana Arthur, John Stewart,
 Nellie Smith, Jack Jackson, Lela Sanders, George Manning, Lillian
 West, Marie French, Mary French, Maggie Vann, William Adams, Mary
 Rogers, Abraham Hallard, James David, John Jackson, John F. Green,
 Isaac Welch, Hanson Logan, George Smith, Henry Kelly, George
 Adams, Annie Thomas, Lewis McCordell, Callie Vann, Lela Jackson,
 Ella Blair, Robert Brown, Allie Chambers, Isaac Adams, Alice Adams,
 Nellie Blair, Corrie Martin, Benjamin Clark, Emily Adams, John
 Graves, Matilda McFair, Bettie Vann, Melissa Cook, Fannie Rogers,
 William Washington, Squire Warren Duggan, Fannie Adams, John
 Adams, Anderson Turk, David Lane, John Jackson, Elizabeth
 Jones, Nellie Vann, Levi Surand, John Taylor, Robert Johnson,
 Ellen Shepard and Lela White, as Charles claimed by inter-
 marriage, including the Commissioner's decision dated January 10,
 1905, rejecting said applications.

Respectfully,

SIGNED: *Tatne Birby*

Inal. K-4.
 Through the
 Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,

SECTION OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1906.

Refer in reply
to the following:
Label,
7908-1906.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1906, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Lewis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Betson, Mary Jane Vann, Thomas Love, Ella Hayfield, Sallie Rider, Nathan Campbell, Van Jackson, Luther, Charlie Middleton, Mary Furlin, Nellie Fields, John Klabe, William S. Hadden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Kate Harris, Alexander Claggett, Amanda Martin Eliza Martin, John H. Dorcas, Ball Lewis, Samuel Brown, Edward F. Watson, Jack McConall, Emma Newley, George Reed, Jr., Buck Lehman, Nell Thompson, Louis Scott, Abe Scott, Essie Langton, Thomas H. Allen, Louis Vanderford, John L. Dowlin, Katie Lewis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles S. Smith, Susie Gilbert, William Shugart, Marie Johnson, Alfred F. Hopkins, Elsie Vann, Freddie Leamy, Lucy Sherburn,

Mico Purcell, Mahaley Ward, Fred D. Thomas, Dettie Beck, Elie Warren, Willie Robinson, Mary Vester, Frances Martin, Mary Riley, Samuel Taylor, Henry Hyles, Larkin P. Powell, Stepany Dams, Malinda Vann, Frances Johnson, Anna Foster, Mary E. Rogers, George Washington Innes, Sam Brown, Samuel L. Young, John Wagner, Willie Cox, Leonard Bowles, Malinda Maxwell, Charles Claggett, Samuel Irvin, Mary Ross, Maggie Hays, Emma Hays, Ella Hays, Elizabeth Dumas, Della Adams, Georgeham Archer, John Claggett, Nettie Smith, Jack Jackson, Edna Sanders, George Mansfield, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deakman, James R. Perry, James Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Louisa McConnell, Callie Vann, Lou Futera, Ida Mair, Robert Brown, Elie Shubert, Isaac Jones, Alice Genter, Katie Mair, Garvie Markin, Benjamin Clark, Billy Loomay, John Gruven, Matilda McVair, Bettie Vann, Nelson Lett, Francis Rogers, William Washington, Squire Warren Owen, Francis Melindy, Susan Daniels, Anderson Turk, David Lane, Felix Melindy, Henderson Jones, Della Vann, Levi Sigmond, John Slaughter, Mariah Thompson, Ellen Sheppard, and Edna Walton.

January 19, 1906, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the

Cherokee Nation or by any United States tribunal and that same is identified on the 1860 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. N. 5042-1904) in the Leland Welcome case, the approval of the Commission's decision herein to all the applicants is recommended.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

H.M.M.

W.

V. C. F.
VII.

DEPARTMENT OF THE INTERIOR,

D. C. 20077-1906,
I. T. D. 2904-1906.

WASHINGTON, April 27, 1906.

L. R. F.

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

Gentlemen:

January 24, 1906, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1906, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Mathum, Frances Milton, John Dotson, Mary Jane Vann, Thomas Lovel, Ella Hayfield, Nellie Mider, Ruben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinke, William S. Madden, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Kate Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Nell Davis, Samuel Brown, Howard F. Watson, Jack McDaniel, Shadda Malley, George Reed, Sr., Hugh Lohman, Nell Thompson, Lewis Scott, Sue Scott, Kunder Lampton, Thomas H. Allen, Louis Vanderford, John L. Bowlin, Etta Davis, Charles Williams, John J. Doss, Jane Martin, Lena

Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross,
Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson,
Alfred P. Hopkins, Kissie Vann, Freddie Looney, Lucy Chateau,
Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis
Warren, Willie Robinson, Mary Webber, Frances Martin, Mary Riley,
Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepheny Dawn,
Malinda Vann, Frances Johnson, Annie Foster, Mary N. Rogers, George
Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis
Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel
Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth
Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Marie
French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers,
Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac
Welsh, Lawson Logan, George Howell, Henry Masir, George Adams,
Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair,
Robert Brown, Allie Chambers, Isaac Jones, Alice Ounter, Katie
Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves,
Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William
Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels,
Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle
Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and
Lula Walton.

-3-

Reporting in the matter March 21, 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,

(Signed) Thos. Ryan

Acting Secretary.

1 inclosure.

COMMISSIONERS:
TAMM BEESY,
THOMAS B. BRIDGES,
C. R. BRICKNOR

W. O. NEALL,
Secretary.

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

REPORT IN REPLY TO THE FOLLOWING: Cherokee Freedmen
R-146.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 28, 1905.

Susan Daniels,

Bartlesville, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,


Chairman.

COPY.

Cherokee Freedmen

R-146.

Muskogee, Indian Territory, April 28, 1905.

Edgar Smith,

Attorney for Susan Daniels,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, the application for the enrollment of Susan Daniels as a Cherokee citizen by inter-marriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905

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

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedmen

B-14, et al.

Muskogee, Indian Territory, April 28, 1906.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

- Original testimony June 29
- Memorandum of application June 29
- Marriage license & cert

Copy of testimony filed
with Cherokee Nation.

Filed to Cherokee Freedmen for
no 2963.



W.W.

UNCLAIMED

Reg No 3080
306

~~1106~~
106

REGISTERED
MAY 1955
MACHINE NO. 10

~~REGISTERED~~
~~MAY 1955~~
~~MACHINE NO. 10~~

Cher. Fr. R. 147

Cher. Fr. 147

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RECORDED

INDEXED

DEPARTMENT OF THE INTERIOR
COMMISSIONERS OF THE FIVE CIVILIZED TRIBES

FILED
JUL 19 1901



ACTING CHAIRMAN

Faint, mostly illegible text covering the right and bottom portions of the page, possibly representing a letter or report content.

RECORDED:

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T.: June 29, 1901. Muncie
XXXXXX

In the matter of the application of Minnie Taylor for the enrollment of herself and two children, her nephews, as Cherokee Freedmen, being sworn and examined by Commissioner Needles, she testified as follows:

- Q What is your name? A Minnie Taylor.
Q What is your post-office? A Talala.
Q Is your name Taylor now? A Yes sir.
Q What district do you live in now? A Coarseeessess.
Q How old are you? A I don't know sir just how old I am, I am about 33 or 4, somewhere along there.
Q You apply to be enrolled as a Cherokee Freedman? A Descendant.
Q Who do you want to enroll besides yourself? A 2 children.
Q What are your children's names? A Prince Taylor.
Q How old is Prince? A 11 years old.
Q Next one? A Night.
Q What is her name? A Poriestessens.
Q What is her age? A She is nine years old.
Q What is your father's name? A Jerry Taylor.
Q Is he a citizen? A Yes sir.
Q Is he living? A No sir.
Q What is your mother's name? A Savannah Taylor.
Q Is she living? A No sir.
Q Is she a citizen? A I can't tell you.
Q Who do you claim your citizenship through, your father or mother? A My father.
Q Has your father been listed for enrollment? A Not that I know of, he died when I was a month old, I can't tell anything about it.
Q Have you any witness here? A Yes sir.
Q Were you born a slave? A No sir, born since the war.
Q Where were you born? A I don't know where I was born, at Tahlequah or Ft. Gibson, or where.
Q Where can you first recollect being? A I was out in the states when I first recollect.
Q What state? A Tennessee.
Q How long did you live in Tennessee? A I lived there until I was a step of a six young girl.
Q Did you marry in Tennessee? A Yes sir.
Q How many children born in Tennessee? A Yes sir.
Q Is your husband living in Tennessee? A He is dead.
Q How long have you been from Tennessee? A I declare I don't know sir just how long I have been from Tennessee.
Q One year? A Oh Lord, no, I have been from Tennessee I suppose about eight or ten years, some were in there, longer probably.
Q You were born in Tennessee? A No, I was born here.
Q How did you get from here to Tennessee? A My father died when I was a month old and I suppose as far as I can come at it my mother died, and my grand mother carried me out.
Q Carried you to Tennessee? A Yes sir.
Q Your father was named Jerry and your mother Savannah? A Yes sir.
BY MR. DAVISPORT, Cherokee Rep'v:
Q Your name is Day a n now? A Yes sir, by my last husband.
BY COM'R NEEDLES:
Q You swore your name was Taylor? A I taken that from my father, I was not living with any man and I thought I would be enrolled under my father's name.
Q I want to know what your name is now? A Day a n now.
Q What's Prince's name? A Taylor.
Q And Poriestessens? A Taylor.
Q You were married to Taylor? A No sir.
Q These children were born before you were married to anybody? A No sir, they were born since I have been married.

Minnie Duncan et al 2

- Q Who to, Duncan? A No sir.
- Q Well who was the father of these children? A Really they are not my own children, they are my brother's children; they were given to me.
- Q Well now I want to know the father and mother of these children?
- A My brother was the father of them.
- Q What was his name? A Jeff Taylor.
- Q Is he living? A I suppose he is, I have been lost from him about two years, and he was in awful poor health then.
- Q What is the name of the mother of these children? A Laura Taylor.
- Q Is she living? A Yes sir.
- Q Where is she living? A In Tennessee.
- Q Jeff Taylor living in Tennessee? A Yes sir.
- Q These children were born in Tennessee? A Yes sir.
- Q Did you ever draw any money tax & from the Cherokee Nation?
- A Yes sir.
- Q Your name on any of the rolls? A Yes sir.
- Q What rolls? A Kerns-Clifton.
- Q These children ever draw? A Yes sir.
- BY MR. DAVENPORT:
- Q You and Duncan separated in the Territory of Oklahoma? A No sir, we separated in Oklahoma.
- Q You lived in the Territory of Oklahoma? A Yes sir.
- Q Married over there? A Yes sir.
- Q And you came from Oklahoma to the Cherokee Nation about the time of the Kerns-Clifton payment? A No sir, before then.
- Q About the time the roll was made? A No sir, before then.
- Q What year did you come here? A I don't know just what year, but it was ~~about~~ before the enrollment.
- Q That would have made you come over here about 1887? A I guess so.
- Q That's the first time you ever lived in the Cherokee Nation since you can remember? A Yes sir, since I was taken out.
- Q And really you were born in Tennessee? A If I was I don't know anything about it.
- BY COM'R NEEDLES:
- Q Jeff Taylor your brother? A Yes sir.
- Q Where was he born? A I suppose we was all born out here.
- Q Did he ever live in the Cherokee Nation? A Yes sir, but not since we all were small, and was taken out.
- Q Laura and him- was she a state citizen? A She was a state woman.
- Q Jeff married her in Tennessee? A Yes sir.
- Q And these children were born there? A Yes sir.
- Q Jeff's name is not on the rolls of the Cherokee Nation? A I know it aint.
- BY MR. DAVENPORT:
- Q When was the first time you ever saw Charley C. Chambers? A To know him I suppose is about 10 or 11 years ago.
- Q That's when you went through to Oklahoma? A I saw him way up here in the Nation when I was in Oklahoma, I was inquiring for my people.

CHARLEY CHAMBERS, being sworn and examined by Com'r Needles, testified as follows:

- Q What is your name? A Charley Chambers.
- Q How old are you? A 70 years old.
- Q What is your post-office? A Hudson.
- Q You know the applicant, Minnie Duncan? A I know her whenever I see her.
- Q You know who her father was? A Claimed to be her father to be Jerry Taylor.
- Q Who was her mother? A I didn't know her mother.
- Q Did you know Jerry Taylor? A Yes sir, I was well acquainted with Jerry Taylor.

Minnie Duncan et al 3

- Q Who did he belong to? A Mistress Nave who lived at Table Quah.
Q Was she a Cherokee? A Yes sir.
Q You don't know anything about her mother then? A No sir.
Q What became of Jerry Taylor? A He is dead I think as well as I can find out.
Q Did you see him before the war? A Yes sir.
Q Did you know him after the Civil war? A I don't recollect seeing him after the war.
Q You saw him before the war? A Yes sir.
Q When was the last time you saw him? A I never saw him anymore I only see him before the war, and I never saw him anymore; they claimed he was dead.
Q You didn't know his wife, Savannah? A No sir.
Q You know whether this applicant, Minnie Duncan was born? A No sir.
Q When did you first become acquainted with her? A I don't know just when it was now, it was along in '80 somewhere I guess.
Q Have you known her since that time all the time? A I have seen her often and on.
Q You know where she has been living since 1880? A No sir, I don't know whether she had any certain home then or not.
BY MR. HASTINGS, Cherokee Rep'ive:
Q How the first time you ever saw this woman was in 1880? A Yes sir.
Q You never saw her after the war? A No sir.
Q You don't know really that that was her father, only what she says? A That's all.
Q What was her name when you saw her in 1880? A Minnie Taylor they called her.
Q She wasn't married at that time? A No sir.
Q At whose house did you see her? A I don't know whose house it was I first see her.

APPLICANT, MINNIE DUNCAN, re-called and further examined;

BY COURT RECALLS;

- Q How many times have you been married? A Twice.
Q What was your first husband's name? A Prince.
Q His full name? A David Prince.
Q Where did you marry him? A Tennessee.
Q Did he die before you married your second husband? A No sir.
Q You separated from him? A Yes sir.
Q What is your second husband's name? A James Duncan.
Q You living with him? A No sir.
Q Is he living? A Yes sir.
Q Did you ever have any children, have you got any children by him? A No sir.

1880 authenticated roll of citizens of the Cherokee nation examined and applicant not found;
Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on
page 152 #3774 Minnie Taylor, Cowassee District
page 152 #3776 Prince Taylor, Cowassee District;
page 152 #3775 Poston Taylor, Cowassee District.

- Q You say you first recollect being in Tennessee? A Yes sir.
Q Where did you move from to Tennessee? A Out to St. Smith.
Q St. Smith in Arkansas? A Yes sir.
Q Where from there? A On out here right across the line, in the Seminole and back.
Q Across the line in the Seminole? A Just across the line in Oklahoma.
Q You moved from St. Smith to Oklahoma? A Yes sir.
Q How long did you stay in Oklahoma? A 2 years as far as I can remember.

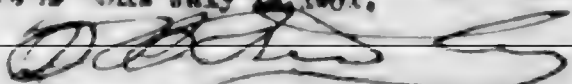
Minnie Duncan et al 4

- Q Lived over there with your husband? A Lived there two or three months, or something like that.
- Q With your husband? A Yes sir, we come back here.
- Q I thought you said you lived over there 2 years? A In all I mean. I mean the time I lived with him all together about two years.
- Q You married your second husband in Oklahoma? A Yes sir.
- Q Where did you come to from Oklahoma? A Muskogee.
- Q In the Creek nation? A Yes sir.
- Q About how long ago was that? A That was a year before the enrollment.
- Q Year before the Kern-Clifton? A Yes sir.
- Q Then you came from there to the Cherokee Nation? A Yes sir.
- Q And have been living here ever since? A Yes sir.
- Q Living here now? A Yes sir.
- Q Have you got any other witnesses? A My best witnesses aint here.
- Q When did you get these children? A In the last three or four years, but they were given to me when they were babies.

Con'r Needs; Minnie Taylor 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 pay roll; she avers that she was born in the Cherokee Nation, and the first place she recollects being was in Tennessee; she married one Dan Prince, in the state of Tennessee, and avers that she removed to Ft. Smith and from Ft. Smith to Oklahoma, and there married one James Duncan; she resided, she avers, about two years in Oklahoma, and then moved to the Creek Nation, from the Creek Nation moved to the Cherokee Nation a year before the Strip payment, and has lived there since that time; She avers that she is a child of Jerry and Savannah Taylor; the testimony shows that Jerry Taylor was a slave, but there is no testimony showing where he was in '56, or whether he ever complied with the provisions of the Treaty of 1866, requiring Cherokee slaves to return in a certain length of time in order to assert their citizenship; no testimony is given whatever as to the citizenship of her mother. She applies for two children, Prince and Portesteane, claiming that they are the children of her brother, Jeff Taylor; Jeff Taylor married one Laura Taylor in the State of Tennessee; said children were born in the State of Tennessee, and have been in the custody of the applicant; said children in the last three or four years were brought from the state of Tennessee and placed in the custody of the applicant; the testimony is insufficient to warrant the enrollment of said Minnie Taylor or the two children named herein, even upon a doubtful card; consequently, the application of herself and two children will be rejected. She will have the privilege of presenting other testimony in support of her application at any time she may appear before the Commission for that purpose.

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

Subscribed and sworn to before me this July 12, 1901.



Commissioner.

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

In the matter of the application of Minnie Duncan for the enrollment of herself and nephews, Prince Taylor and Poriesteene Taylor, as Cherokee Freedmen.

DECISION.

The record in this case shows that, on June 29, 1901, Minnie Duncan appeared before the Commission at Nowata, Indian Territory, and made personal application for the enrollment of herself and two minor nephews, Prince Taylor and Poriesteene Taylor, as Cherokee Freedmen.

The evidence shows that all of the applicants are descendants of and claim their right to enrollment through one, Jerry Taylor

The evidence further shows that the said Jerry Taylor was the slave of a Cherokee citizen at the commencement of the rebellion, but there is no evidence showing that he was residing in the Cherokee Nation on July 19, 1866, or at any time within six months thereafter.

It does not appear from the evidence that the name of Jerry Taylor, or the names of any of the applicants herein, are found on the 1860 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Minnie Duncan, Prince Taylor and Poriesteene Taylor, 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,

James Dixby.

Chairman.

SIGNED,

J. B. Needles.

Commissioner.

C. D. Breckinridge.

Commissioner.

W. E. Stanley.

Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 1 - 1903

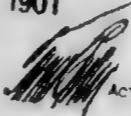
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 5 1901



ACTING CHAIRMAN

①

X R 147

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 29 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 29, 1901*
Post Office *Talala, Ok.*
District *Co.*

1. Name Age
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship
Mother *Priscilla* Citizenship

1X Name of wife *Minnie Taylor* Age *33+*

Owner's name Citizenship
Year *1860* Page *152* No. *3774* District *Co.*

Parents:

Father *Jerry Taylor* *dead* Citizenship *Cher. Freedman*
Mother *Savannah* Citizenship

Names of Children

2X *Prince Taylor* Year *1860* Page *152* No. *3776* Dist. *Co.* *11*

3X *Poston* Year Page *152* No. *3775* Dist. *"* *9*

~~5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.~~

Rejected

Application made by *Ms. 1* Stenographer *M. D. Green*

1 On K.C. roll as *Minnie Taylor*
3 " " " " *Poston*

COMMISSIONERS
TAMM BIRBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE,
W. E. STANLEY.

ALLISON L. AVIENSWORTH
SECRETARY



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

Cherokee F.F-147

Muskogee, Indian Territory, July 10, 1903.

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

Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting the application of Minnie Duncan for the enrollment of herself and her two minor wards, Prince and Poriesteene Taylor, 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,



Commissioner in Charge.

Enc. B-66

Muskogee, Indian Territory, July 26, 1903.

Missie Duncan,

Tahale, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting your application for the enrollment of yourself and your two minor wards, Prince and Parlistiano Taylor, as Cherokee freedmen. There has heretofore been furnished your attorney, A. S. McKee, Muskogee, Indian Territory, a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Very truly,
Your obedient servant,

Register

McKee, Indian Territory, July 10, 1903.

A. S. McKee,

Attorney for Minnie Duncan et al.

McKee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, acted July 1, 1903, rejecting the application of Minnie Duncan for the enrollment of herself and her two minor wards, Prince and Peristene Taylor, as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

R. E. ...
Commissioner in Charge.

Enc. 2-43

Register.

Muskogee, Indian Territory, July 10, 1903.

The Honorable
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Minnie Duncan for the enrollment of herself and her two minor wards, Prince and Perlestone Taylor, as Cherokee freedmen, including the Commission's decision dated July 1, 1903, rejecting said application.

Respectfully,

L. B. N. Jones
Commissioner in Charge

Through the
Commissioner of Indian Affairs.

Enc. 2/27

Refer in reply to the following:
Land 43332/1903.

Department of the Interior,
Office of Indian Affairs.
Washington, Feb. 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes, dated July 10, 1903, forwarding the record relative to the application of Minnie Duncan for the enrollment of herself and her two minor children Prince and Poriesteenee Taylor, as Cherokee freedmen.

Minnie Taylor or Duncan, is the daughter of Jerry Taylor and Savannah Taylor. She claims citizenship through her father. The two minor applicants are her nephews. Jeff Taylor, brother of the principal applicant, is the father of the two minor applicants.

From the record it appears that Jerry Taylor was the slave of a Cherokee citizen at the commencement of the rebellion and the Commission, in its decision of July 1, 1903, adverse to the applicants, found that there was no evidence showing that he resided in the Cherokee Nation July 19, 1866, or returned thereto within six months thereafter.

The record does not show that any of the applicants were asked whether Jerry Taylor returned to the Cherokee Nation before February 11, 1867, and it is respectfully recommended that the re-

-2-

cord be returned to the Commission with direction to take further testimony concerning this point.

Very respectfully,

Acting Commissioner

GAW-H.

D. C. 11395-1904.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

JP
WHR
LRS

ITD 1470-1904.

April 7, 1904.

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

Gentlemen:

July 1, 1903, you rendered a decision in the case involving the application of Minnie Duncan for the enrollment of herself and her wards, Prince and Poriesteene Taylor, claimed to be the children of her brother, Jeff Taylor, as Cherokee freedmen, and held that the applicants are not entitled to enrollment.

Submitting the matter February 18, 1904, the Acting Commissioner of Indian Affairs recommends that the case be remanded for further testimony as it does not appear that any of the witnesses were asked whether Jerry Taylor, the father of the principal applicant, returned to the Cherokee Nation before February 11, 1867, the time fixed by the treaty of 1866.

The Department does not deem it necessary to remand the case as suggested as it appears that the principal applicant has had due opportunity to show that she and the said children are entitled to enrollment. The principal applicant does not appear to be able to show where she and her brother were born, whether in Tennessee or the Cherokee Nation. She was born about 1867. Her brother is living

in Tennessee and she lived there for many years subsequent to 1867, and did not go to the Cherokee Nation until about 1895. Her first husband she married in Tennessee and her second in Oklahoma Territory. The witness the principal applicant produced was unable to testify to anything material in the matter.

Due notice of your decision was given and no motion for review has been filed.

Finding no reason to disturb your decision it is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
E-147

Muskogee, Indian Territory, April 12, 1904.

Missie Duncan,

Okla, Indian Territory.

Dear Missie:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting your application for the enrollment of yourself and your wards, Prince and Perientsema Taylor, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

Cherokee freedmen
B-147

Muskogee, Indian Territory, April 18, 1904.

Isaac & Kahan,

Attorneys for Minnie Duncan, et al.,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the application of Minnie Duncan for the enrollment of herself and her wards, Prince and Perlesteena Taylor, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

7165

COMMISSIONERS
TAMM SIXBY,
THOMAS B. NEEDLES,
C. R. BRACKINRIDGE
WM. O. BEALL
SECRETARY

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

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
2-147

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, April 16, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the application of Minnie Duncan for the enrollment of herself and her wards, Prince and Periesteene Taylor as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,



Commissioner in Charge.



Department of the Interior,

Office of the Secretary,

Washington, D. C.

February 19, 1900.

Dear Sir:

Very respectfully,

Ch. F. R. M.

Ch. F. R. M.

(C O R Y)

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July 1, 1901.

Joe Sequichie agent for applicant

In the matter of the application of Rachel Turk for the enrollment of herself and her husband as a Cherokee freedman and for the enrollment of her husband as a Cherokee freedman by intermarriage; She being sworn by Commissioner T. B. Needles, testified as follows-

- Q What is your name? A. Rachel Turk.
Q What is your age? A. 64.
Q What is your post office address? A. Cooweescoowee district.
Q Do you get your mail all over the district? A. No sir here at Nowata.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Is your name on any of the rolls? A. On the Wallace roll.
Q Did you ever get any money? A. No sir.
Q Did you apply to the Kern Clifton Court? A. No sir.
Q Are you on the roll of 1880? A. No sir.
Q Did you ever apply to the authorities at Tahlequah for enrollment? A. No sir.
Q Are you married? A. Yes sir.
Q What is your husband's name? A. Anderson Turk.
Q Is he a citizen? A. No sir.
Q What is your father's name? A. William Melton.
Q Is he living? A. No sir.
Q What is your mother's name? A. Apple Brown.
Q Is she living? A. No sir.
Q How many times have you been married? A. Twice.
Q What was the name of your first husband? A. Dick Rogers.
Q Is he dead? A. Yes sir.
Q And your present husband is named Turk? A. Yes sir.
Q When did you marry him? A. It has been so long I dont know.
Q Now who do you want to apply for? A. My self and then my husband is one by intermarriage.

By Joe Sequichie

- Q Where did you live before the war? A. On the Verdigris river
Q What part of the Cherokee Nation is that? A. Cooweescoowee district
Q Who did you belong to? A. Lizzie and John Brown.
Q Did you live in the Cherokee Nation at the beginning of the war? A. Yes sir, and I was taken out by the soldiers.
Q Where to? A. Mapleton Kansas.
Q How long did you stay there? A. Dont tell exactly.
Q When did you return here? A. In '62.
Q What part of the Cherokee Nation did you come to? A. On Snow creek.
Q Who did you return with? A. Tom Gibson, and his wife.

- Q Did you make any improvements on Snow Creek when you first settled?
Started to and never finished it.
- Q Did your husband return with you from Kansas? A. No sir.
- Q Did he stay up there? A. Yes sir.
- Q When did he come here? A. After me.
- Q How long had you been here when he come after you? A. Inside of a year.
- Q You say you started to make a farm on Snow Creek? A. Yes sir.
- Q Where did your husband take you to when he came after you? A. Where I came back from, to Mapleton Kansas.
- Q How long did you stay there that time? A. I staid there a good while.
- Q Where were your children born? A. One up there in Kansas and two down here.
- Q Where was Jesse born? A. In Kansas.
- Q After Jesse was born did you return to the Cherokee Nation? A Yes sir.
- Q How long did you stay here then? A. I staid here quite a while, my memory is not so good as to years.
- Q Which one of your children were born here in the Cherokee Nation? A. Bill and Sammie.
- Q After you went back to Kansas, what year did you return here and settle permanently? A. I came down to the Wallace court after that.
- Q You came here during the Wallace court? A Yes sir.
- Q Did you apply for enrollment then? A. Yes sir.
- Q Were you enrolled? A. They taken my name.
- Q Where have you been since then? A In the Nation.
- Q Have you been making your home here since then? A. Yes sir.
- Q Have you been here all the time since then? A. No sir, I went back after that and staid a little while and came back and have been here ever since.
- Q How long after the Wallace court did you go back to Kansas? A I dont know exactly when.
- Q Did all these children come back with you? A. Yes sir.
- Q Did some settle here permanently after you come back in '66? A When I went back to Kansas I took my children with me.
- Q And did they stay with you all the time? A. Yes sir.
- Q And have they been here since you came here the last time? A. Yes sir.

By the Commission-

- Q Where were you married to Alex Turk? A. In Kansas.
- Q You came here in '66? A Yes sir.
- Q And how long did you stay then? A. About a year.
- Q Did you have any of your family with you then? A. Some of my children.
- Q And then you went back to Kansas? A. Yes sir.
- Q And staid in Kansas until the Wallace court? A Yes sir.
- Q And then you came down to see about putting your name before the Wallace court? A. Yes sir.
- Q And after that you went back to Kansas? A. Yes sir.
- Q And staid there a short time and came back here again? A. Yes sir.
- Q And then did you go back to Kansas again? A Yes sir.
- Q How long ~~after~~ have you been from Kansas the last time? A. Four years.
- Q Always before that you lived in Kansas? A. Yes sir.
- Q You lived there and would come here and then go back to Kansas? A. Yes sir.

Q What is your oldest child's name? A. Bill Turk.
 Q How old is he? A. I dont believe I can tell his age.
 Q He was born in Kansas? A. No sir, here.
 Q When was he born? A. In Slave time.
 Q What is the next ones name? A. Sammie, he was born in slave time too.
 Q Next one? A. Jesse.
 Q Where was he born? A. In Kansas.
 Q Next one? A. Sarah.
 Q Where was she born? A. Kansas.
 Q Next one? A. Willis.
 Q Where was he born? A. In Kansas.
 Q Next one? A. Bettie.
 Q Where was she born? A. In Kansas.
 Q Next one? A. John.
 Q Where was he born? A. Kansas.
 Q William and Sam were born slaves? A. Yes sir.
 Q And went out with you? A. Yes sir.
 Q And come back here when you first came? A. Yes sir.
 Q Where are they now? A. Living here.
 Q Did they come down here four years ago? A. Yes sir.
 Q Do you live on a farm now? A. No sir in town.
 Q What town? A. Nowata.

NELSON MURRELL called and sworn as a witness for the applicant-

By Joe Sequichie-

Q What is your name? A. Nelson Murrell
 Q What is your age? A. 77.
 Q What is your post office address.
 Q Do you know the applicant? A. Yes sir.
 Q How long have you known her? A. About 45 years.
 Q Where was she when you first saw her? A. On Dod creek.
 Q Cherokee Nation? A. Yes sir.
 Q Was she a slave? A. Yes sir.
 Q Who owned her? A. Charles Coody.
 Q Was he a Cherokee Indian? A. Yes sir.
 Q She belonged here in the Cherokee Nation? A. Yes sir
 Q Well how long before the war was it that she belonged to Charles Coody?
 A. Several years.
 Q Did you know anything of this family at the beginning of the war?
 A. No sir.
 Q When was the next time that you saw this applicant? A. I saw her in the winter of '64.
 Q Where was she then? A. On Snow creek and the Verdun river, between the two.
 Q Was her husband living with her then? A. No sir not then.
 Q Were there any children with her then? A. Two boys.
 Q Did they make any effort then to make any improvements? A. Dug a few logs together as though they were building a house but never finished it.
 Q What happened then? A. The next spring her husband came for her and took her and her two children back to Kansas.
 Q How long did she stay in Kansas that time? A. I dont know.
 Q When did you next see her? A. Before the Wallace court.
 Q How long did she stay here then? A. I dont know.
 Q Have you seen her any time off and on since? A. Next time I saw her was here at Nowata.

- Q How long ago? A. 3 years ago.
Q Has she been living here continuously since? A. Yes sir I suppose so

By the Commission-

- Q Are you certain you saw her here in '66? A Yes sir.
Q What makes you believe that it was '66 that you first saw her?
A It was directly after I come.
Q Was this man Coody any relation to Lizzie Brown? A Her husband

By Sequichie

JOHN LANDRUM called and sworn as a witness for applicant-

By Sequichie-

- Q What is your name? A. John Landrum
Q What is your age? A. 59.
Q What is your post office address? A. Hayden on Lightning creek.
Q Do you know this applicant? A. Yes sir
Q How long have you known her? A. Before the war.
Q How long before the war? A. About 2 or 3 years.
Q Where did she live when you first met her? A. On the Virdigris river.
Q Who did she belong to? A John Brown when I got acquainted with her.
Q How long after that did you see her again? A. In '67.
Q Where was she then? A. On Snow creek.
Q Do you know if she had located there permanently then? A. I dont know she was there at her sisters when I seed her.
Q Just living with her sister? A. She was there, I dont know where her home was in particular, I was just passing through at the time and seed her there at her sister's.
Q Do you know how long she staid there then? A. No sir I dont know how long she staid.

By the Commission

- Q Did you know her husband Alex Turk? A. Yes sir slightl.
Q How long did you know him? A. Not a great while, never saw him until in late years.
Q Were they married? A. It is said they were married in Kansas.
Q You didn't see er married? A. No sir.

By Commission of applicant-

- Q You married in Kansas, did you? A. Yes sir.
Q According to the law there? A. Yes sir.
Q What county? A Linn county.
Q Did you get a license there? A. Yes sir.
Q The first is that you never lived in the Cherokee Nation until four years ago since the war? A. Yes sir.
Q And your name is not on any of the Cherokee rolls is it? A. I dont know.

Applicant's name not on any of the rolls of the Cherokee Nation now in the possession of the Commission.

By Com'r Needles, -

Rachel Turk applies for herself as a Cherokee freedman, and for her husband Alex Turk as a Cherokee freedman by intermarriage. She avers that she was the slave of one Brown or Boody, was taken out of the Cherokee Nation during the war and returned in 1866 with two children; that she married in Kansas. She avers that she remained in the Cherokee Nation about a year the first time and then returned to Kansas with her children and husband, and never has resided in the Cherokee Nation until four years ago, from that time to this. She avers that she married her husband Alex Turk according to the laws of the Kansas. She avers that she has two children, William and Samuel who were born slaves, and who went with her to Kansas. She avers that she has five children all of age, who were born in Kansas and all raised in Kansas and resided there until four years ago. Only one witness is produced that saw her here in 1866, besides herself. It is evident from the testimony that the said Rachel Turk did not return to the Cherokee Nation according to either the letter or spirit of the section of the Treaty of 1866 requiring Cherokee freedmen to return to the Cherokee Nation and make their homes here within a certain time. Therefore the application for the enrollment of the said Rachel Turk as a Cherokee freedman and for the enrollment of her husband Alex Turk as an intermarried freedman will be rejected. It will be necessary for her to file satisfactory proof of her marriage.

Chas. von Weise, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings in 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 16th of July.

(Signed) T. B. Needles

Commissioner.

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

Mattie Kennedy

Subscribed and sworn to before me this the 13th day of December 1901.

Charles H. ...

(Handwritten initials)

DEPARTMENT OF THE INTERIOR,
COMMISSION TO EMANCIPATE CIVILIZED TRIBES.

in the matter of the application for the enrollment of Rachel Turk, et al., as Cherokee Freedmen, consolidating the applications of--

Rachel Turk,	Cherokee Freedmen R-146. ✓
Samuel Rogers, et al.,	Cherokee Freedmen R-149. ✓
William Rogers, et al.,	Cherokee Freedmen R-150. ✓
Willie Turk,	Cherokee Freedmen R-151. ✓
Bettie Turk,	Cherokee Freedmen R-152. ✓
John Turk,	Cherokee Freedmen R-153. ✓

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Rachel Turk for herself and her husband, Anderson Turk; the said Anderson Turk claims only a citizen by intermarriage, and his rights are not passed upon in this decision; by Samuel Rogers for himself and his minor children, Bessie and Valva Rogers; by William Rogers for himself and his minor children, Myrtle and Gracie Rogers; by Willie Turk for himself; by Bettie Turk for herself and by John Turk for himself.

The evidence in this case shows that the applicants, Rachel Turk, Samuel Rogers and William Rogers, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and went to the State of Kansas, where they lived until the year 1866, when they returned to the Cherokee Nation. It is shown by the testimony that their return to the Cherokee Nation at that time was but temporary and was with no intention of establishing a residence therein. It is further shown that they only remained in said Nation a few months, and in 1867 returned to Kansas, where they lived until 1897, when the applicants, Rachel Turk and Samuel Rogers, returned to the Cherokee Nation, where they have since resided. It is further shown by the testimony that the said William Rogers has continued to live in the State of Kansas since his return thereto in 1867. It further appears that at the time these applicants returned to the Cherokee Nation, in 1866, the said Rachel Turk was married, her husband living then in the State of Kansas, and that the said husband did not return at that time but continued to live in the State of Kansas until the said Rachel Turk's return thereto in 1867. The applicants, Willie Turk, Bettie Turk and John Turk, have been born since 1866 and are the children of one said Rachel Turk.

enrollment through their mother, the said Rachel Turk. It appears that these applicants were born in the state of Kansas and never lived in the Cherokee Nation prior to the year 1897; that the applicants, Bessie and Velva Rogers, are the minor children of the said Samuel Rogers, and the applicants, Myrtle and Gracie Rogers, are the minor children of the said William Rogers; that they have no right to enrollment except through their fathers.

It further appears that none of the applicants herein are identified upon the 1890 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Rachel Turk, Samuel Rogers, Bessie Rogers, Velva Rogers, William Rogers, Myrtle Rogers, Gracie Rogers, Willis Turk, Bettie Turk and John Turk as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 20, 1896, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

James Dixie

(SIGNED)

Chairman.

T. E. Hodges

(SIGNED)

Commissioner.

C. H. Mackintosh

(SIGNED)

Commissioner.

W. L. ...

(SIGNED)

Commissioner.

Muskogee, Indian Territory.

this

MAR 21 1896

FR 148

NOTICE

For Review of Decision of
Commission denying the
application for enroll-
ment 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:

Rachel Turk. 148

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, 1868.

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 _____

Department of the Interior

Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al, as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

Cherokee Freedmen D—100
 Cherokee Freedmen D—101
 Cherokee Freedmen D—102
 Cherokee Freedmen D—103
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 Cherokee Freedmen D—189
 Cherokee Freedmen D—190

George Reed, Sr.,	Cherokee Freedmen D--583,
Duck Ledman,	Cherokee Freedmen D--406,
Bell Thompson,	Cherokee Freedmen D--411,
Lewis Scott,	Cherokee Freedmen D--420,
Abe Scott,	Cherokee Freedmen D--421,
Kunder Livingston,	Cherokee Freedmen D--422,
Thomas E. Allen,	Cherokee Freedmen D--424,
Lewis Vanderford,	Cherokee Freedmen D--426,
John L. Bowlin,	Cherokee Freedmen D--444,
Katie Davis,	Cherokee Freedmen D--455,
Charles Williams,	Cherokee Freedmen D--475,
John J. Rose,	Cherokee Freedmen D--474,
Jane Martin,	Cherokee Freedmen D--486,
Lena Peterson,	Cherokee Freedmen D--490,
Alex Johnson,	Cherokee Freedmen D--492,
Martha Vann,	Cherokee Freedmen D--495,
John Scott,	Cherokee Freedmen D--501,
Nancy Rose,	Cherokee Freedmen D--518,
Charles C. Smith,	Cherokee Freedmen D--514,
Susie Colbert,	Cherokee Freedmen D--520,
William Skaggs,	Cherokee Freedmen D--545,
Spacie Johnson,	Cherokee Freedmen D--546,
Alfred P. Hopkins,	Cherokee Freedmen D--550,
Kimie Vann,	Cherokee Freedmen D--552,
Freddie Looney,	Cherokee Freedmen D--573,
Lary Chouteau,	Cherokee Freedmen D--584,
Alce Darnt,	Cherokee Freedmen D--588,
Mahaley Ward,	Cherokee Freedmen D--606,
Fred D. Thomas,	Cherokee Freedmen D--650,
Bettie Beck,	Cherokee Freedmen D--665,
Ellie Warren,	Cherokee Freedmen D--667,
Millie Robinson,	Cherokee Freedmen D--674,
Mary Webber,	Cherokee Freedmen D--681,
Frances Martin,	Cherokee Freedmen D--682,
Mary Elby,	Cherokee Freedmen D--696,
Esseant Taylor,	Cherokee Freedmen D--699,
Henry Sykes,	Cherokee Freedmen D--723,
Larkin R. Powell,	Cherokee Freedmen D--726,
Stepney Down,	Cherokee Freedmen D--726,
Malinda Vann,	Cherokee Freedmen D--741,
Frances Johnson,	Cherokee Freedmen D--742,
Annie Bates,	Cherokee Freedmen D--745,
Mary E. Rogers,	Cherokee Freedmen D--752,
George Washington Lane,	Cherokee Freedmen D--756,
Jane Brown,	Cherokee Freedmen D--760,

Benjamin (Clayton) (Cherokee Freedman) B-1100;
 Emily (Lambert) (Cherokee Freedman) B-1101;
 John (Lambert) (Cherokee Freedman) B-1102;
 Mattie (McNitt) (Cherokee Freedman) B-1103;
 Betty (Mann) (Cherokee Freedman) B-1104;
 Nelson (Lott) (Cherokee Freedman) B-1105;
 Fannie (Rogers) (Cherokee Freedman) B-1106;
 William (Washington) (Cherokee Freedman) B-1107;
 Squire (Warren) (Cherokee Freedman) B-1108;
 Fannie (Goldberg) (Cherokee Freedman) B-1109;
 Susan (Daniels) (Cherokee Freedman) B-1110;
 Anderson (Tucker) (Cherokee Freedman) B-1111;
 David (Lancaster) (Cherokee Freedman) B-1112;
 Della (McClain) (Cherokee Freedman) B-1113;
 Henderson (Jensen) (Cherokee Freedman) B-1114;
 Belle (Vannoy) (Cherokee Freedman) B-1115;
 Levi (Stead) (Cherokee Freedman) B-1116;
 John (Scripster) (Cherokee Freedman) B-1117;
 Matiah (Thompson) (Cherokee Freedman) B-1118;
 Ellen (Sheppard) (Cherokee Freedman) B-1119;
 Edith (Milton) (Cherokee Freedman) B-1120;

Cherokee Freedman B-1121;
 Cherokee Freedman B-1122;
 Cherokee Freedman B-1123;
 Cherokee Freedman B-1124;
 Cherokee Freedman B-1125;
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 Cherokee Freedman B-1128;
 Cherokee Freedman B-1129;
 Cherokee Freedman B-1130;
 Cherokee Freedman B-1131;
 Cherokee Freedman B-1132;
 Cherokee Freedman B-1133;
 Cherokee Freedman B-1134;
 Cherokee Freedman B-1135;
 Cherokee Freedman B-1136;
 Cherokee Freedman B-1137;
 Cherokee Freedman B-1138;
 Cherokee Freedman B-1139;
 Cherokee Freedman B-1140;

DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to the Commission by William Davis for himself; by Elizabeth Thomas for her husband, Henry Thomas; by Ella Vann for her wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Frances Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Elder for his wife, Sallie Elder; by Hector Campbell for himself; by Van Jackson Dasher for himself; by Tobe Middleton for his wife, Emma Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Rennie Fields; by John Kimbo for himself; by William (unclear) for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Peyton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barrow for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samuel Brown; by Mary Ann Watson for her husband, Howard M. Watson; by Jack McConnell for himself; by Maude (unclear) for herself; by George Reed, (unclear) for himself; by Buck Ledman for himself; by Ben Thompson for herself; by Lewis Scott for himself; by Abe Scott for

himself; by Knicker Knicker for himself; by Thomas E. called for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, John Peterson; by Mattie Johnson for her husband, John Johnson; by Joseph Adams for his wife, Martha Adams; by John West for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by J. H. Lobbey for his wife, Freddie Looney; by Lucy Johnson for herself; by Alice Dunn for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by Josh Webber for his wife, Mary Webber; by Orel Martin for his wife, Frances Martin; by Ed. Hilegron for his wife, Mary Hilegron; by Emanuel Taylor for himself; by Henry Bybee for himself; by Larkin P. Powell for himself; by Steppay Dawn for himself; by Ellie Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr. for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer-Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Melinda Murrell; by Charles Claggett for himself; by Samuel Lives for himself; by David Ross for his wife, Mary Ross; by George H. Nave for his wife, Maggie Nave; by Lewis Armstrong Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Percy Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Corry Satter for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lela Sanders; by Mary Haxel for her husband, George Haxel; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Bernard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James S. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McCouch for himself; by Jack Vann for his wife, Ollie Vann; by Lee Peters for himself; by Robert Adair for his wife, Ada Adair; by Jessie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Anos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Greaves for her husband, John Greaves; by Willie McNair for his wife, Malinda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Cook for himself; by Felix McCall for himself; by Hamilton Smith for himself; by Isaac Vann for his wife, Ella Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariab Thompson for herself; by Ellen Sheppard for herself; and by Lela Melton for herself, claiming their right thereto by virtue of their marriage to Frederick Charles Smith.

The record further shows that none of the applicants herein make any claim to enrollment as
 off-ens of the Cherokee Nation earlier than as set forth above.
 It further appears from the record herein that at the time applications were made for the en-
 rollment of the above named applicants, applications were made for the enrollment of other
 applicants as Charles Freedman, but said applications being differently classified are not included
 in this decision.
 It does not appear that any of the applicants herein are identified upon the 1880 Authent-
 icated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cher-
 okee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commis-
 sion to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under
 the provisions of the Act of Congress approved June 10, 1896, (29 Stat., 831).
 It is, therefore, the opinion of this Commission that, following the ruling of the Department in
 the case of Leonard Welcome, (I. T. D. 2814-1904, 11,776-1904), the applications made for the
 enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John
 Dotson, Mary Jane Vann, Thomas Lora, Ella Mayfield, Nellie Rider, Benben Campbell, Van Jackson,
 Luther, Charlie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William B. Madden, Jans Boss,
 Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander
 Claggett, Amanda, Martin, Eliza Martin, John E. Rogers, Bell Davis, Samuel Brown, Howard F.
 Watson, Beck McConnell, Marks Kinsey, George Reed, Sr., Bob Ledman, Ben Thompson, Lewis
 Scott, Abe Scott, Keeler Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie
 Davis, Charles Willis, John J. Reed, Jane Martin, Lena Peterson, Alan Johnson, Martha Vann,
 John Scott, Nancy Ross, Charles G. Smith, Stark Oakes, William Stagg, Sallie Johnson, Alfred
 F. Hopkins, Klara Vann, Freddie Looney, Lacy Chouinard, Anna Deane, Mahaley Wren, Fred D.
 Thomas, Bettie Best, Ella Warrick, Willie Robinson, Mary Webster, Frances Martin, Mary Riley,
 Ernest Taylor, Howard Spivey, Leola R. Smith, Stephen Best, Matilda Tabb, Etta Johnson,
 Annie Foster, Mary E. Brown, George Washington Rice, Jan Brown, Samuel L. Young, John
 Beckner, Willie Cane, Leonard Bayles, Melinda Murray, Charles Claggett, Samuel Irvin, Mary Ann,
 Maggie Tarr, Maudie Nava, Ella Rice, Elizabeth Deaton, Sallie Adams, George Ann Arbor, John
 Claggett, Mattie Smith, John Anderson, Lela Shaver, George H. Smith, Lela West, Wren French,
 Mary Johnson, Maggie Vann, William Sanders, Sam Rogers, Abraham Ballard, Laura David, John
 Deckman, James J. Perry, James Webb, Leonard Logan, George Howell, Henry Meade, George
 Addison, Frank Adams, Lela Beckman, Ella Vann, Lee Peters, Ida Allen, Robert Brown, Annie
 Chambers, Jane Jones, Allen Gentry, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney,
 John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Supp
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Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompeon, Elton Sheppard and Lula Melton, as Cherokee citizens by intermarriage, 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, JANUARY 19, 1905.



COMMISSIONERS:
HENRY L. DAVIS,
TAMM BIXBY,
THOMAS E. NEEDLES,
C. E. BRACKENRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Vinita S. T. Oct 15-01

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Anderson Turk et al. for enrollment as
Freedmen of the Cherokee Nation.

No. S F R 148

J. S. Blanche
Agent for applicants.

VMS
HENRY J. DAVIS
TAMM
AR III
IN WA

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Anderson Tracts 760.148

Set for hearing. 10/07/1931.

No 148.

Waring Enrollment of
Anderson Turk.

Witnesses:-

W Kingbury.

D B Cabourne

John J Newkirk

Ch. Spator.

Attorneys for the Cherokee Nation

BEFORE THE DAWES COMMISSION, CHEROKEE ENROLLMENT.

Please return this letter with your reply or mention this Number: O.....

Vinita, Ind. Ter.,

ATTORNEYS:
 W. W. HASTINGS..... Tahlequah, I. T.
 J. L. BAUGH..... Choptauk, I. T.

STENOGRAPHER:
 J. C. STARR..... Vinita, I. T.

MARSHALS:
 JOHN PARKS..... Vinita, I. T.
 W. S. WYLY..... Tahlequah, I. T.

Anderson Zuck No. 148.

Witness:

St. Kingabury, Ind City, Ks.
B. W. Colburn
John J. Harkins
O. P. Station

*I will Testify that Anderson Zuck
 lived in Linn Co. Ks. from 1868
 to 1890+ owned land.*

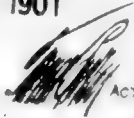
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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 1 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *July 1, 1901*
Post Office *Lawrence, S. C.*
District *100*

1. Name *Anderson Turk* Age *47*
Owner's name *Aggie Brown* Citizenship
Year Page No. District

Parents:

Father Citizenship
Mother Citizenship

2. Name of wife *Rachel Turk* Age *64*
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship
Mother *Aggie Brown - dead* Citizenship

Names of Children:

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Rejected

Application made by *Mr. 1* Stenographer *Miss O'Neil*

Marriage cert. to be supplied

J. R. Squibbe Agent for applicants.

Cherokee Freedmen
R-140 et al.

Muskogee, Indian Territory, March 19, 1904.

J. R. Sequichie,
Agent for Rachel Turk et al.,
Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Rachel Turk et al., together with the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Samuel, Bessie, Velva, William, Myrtle and Gracie Rogers, Willis, Fattie and John Turk 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,

Register.

no. 1-22.

Commissioner in Charge.

COPY

Cherokee Freedmen
D-148 et al.

Muskogee, Indian Territory, March 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Rachel Turk et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Rachel, Jennie and Valva Rogers, William, Myrtle and Cecile Rogers, Willie, Lottie and John Turk as Cherokee Freedmen.

Respectfully,

C. R. Broderick

Enc. D-14.

Commissioner in Charge

Through the

Commissioner of Indian Affairs.

COPY

Cherokee Freedman
B-148.

Muskogee, Indian Territory, March 19, 1904.

Nashel Turk,

Nowata, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for enrollment as a Cherokee Freedman. Your agent, J. H. Sequoia, Chelsea, Indian Territory, has heretofore been furnished with a copy of the proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

C. B. Washburn

Commissioner in Charge.

Register.

Enc. D-16.

mdy

COMMISSIONERS:
TAMM BIRBY,
THOMAS S. NEEDLES,
C. R. BRACKINRIDGE,
W. E. STANLEY.

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

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-148 et al.

ALLISON L. AVLESWORTH,
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 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Samuel, Bessie, Velva, William, Myrtle and Gracie Rogers, Willis, Bettie and John Turk, 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.

Enc. D-23.

W.C.F.
J.P.
MHE
L.R.S.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

D.C.-30796-1904
I.T.D. 6346-1904.

August 19, 1904.

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

Gentlemen:

March 19, 1904, you transmitted the record in the consolidated Cherokee freedmen case of Rache Turk, et al. (D-148), including your decision of March 11, 1904, rejecting the applications.

Reporting in the matter August 9, 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)

Thos Ryan
Acting Secretary

1 inclosure.

Refer in reply
to the following:
Land
19438-1904

(C O P Y)

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.

WASHINGTON, August 9, 1904

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission dated March 19, 1904, forwarding the record relative to the application of Rachel Turk, et al., for enrollment as Cherokee Freedmen.

Rachel Turk applied for the enrollment of herself and her husband, Anderson Turk, Anderson Turk claims right to enrollment by intermarriage, and the Commission did not include him in their decision.

Samuel Rogers applied for the enrollment of himself and his minor children, Beattie and Velva Rogers.

William Rogers applied for the enrollment of himself and his children, Myrtle and Grace Rogers.

Willis Rogers applied for the enrollment of himself Beattie Turk for the enrollment of herself, and John Turk for his enrollment.

The record in the case shows that Rachel Turk, Samuel Rogers and William Rogers were slaves of Cherokee citizens at the commencement of the war; that they left the nation

and went to Kansas , where they lived until the year 1866, when they returned to the Cherokee Nation.

Rachel Turk first settled on Snow Creek. She started to make some improvements there, but never finished them. She returned to Kansas and resided there until 1897, when she returned to the Cherokee Nation, where she has since resided.

Samuel Rogers and William Rogers are sons of Rachel Turk, and returned to the Cherokee Nation with her in 1866. They left the nation with their mother during the years 1866-7 and went to Kansas, where they resided until 1897. The minor applicants were born in Kansas.

Anderson Turk, husband of Rachel Turk, did not go to the Cherokee Nation in 1866, when his wife returned.

Willis Turk, Bettie Turk and John Turk are children of Rachel Turk , and were born since the close of the rebellion. They were all born in Kansas.

Although the record conclusively shows that Rachel Turk and Samuel and William Rogers returned to the Cherokee Nation within the time limit fixed by the treaty of 1866, it also shows that they did not settle in the nation in good faith. They only remained a few months, when they returned to Kansas. During their absence they did not own any property or personal effects in the Cherokee Nation.

In view of the record the approval of the Commission's decision of March 11, 1904, adverse to the applicants

-2-
included therein, is respectfully recommended.

Very respectfully,

A. C. Tanner
Acting Commissioner

CAF-22

COMMISSIONERS:

TAMS BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE,

WM. O. BEALL,
Secretary.

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

Cherokee
REFER IN REPLY TO THE FOLLOWING:

**Cherokee Freedmen
No. 148, et al.**

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Mankegoe, Indian Territory, October 4, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Rachel, Willis, Bettie and John Park, and Samuel, Bessie, Valva, William, Myrtle and Gracie Rogers as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,


Chairman.

COPY.

Cherokee Freedmen
148

Muskogee, Indian Territory, October 4, 1904.

Rachel Turk,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

(Signed) *Tams Bixby.*
Chairman.

COPY.

Receiving stamp
3-16 at 11

Pankroge, Indian Territory, January 24, 1905.

The Mesquite

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Kirkman, Frances Helton, John Dotson, Mary Jane Vann, Thomas Lewis, Ella Hayfield, Nellie Elder, Reuben Campbell, Van Jackson Luther, Essie Robinson, Lucy Smith, Nellie Fields, John Kinbo, William S. Hutton, Sam Dean, Albert F. Thomas, Mary Campbell, Corviline Daniels, William Liberty, Dave Morris, Alexander Chaggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Wilson, Jack McConnell, Maudie Manley, George Ford, Sr., Dick Lottum, Bill Thompson, Louis Scott, Abe Scott, Kendra Langston, Emma E. Allen, Lewis Vanderford, John L. Bewlin, Katie Davis, Charles Williams, John J. Reas, Jane Martin, Leta Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Bass, Charles C. Smith, Essie Colhart, William Stagg, Essie Johnson, Alfred P. Hopkins, Kinada Vann, Freddie Leamy, Lucy Cheuteau, Alice Largent, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Weber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Eyles, Lucile F. Powell, Steynor Dawn, Malinda Vann, Frances Johnson, Annie Porter, Mary E. Rogers, George Washington Bond, Jane Brown, Samuel L. Young, John Dinkner, Willis Cox, Leonard Bunker, Malinda Powell, Charles Claggett, Samuel Irwin, Mary Huse, Maggie Barr, Moses Barr, Ella Ross, Elizabeth Justice, Sadie Adams, Georgetown Barber, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Sandberg, Minnie West, Marie French, Mary Johnson, Maggie Vann, William Roberts, Sarah Rogers, Abraham Ballard, Laura David, John Jackson, James S. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Smith, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isaac Jones, Alice Carter, Katie Adair, Carrie Martin, Benjamin Black, Emily Leary, John Groves, Matilda McFair, Bettie Vann, Nelson Lott, Fannie Rogers, William Washington, Squire Warren Ooms, Fannie Galloway, Sarah Daniels, Anderson Turk, David Lott, Felix McFair, Anderson Jones, Belle Vann, Levi Stroud, John Supter, Harriet Thompson, Ellen Sheppard and Lula Helton, as Charles & Minnie by inter-marriage, including the Commission's decision dated January 16, 1905, rejecting said applications.

Respectfully,

SIGNED: *Tatus Dixby*

Witness

Incl. K-5.
Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
J-M et al.

Muskogee, Indian Territory, January 24, 1905.

Bell, Hastings & Javenport,
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 January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Mathias, Frances Helton, John Johnson, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Martin, Nellie Fields, John Kinsie, William S. Hadden, Jane Bean, Albert F. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Jess Morris, Alexander Claggett, Ananda Martin, Eliza Martin, John E. Barnes, Nell Davis, Samuel Brown, Howard F. Watson, Jack McDaniel, Maudie Hester, George Reed, Sr., Buck Lofton, Nell Thompson, Lewis Scott, Joe Scott, Kandy Ruyton, Thomas H. Allen, Lewis Vanderford, John I. Nevitt, Mattie Neale, Charles Williams, John S. Ross, Jane Martin, Isaac Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles S. Smith, Susie Colbert, William Shags, Susie Johnson, Alfred F. Hopkins, Fannie Vann, Freddie LeMay, Lucy

Charles, Alice Jirant, Fehaley Ward, Fred J. Thomas, Robert Smith,
 Ellis Warren, Willie Robinson, Mary Weber, Frances Martin, Mary
 Miller, Samuel Taylor, Henry Sykes, Lucian P. Powell, Margaret Lane,
 Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers,
 George Washington Lane, Jane Brown, Samuel L. Young, John Deane,
 Willie Cox, Leonard Butler, Malinda Howell, Charles Claggett,
 Samuel Irwin, Mary Ross, Maggie Vann, Emma Vann, Ella Ross,
 Elizabeth Juman, Sadie Adams, Georgeann Archer, John Claggett,
 Fattie Smith, Jack Jackson, Lula Sanders, George Haggberg, Lillian
 West, Maria French, Mary Johnson, Maggie Vann, William Haines,
 Sarah Rogers, Abraham Ballard, Laura Dwyer, John Williams, James
 B. Perry, Isaac Walsh, Lawson Logan, George Smith, Waddy Smith,
 George Adams, Annie Thomas, Lewis McNeill, Galile Vann, Lee
 Johnson, Ma Blair, Robert Brown, Alice Chambers, Isaac Jones,
 Alice Carter, Katie Blair, Carrie Martin, Benjamin Smith, Mary
 Loney, John Groves, Matilda Kellair, Nettie Vann, Wilson Lott,
 Fannie Rogers, William Washington, Squire Weaver Burns, Fannie
 Collier, Susan Spittle, Andrew Post, David Lane, Felix McChane,
 Henderson Jones, Belle Vann, Levi Street, John Dwyer, Martha
 Claggett, Ellen Claggett and John Haines, as Overseas citizens
 by birthrights.

The Overseas, together with the results of proceedings
 had in the case, has this day been transmitted to the Secretary
 of the District for his review and signature. The copies of the

REPLY TO THE ABOVE BY THE 15th OF APRIL AT THE EARLIEST TO
BE RECEIVED BY THE 1st OF MAY.

Yours faithfully,

Yours faithfully,
Tame Birby.

1841. 1. 10.

COPY.

Cherokee Freedmen

R-148.

Muskogee, Indian Territory, January 24, 1905.

Anderson Turk,

Nowata, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

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

Respectfully,

(SIGNED)

Tamc Dixby

Chairman.

Incl. S-101.

Register.

(C O P Y)

D.C. 20877-1905
I.T.D. 2904-1905.

W C F
F H E

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L R S

April 17, 1905

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

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation including your decision of January 19, 1905, rejecting said applications, viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard E. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Gander Lampton, Thomas E. Allen Lewis Vanderford, John L. Rowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann,

John Scott, Nancy Ross, Charles C. Smith, Susie Colbert,
William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann,
Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary
Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith,
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch, Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

Reporting in the matter March 21, 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,

(Signed) THOS. RYAN
Acting Secretary.

1 inclosure.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Land.
7098-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Albery, Dave Morris, Alexander Claggett, Ananda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Leampton, Thomas H. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Esauel Taylor, Henry Sykes, Larkin P. Powell, Stepney Damm, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvin, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1908, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that

none is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Welcome case, 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.

COPY.

Cherokee Freedmen

R-148.

Muskogee, Indian Territory, April 28, 1905.

Anderson Turk,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED *Tame Bixby,*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905

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

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED)

Tame Dixby.
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 20, 1906.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1906, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by inter-marriage, was affirmed by the Secretary of the Interior on April 17, 1906.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

Cherokee Freedman
R-148

Muskogee, Indian Territory, May 28, 1906.

Anderson Turk,
Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

wcp

Mustagee, Indian Territory, May 20, 1906.

Miss S. Selger,

Attorney for Miss A. Arnold, et al.,
Vinita, Indian Territory.

Gentlemen:

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, copying motions filed by you September 7, 1905 for review in the Cherokee Freedmen enrollment cases of Miss A. Arnold and others named in said letter.

Respectfully,

Commissioner.

MS

Muskogee, Indian Territory, May 29, 1906.

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

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1906, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
Incl. C-2

CHEROKEE FREEDMEN

IN THE MATTER OF THE APPLICATION OF

Anderson Turk et al

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

- A. Original testimony July 1 1901
- B. Memo of application July 1 1901
- C. Receipt for testimony

at No 2

Copy of testimony filed
with Cherokee Nation.

See envelope enclosed packet.

No 2147 R ... 53

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOCOE, IND. TER.

1000

POSTAGE NUMBER
81

LOWA



Cher. Fr. R-149

Cher. Fr. R-149

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July 1, 1901.

Joe Sequichie agent for applicant.

In the matter of the application of Rachel Turk for the enrollment of herself as a Cherokee freedman and for the enrollment of her husband as a Cherokee freedman by inter-marriage, she being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Rachel Turk.
Q What is your age? A. 67.
Q What is your post office address? A. Cooweescoowee dist. Nowata.
Q Do you get your mail all over the district? A. No sir here at Nowata.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Is your name on any of the rolls? A. On the Wallace roll.
Q Did you ever get any money? A. No sir.
Q Did you apply to the Kern Clifton court? A. No sir.
Q Are you on the roll of 1880? A. No sir.
Q Did you ever apply to the authorities at Tahlequah for enrollment?
A. No sir.
Q Are you married? A. Yes sir.
Q What is your husband's name? A. Anderson Turk.
Q Is he a citizen? A. No sir.
Q What is your father's name? A. William Melton.
Q Is he living? A. No sir.
Q What is your mother's name? A. Aggie Brown.
Q Is she living? A. No sir.
Q How many times have you been married? A. Twice.
Q What was the name of your first husband? A. Dick Rogers.
Q Is he dead? A. Yes sir.
Q And your present husband is named Turk? A. Yes sir.
Q When did you marry him? A. It has been so long I don't know.
Q Now who do you want to apply for? A. Myself and then my husband is one by intermarriage.

(By Joe Sequichie)

- Q Where did you live before the war? A. On the Verdigris river.
Q What part of the Cherokee Nation is that? A. Cooweescoowee district.
Q Who did you belong to? A. Lizzie and John Brown.
Q Did you live in the Cherokee Nation at the beginning of the war? A.
A. Yes sir, and I was taken out by the soldiers.
Q Where to? A. Mapleton, Kansas.
Q How long did you stay there? A. I can't tell exactly.
Q When did you return here? A. In '66.
Q What part of the Cherokee Nation did you come to? A. On Snow Creek.
Q Who did you return with? A. Pess Gibson, and his wife.
Q Did you make any improvements on Snow creek when you first settled?
A. Started to and never finished it.
Q Did your husband return with you from Kansas? A. No sir.
Q Did he stay up there? A. Yes sir.
Q When did he come here? A. After me.
Q How long had you been here when he come after you? A. Inside of a year.
Q You say you started to make a farm on Snow creek? A. Yes sir.
Q Where did your husband take you to when he come after you? A. Where I came back from, to Mapleton, Kansas.
Q How long did you stay there that time? A. I staid there a good while.
Q Where were your children born? A. One up there in Kansas and two down here.
Q Where was Jesse born? A. In Kansas.
Q After Jesse was born did you return to the Cherokee Nation? A. Yes sir.
Q How long did you stay here then? A. I staid here quite a while, my memory is not so good as to years.
Q Which one of your children were born here in the Cherokee Nation?

Bill and Service.

- Q After you went back to Kansas, what year did you return here and settle permanently? A I come down to the Wallace court after that.
- Q You came here during the Wallace court? A. Yes sir.
- Q Did you apply for enrollment then? A. Yes sir.
- Q Were you enrolled? A They taken my name at
- Q Where have you been since then? A. Yes sir.
- Q Have you been here all the time since then? A No sir, I went back after that and staid a little while and come back and have been here ever since.
- Q How long after the Wallace court did you go back to Kansas? A I dont know exactly when.
- Q Did all these children come back with you? A. Yes sir.
- Q Did some settle permanently after you come back in '66? A When I went back to Kansas I took my children with me.
- Q And did they stay with you all the time? A. Yes sir.
- Q And have they been here since you came here the last time? A Yes sir (By the Commission)
- Q Where were you married to Alex Turk? A In Kansas.
- Q You came here in '68? A Yes sir.
- Q And how long did you stay then? A. About a year.
- Q Did you have any of your family with you then? A. Some of my children
- Q And then you went back to Kansas? A. Yes sir.
- Q And staid in Kansas until the Wallace court? A. Yes sir.
- Q And then you came down to see about putting your name before the Wallace court? A Yes sir.
- Q And after that you went back to Kansas? A. Yes sir.
- Q And staid there a short time and come back here again? A. Yes sir
- Q And then did you go back to Kansas again? A. Yes sir.
- Q How long have you been from Kansas the last tin? A. Four years.
- Q Always before that you lived in Kansas? A. Yes sir.
- Q You lived there and would come here and then go back? A. Yes sir.
- Q What is your oldest child's name? A. Bill Turk.
- Q How old is he? A. I dont believe I can tell his age.
- Q He was born in Kansas? A. No sir, here.
- Q When was he born? A. In slave time.
- Q What is the next ones name? A. Sammie, he was born in slave tin too
- Q Next one? A. Jesse.
- Q Where was he born? A. Kansas.
- Q Next one? A. Sarah.
- Q Where was she born? A. Kansas.
- Q Next one? A. Willis.
- Q Where was he born? A. In Kansas.
- Q Next one? A. Bettie.
- Q Where was she born? A. In Kansas.
- Q Next one? A. John
- Q Where was he born? A. Kansas.
- Q William and Sam were born slaves? A. Yes sir.
- Q And went out with you? A. Yes sir.
- Q And come back here when you first came? A. Yes sir.
- Q Where are they now? A. Living here.
- Q Did they come down here four years ago? A. Yes sir.
- Q Do you live on a farm now? A. No sir in town.
- Q What town? A. Nowata.
- NELSON MURRELL, called and sworn as a witness for the applicant-
(By Joe Sequichie)
- Q What is your name? A. Nelson Murrell.
- Q What is your age? A. 77.
- Q What is your post office address? A. —
- Q Do you know the applicant? A. Yes sir.
- Q How long have you known her? A. About 45 years.
- Q Where was she when you first saw her? A. On Dog Creek.
- Q Char-kee Nelson? A. Yes sir.
- Q Was she a slave? A. Yes sir.
- Q Who owned her? A. Char-kee Nelson.

- Q Was he a Cherokee Indian? A Yes sir.
- Q She belonged here in the Cherokee Nation? A Yes sir.
- Q Tell how long before the war was it that she belonged to Charles Goody? A Several years.
- Q Did you know anything of this family at the beginning of the war? A No sir.
- Q When was the next time that you saw this applicant? A I saw her in the winter of '56.
- Q Where was she then? A On Snow Creek and the Verdigris river, between the two.
- Q Was her husband living with her then? A No sir not then.
- Q Were there any children with her then? A Two boys.
- Q Did they make any effort then to make any improvements? A They cut a few logs together as though they were building a house but never finished it.
- Q What happened then? A The next spring her husband came for her and took her and her two children back to Kansas.
- Q How long did she stay in Kansas that time? A I dont know.
- Q When did you next see her? A Before the Wallace Court.
- Q How long did she stay here then? A I dont know.
- Q Have you seen her any time off and on since? A Next time I saw her was here at Nowata.
- Q How long ago? A 3 years ago.
- Q Has she been living here continuously since? A Yes sir I suppose so.
- (By the Commission)
- Q Are you certain you saw her here in '66? A Yes sir.
- Q What makes you believe that it was '66 that you first saw her? A It was directly after I come.
- Q Was this man Goody any relation to Lizzie Brown? A Her husband.
- JOHN LANDRUM called and sworn as a witness for applicant.
- (By Squidichie)
- Q What is your name? A John Landrum.
- Q What is your age? A 59.
- Q What is your post office address? A Hayden on Lightning creek.
- Q Do you know this applicant? A Yes sir.
- Q How long have you known her? A Before the war.
- Q How long before the war? A About 2 or 3 years.
- Q Where did she live when you first met her? A On the Verdigris river
- Q Who did she belong to? A John Brown when I got acquainted with her
- Q How long after that did you see her again? A In '67.
- Q Where was she then? A On Snow Creek.
- Q Do you know if she had located there permanently then? A I dont know she was there at her sisters when I seed her.
- Q Just living with her sister? A She was there, I dont know where her home was in particular, I was just passing through at the time and seed her there at her sister's.
- Q Do you know how long she staid there then? A No sir I dont know how long she staid.
- (By the Commission)
- Q Did you know her husband Alex Turk? A Yes sir slightly.
- Q How long did you know him? A Not a great while, never saw him until in late years
- Q Were they married? A It is said they were married in Kansas.
- Q You didn't see her married? A No sir.
- (By Commission of applicant)
- Q You married in Kansas did you? A Yes sir.
- Q According to law there? A Yes sir.
- Q What county? A Ginn County.
- Q Did you get a license there? A Yes sir.
- Q The fact is that you never lived in the Cherokee Nation until four years ago since the war? A Yes sir.
- Q And your name is not on any of the Cherokee rolls is it? A I dont know.

Applicant's name not on any of the rolls of the Cherokee Nation
is in the possession of the Commission.

By Com'r Needles,-- Rachel Turk applies for herself as a Cherokee Freedman, and for her husband Alex Turk as a Cherokee freedman by intermarriage. She avers that she was the slave of one Brown or Coody, was taken out of the Cherokee Nation during the war and returned in 1866 with two children; that she married in Kansas. She avers that she remained in the Cherokee Nation about a year the first time and then returned to Kansas with her children and husband, and never has resided in the Cherokee Nation until four years ago, from that time to this. She avers that she married her husband Alex Turk according to the laws of the state of Kansas. She avers that she has two children, William and Samuel who were born slaves and who went with her to Kansas. She avers that she has five children, all of age, who were born in Kansas and all resided in Kansas and were raised in Kansas and resided there until four years ago. Only one witness is produced that saw her here in 1866, besides herself. It is evident from the testimony that the said Rachel Turk did not return to the Cherokee Nation according to either the letter or spirit of the section of the Treaty of 1868 requiring Cherokee freedmen to return to the Cherokee Nation and make their homes here within a certain time. Therefore the application for the enrollment of the said Rachel Turk as a Cherokee freedman and for the enrollment of her husband Alex Turk as an intermarried freedman will be rejected. It will be necessary for her to file satisfactory proof of her marriage.

=====

Chas. von 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 true and complete transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this 10th day of September, 1901.

Commissioner.

M. R. Green

M. R.

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7/14/01

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THE FIVE
FILED
JUL 18 1901

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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., July, 1st, 1901.

In the matter of the application of Sam Rogers for the enrollment of himself and two children as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles testified as follows-

See Serjichis agent to applicants.

By Com'r Needles-

- Q What is your name? A. Sam Rogers.
Q How old are you? A. About 41.
Q What is your post office address? A. Nowata.
Q In what district do you live? A. Coowasocowoo.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who else do you desire to have enrolled besides yourself? A. Two children.
Q What are their names? A. Bonnie Rogers.
Q How old? A. 20.
Q Next? A. Velva Rogers
Q How old? A Five years
Q Are they both your children? A. Yes sir.
Q Are you married? A. My wife is dead.
Q What was her name? A. Jane
Q Is she a citizen? A. No sir.
Q Was she the mother of these two children? A. Yes sir.
Q of both of them? A. Of the eldest child, I have been married twice.
Q Bonnie is the child of Jane is she? A Yes sir.
Q Who is your second wife? A. Mariah.
Q Is she living? A. No sir.
Q Was she a citizen? A. No sir.
Q Was she the mother of Velva? A. Yes sir.
Q Is your name on the rolls of the Cherokee Nation? A. No sir.
Q Where did you live? A. With my mother, here in town.
Q What is your mothers name? A. Rachel Turk.
Q How you you happen to be named Rogers? A. That was my mothers first name, I was born before the war.
Q What was your fathers name? A. Dick Rogers.
Q Were you born a slave? A. Yes sir.
Q Were you taken out of the Cherokee Nation during the war with your mother? A. Yes sir, that is what she says, I dont know.
Q Where did you marry your first wife? A. Mound City, Kim County Kansas.
Q Where did you marry Mariah? A. In Kansas.
Q When did you return to the Cherokee Nation? A. With my mother.
Q You always lived in Kansas up to then? A. Yes sir.
Q And voted in Kansas? A. No sir, always worked and did not have time to pay attention to elections.
Q Your home was with your mother in Kansas? A. Yes sir.
Q Your children were born there? A Yes sir.

By Com'r Needles-

Sam Rogers applies for himself and two children, Bonnie 20 years of age and Velva, five years of age; he avers that he is the son of Rachel Turk who has been listed for enrollment as Cherokee Freedman R. Card #146; he avers that he has two children, Bonnie and Velva Rogers for whom he applies, and that Bonnie was the child of his first wife Jane, a non citizen whom he married in Kansas, and that Velva was the daughter of his second wife Mariah, also a non citizen whom he married in Kansas. He avers that he was a slave and that his fathers name was Dick Rogers, that he went with his mother to Kansas during the war and returned here with her and never made his home in the Cherokee Nation.

JUL 15 1901
F. I. D. 57

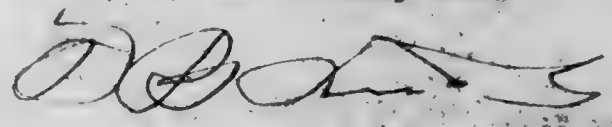
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and more than have been in some of the...
is now 22 years of age, the language...
of the record in the application of her and a copy thereof
filed herewith, consequently the said Sam Rogers and his two
children Jessie and Velva Rogers will be rejected.

Ghas. von Weise being sworn states that as stenographer to the Com-
mission to the Nye 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.

Charvontheal

Subscribed and sworn to before me this the 10th of July, 1901.



Commissioner.

Cammie

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

In the matter of the application for the enrollment of Rachel Turk, et al., as Cherokee Freedmen, consolidating the applications of--

Rachel Turk,	Cherokee Freedmen R-146.
Samuel Rogers, et al.,	Cherokee Freedmen R-149.
William Rogers, et al.,	Cherokee Freedmen R-150.
Willis Turk,	Cherokee Freedmen R-151.
Bettie Turk,	Cherokee Freedmen R-152.
John Turk,	Cherokee Freedmen R-153.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Rachel Turk for herself and her husband, Anderson Turk; the said Anderson Turk claims only as a citizen by intermarriage, and his rights are not passed upon in this decision; by Samuel Rogers for himself and his minor children, Bossie and Volva Rogers; by William Rogers for himself and his minor children, Myrtle and Gracie Rogers; by Willis Turk for himself; by Bettie Turk for herself and as John Turk for himself.

The evidence in this case shows that the applicants, Rachel Turk, Samuel Rogers and William Rogers, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and went to the State of Kansas, where they lived until the year 1866, when they returned to the Cherokee Nation. It is shown by the testimony that their return to the Cherokee Nation at that time was but temporary and was with no intention of establishing a residence therein. It is further shown that they only remained in said Nation a few months, and in 1867 returned to Kansas, where they lived until 1897. None of the applicants, Rachel Turk and Samuel Rogers, returned to the Cherokee Nation, where they have since resided. It is further shown by the testimony that the said William Rogers had continued to live in the State of Kansas since his return thereto in 1867. It further appears that at the time these applicants returned to the Cherokee Nation, in 1866, the said Rachel Turk was married, her husband living then in the State of Kansas, and that the said husband did not return at that time but continued to live in the State of Kansas until the said Rachel Turk's return thereto in 1867. The applicants, Willis Turk, Bettie Turk and John Turk, have been born since 1866 and are the children of and claim their right to

enrollment through their mother, the said Rachel Turk. It appears that these applicants were born in the State of Kansas and never lived in the Cherokee Nation prior to the year 1897; that the applicants, Bessie and Velva Rogers, are the minor children of the said Samuel Rogers, and the applicants, Myrtle and Gracie Rogers, are the minor children of the said William Rogers; that they have no right to enrollment except through their fathers.

It further appears that none of the applicants herein are ~~of the Cherokee Nation~~ ~~as the law requires~~ ~~Cherokee~~ ~~well~~.

Therefore, the opinion of this Commission that the applications for the enrollment of Rachel Turk, Samuel Rogers, Bessie Rogers, Velva Rogers, William Rogers, Myrtle Rogers, Gracie Rogers, Willie Turk, Bettie Turk and John Turk as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stat., 496), and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES,

Tame Dixey.

(SIGNED)

Chairman.

F. B. Needles,

Commissioner.

O. H. Brockbridge,

Commissioner.

W. A. ...

Commissioner.

Indianna, Indian Territory,

MAR 11 1904

this

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3R149

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

FILED
JUL 1 1901

[Handwritten signature]

CHEROKEE FREEDMEN.

Date July 1, 1901
Post Office Nowata, I.T.
District 600

1. Name Samuel Rogers Age 41
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother Rachel Turk living Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

- 3. Bessie Rogers Year _____ Page _____ No. _____ Dist. 20
- 4. Velva " " Year _____ Page _____ No. _____ Dist. 5
- 5. _____ Year _____ Page _____ No. _____ Dist. _____
- 6. _____ Year _____ Page _____ No. _____ Dist. _____
- 7. _____ Year _____ Page _____ No. _____ Dist. _____
- 8. _____ Year _____ Page _____ No. _____ Dist. _____
- 9. _____ Year _____ Page _____ No. _____ Dist. _____
- 10. _____ Year _____ Page _____ No. _____ Dist. _____
- 11. _____ Year _____ Page _____ No. _____ Dist. _____
- 12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by M. T. Year _____ Page _____ No. _____ Dist. _____
Stenographer Chas. Sullivan

Ref. R 148

J. R. Sequelie Agent for applicants

Cherokee Freedmen
R-149.

Muskogee, Indian Territory, March 19, 1904.

Samuel Rogers,

Nowata, Indian Territory

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for the enrollment of yourself and your two minor children, Bessie and Velva Rogers, as Cherokee freedmen. Your agent, J. R. Sequichie, Chelsea, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Register.

Commissioner in Charge.

Enc. D-17.

COPY

Cherokee Freedmen
B-148 et al.

Muskogee, Indian Territory, March 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Rachel Turk et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Samuel, Essie and Velva Rogers, William, Myrtle and Gracie Rogers, Willis, Bettie and John Turk as Cherokee freedmen.

Respectfully,

C. B. ...

Enc. D-24.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

COPY.

Cherokee Freedmen
D-140 et al.

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 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Samuel, Bessie, Velva, William, Myrtle and Gracie Rogers, Willis, Bettie and John Turk, 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.

Enc. D-23.

Commissioner in Charge.

COPY.

Cherokee Freedmen
R-148 et al.

Muskogee, Indian Territory, March 19, 1904.

J. R. Sequoia,
Agent for Rachel Turk et al.,
Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Rachel Turk et al., together with the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Samuel, Bessie, Velva, William, Myrtle and Gracie Rogers, Willis, Bettie and John Turk 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. F. Davidson

Register.

Commissioner in Charge.

Enc. 2-22.

Refer in reply
to the following:
Land
19438-1904

(C O P Y)

DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS.

WASHINGTON, August 9, 1904

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission dated March 19, 1904, forwarding the record relative to the application of Rachel Turk, et al., for enrollment as Cherokee freedmen.

Rachel Turk applied for the enrollment of herself and her husband, Anderson Turk, Anderson Turk claims right to enrollment by intermarriage, and the Commission did not include him in their decision.

Samuel Rogers applied for the enrollment of himself and his minor children, Bessie and Velva Rogers.

William Rogers applied for the enrollment of himself and his children, Myrtle and Grace Rogers.

Willis Rogers applied for the enrollment of himself Bettie Turk for the enrollment of herself, and John Turk for his enrollment.

The record in the case shows that Rachel Turk, Samuel Rogers and William Rogers were slaves of Cherokee citizens at the commencement of the war; that they left the nation

and went to Kansas, where they lived until the year 1866, when they returned to the Cherokee Nation.

Rachel Turk first settled on Snow Creek. She started to make some improvements there, but never finished them. She returned to Kansas and resided there until 1897, when she returned to the Cherokee Nation, where she has since resided.

Samuel Rogers and William Rogers are sons of Rachel Turk, and returned to the Cherokee Nation with her in 1866. They left the nation with their mother during the years 1866-7 and went to Kansas, where they resided until 1897. The minor applicants were born in Kansas.

Anderson Turk, husband of Rachel Turk, did not go to the Cherokee Nation in 1866, when his wife returned.

Willis Turk, Bettie Turk and John Turk are children of Rachel Turk, and were born since the close of the rebellion. They were all born in Kansas.

Although the record conclusively shows that Rachel Turk and Samuel and William Rogers returned to the Cherokee Nation within the time limit fixed by the treaty of 1866, it also shows that they did not settle in the nation in good faith. They only remained a few months, when they returned to Kansas. During their absence they did not own any property or personal effects in the Cherokee Nation.

In view of the record the approval of the Commission's decision of March 11, 1904, adverse to the applicants

-3-

included therein, is respectfully recommended.

Very respectfully,

A. C. Tonner

Acting Commissioner

GAW-Ma

DEPARTMENT OF THE INTERIOR
WASHINGTON.

W.C.F.
J.P.
THE
I.R.S.

D.C.-50796-1904
I.T.D. 6348-1904.

August 19, 1904.

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

Gentlemen:

March 19, 1904, you transmitted the record in the consolidated Cherokee freedmen case of Rachel Turk, et al. (D-148), including your decision of March 11, 1904, rejecting the applicants.

Reporting in the matter August 9, 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,

1 inclosure.

(Signed) T

Thos Ryan
Acting Secretary

COPY.

Charles Brockton
E 140, et al.

Wahkegees, Indian Territory, October 4, 1904.

Hall, Hastings & Devanport,
Attorneys for the Cherokee Nation,
Tulsa, Indian Territory.

Sir:

You are hereby advised that the Commissioner's Decision dated March 21, 1904, rejecting the applications for the enrollment of Samuel, Willie, Nettie and John Lee, and Sarah, Nancy, Willie, Myrtle and Grace Rogers as Cherokee Freedmen, was affirmed by the Secretary of the Interior on August 28, 1904.

Respectfully,

Signed: *Tamm*
Special Agent.

COPY.

Cherokee Freedmen
2 100

Muskogee, Indian Territory, October 4, 1904.

Samuel Rogers,
Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, your application for the enrollment of yourself and your minor children, Bessie and Verna Rogers, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

(SIGNED)

Tams Bixby
Chairman

IN THE MATTER OF THE APPLICATION OF

Samuel Rogers et al

FOR REPLEVEMENT AS

CHESTERMAN ET AL VS MEN

- A. Original testimony July 1, 1901
- B. Means of identification July 1, 1901
- C. Test from case of Rachel Turk

Copy of testimony filed
with Chesterman Motion

See to service returned exhibit

no R 148

Cher. Fr. R-150

Cher. Fr. R-150

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July 15, 1901.

Joe Sequichie agent for applicant.

In the matter of the application of Rachel Turk for the enrollment of herself as a Cherokee freedman and for the enrollment of her husband as a Cherokee freedman by inter-marriage; she being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Rachel Turk.
 Q What is your age? A. 54.
 Q What is your post office address? A. Coowasecawee dist. Nowata.
 Q Do you get your mail all over the district? A. No sir here at Nowata.
 Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
 Q Is your name on any of the rolls? A. On the Wallace roll.
 Q Did you ever get any money? A. No sir.
 Q Did you apply to the Kern Clifton court? A. No sir.
 Q Are you on the roll of 1886? A. No sir.
 Q Did you ever apply to the authorities at Tahlequah for enrollment?
 A. No sir.
 Q Are you married? A. Yes sir.
 Q What is your husband's name? A. Anderson Turk.
 Q Is he a citizen? A. No sir.
 Q What is your father's name? A. William Melton.
 Q Is he living? A. No sir.
 Q What is your mother's name? A. Aggie Brown.
 Q Is she living? A. No sir.
 Q How many times have you been married? A. Twice.
 Q What was the name of your first husband? A. Dick Rogers.
 Q Is he dead? A. Yes sir.
 Q And your present husband is named Turk? A. Yes sir.
 Q When did you marry him? A. It has been so long I don't know.
 Q How was he? A. Myself and then my husband is one by intermarriage.
 (By Joe Sequichie)
 Q Where did you live before the war? A. On the Verdigris river.
 Q What part of the Cherokee Nation is that? A. Coowasecawee district.
 Q Who did you belong to? A. Lissie and John Brown.
 Q Did you live in the Cherokee Nation at the beginning of the war? A.
 A. Yes sir, and I was taken out by the soldiers.
 Q Where to? A. Mapleton, Kansas.
 Q How long did you stay there? A. I can't tell exactly.
 Q When did you return here? A. In '66.
 Q What part of the Cherokee Nation did you come to? A. On Snow Creek.
 Q Who did you return with? A. Posa Gibson, and his wife.
 Q Did you make any improvements on Snow Creek when you first settled?
 A. Started to and never finished it.
 Q Did your husband return with you from Kansas? A. No sir.
 Q Did he stay up there? A. Yes sir.
 Q When did he come here? A. After me.
 Q How long had you been here when he came after you? A. Inside of a year.
 Q You say you started to make a farm on Snow Creek? A. Yes sir.
 Q Where did your husband take you to when he came after you? A. Where he came back from, to Mapleton, Kansas.
 Q How long did you stay there that time? A. I staid there a good while.
 Q Where were your children born? A. One up there in Kansas and two down here.
 Q Where was Jesse born? A. In Kansas.
 Q After Jesse was born did you return to the Cherokee Nation? A. Yes sir.
 Q How long did you stay here then? A. I staid here quite a while, my memory is not so good as to years.
 Q Which one of your children were born here in the Cherokee Nation?

- Q After you went back to Kansas, what year did you return here and settle permanently? A I come down to the Wallace court after that.
- Q You came here during the Wallace court? A. Yes sir.
- Q Did you apply for enrollment then? A. Yes sir.
- Q Were you enrolled? A They taken my name at.
- Q Where have you been since then? A. Yes sir.
- Q Have you been here all the time since then? A No sir, I went back after that and staid a little while and come back and have been here ever since.
- Q How long after the Wallace court did you go back to Kansas? A I dont know exactly when.
- Q Did all these children come back with you? A. Yes sir.
- Q Did some settle permanently after you come back in '66? A When I went back to Kansas I took my children with me.
- Q And did they stay with you all the time? A. Yes sir.
- Q And have they been here since you came here the last time? A Yes sir (By the Commission)
- Q Where were you married to Alex Turk? A In Kansas.
- Q You came here in '66? A Yes sir.
- Q And how long did you stay then? A. About a year.
- Q Did you have any of your family with you then? A. Some of my children
- Q And then you went back to Kansas? A. Yes sir.
- Q And staid in Kansas until the Wallace court? A. Yes sir.
- Q And then you came down to see about putting your name before the Wallace court? A Yes sir.
- Q And after that you went back to Kansas? A. Yes sir.
- Q And staid there a short time and come back here again? A. Yes sir
- Q And then did you go back to Kansas again? A. Yes sir.
- Q How long have you been from Kansas the last time? A. Four years.
- Q Always before that you lived in Kansas? A. Yes sir.
- Q You lived there and would come here and then go back? A. Yes sir.
- Q What is your oldest child's name? A. Bill Turk.
- Q How old is he? A. I dont believe I can tell his age.
- Q He was born in Kansas? A. No sir, here.
- Q When was he born? A. In slave time.
- Q What is the next ones name? A. Sammie, he was born in slave time too
- Q Next one? A. Jesse.
- Q Where was he born? A. Kansas.
- Q Next one? A. Sarah.
- Q Where was she born? A. Kansas.
- Q Next one? A. Willis.
- Q Where was he born? A. In Kansas.
- Q Next one? A. Bettie.
- Q Where was she born? A. In Kansas.
- Q Next one? A. John
- Q Where was he born? A. Kansas.
- Q William and Sam were born slaves? A. Yes sir.
- Q And went out with you? A. Yes sir.
- Q And come back here when you first came? A. Yes sir.
- Q Where are they now? A. Living here.
- Q Did they come down here four years ago? A. Yes sir.
- Q Do you live on a farm now? A. No sir in town.
- Q Where is it? A. Nowate.
- NELSON MURRELL, called and sworn as a witness for the applicant--
(By Joe Sequichie)
- Q What is your name? A. Nelson Murrell.
- Q What is your age? A. 77.
- Q What is your post office address? A. --
- Q How long have you known the applicant? A. Yes sir.
- Q How long have you known her? About 45 years.
- Q Where was she when you first saw her? A. on Dog creek.
- Q Charles Nelson? A. Yes sir.
- Q Was she a slave? A. Yes sir.
- Q Who owned her? A. Charles Coody.

- Q Was he a Cherokee Indian? A Yes sir.
- Q She belonged here in the Cherokee Nation? A. Yes sir.
- Q Well how long before the war was it that she belonged to Charles Goody? A. Several years.
- Q Did you know anything of this family at the beginning of the war? A No sir.
- Q When was the next time that you saw this applicant? A. I saw her in the winter of '66.
- Q Where was she then? A. On Snow Creek and the Verdigris river, between the two.
- Q Was her husband living with her then? A. No sir not then.
- Q Were there any children with her then? A. Two boys.
- Q Did they make any effort then to make any improvements? A. They drug a few logs together as though they were building a house but never finished it.
- Q What happened then? A. The next spring her husband come for her and took her and her two children back to Kansas.
- Q How long did she stay in Kansas that time? A I dont know.
- Q When did you next see her? A. Before the Wallace Court.
- Q How long did she stay here then? A. I dont know.
- Q Have you seen her any time off and on since? A. Next time I saw her was here at Nowata.
- Q How long ago? A. 3 years ago.
- Q Has she been living here continuously since? A. Yes sir I suppose so.
- (By the Commission)
- Q Are you certain you saw her here in '66? A Yes sir.
- Q What makes you believe that it was her that you first saw her? A It was directly after I come.
- Q Was this man Goody any relation to Lizzie Brown? A Her husband.
- JOHN LANDRUM called and sworn as a witness for applicant.
- (By Sequichie)
- Q What is your name? A. John Landrum.
- Q What is your age? A. 50.
- Q What is your post office address? A. Hayden on Lightning creek.
- Q Do you know this applicant? A. Yes sir.
- Q How long have you known her? A. Before the war.
- Q How long before the war? A. About 8 or 3 years.
- Q Where did she live when you first met her? A On the Verdigris river
- Q Who did she belong to? A. John Brown when I got acquainted with her
- Q How long after that did you see her again? A In '67.
- Q Where was she then? A. On Snow Creek.
- Q Do you know if she had located there permanently then? A. I dont know she was there at her sisters when I seed her.
- Q Just living with her sisters? A She was there, I dont know where her home was in particular, I was just passing through at the time and seed her there at her sister's.
- Q Do you know how long she staid there then? A. No sir I dont know how long she staid.
- (By the Commission)
- Q Did you know her husband Alex Turk? A Yes sir slightly.
- Q How long did you know him? A. Not a great while, never saw him until in late years.
- Q Were they married? A. It is said they were married in Kansas.
- Q You didn't see her married? A No sir.
- (By Commission of applicant)
- Q You married in Kansas did you? A. Yes sir.
- Q According to law there? A. Yes sir.
- Q What county? A. Lima County.
- Q Did you get a license there? A. Yes sir.
- Q The fact is that you never lived in the Cherokee Nation until four years ago since the war? A. Yes sir.
- Q And your name is not on any of the Cherokee rolls is it? A. I dont know.

Applicant's name not on any of the rolls of the Cherokee Nation now in the possession of the Commission.

By Com'r Needles, - Rachel Turk applies for herself as a Cherokee Freedman, and for her husband Alex Turk as a Cherokee freedman, by intermarriage. She avers that she was the slave of one Brown or Goody, was taken out of the Cherokee Nation during the war and returned in 1866 with two children; that she married in Kansas the first time and then returned to the Cherokee Nation about a year and a half, and never has resided in the Cherokee Nation until four years ago, from that time to this. She avers that she married her husband Alex Turk according to the laws of the state of Kansas. She avers that she has two children, William and Samuel who were born slaves and she went with her to Kansas. She avers that she has five children, all of age, who were born in Kansas and all ~~born in Kansas and raised~~ raised in Kansas and resided there until four years ago. Only one witness is produced that saw her here in 1866, besides herself. It is evident from the testimony that the said Rachel Turk did not return to the Cherokee Nation according to either the letter or spirit of the section of the Treaty of 1866 requiring Cherokee freedmen to return to the Cherokee Nation and make their homes here within a certain time. Therefore the application for the enrollment of the said Rachel Turk as a Cherokee freedman and for the enrollment of her husband Alex Turk as an intermarried freedman will be rejected. It will be necessary for her to file satisfactory proof of her marriage.

=====

Chas. von 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 true and complete transcript of his stenographic notes therein.

Subscribed and sworn to before me this 10th day of September, 1901.

Commissioner.

M. D. ...

M. D.

3R150

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COM.

FILED
JUL 18 1901

[Handwritten signature]

Acting Chairman

The stenographic Agent for applicants-

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C. July, 1st 1901.

In the matter of the application of William Rogers for the enrollment of himself and two children as Cherokee Freedmen, he being sworn by Commissioner F. B. Hodges, testified as follows:

- Q What is your name? A. William Rogers.
Q What is your age? A. 45.
Q What is your post office address? A. Post Office Kansas
Q Do you live in Kansas? A. Yes sir.
Q Who do you apply for enrollment for as Cherokee Freedmen? A. Myself and two children.
Q What are their names? A. Myrtle.
Q How old? A. 11 years.
Q Next? A. Gracie.
Q How old? A. 8 years.
Q Is your name on any of the rolls? A. I don't know.

Applicants not found on any of the rolls of the Cherokee Nation now in the possession of the Commission.

- Q You never drew any money? A. No sir.
Q Where were you born? A. On the Verdigris river.
Q In the Cherokee Nation? A. Yes sir.
Q Are you a brother of Sam Rogers? A. Yes sir.
Q What is your mother's name? A. Rachel Turk.
Q Were your children born in Kansas? A. Yes sir.
Q Have you ever lived in the Cherokee Nation? A. Yes sir in and out.
Q Did you ever have your family and your wife here? A. No sir.
Q Is your wife living now? A. Yes sir.
Q Where did you marry her? A. In Kansas.

By Com'r Hodges,-

William Rogers applies for himself and two children, Myrtle and Gracie. He avers that he is the brother of Sam Rogers and that he was born in the Cherokee Nation as a slave and went out with his mother and never returned to make his home in the Cherokee Nation; that he married in Kansas, that his children were born in Kansas. Consequently William Rogers and his two children, Myrtle and Gracie Rogers will be rejected. The testimony taken in the case of his mother Rachel Turk will be made a part of the record in this application and a copy thereof filed herewith. He is not on any of the rolls of the Cherokee Nation now in the possession of the Commission.

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

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

Chas. von Weide


Commissioner.

Omni-R

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

In the matter of the application for the enrollment of Rachel Turk, et al., as Cherokee Freedmen, consolidating the applications of--

Rachel Turk,	Cherokee Freedmen R-148.
Samuel Rogers, et al.,	Cherokee Freedmen R-149.
William Rogers, et al.,	Cherokee Freedmen R-150.
Willie Turk,	Cherokee Freedmen R-151.
Bettie Turk,	Cherokee Freedmen R-152.
John Turk,	Cherokee Freedmen R-153.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Rachel Turk for herself and her husband, Anderson Turk; the said Anderson Turk claims only a white citizen by intermarriage, and his rights are not passed upon in this decision; by Samuel Rogers for himself and his minor children, Bessie and Volva Rogers; by William Rogers for himself and his minor children, Myrtle and Gracie Rogers; by Willie Turk for himself; by Bettie Turk for herself and by John Turk for himself.

The evidence in this case shows that the applicants, Rachel Turk, Samuel Rogers and William Rogers, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and went to the State of Kansas, where they lived until the year 1866, when they returned to the Cherokee Nation. It is shown by the testimony that their return to the Cherokee Nation at that time was but temporary and was with no intention of establishing a residence therein. It is further shown that they only remained in said Nation a few months, and in 1867 returned to Kansas, where they lived until 1897, when the applicants, Rachel Turk and Samuel Rogers, returned to the Cherokee Nation, where they have since resided. It is further shown by the testimony that the said William Rogers has continued to live in the State of Kansas since his return thereto in 1867. It further appears that at the time these applicants returned to the Cherokee Nation, in 1866, the said Rachel Turk was married, her husband living then in the State of Kansas, and that the said husband did not return at that time but continued to live in the State of Kansas until the said Rachel Turk's return thereto in 1867. The applicants, Willie Turk, Bettie Turk and John Turk, have been born since 1866 and are the children of and claim their right to

enrollment through their mother, the said Rachel Turk. It appears that these applicants were born in the State of Kansas and never lived in the Cherokee Nation prior to the year 1897; that the applicants, Bessie and Velva Rogers, are the minor children of the said Samuel Rogers, and the applicants, Myrtle and Gracie Rogers, are the minor children of the said William Rogers; that they have no right to enrollment except through their fathers.

It further appears that none of the applicants herein are identified upon the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Rachel Turk, Samuel Rogers, Bessie Rogers, Velva Rogers, William Rogers, Myrtle Rogers, Gracie Rogers, Willis Turk, Bettie Turk and John Turk as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1896, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this **MAY 11 1904**

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 1, 1901
Post Office St. Scott, Kas.
District _____

1. Name William Rogers Age 43
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother Packie Tuck. Long Citizenship _____

2. Name of wife _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

- 24 Myrtle Rogers Year _____ Page _____ No. _____ Dist. _____
- 31 Maie " " Year _____ Page _____ No. _____ Dist. _____
- 5. _____ Year _____ Page _____ No. _____ Dist. _____
- 6. _____ Year _____ Page _____ No. _____ Dist. _____
- 7. _____ Year _____ Page _____ No. _____ Dist. _____
- 8. _____ Year _____ Page _____ No. _____ Dist. _____
- 9. _____ Year _____ Page _____ No. _____ Dist. _____
- 10. _____ Year _____ Page _____ No. _____ Dist. _____
- 11. _____ Year _____ Page _____ No. _____ Dist. _____
- 12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by

No. 1

Stenographer

Hasron Weise

Copy R 148
J. C. Sequichie Agent for applicants

Cherokee Freedmen
R-150.

Muskogee, Indian Territory, March 19, 1904.

William Rogers,
Fort Scott, Kansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for the enrollment of yourself and your two minor children, Myrtle and Gracie Rogers, as Cherokee freedmen. Your agent, J. R. Sequichie, Chelsea, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Register.

Commissioner in Charge.

Enc. D-18.

COPY.

Cherokee Freedmen
D-1014 et al.

Muskogee, Indian Territory, March 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Judy Chambers et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Rufus Warren, Clark and Essie Dannenberg, Joe, George and Bessie West as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-15.

COPY.

Cherokee Freedmen
D-145 et al.

Muskogee, Indian Territory, March 18, 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 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Susan, Bessie, Velva, William, Myrtle and Gracie Rogers, Willie, Bettie and John Turk, 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,

G. W. Brown

Enc. D-23.

Commissioner in Charge

COPY.

Cherokee Freedmen
B-145 et al.

Cherokee, Indian Territory, March 16, 1904.

J. R. Bequithie,
Agent for Rachel Turk et al.,
Cherokee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Rachel Turk et al., together with the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Samuel, Bessie, Yelva, William, Myrtle and Gracie Rogers, Willie, Bettie and John Turk 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. H. Breckinridge

Register.
Enc. D-21.

Commissioner in Charge.

Report in reply
to the following
Land
18428-1844

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DEPARTMENT OF THE INTERIOR
OFFICE OF INDIAN AFFAIRS

WASHINGTON, August 9, 1904

The Honorable,

The Secretary of the Interior,

Sir:

There is enclosed a report from the Commission dated March 19, 1904, forwarding the record relative to the application of Rachel Turk, et al., for enrollment as Cherokee freedmen.

Rachel Turk applied for the enrollment of herself and her husband, Anderson Turk. Anderson Turk claims right to enrollment by intermarriage, and the Commission did not include him in their decision.

Samuel Rogers applied for the enrollment of himself and his minor children, Bessie and Elira Rogers.

William Rogers applied for the enrollment of himself and his children, Myrtle and Grace Rogers.

Willie Rogers applied for the enrollment of himself and Bettie Turk for the enrollment of herself, and John Turk for his enrollment.

The record in the case shows that Rachel Turk, Samuel Rogers and William Rogers were slaves of Cherokee citizens at the commencement of the war; that they left the nation

and went to Kansas, where they lived until the year 1866, when they returned to the Cherokee Nation.

Rachel Turk first settled on Snow Creek. She started to make some improvements there, but never finished them. She returned to Kansas and resided there until 1867, when she returned to the Cherokee Nation, where she has since resided.

Samuel Rogers and William Rogers are sons of Rachel Turk, and returned to the Cherokee Nation with her in 1866. They left the nation with their mother during the years 1866-7 and went to Kansas, where they resided until 1897. The minor applicants were born in Kansas.

Anderson Turk, husband of Rachel Turk, did not go to the Cherokee Nation in 1866, when his wife returned.

Willis Turk, Bettie Turk and John Turk are children of Rachel Turk, and were born since the close of the rebellion. They were all born in Kansas.

Although the record conclusively shows that Rachel Turk and Samuel and William Rogers returned to the Cherokee Nation within the time limit fixed by the treaty of 1866, it also shows that they did not settle in the nation in good faith. They only remained a few months, when they returned to Kansas. During their absence they did not own any property or personal effects in the Cherokee Nation.

In view of the record the approval of the Commission's decision of March 11, 1904, adverse to the applicants

-3-
included therein, is respectfully recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner

CAF-22

DEPARTMENT OF THE INTERIOR

WASHINGTON.

U.S.
S.P.
FHB
L.R.S.

D.O.-30594-1904
I.T.D. 4543-1904.

August 19, 1904.

Commission to the Five Civilized Tribes.

Muskogee, Indian Territory.

Gentlemen:

March 19, 1904, you transmitted the record in the consolidated Cherokee freedmen case of Rachel Turk, et al. (D-148), including your decision of March 11, 1904, rejecting the applicants.

Reporting in the matter August 9, 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) T. H. Ryan
Acting Secretary

1 Inclosure.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. E. BRECKINRIDGE

WM. O. BEALL,
Secretary

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

Cherokee
REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedmen
R 150

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

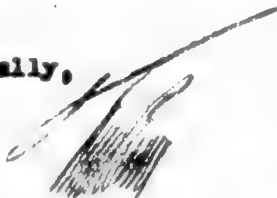
Muskogee, Indian Territory, October 4, 1904.

**William Rogers,
Fort Scott, Kansas.**

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, your application for the enrollment of yourself and your minor children, Myrtle and Gracie Rogers, as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,



Chairman.

CHEROKEE FREEMAN

IN THE MATTER OF

William Rogers et al

CF

- ① Original testimony July 1901
- ② Memo of application July 1, 1901
- ③ Test now the case is back - unk.

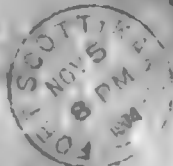
Copy of testimony filed with Cherokee Station.

See also case 'indian' list
no R - 2

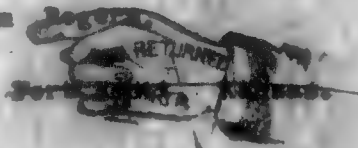
Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



Called for
John



William Rogers



Department of the Interior

Commission to the Five Civilized Tribes
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300

10934
10552
289

Muskogee

REGISTERED
MAIL
MUSKOGEE, IND. TER.



William Rogers,

Fort Scott, Kansas

APR 23 1894

Cher. Fr. R-151

Cher. Fr. R-151

100-100000

On the 1st day of September 1901
at the County Clerk's Office
of the County of ... State of ...
I have received from ...
the sum of ... Dollars
for the ... of ...

MISSOURI

FILED
SEP 1 1901

[Handwritten signature]

Old Brown
No. 1000

To be filed in the case of *Willie Turk*

O. T. 2-131

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July 1, 1901.

Joe Sequoia agent for applicant.

In the matter of the application of Rachel Turk for the enrollment of herself as a Cherokee Indian and for the enrollment of her husband as a Cherokee Indian by inter-marriage, she being sworn by Commissioner T. B. Hootches, testified as follows:

- Q What is your name? A. Rachel Turk.
Q What is your age? A. 34.
Q What is your post office address? A. Cooweescoowee dist. Nowata.
Q Do you get your mail all over the district? A. No sir here at Nowata.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Is your name on any of the rolls? A. On the Wallace roll.
Q Did you ever get any money? A. No sir.
Q Did you apply to the Kern Clifton court? A. No sir.
Q Are you on the roll of 1880? A. No sir.
Q Did you ever apply to the authorities at Tahlequah for enrollment?
A. No sir.
Q Are you married? A. Yes sir.
Q What is your husband's name? A. Anderson Turk.
Q Is he a citizen? A. No sir.
Q What is your father's name? A. William Melton.
Q Is he living? A. No sir.
Q What is your mother's name? A. Aggie Brown.
Q Is she living? A. No sir.
Q How many times have you been married? A. Twice.
Q What was the name of your first husband? A. Dick Rogers.
Q Is he dead? A. Yes sir.
Q And your present husband is named Turk? A. Yes sir.
Q When did you marry him? A. It has been so long I don't know.
Q Now who do you want to apply for? A. Myself and then my husband is one by intermarriage.
(By Joe Sequoia)
Q Where did you live before the war? A. On the Verdigris river.
Q What part of the Cherokee Nation is that? A. Cooweescoowee district.
Q Who did you belong to? A. Lizzie and John Brown.
Q Did you live in the Cherokee Nation at the beginning of the war? A.
A. Yes sir, and I was taken out by the soldiers.
Q Where to? A. Napoleon, Kansas.
Q How long did you stay there? A. I can't tell exactly.
Q When did you return here? A. In '66.
Q What part of the Cherokee Nation did you come to? A. On Snow Creek.
Q Who did you return with? A. Posa Gibson, and his wife.
Q Did you make any improvements on Snow Creek when you first settled?
A. Started to and never finished it.
Q Did your husband return with you from Kansas? A. No sir.
Q Did he stay up there? A. Yes sir.
Q When did he come here? A. After me.
Q How long had you been here when he come after you? A. Inside of a year.
Q You say you started to make a farm on Snow Creek? A. Yes sir.
Q Where did your husband take you to when he come after you? A. Where I came back from, to Napoleon, Kansas.
Q How long did you stay there that time? A. I staid there a good while.
Q Where were your children born? A. One up there in Kansas and two down here.
Q Where was Jesse born? A. In Kansas.
Q After Jesse was born did you return to the Cherokee Nation? A. Yes sir.
Q How long did you stay here then? A. I staid here quite a while, my memory is not so good as to years.
Q Which one of your children was born here in the Cherokee Nation?

Paul and Sammie.

- Q After you went back to Kansas, what year did you return here and settle permanently? A I came down to the Wallace court after that.
- Q You came here during the Wallace court? A. Yes sir.
- Q Did you apply for enrollment then? A. Yes sir.
- Q Were you enrolled? A They taken my name at
- Q Where have you been since then? A. Yes sir.
- Q Have you been here all the time since then? A No sir, I went back after that and staid a little while and come back and have been here ever since.
- Q How long after the Wallace court did you go back to Kansas? A I dont know exactly when.
- Q Did all these children come back with you? A. Yes sir.
- Q Did some settle permanently after you come back in '66? A When I went back to Kansas I took my children with me.
- Q And did they stay with you all the time? A. Yes sir.
- Q And have they been here since you came here the last time? A Yes sir (By the Commission)
- Q Where were you married to Alex Turk? A In Kansas.
- Q You came here in '86? A Yes sir.
- Q And how long did you stay then? A. About a year.
- Q Did you have any of your family with you then? A. Some of my children
- Q And then you went back to Kansas? A. Yes sir.
- Q And staid in Kansas until the Wallace court? A. Yes sir.
- Q And then you came down to see about putting your name before the Wallace court? A Yes sir.
- Q And after that you went back to Kansas? A. Yes sir.
- Q And staid there a short time and come back here again? A. Yes sir
- Q And then did you go back to Kansas again? A. Yes sir.
- Q How long have you been from Kansas the last tin? A. Four years.
- Q Always before that you lived in Kansas? A. Yes sir.
- Q You lived there and would come here and then go back? A. Yes sir.
- Q What is your eldest child's name? A. Bill Turk.
- Q How old is he? A. I dont believe I can tell his age.
- Q He was born in Kansas? A. No sir, here.
- Q When was he born? A. In slave time.
- Q What is the next ones name? A. Sammie, he was born in slave tin too
- Q Next one? A. Jesse.
- Q Where was he born? A. Kansas.
- Q Next one? A. Sarah.
- Q Where was she born? A. Kansas.
- Q Next one? A. Willis.
- Q Where was he born? A. In Kansas.
- Q Next one? A. Bettie.
- Q Where was she born? A. In Kansas.
- Q Next one? A John
- Q Where was he born? A. Kansas.
- Q William and Sam were born slaves? A. Yes sir.
- Q And went out with you? A. Yes sir.
- Q And come back here when you first came? A. Yes sir.
- Q Where are they now? A. Living here.
- Q Did they come down here four years ago? A. Yes sir.
- Q Do you live on a farm now? A. No sir in town.
- Q What town? A. Nowata.

NELSON MURRELL, called and sworn as a witness for the applicant-
(By Joe Sequelie)

- Q What is your name? A. Nelson Murrell.
- Q What is your age? A. 77.
- Q What is your post office address? A. —
- Q Do you know the applicant? A. Yes sir.
- Q How long have you known her? A. About 45 years.
- Q Where was she when you first saw her? A. On Dog Creek.
- Q Cherokee Nation? A. Yes sir.
- Q Was she a slave? A. Yes sir.
- Q Who owned her? A. Charles Goody.

Q Was he a Cherokee Indian? A Yes sir.
 Q She belonged here in the Cherokee Nation? A. Yes sir.
 Q Well how long before the war was it that she belonged to Charles
 Goddy? A. Several years.
 Q Did you know anything of this family at the beginning of the war?
 A Yes sir.
 Q When was the next time that you saw this applicant? A. I saw her in
 the winter of '64.
 Q Where was she then? A. On Snow Creek and the Virdigris river,
 between the two.
 Q Was her husband living with her then? A. No sir not then.
 Q Were there any children with her then? A. Two boys.
 Q Did they make any efforts then to make any improvements? A.
 Q Drove a few logs together as though they were building a house but
 never finished it.
 Q What happened then? A. The next spring her husband came for her and
 took her and her two children back to England.
 Q How long did she stay in England that year? A I dont know.
 Q When did you next see her? A. Before the Wallace Court.
 Q How long did she stay with you then? A. I dont know.
 Q Have you seen her any time out of the prison? A. Next time I saw her
 was here at Nowata.
 Q How long ago? A. 3 years ago.
 Q Has she been living here continuously since? A. Yes sir I suppose so.
 (By the Court)
 Q Are you certain you saw her here in '66? A Yes sir.
 Q What makes you believe that it was '66 that you first saw her? A It
 was directly after the war.
 Q Was this man Goddy in relation to Lissie Brown? A Her husband.
 JOHN LANGRISH called and sworn as a witness for applicant.

(By the Court)
 Q What is your name? A. John Langrish.
 Q What is your age? A. 50.
 Q What is your post office address? A. Hayden on Lightning creek.
 Q Do you know this applicant? A. Yes sir.
 Q How long have you known her? A. Before the war.
 Q How long before the war? A. About 2 or 3 years.
 Q Where did she live when you first met her? A On the Virdigris river
 Q Who did she belong to? A. John Brown when I got acquainted with her
 Q How long after that did you see her again? A In '67.
 Q Where was she then? A. On Snow Creek.
 Q Do you know if she had lived there permanently then? A. I dont know
 she was there at her husband's house I saw her.
 Q Just living with her husband? A. Yes sir, I dont know where her
 home was in England, she was just passing through at the time and seed
 her there at Snow Creek.
 Q Do you know if she had lived there then? A. No sir I dont know how
 long she lived.

(By the Court)
 Q Did you know her husband Alex Clark? A Yes sir slightly.
 Q How long did you know him? A. Not a great while, never saw him until
 in late years.
 Q Were they married? A. It is said they were married in England.
 Q You didn't see her married? A No sir.
 (By the Court)
 Q You saw her in England? A. Yes sir.
 Q According to the Court? A. Yes sir.
 Q What county? A. Nowata County.
 Q Did you get a trial? A. Yes sir.
 Q The fact is that she had lived in the Cherokee Nation until four
 years ago when she was taken to England?
 Q Was her name in the rolls of the Cherokee rolls in it? A. I dont
 know.

Applicant's name was on any of the rolls of the Cherokee Nation
 now in the possession of the Commission.

10740

By Court Records, Rachel Turk applies for herself as a freedman and for her husband Alex Turk as a Cherokee by intermarriage. She avers that she was the slave of [unclear] of the Cherokee Nation during [unclear] returned in 1866 with two children, that she married [unclear] She avers that she remained in the Cherokee Nation the first time and then returned to Kansas with her [unclear] and husband, and never has resided in the Cherokee Nation four years ago, from that time to this. She avers that she married her husband Alex Turk according to the laws of the State of Kansas. She avers that she has two children, William and [unclear] who were born slaves and who went with her to Kansas. She avers that she has five children, all of age, who were born in Kansas and all resided in Kansas until raised in Kansas and resided there until four years ago. Only one witness is produced that saw her here in 1866, besides herself, it is evident from the testimony that the said Rachel Turk did not return to the Cherokee Nation according to either the letter or spirit of the section of the Treaty of 1866 requiring Cherokee freedmen to return to the Cherokee Nation and make their homes there within a certain time. Therefore the application for her and for the said Rachel Turk as a Cherokee freedman and for her husband Alex Turk as an intermarried freedman should be rejected. It will be necessary for her to file satisfactory proof of her marriage.

=====

Chas. von 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 true and complete transcript of his stenographic notes therein.

Subscribed and sworn to before me this 10th day of September, 1901.

Chas. von Weise
M. D. Green
M. D.
Commissioner.

THE INTENTION,
HAVE CIVILIZED TRIBES
COMING TO THE
MOUNTAINS

AL 1900

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, N. T., July 1st, 1901.

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

Appearances:

Jo. Sequichie, agent for the Cherokee nation; Applicant;
Mr. L. B. Ball, for the Cherokee nation.

- Q What is your name? A Willis Turk.
- Q What is your age? A 39.
- Q What is your post-office address? A Nowata.
- Q What district do you live in? A Coconino county.
- Q Who do you want to enroll besides yourself? A Myself alone.
- Q Where were you born? A Kansas.
- Q Where do you live now? A Nowata, Indian Territory.
- Q How long have you lived there? A About 4 years.
- Q Are you married? A Yes sir.
- Q Where were you married? A In Missouri.
- Q You got any children? A No sir, my I and my wife separated.
- Q What is your mother's name? A Rachel Turk.
- Q You ever draw any money from the Cherokee nation? A Yes sir.
- Q Ever been recognized as a citizen? A Yes sir.
- Q Your name on the rolls? A No sir.
- Q BY MR. SEQUICHIE:
- Q Did they ever let you vote? A Yes sir.
- Q What election was that? A Election about two years ago, going male.
- Q Who did you vote for? A For Chief Haffington.
- Q BY COM'R NEEDLES:
- Q Did you ever vote in the state of Kansas? A Yes sir.
- Q In the state of Missouri? A No 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;
 Kern-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.

Com'r Needles: Willis Turk applies for the enrollment of himself; he avers that he is a child of Rachel Turk, who has this day been listed on R card 148; he cannot be identified upon any of the rolls of the Cherokee nation. He avers that he was born in the State of Kansas, married in Missouri, voted in Kansas; never returned to the Cherokee Nation until about 4 years ago; it is evident from the testimony that the applicant never returned to the Cherokee nation in compliance with the provisions of the treaty of 1866 in regard to freedmen, consequently, the application for the enrollment of himself will be rejected; the testimony taken in the matter of the application of his mother, Rachel Turk, will be made a part of the testimony in the case at bar.

H. D. Greenberg, first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and correct transcript of his stenographic notes. So read.

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

In the matter of the application for the enrollment of Rachel Turk, et al., as Cherokee Freedmen, consolidating the applications of --

Rachel Turk,	Cherokee Freedmen B-148,
Samuel Rogers et al.,	Cherokee Freedmen B-149,
William Rogers, et al.,	Cherokee Freedmen B-150,
Willie Turk,	Cherokee Freedmen B-151,
Bettie Turk,	Cherokee Freedmen B-152,
John Turk,	Cherokee Freedmen B-153.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Rachel Turk for herself and her husband, Anderson Turk; the said Anderson Turk claims only as a citizen by intermarriage, and his rights are not passed upon in this decision; by Samuel Rogers for himself and his minor children, Bessie and Velva Rogers; by William Rogers for himself and his minor children, Myrtle and Oracie Rogers; by Willie Turk for himself; by Bettie Turk for herself and by John Turk for himself.

The evidence in this case shows that the applicants, Rachel Turk, Samuel Rogers and William Rogers, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and went to the State of Kansas, where they lived until the year 1866, when they returned to the Cherokee Nation. It is shown by the testimony that their return to the Cherokee Nation at that time was but temporary and was with no intention of establishing a residence therein. It is further shown that they only remained in said Nation a few months, and in 1867 returned to Kansas, where they lived until 1867, when the applicants, Rachel Turk and Samuel Rogers, returned to the Cherokee Nation, where they have since resided. It is further shown by the testimony that the said William Rogers has continued to live in the state of Kansas since his return thereto in 1867. It further appears that at the time these applicants returned to the Cherokee Nation, in 1866, the said Rachel Turk was married, her husband living then in the state of Kansas, and that the said husband did not return at that time but continued to live in the state of Kansas until the said Rachel Turk's return thereto in 1867. The applicants, Willie Turk, Bettie Turk and John Turk, have been born since 1866 and are the children of and claim their right to enrollment through their mother, the said Rachel Turk. It appears that these applicants were born in the state of Kansas and never lived in the Cherokee Nation prior to the year 1867; that the applicants, Bessie and Velva Rogers, are the minor children of the said Samuel Rogers, and the applicants, Myrtle and Oracie Rogers, are the minor children of the said William Rogers; that they have no right to enrollment except through their fathers.

It further appears that none of the applicants herein are identified with the 1842 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Rachel Turk, Samuel Rogers, Besale Rogers, Volva Rogers, William Rogers, Myrtle Rogers, Gracie Rogers, Willie Turk, Bettie Turk and John Turk 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 MVR CIVILIZED TRIBES.

- (Signed) Tans Dixie,
Chairman.
- T.B. Needles,
Commissioner.
- G.R. Breckinridge,
Commissioner.
- W.H. Stanley,
Commissioner.

Muskogee, Indian Territory.

this Mar. 11, 1904.

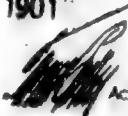
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3R151

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUL 1 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *July 1, 1901*
Post Office *Newata 29*
District *Leas*

1. Name *Willis Turk* Age *30*
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother *Rachel Turk* _____ Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of _____

Repeated

- 8. _____ Year _____ Page _____ No. _____ Dist. _____
- 4. _____ Year _____ Page _____ No. _____ Dist. _____
- 5. _____ Year _____ Page _____ No. _____ Dist. _____
- 6. _____ Year _____ Page _____ No. _____ Dist. _____
- 7. _____ Year _____ Page _____ No. _____ Dist. _____
- 8. _____ Year _____ Page _____ No. _____ Dist. _____
- 9. _____ Year _____ Page _____ No. _____ Dist. _____
- 10. _____ Year _____ Page _____ No. _____ Dist. _____
- 11. _____ Year _____ Page _____ No. _____ Dist. _____
- 12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by *Ms. 1* Stenographer *M. R. Green*

Ref R748

J. R. Esquivie Agent for applicant

Clerk of the Court
R-151.

Muskogee, Indian Territory, March 19, 1904.

Willie Turk,

Nowata, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for enrollment as a Cherokee Freedman. Your agent, J. R. Sequichie, Che sea, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Register.

Commissioner in Charge.

Enc. 1-19.

COPY

Cherokee Freedmen
D-1014 et al.

Muskogee, Indian Territory, March 16, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Judy Chambers et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Rufus Warren, Clark and Essie Dannenberg, Joe, George and Bessie West as Cherokee freedmen.

Respectfully,

C. R. Breckinridge

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-15.

COPY.

Cherokee Freedmen
K-148 et al.

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 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Samuel, Bessie, Velva, William, Myrtle and Gracie Rogers, Willis, Bettie and John Turk, 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. B. Brockington

Enc. D-23.

Commissioner in Charge.

COPY.

Cherokee Freedmen
B-148 et al.

Muskogee, Indian Territory, March 19, 1904.

J. R. Sequichie,
Agent for Rachel Turk et al.,
Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Rachel Turk et al., together with the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Samuel, Bessie, Velva, William, Myrtle and Gracie Rogers, Willis, Bettie and John Turk 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 result.

Respectfully,

C. R. Breckinridge

Register.
Enc. D-22.

Commissioner in Charge.

Copy to
to the following

1904-1904

[SECRET]

DEPARTMENT OF THE INTERIOR

OFFICE OF INDIAN AFFAIRS,

WASHINGTON, August 9, 1904

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission dated March 19, 1904, forwarding the record relative to the application of Rachel Turk, et al., for enrollment as Cherokee freedmen.

Rachel Turk applied for the enrollment of herself and her husband, Anderson Turk, Anderson Turk claims right to enrollment by intermarriage, and the Commission did not include him in their decision.

Samuel Rogers applied for the enrollment of himself and his minor children, Beulah and Walter Rogers.

William Rogers applied for the enrollment of himself and his children, Myrtle and Grace Rogers.

Willis Rogers applied for the enrollment of himself Bettie Turk for the enrollment of herself, and John Turk for his enrollment.

The record in this case shows that Rachel Turk, Samuel Rogers and William Rogers were slaves of Cherokee citizens at the commencement of the war; that they left the nation

and went to Kansas, where they lived until the year 1866, when they returned to the Cherokee Nation.

Rachel Turk first settled on Saw Creek. She started to make some improvements there, but never finished them. She returned to Kansas and resided there until 1867, when she returned to the Cherokee Nation, where she has since resided.

Samuel Rogers and William Rogers are sons of Rachel Turk, and returned to the Cherokee Nation with her in 1866. They left the nation with their mother during the years 1866-7 and went to Kansas, where they resided until 1897. The minor applicants were born in Kansas.

Anderson Turk, husband of Rachel Turk, did not go to the Cherokee Nation in 1868, when his wife returned.

Willis Turk, Bettie Turk and John Turk are children of Rachel Turk, and were born since the close of the rebellion. They were all born in Kansas.

Although the record conclusively shows that Rachel Turk and Samuel and William Rogers returned to the Cherokee Nation within the time limit fixed by the treaty of 1866, it also shows that they did not settle in the nation in good faith. They only remained a few months, when they returned to Kansas. During their absence they did not own any property or personal effects in the Cherokee Nation.

In view of the record the approval of the Commission's decision of March 11, 1894, adverse to the applicants

included therein, is respectfully recommended.

Very respectfully,

A. C. Tenner

Acting Commissioner

2-17-20

DEPARTMENT OF THE INTERIOR
WASHINGTON,

W.C.F.
J.F.
FOR
L.R.S.

D.C. - 20756-1904
I.T.D. 6348-1904.

August 19, 1904.

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

Gentlemen:

March 19, 1904, you transmitted the record in the consolidated Cherokee freedmen case of Rachel Turk, et al. (D-148), including your decision of March 11, 1904, rejecting the applicants.

Reporting in the matter August 9, 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,

1 inclosure.

(Signed) T Thos Ryan
Acting Secretary

COPY.

Charles F. Johnson
1 20

Lawrence, Indian Territory, October 5, 1904.

Willis Park,
Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the Commission, December 22nd,
March 11, 1904, rejecting, among others, your application for recogni-
tion as a Sheraton System, was affirmed by the Secretary of the
Interior on August 19, 1904.

Sincerely,
Respectfully,

(SIGNED)

James B. Stacey
Chairman

COPY.

Charles Brewster
214, et al.

Madison, Dallas Territory, October 4, 1891.

Hill, Hastings & Newberry,
Attorneys for the Charles Brewster
Trust, Dallas Territory.

Gentlemen:

You are hereby advised that the Commissioner's decision dated
March 11, 1891, rejecting the applications for the withdrawal of
Brewster, Hill, Hattie and John Hill, and Charles Brewster, Hattie
Hill, Hattie and Charles Brewster as Charles Brewster, was affirmed
by the Secretary of the Interior on August 17, 1891.

Respectfully,

(SIGNED) *James Birby*

WILLIAM OF THE APPLICANT
Willie Turk.

FOR ENROLLMENT AS
HEROKEE FREEDMEN

- A. Original testimony July 1
- B. Memo of application July 1
- C. Test from case of Rachel Turk

REFUSED

ACTION APPROVED BY SECRETARY OF WENONA.

4 19 1864

Copy of testimony
filed with Cherokee N.

see Cherokee Freedmen paper

No. R148

Cher. Fr. R-152

Cher. Fr. R-152

12

JCR 152

CO...

THE LITIGATION
OF FIVE CIVILIZED TRIBES

FILED

JUL 19 1901



ACTING CHAIRMAN

RECEIVED:

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., July 1st, 1901.

In the matter of the application of Bettie Turk for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Jo. Sequichie, for the applicant, as agent.
Mr. L. B. Bell, for the Cherokee Nation, as attorney.

- Q What is your name? A Bettie Turk.
Q How old are you? A 24.
Q What is your post-office? A Nowata, Indian Territory.
Q Who do you want to enroll besides yourself? A No one.
Q What is your mother's name? A Rachel Turk.
Q Where were you born? A In Kansas.
Q You always lived in the State of Kansas until about 4 years ago?
A Yes sir.
MR. SEQUICHIE waives examination.
Q Your name is not on any of the rolls of the Cherokee Nation? A
No sir, I think not, I don't know.

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;
Kern-clifton pay roll of citizens of the Cherokee Nation ex-
amined and applicant not found;
Wallace roll of citizens of the Cherokee Nation examined and
applicant not found.

Com'r Needles; Bettie Turk, applies for the enroll-
ment of herself; her name cannot be identified upon any of the
rolls of the Cherokee Nation. She avers that she was born in
the state of Kansas, and returned to the Cherokee Nation about
four years ago; she avers that she is a child of Rachel Turk,
who has this day been listed on Record 148; the application
of Bettie Turk will be rejected. The testimony taken in the
application of her mother, R 148, will be made part of the re-
cord in the case at bar; if she ever puts in she will be no-
tified by 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 15, 1901.

Commissioner P.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July 1, 1901.

Joe Sequichie agent for applicant.

In the matter of the application of Rachel Turk for the enrollment of herself as a Cherokee freedman and for the enrollment of her husband as a Cherokee freedman by inter-marriage; she being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Rachel Turk.
 Q What is your age? A. 64.
 Q What is your post office address? A. Cooweescoowee ss ...
 Q Do you get your mail all over the district? A No sir here at Nowata.
 Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
 Q Is your name on any of the rolls? A. On the Wallace roll.
 Q Did you ever get any money? A. No sir.
 Q Did you apply to the Kern Clifton court? A. No sir.
 Q Are you on the roll of 1880? A No sir.
 Q Did you ever apply to the authorities at Tahlequah for enrollment?
 A No sir.
 Q Are you married? A. Yes sir
 Q What is your husband's name? A Anderson Turk.
 Q Is he a citizen? A. No sir.
 Q What is your father's name? A. William Helton.
 Q Is he living? A. No sir.
 Q What is your mother's name? A Aggie Brown.
 Q Is she living? A No sir.
 Q How many times have you been married? A. Twice.
 Q What was the name of your first husband? A. Dick Rogers.
 Q Is he dead? A. Yes sir.
 Q And your present husband is named Turk? A. Yes sir.
 Q When did you marry him? A It has been so long I dont know.
 Q Now who do you want to apply for? A. Myself and then my husband is one by intermarriage.
 (By Joe Sequichie)
 Q Where did you live before the war? A On the Verdigris river.
 Q What part of the Cherokee Nation is that? A. Cooweescoowee district.
 Q Who did you belong to? A. Lizzie and John Brown.
 Q Did you live in the Cherokee Nation at the beginning of the war? A
 A Yes sir, and I was taken out by the soldiers.
 Q Where to? A. Mapleton, Kansas.
 Q How long did you stay there? A. I cant tell exactly.
 Q When did you return here? A. In '66.
 Q What part of the Cherokee Nation did you come to? A. On Snow Creek
 Q Who did you return with? A Poss Gibson, and his wife.
 Q Did you make any improvements on Snow creek when you first settled?
 A Started to and never finished it.
 Q Did your husband remain with you from Kansas? A. No sir.
 Q Did he stay up there? A. Yes sir.
 Q When did he come here? A. After he.
 Q How long had you been here when he come after you? A. Inside of a year.
 Q You say you started to make a farm on Snow creek? A. Yes sir
 Q Where did your husband take you to when he came after you? A. Where I came back from, to Mapleton, Kansas.
 Q How long did you stay there that time? A I staid there a good while.
 Q Where were your children born? A One up there in Kansas and two down here.
 Q Where was Jesse born? A. In Kansas.
 Q After Jesse was born did you return to the Cherokee Nation? A. Yes sir
 Q How long did you stay down there? A I staid here quite a while, my memory is not so good as 10 years.
 Q Which one of your children were born here in the Cherokee Nation?

Bill and Sammie.

- Q After you went back to Kansas, what year did you return here and settle permanently? A I come down to the Wallace court after that.
- Q You came here during the Wallace court? A. Yes sir.
- Q Did you apply for enrollment then? A. Yes sir.
- Q Were you enrolled? A They taken my name.
- Q Where have you been since then? A. Yes sir.
- Q Have you been here all the time since then? A No sir, I went back after that and staid a little while and come back and have been here ever since.
- Q How long after the Wallace court did you go back to Kansas? A I dont know exactly when.
- Q Did all these children come back with you? A. Yes sir.
- Q Did some settle permanently after you come back in '66? A When I went back to Kansas I took my children with me.
- Q And did they stay with you all the time? A. Yes sir.
- Q And have they been here since you came here the last time? A Yes sir (By the Commission)
- Q Where were you married to Alex Turk? A In Kansas.
- Q You came here in '66? A Yes sir.
- Q And how long did you stay then? A. About a year.
- Q Did you have any of your family with you then? A. Some of my children
- Q And then you went back to Kansas? A. Yes sir.
- Q And staid in Kansas until the Wallace court? A. Yes sir.
- Q And then you came down to see about putting your name before the Wallace court? A Yes sir.
- Q And after that you went back to Kansas? A. Yes sir.
- Q And staid there a short time and come back here again? A. Yes sir
- Q And then did you go back to Kansas again? A. Yes sir.
- Q How long have you been from Kansas the last time? A. Four years.
- Q Always before that you lived in Kansas? A. Yes sir.
- Q You lived there and would come here and then go back? A. Yes sir.
- Q What is your oldest child's name? A. Bill Turk.
- Q How old is he? A. I dont believe I can tell his age.
- Q He was born in Kansas? A. No sir, here.
- Q When was he born? A. In slave time.
- Q What is the next ones name? A. Sammie, he was born in slave time too
- Q Next one? A. Jesse.
- Q Where was he born? A. Kansas.
- Q Next one? A. Sarah.
- Q Where was she born? A. Kansas.
- Q Next one? A. Willis.
- Q Where was he born? A. In Kansas.
- Q Next one? A Bettie.
- Q Where was she born? A. In Kansas.
- Q Next one? A John
- Q Where was he born? A. Kansas.
- Q William and Sam were born slaves? A. Yes sir.
- Q And went out with you? A. Yes sir.
- Q And come back here when you first came? A. Yes sir.
- Q Where are they now? A. Living here.
- Q Did they come down here four years ago? A. Yes sir.
- Q Do you live on a farm now? A. No sir in town.
- Q What town? A. Nowata.
- NELSON MURRELL, called and sworn as a witness for the applicant-
(By Joe Sequichie)
- Q What is your name? A. Nelson Murrell.
- Q What is your age? A. 77.
- Q What is your post office address? A. —
- Q Do you know the applicant? A. Yes sir.
- Q How long have you known her? A. About 45 years.
- Q Where was she when you first saw her? A. On Dog Creek.
- Q Cherokee Nation? A. Yes sir.
- Q Was she a slave? A. Yes sir.
- Q Who owned her? A. Charles Coody.

- Q Was he a Cherokee Indian? A Yes sir.
- Q She belonged here in the Cherokee Nation? A. Yes sir.
- Q Well how long before the war was it that she belonged to Charles Coody? A. Several years.
- Q Did you know anything of this family at the beginning of the war? A No sir.
- Q When was the next time that you saw this applicant? A. I saw her in the winter of '66.
- Q Where was she then? A. On Snow Creek and the Virdigris river, between the two.
- Q Was her husband living with her then? A. No sir not then.
- Q Were there any children with her then? A. Two boys.
- Q Did they make any effort then to make any improvements? A.
- Q Drug a few logs together as though they were building a house but never finished it.
- Q Nat happened then? A. The next spring her husband come for her and took her and her two children back to Kansas.
- Q How long did she stay in Kansas that time? A I dont know.
- Q When did you next see her? A. Before the Wallace Court.
- Q How long did she stay here then? A. I dont know.
- Q Have you seen her any time off and on since? A. Next time I saw her was here at Nowata.
- Q How long ago? A. 3 years ago.
- Q Has she been living here continuously since? A. Yes sir I suppose so.
- (By the Commission)
- Q Are you certain you saw her here in '66? A Yes sir.
- Q What makes you believe that it was '66 that you first saw her? A It was directly after I come.
- Q Was this man Coody any relation to Lizzie Brown? A Her husband.
- JOHN LANDRUM called and sworn as a witness for applicant.
- (By Sequichie)
- Q What is your name? A. John Landrum.
- Q What is your age? A. 59.
- Q What is your post office address? A. Hayden on Lightning creek.
- Q Do you know this applicant? A. Yes sir.
- Q How long have you known her? A. Before the war.
- Q How long before the war? A. About 2 or 3 years.
- Q Where did she live when you first met her? A On the Virdigris river
- Q Who did she belong to? A. John Brown when I got acquainted with her
- Q How long after that did you see her again? A In '67.
- Q Where was she then? A. On Snow Creek.
- Q Do you know if she had located there permanently then? A. I dont know she was there at her sisters when I seed her.
- Q Just living with her sister? A She was there, I dont know where her home was in particular, I was just passing through at the time and seed her there at her sister's.
- Q Do you know how long she staid there then? A. No sir I dont know how long she staid.
- (By the Commission)
- Q Did you know her husband Alex Turk? A Yes sir slightly.
- Q How long did you know him? A. Not a great while, never saw him until in late years.
- Q Were they married? A. It is said they were married in Kansas.
- Q You didn't see her married? A No sir.
- (By Commission of applicant)
- Q You married in Kansas did you? A. Yes sir.
- Q According to law there? A. Yes sir.
- Q What county? A. Linn County.
- Q Did you get a license there? A. Yes sir.
- Q The fact is that you never lived in the Cherokee Nation until four years ago since the war? A. Yes sir.
- Q And your name is not on any of the Cherokee rolls is it? A. I dont know.

Applicant's name not on any of the rolls of the Cherokee Nation now in the possession of the Commission.

FILED

By Com'r Needles, Rachel Turk applied for herself as a Cherokee freedman, and for her husband Alex Turk as a Cherokee freedman by intermarriage. She avers that she was the slave of the late or George Washington, of the Cherokee Nation during the war and returned in 1866 with her children; that she married in 1867. She avers that she remained in the Cherokee Nation about a year the first time and then returned to Kansas with her children and husband, and never has resided in the Cherokee Nation until four years ago, from that time to his. She avers that she married her husband Alex Turk according to the laws of the state of Kansas. She avers that she has two children, William and Samuel who were born slaves, and who went with her to Kansas. She avers that she has five children, all of age, who were born in Kansas and all resided in Kansas and were raised in Kansas and resided there until four years ago. Only one witness is produced that saw her here in 1866, besides herself. It is evident from the testimony that the said Rachel Turk did not return to the Cherokee Nation according to either the letter or spirit of the section of the Treaty of 1866 requiring Cherokee freedmen to return to the Cherokee Nation and make their homes here within a certain time. Therefore the application for the enrollment of the said Rachel Turk as a Cherokee freedman and for the enrollment of her husband Alex Turk as an intermarried freedman will be rejected. It will be necessary for her to file satisfactory proof of her marriage.

=====

Chas. von Weisä, 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 true and complete transcript of his stenographic notes therein.

Subscribed and sworn to before me this 10th day of September, 1901.

Chas. von Weisä
M. D. Green
 Commissioner.

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

In the matter of the application for the enrollment of Rachel Turk et al., as Cherokee Freedmen, consolidating the applications of --

Rachel Turk,	Cherokee Freedmen R-148,
Samuel Rogers et al.,	Cherokee Freedmen R-149,
William Rogers et al.,	Cherokee Freedmen R-150,
Willis Turk,	Cherokee Freedmen R-151,
Bettie Turk,	Cherokee Freedmen R-152,
John Turk,	Cherokee Freedmen R-153.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Rachel Turk for herself and her husband, Anderson Turk; the said Anderson Turk claims only as a citizen by intermarriage, and his rights are not passed upon in this decision; by Samuel Rogers for himself and his minor children, Bessie and Velva Rogers; by William Rogers for himself and his minor children, Myrtle and Gracie Rogers; by Willis Turk for himself; by Bettie Turk for herself and by John Turk for himself.

The evidence in this case shows that the applicants, Rachel Turk, Samuel Rogers and William Rogers, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and went to the state of Kansas, where they lived until the year 1866, when they returned to the Cherokee Nation. It is shown by the testimony that their return to the Cherokee Nation at that time was but temporary and was with no intention of establishing a residence therein. It is further shown that they only remained in said Nation a few months, and in 1867 returned to Kansas, where they lived until 1897, when the applicants, Rachel Turk and Samuel Rogers, returned to the Cherokee Nation, where they have since resided. It is further shown by the testimony that the said William Rogers has continued to live in the state of Kansas since his return thereto in 1867. It further appears that at the time these applicants returned to the Cherokee Nation, in 1866, the said Rachel Turk was married, her husband living then in the state of Kansas, and that the said husband did not return at that time but continued to live in the state of Kansas until the said Rachel Turk's return thereto in 1867. The applicants, Willis Turk, Bettie Turk and John Turk, have been born since 1866 and are the children of and claim their right to enrollment through their mother, the said Rachel Turk. It appears that these applicants were born in the state of Kansas and never lived in the Cherokee Nation prior to the year 1897; that the applicants, Bessie and Velva Rogers are the minor children of the said Samuel Rogers, and the applicants, Myrtle and Gracie Rogers, are the minor children of the said William Rogers; that they have no right to enrollment except through their fathers.

It further appears that none of the applicants herein are identified upon the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Rachel Turk, Samuel Rogers, Bessie Rogers, Velva Rogers, William Rogers, Myrtle Rogers, Gracie Rogers, Willis Turk, Bettie Turk and John Turk 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)

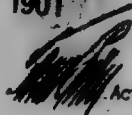
- Tamm Dixie, Chairman.
- T.B. Needles, Commissioner.
- C.R. Breckinridge,
Commissioner.
- W.H. Stanley, Commissioner.

Muskogee, Indian Territory, this
Mar. 11, 1904.

3R152

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

FILED
JUL 1 1901

 ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 1, 1901
Post Office Shawata, T.
District 100

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Rejected

2. Name of wife Bethie Turk Age 24

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother Rachel Turk Citizenship _____

Names of Children:

3. _____ Year _____ Page _____ No. _____ Dist. _____

4. _____ Year _____ Page _____ No. _____ Dist. _____

5. _____ Year _____ Page _____ No. _____ Dist. _____

6. _____ Year _____ Page _____ No. _____ Dist. _____

7. _____ Year _____ Page _____ No. _____ Dist. _____

8. _____ Year _____ Page _____ No. _____ Dist. _____

9. _____ Year _____ Page _____ No. _____ Dist. _____

10. _____ Year _____ Page _____ No. _____ Dist. _____

11. _____ Year _____ Page _____ No. _____ Dist. _____

12. _____ Year _____ Page _____ No. _____ Dist. _____

Application made by Ms. 1 Stenographer M. D. Green

Rejected

X Ref. R. 148

J. R. Esquiche, agent for applicant

Cherokee Freedmen
R-152

Muskogee, Indian Territory, March 19, 1904.

Bettie Turk,

Nowata, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. Your agent, J. R. Sequichie, Chelsea, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

C. R. Brown

Register.
Enc. D-20.

Commissioner in Charge.

COPY

Cherokee Freedmen
D-1014 et al.

Muskogee, Indian Territory, March 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Judy Chambers et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Rufus Warren, Clark and Essie Dannenberg, Joe, George and Bessie West as Cherokee freedmen.

Respectfully,

C. R. ...

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-15.

COPY.

Cherokee Freedmen
B-148 et al.

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 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Hannah Dossie, Volva, William, Myrtle and Gracie Rogers, Willis, Bettie and John Turk, 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. Bacon

Enc. D-23.

Commissioner in Charge.

COPY

Cherokee Freedmen
B-148 et al.

Muskogee, Indian Territory, March 19, 1904.

J. R. Sequishie,
Agent for Rachel Turk et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Rachel Turk et al., together with the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Samuel, Bessie, Velva, William, Myrtle and Gracie Rogers, Willis, Bettie and John Turk 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,

Register.

Enc. B-22.

Commissioner in Charge.

(COPY)

DEPARTMENT OF THE INTERIOR,

Refer in reply to OFFICE OF INDIAN AFFAIRS,
the following:

WASHINGTON, August 9, 1904.

Lead.

1843-1864.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission dated March 19, 1904, forwarding the record relative to the application of Rachel Turk, et al., for enrollment as Cherokee freedmen.

Rachel Turk applied for the enrollment of herself and her husband, Anderson Turk. Anderson Turk claims right to enrollment by intermarriage, and the Commission did not include him in their decision.

Samuel Rogers applied for the enrollment of himself and his minor children, Essie and Velva Rogers.

William Rogers applied for the enrollment of himself and his children, Myrtle and Grace Rogers.

Willis Rogers applied for the enrollment of himself, Bettie Turk for the enrollment of herself, and John Turk for his enrollment.

The record in the case shows that Rachel Turk, Samuel Rogers and William Rogers were slaves of Cherokee citizens at the commencement of the war; that they left the nation

-2-

and went to Kansas, where they lived until the year 1866, when they returned to the Cherokee Nation.

Rachel Turk first settled on Snow Creek. She started to make some improvements there, but never finished them. She returned to Kansas and resided there until 1897, when she returned to the Cherokee Nation, where she has since resided.

Samuel Rogers and William Rogers are sons of Rachel Turk, and returned to the Cherokee Nation with her in 1866. They left the Nation with their mother during the years 1866-7 and went to Kansas, where they resided until 1897. The minor applicants were born in Kansas.

Anderson Turk, husband of Rachel Turk, did not go to the Cherokee Nation in 1866, when his wife returned.

Willie Turk, Nettie Turk and John Turk are children of Rachel Turk, and were born since the close of the rebellion. They were all born in Kansas.

Although the record conclusively shows that Rachel Turk and Samuel and William Rogers returned to the Cherokee Nation within the time limit fixed by the treaty of 1866, it also shows that they did not settle in the Nation in good faith. They only remained a few months, when they returned to Kansas. During their absence they did not own any property or personal effects in the Cherokee Nation.

In view of the record the approval of the Commission's decision of March 11, 1904, adverse to the applicants included

-3-

therein, is respectfully recommended.

Very respectfully,

A. S. Tonner,

Acting Commissioner.

CAV-Mc

V.O.P.
J.P.

DEPARTMENT OF THE INTERIOR,

FILE

WASHINGTON, August 19, 1904.

D. C. 30796
I. T. D. 6348-1904.

LRS

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

Gentlemen:

March 19, 1904, you transmitted the record in the consolidated Cherokee freedman case of Rachel Turk, et al (D-148), including your decision of March 11, 1904, rejecting the applicants

Reporting in the matter August 9, 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) Thom Ryan

Acting Secretary.

1 inclosure.

COPY.

Cherokee Freedmen
R 152

Muskogee, Indian Territory, October 4, 1904.

Bettie Turk,

Nowata, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

COPY.

Executive Order
R 100, 00 00.

Washington, D.C. Secretary, October 4, 1904.

2011, Building & Construction,
Secretary for the Executive Order,

The Secretary of the Interior has the honor to acknowledge the receipt of your letter of the 28th inst. regarding the application for the withdrawal of 100 acres of public land in the State of California, and to inform you that the same has been referred to the proper authorities for their consideration. The Secretary of the Interior is pleased to advise you that the same has been approved and the same is hereby withdrawn.

Very truly yours,
Secretary

Signed: [Signature] Secretary

THE MATTER OF THE APPLICATION OF

Bettie Turk

FOR ENROLLMENT AS

CHEROKEE FREEDWOMEN

A. Original testimony July 1, 1901

B. Memo of application July 1, 1901

C. Test from case of Rachel Turk

AUG 19 1901

Copy of testimony filed
with Cherokee Nation.

See Cherokee Freedmen jacket
AW R 148

Unknown Card Numbers -

These Two letters were found between
Cher. Fr. R-152 and Cher. Fr. R-153

THE LAWRENCE HOUSE.

G. M. FALLEY, PROPRIETOR.

LAWRENCE, KANSAS, May 19th 1862

Bill. Hastings. and Deaneport.
Atty's For the Cherokee. Nation.

Muskogee. I. T.

Gentlemen.

I came here this morning. from Ottawa. To see our witnesses off from this place I think I will send them two negroes and a white man I intended when I came here today. To send 4 negroes. but now I will cut out two of the negroes as I found a white man here this evening who knowed Emily Grimmett from 65 or 6- To 70. or 71- He says that she had a white man for a man and had two little yellow girls

THE LAWRENCE HOUSE,

C. M. FALLEY, PROPRIETOR.

2

LAWRENCE, KANSAS.

190

and lived here continuously ^{thru} ~~the~~ ^{years}
As ^{the} eyes of her ^{oldest} ~~children~~
Children and so how this
Statement will Pan out He
is positive he knowed a Col
ored woman by that name
There is one of the Negroes I
intended to take or send
down, knowed Matilda Dan
enberg and her Children
says that they lived in the
House with him either the winter
of 1864 or 65 and then moved
to themselves and lived here
Two or three years now if you
think we need any more Testi
mony in this case we can
get this man by sending
Transportation to H. S. Leubke
of this place and a subpoena

For witness. LAWRENCE, KANSAS.

1860

The only trouble about this man is that he cannot fix a date to save his life. However you will know about how strong we have made the case against Ross and Smith and if you think you can strengthen it any by his statement swear for him his name is Amos. Duncan. He will swear they were here two or three years after 1864 - He fixes this date by having crossed the plains that year. However his memory is bad on dates. He absolutely does not know any. After getting off from here I will go to Cheyenne I trust

THE LAWRENCE HOUSE.

G. M. FALLEY, PROPRIETOR.

H

LAWRENCE, KANSAS.

1860

I will hear from you ^{then} I
will go from there to 7th South
Kansas unless Mr Rucker has
looked up some of those
people there then from there
to Mapleton to look after
Soutkey then to Dole Mosho
Falls, Eureka Lehanute and
Independence I do not know
whether I will be able to
make all these points yet
or not and get in by closing
time. I think I can by
working night and day
you had better send me some
money at one of these places
as I have had to furnish
a number of witnesses
money for transportation

LAWRENCE, KANSAS.

1860

no fact all of them except
 one Mr Johns ~~is~~ I will have
 To furnish Mr Charles Snow
 \$10⁰⁰ Ten dollars and seventy
 five cents Take this out
 out of his witness fee's
 He is a good man and
 will make us a good witness
 He was in business near where
 Genly lived in 1865 or 6 Write
 to me where you will send
 the money to I think Fort
 Scott would be the best place
 If you have not had the
 Rucker look up the Fort
 Scott people witnesses leave
 here tomorrow evening and
 will reach there Wednesday
 morning
 Jim

Gort Scott Evans
May 20th 1902

Mr L B. Bell -
Muskegon
Ind Gen

Dear Sir

Your letter and
subpoena - just received
Last P.M. was saying
I did not get it in
time to have
Mrs Mandy Howard
go down on the
19th as you requested -
I went and saw her
this morning. she says
she can - and will
go next Monday -
26th 1902. on the

I
Flyer - if nothing
happens she says
she will be gone
and come then -
she is entertaining some
of the old soldiers
here at the B.A.B.
reunion - If that
time suits you
let me know -
Also I will change
date of Subframe
to 26th if you say
so - yours truly
C. E. Rucker

Lawrence House,

G. M. Falley, Prop

LAWRENCE

KANSAS



*Ball, Hastings, and Da
Lawrence
Mustogee, Kansas
D. T.*

LIVERED IN TEN DAYS RETURNED TO

for the Cherokee Nation
DOGEE, INDIAN TERRITORY

Q13



*L. B. Bell
Mustogee
D. T.*

Cher. Fr. R-153


Cher. Fr. R-153

A

3R153

CO.

FILED
JUL 19 1901


ACTING CHAIRMAN

REJECTED:

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, T. T., July 1st, 1901.

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

Appearances:

Jo. Sequichie, agent for the applicant;
L.B. Bell, for the Cherokee Nation.

- Q What is your name? A John Turk.
Q How old are you? A 22.
Q What is your post-office address? A Nowata.
Q What district do you live in? A Cowascoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to enroll anybody besides yourself? A No sir.
Q Are you married? A No sir.
Q What is your mother's name? A Rachel Turk.
Q Where were you born? A In Kansas.
Q When did you come to the Cherokee Nation? A 1897.
Q ~~Where~~ You came with your mother? A Yes sir.
Q Been living here ever since? A Yes sir.

1837 authenticated roll of citizens of the Cherokee nation examined and applicant not found;
1895 census roll of citizens of the Cherokee nation examined and applicant not found;
Kern-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.

Com'r Needles: John Turk applies for the enrollment of himself; he cannot be identified upon any of the rolls of the Cherokee nation; he avers that he was born in the State of Kansas; and removed to the Cherokee Nation 4 years ago; with his mother, Rachel Turk, who has been listed on rejected card 148; the testimony taken in the matter of the application of said Rachel Turk will be made a part of the record in the case at bar, and a copy thereof filed herewith; consequently John Turk will be rejected.

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

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

L. D. Green



Commissioner.

COMMISSION TO THE
FIVE CIVIL DISTRICTS
OF THE TERRITORY OF ARIZONA
DEPT. OF THE INTERIOR
WASHINGTON, D. C.
218
MAY 11 1901

By Com'r Needles

Freedman, et al. vs. ...
by intermarriage ...
or Goodyear ...
returned in 188 ...
She avers that ...
the first wife and ...
and husband, ...
four years ago, ...
ried her husband Alex ...
Kansas. She avers that she has ...
who were born slaves, and she ...
that she has five children of ...
and all reside in ...
sided there until ...
that saw her her ...
the testimony of ...
Cherokee Nation ...
section of the ...
return to the ...
a certain time ...
the said Rachel ...
ment of her husband Alex ...
will be rejected ...
for her to file ...

Chas. von Weese, being sworn says that he is a ...
mission to the Five Civil Districts ...
proceedings in the above ...
plete transcript of all ...

To be filed in the case of

John Turk

C.F. R-4153

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July 1, 1901.

Joe Sequichie agent for applicant.

In the matter of the application of Rachel Turk for the enrollment of herself as a Cherokee freedman and for the enrollment of her husband as a Cherokee freedman by inter-marriage; she being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Rachel Turk.
Q What is your age? A. 64.
Q What is your post office address? A. Cooweescoowee ~~as~~ district.
Q Do you get your mail all over the district? A. No sir here at Nowata.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Is your name on any of the rolls? A. On the Wallace roll.
Q Did you ever get any money? A. No sir.
Q Did you apply to the Kern Clifton court? A. No sir.
Q Are you on the roll of 1880? A. No sir.
Q Did you ever apply to the authorities at Tahlequah for enrollment?
A. No sir.
Q Are you married? A. Yes sir.
Q What is your husband's name? A. Anderson Turk.
Q Is he a citizen? A. No sir.
Q What is your father's name? A. William Melton.
Q Is he living? A. No sir.
Q What is your mother's name? A. Aggie Brown.
Q Is she living? A. No sir.
Q How many times have you been married? A. Twice.
Q What was the name of your first husband? A. Dick Rogers.
Q Is he dead? A. Yes sir.
Q And your present husband is named Turk? A. Yes sir.
Q When did you marry him? A. It has been so long I dont know.
Q Now who do you want to apply for? A. Myself and then my husband is one by intermarriage.
(By Joe Sequichie)
Q Where did you live before the war? A. On the Virdigris river.
Q What part of the Cherokee Nation is that? A. Cooweescoowee district.
Q Who did you belong to? A. Lizzie and John Brown.
Q Did you live in the Cherokee Nation at the beginning of the war? A. Yes sir, and I was taken out by the soldiers.
Q Where to? A. Mapleton, Kansas.
Q How long did you stay there? A. I cant tell exactly.
Q When did you return here? A. In '66.
Q What part of the Cherokee Nation did you come to? A. On Snow Creek
Q Who did you return with? A. Poss Gibson, and his wife.
Q Did you make any improvements on Snow creek when you first settled?
A. Started to and never finished it.
Q Did your husband return with you from Kansas? A. No sir.
Q Did he stay up there? A. Yes sir.
Q When did he come here? A. After me.
Q How long had you been here when he come after you? A. Inside of a year.
Q You say you started to make a farm on Snow creek? A. Yes sir
Q Where did your husband take you to when he came after you? A. Where I came back from, to Mapleton, Kansas.
Q How long did you stay there that time? A. I staid there a good while.
Q Where were your children born? A. One up there in Kansas and two down here.
Q Where was Jesse born? A. In Kansas.
Q After Jesse was born did you return to the Cherokee Nation? A. Yes sir
Q How long did you stay here then? A. I staid here quite a while, my memory is not so good as to years.
Q Which one of your children were born here in the Cherokee Nation?

Bill and Sammie.

- Q After you went back to Kansas, what year did you return here and set-
tle permanently? A I came down to the Wallace court after that.
- Q You came here during the Wallace court? A. Yes sir.
- Q Did you apply for enrollment then? A. Yes sir.
- Q Were you enrolled? A. They have my name in
- Q Where have you been since then? A. In Kansas.
- Q Have you been here all the time since then? A. No sir, I went
back after that and spent a while in Kansas and come back and have been
here ever since.
- Q How long after the Wallace court did you go back to Kansas? A I dont
know exactly when.
- Q Did all these children with you when you? A. Yes sir.
- Q Did some settle permanently after you come back in 1867? A. When I
went back to Kansas I took my children with me.
- Q And did they stay with you all the time? A. Yes sir.
- Q And have they been here since you came here the last time? A. Yes sir
by the Commission.
- Q Where were you married to that time? A. In Kansas.
- Q You came here in '67? A. Yes sir.
- Q And how long did you stay there? A. About a year.
- Q Did you have any of your children with you then? A. Some of my children
- Q And then you went back to Kansas? A. Yes sir.
- Q And would in Kansas until the Wallace court? A. Yes sir.
- Q And then you came back to the court putting your name before the
Wallace court? A. Yes sir.
- Q And after that you came back to Kansas? A. Yes sir.
- Q And after that there a while time and came back here again? A. Yes sir
- Q And then did you go back to Kansas again? A. Yes sir.
- Q How long have you been in Kansas the last time? A. Four years.
- Q Always before that you lived in Kansas? A. Yes sir.
- Q You lived there and went down to Kansas and then go back? A. Yes sir.
- Q What is your oldest child's name? A. Will Mack.
- Q How old is he? A. I dont know, but will his age.
- Q He was born in Kansas? A. No sir, here.
- Q What was he born in? A. In slave time.
- Q What is the next one's name? A. Sammie, he was born in slave time too
- Q Next one? A. George.
- Q Where was he born? A. Kansas.
- Q Next one? A. Sarah.
- Q Where was she born? A. Kansas.
- Q Next one? A. William.
- Q Where was he born? A. In Kansas.
- Q Next one? A. Betty.
- Q Where was she born? A. In Kansas.
- Q Next one? A. John
- Q Where was he born? A. Kansas.
- Q William and Sam were born slaves? A. Yes sir.
- Q And went out with you? A. Yes sir.
- Q And came back here when you first came? A. Yes sir.
- Q Where are they now? A. Living here.
- Q Did they come down here four years ago? A. Yes sir.
- Q Do you live on a farm now? A. No sir in town.
- Q What town? A. Nothin.

NELSON MURRELL, called and sworn as a witness for the applicant -
(by Joe [unclear])

- Q What is your name? A. Nelson Murrell.
- Q What is your age? A. 77.
- Q What is your post office address? A. ...
- Q Do you know the applicant? A. Yes sir.
- Q How long have you known him? A. About 25 years.
- Q Where was the first time you saw him? A. On Dog Creek.
- Q What was his name? A. ...
- Q Was she a slave? A. ...
- Q What was her name? A. ...

COMMUNICATION TO THE SECRETARY OF THE WAR DEPARTMENT
SEPTEMBER 10 1861
RECEIVED



By Sarah Needles, Rachel Turk applies for herself as a Cherokee Freedman, and for her husband Alex Turk as a Cherokee freedman by intermarriage. She avers that she was the slave of one Brown or Gaddy, was taken out of the Cherokee Nation during the war and returned in 1866 with two children; that she married in Kansas the first time and then returned to Kansas with her children and husband, the latter has resided in the Cherokee Nation until four years ago from that time to this. She avers that she married her husband Alex Turk according to the laws of the state of Kansas. She avers that she has two children, William and Samuel who were both slaves, and who went with her to Kansas. She avers that she has five children, all of age, who were born in Kansas and all of whom she avers were raised in Kansas and resided there until four years ago. Only one witness is produced that saw her here in 1866, besides herself. It is evident from the testimony that the said Rachel Turk did not return to the Cherokee Nation according to either the letter or spirit of the section of the Treaty of 1866 requiring Cherokee freedmen to return to the Cherokee Nation and make their homes here within a certain time. Therefore the application for her husband the said Alex Turk as a Cherokee freedman and for her husband Alex Turk as an intermarried couple should be rejected. It will be necessary for her to file satisfactory proof of her marriage.

=====

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

Subscribed and sworn to before me this 10th day of September, 1861. *Chas. W. Hays*



Chas. W. Hays

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

In the matter of the application for the enrollment of Rachel Turk, et al., as Cherokee Freedmen, consolidating the applications of --

Rachel Turk,	Cherokee Freedmen R-148,
Samuel Rogers et al.,	Cherokee Freedmen R- 149,
William Rogers, et al.,	Cherokee Freedmen R-150,
Willis Turk,	Cherokee Freedmen R-151,
Bettie Turk,	Cherokee Freedmen R-152,
John Turk,	Cherokee Freedmen R-153.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Rachel Turk for herself and her husband, Anderson Turk; the said Anderson Turk claims only as a citizen by intermarriage, and his rights are not passed upon in this decision; by Samuel Rogers for himself and his minor children, Bessie and Velva Rogers; by William Rogers for himself and his minor children, Myrtle and Gracie Rogers; by Willis Turk for himself; by Bettie Turk for herself and by John Turk for himself.

The evidence in this case shows that the applicants, Rachel Turk, Samuel Rogers and William Rogers, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they left the Cherokee Nation and went to the State of Kansas, where they lived until the year 1866, when they returned to the Cherokee Nation. It is shown by the testimony that their return to the Cherokee Nation at that time was but temporary and was with no intention of establishing a residence therein. It is further shown that they only remained in said Nation a few months, and in 1867 returned to Kansas, where they lived until 1897, when the applicants, Rachel Turk and Samuel Rogers, returned to the Cherokee Nation, where they have since resided. It is further shown by the testimony that the said William Rogers has continued to live in the state of Kansas since his return thereto in 1867. It further appears that at the time these applicants returned to the Cherokee Nation, in 1866, the said Rachel Turk was married, her husband living then in the state of Kansas, and that the said husband did not return at that time but continued to live in the state of Kansas until the said Rachel Turk's return thereto in 1867. The applicants, Willis Turk, Bettie Turk and John Turk, have been born since 1866 and are the children of and claim their right to enrollment through their mother, the said Rachel Turk. It appears that these applicants were born in the state of Kansas and never lived in the Cherokee Nation prior to the year 1897; that the applicants, Bessie and Velva Rogers, are the minor children of the said Samuel Rogers, and the applicants, Myrtle and Gracie Rogers, are the minor children of the said William Rogers; that they have no right to enrollment except through their fathers.

It further appears that none of the applicants herein are identified upon the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Rachel Turk, Samuel Rogers, Bessie Rogers, Velva Rogers, William Rogers, Myrtle Rogers, Gracie Rogers, Willis Turk, Battie Turk and John Turk 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.

- T.B. Needles,
Commissioner.
- C.R. Breckinridge,
Commissioner.
- W.R. Stanley,
Commissioner.

Muskogee, Indian Territory.

this Mar. 11, 1904.

R

FR 153

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


ACTING CHIEF

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 1, 1904
Post Office Nowata, TN
District Geo

1. Name John Turk Age 21
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother Rachel Turk Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:
Father _____ Citizenship _____
Mother _____

Names of Children

~~3. Year _____ Page _____ No. _____ Dist. _____
4. Year _____ Page _____ No. _____ Dist. _____
5. Year _____ Page _____ No. _____ Dist. _____
6. Year _____ Page _____ No. _____ Dist. _____
7. Year _____ Page _____ No. _____ Dist. _____
8. Year _____ Page _____ No. _____ Dist. _____
9. Year _____ Page _____ No. _____ Dist. _____
10. Year _____ Page _____ No. _____ Dist. _____
11. Year _____ Page _____ No. _____ Dist. _____
12. Year _____ Page _____ No. _____ Dist. _____~~

Application made by us Stenographer M. H. Green

J. P. Leguiche Agent for applicants

Ref. R148.

COPY.

Cherokee Freedman
R-152

Muskogee, Indian Territory, March 19, 1904.

John Turk,

Newata, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman. Your agent, J. R. Hignite, Chelsea, Indian Territory, has heretofore been furnished with a copy of the record of proceedings and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

C. R. Breckinridge

Register.

Commissioner in Charge.

Enc. D-11.

COPY.

Charles Freeman
2-148 et al.

Mustoge, Indian Territory, March 18, 1904.

W. V. Hastings,
Attorney for Cherokee Nation,
Sallisaw, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Russell, Jessie, Velva, William, Myrtle and Francis Rogers, Willie, Nettie and John Turk, 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. E. Drevitt

Enc. 2-11.

Commissioner in Charge.

Cherokee Freedmen
D-1014 et al.

Muskogee, Indian Territory, March 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Judy Chambers et al., including the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Judy Chambers, Dennis Paden, Annie Johnson, Rufus Warren, Clark and Essie Dannenberg, Joe, George and Essie West as Cherokee Freedmen.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. F-15.

COPY.

Cherokee Freedmen
R-148 et al.

Muskogee, Indian Territory, March 19, 1904.

J. R. Sequichie,

Agent for Rachel Turk et al.,

Chelsea, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the consolidated case of Rachel Turk et al., together with the Commission's decision, dated March 11, 1904, rejecting the applications for the enrollment of Rachel Turk, Samuel, Bessie, Velva, William, Myrtle and Gracie Rogers, Willis, Bettie and John Turk 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. P.

Register.

Commissioner in Charge.

Enc. D-22.

W.C.F.
J.P.

DEPARTMENT OF THE INTERIOR,

FHE

WASHINGTON, August 19, 1904.

D. C. 30796
I. T. D. 6348-1904.

LRS

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

Gentlemen:

March 19, 1904, you transmitted the record in the consolidated Cherokee freedman case of Rachel Turk, et al (D-148), including your decision of March 11, 1904, rejecting the applicants

Reporting in the matter August 9, 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) Thos Ryan

Acting Secretary.

1 inclosure.

(C O P Y)

DEPARTMENT OF THE INTERIOR,

Refer in reply to OFFICE OF INDIAN AFFAIRS,
the following:

WASHINGTON, August 9, 1904.

Land.

19438-1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed a report from the Commission dated March 19, 1904, forwarding the record relative to the application of Rachel Turk, et al., for enrollment as Cherokee freedmen.

Rachel Turk applied for the enrollment of herself and her husband, Anderson Turk. Anderson Turk claims right to enrollment by intermarriage, and the Commission did not include him in their decision.

Samuel Rogers applied for the enrollment of himself and his minor children, Bessie and Velva Rogers.

William Rogers applied for the enrollment of himself and his children, Myrtle and Grace Rogers.

Willis Rogers applied for the enrollment of himself, Bettie Turk for the enrollment of herself, and John Turk for his enrollment.

The record in the case shows that Rachel Turk, Samuel Rogers and William Rogers were slaves of Cherokee citizens at the commencement of the war; that they left the nation

and went to Kansas, where they lived until the year 1866, when they returned to the Cherokee Nation.

Rachel Turk first settled on Snow Creek. She started to make some improvements there, but never finished them. She returned to Kansas and resided there until 1897, when she returned to the Cherokee Nation, where she has since resided.

Samuel Rogers and William Rogers are sons of Rachel Turk, and returned to the Cherokee Nation with her in 1866. They left the Nation with their mother during the years 1866-7 and went to Kansas, where they resided until 1897. The minor applicants were born in Kansas.

Anderson Turk, husband of Rachel Turk, did not go to the Cherokee Nation in 1866, when his wife returned.

Willis Turk, Bettie Turk and John Turk are children of Rachel Turk, and were born since the close of the rebellion. They were all born in Kansas.

Although the record conclusively shows that Rachel Turk and Samuel and William Rogers returned to the Cherokee Nation within the time limit fixed by the treaty of 1866, it also shows that they did not settle in the nation in good faith. They only remained a few months, when they returned to Kansas. During their absence they did not own any property or personal effects in the Cherokee Nation.

In view of the record the approval of the Commission's decision of March 11, 1904, adverse to the applicants included

therein, is respectfully recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAV-Ma

COPY.

Cherokee Freedmen
155

Muskogee, Indian Territory, October 4, 1904.

John Turk,

Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

SIGNED,

James Bixby.
Chairman.

COPY.

Charities Freedmen
E 142, et al.

Washoe, Indian Territory, October 4, 1904.

2021, Washoe & Newspaper,
Attorneys for the Charities Freedmen,
Washoe, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision dated March 11, 1904, rejecting the applications for the enrollment of Rachel, Willis, Bettie and John Warr, and Samuel, Beasia, Waiwa, William, Myrtle and Gracie Rogers as Charities Freedmen, was affirmed by the Secretary of the Interior on August 19, 1904.

Respectfully,

Jame Bixby.

Commissioner.

MATTER OF THE APPLICATION

John Turk

FOR ENROLLMENT AS

CHEROKEE FREEMEN

A Original testimony July 11
B. Memo. of application July 1
C Test from case of Rachel Turk

REPORT

Copy of testimony filed
with Cherokee Nation.

See Cherokee Freedmen Journal

No R 148

Cher. Fr. R-154

Cher. Fr. R-154

10
200724

JUL 18 1901

APPLICANT'S NAME: ...
IN THE ...

By the Commission-

Don't you vote ...

By the ...

Have you married again since separating ...

HAMMER BROSSE, called and sworn as a witness for the applicant-

Q What is your name? A. Hammer Brosse.

Q How old are you? A. 40 years.

Q Do you know the applicant? A. Before the war.

Q Was he a slave? A. His mother was.

Q When did you first see this applicant after the war? A. 25 years ago.
Q Where is he living now? A. Boston in the states and coming down to his mother's.

Q How old is he now? A. 42 or 50.

By the ...

Q How old was he when the war came on? A. 4 or 5 years old.

HAVE MARTIN called and sworn as a witness for the applicant-

Q What is your name? A. Dave Martin.

Q How old are you? A. 28, 95

Q Do you know the applicant? A. Yes sir.

Q How long have you known him? A. Ever since he was little.

Q Was he a slave? A. Yes sir.

Q Who did he belong to? A. First to Peter and Eliza and they gave him ...

Q Did he go out of the ...? A. Yes sir.

Q Where did he return? A. ...

Q How long have you seen him since the war? A. 20 years ago.

Q How old was he at that time since he was? A. Just over 10.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July, 3d 1901..

In the matter of the application of William J. Vann for the enrollment of himself as a Cherokee freedman; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. William J. Vann.
Q What is your post office address? A. Coffeyville.
Q In what district do you live? A. Cooweescoowee.
Q Do you apply for enrollment as a Cherokee freedman? A. Yes sir.
Q Who else do you want to have enrolled besides yourself? A. No one.
Q What is your age? A. 43 or 3.
Q Were you a slave? A. Yes sir.
Q What was your owners name? A. Rachel Hayes.
Q Was she a Cherokee citizen? A. Yes sir.
Q What is your fathers name? A. Neal Vann.
Q Is he living? A. No sir.
Q What is your mothers name? A. Betsy Rider.
Q Is she living? A. Yes sir.
Q Is she a citizen? A. She has been here a good many years.
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 to the Cherokee Nation? A. 22 years ago.
Q Have you been here ever since? A. Yes sir.
Q Have you made it your home ever since? A. Yes sir.
Q How old were you when you returned from Kansas? A. I was 5 years old time of the war.
Q Did you live in Kansas from that time until 22 years ago? A. Yes sir.
Q How old were you when you left Kansas for this country? A. 17, 18 or 19 years old, not that old—16 or 17.
Q Have you been here ever since? A. Yes sir.
Q Where have you been living all that time? A. I worked in Kansas and boarded.
Q Where did you marry? A. In Kansas.
Q Where is your wife now? A. In Kansas City, we have been parted 22 years.
Q Have you any children? A. Yes sir three.
Q By that wife? A. Yes sir.
Q Where are they? A. In Sasawatomie Kansas.
Q You dont apply for them? A. No sir they can apply for themselves.
Q As I understand it, you were taken to Kansas during the war and married there and returned from there 22 years ago and that your three children were born there? A. Yes sir.
Q How long did you live with your wife? A. Three years.
Q How old were you when you married? A. 16 or 17 years.

By W. W. Hastings, Cherokee representative

- Q How old were you when the war came up? A. Five years old.
Q Can you remember before the war? A. Yes sir.
Q You remember your Master do you? A. Yes sir and my young Mistress.
Q You married in Kansas and lived there until three children were born and then come down here, is that right? A. Yes sir.

By the Commission-

- Q How long has it been since you left her? A. 22 years.
Q And have you made the Cherokee Nation your home since you left your wife? A. Yes sir.
Q You have worked in Kansas during that time? A. Yes sir and in Missouri and here.

By Hastings-

- Q Did you ever make a CT up here? A. No sir.
Q Your Master did work here as long as a month at a time? A. No sir.
Q When did you come here the last time, yesterday or today? A. It has been twenty days, I have been working in Coffeyville.

2

Applicant not found on any of the rolls of the Cherokee Nation now in the possession of the Commission.

By the Commission-

Q Don't you vote there? A. No sir

By Hastings-

Q Have you married again since separating from your wife? A. No sir

HAMMER BROWN, called and sworn as a witness for the applicant-

Q What is your name? A. Hammer Brown

Q Do you know this applicant? A. Yes sir.

Q When did you first know him? A. Before the war.

Q Was he a slave? A. His mother was.

Q When did you first see this applicant after the war? A. 25 years ago.

Q Where is he living now? A. Works in the states and comes down to his mother's.

Q How old is he now? A. 42 or so.

By Hastings-

Q How old was he when the war came up? A. 4 or 5 years old.

DAVE MARTIN called and sworn as a witness for the applicant-

Q What is your name? A. Dave Martin.

Q How old are you? A. 65

Q Do you know the applicant? A. Yes sir.

Q How long have you known him? A. Ever since he was little.

Q Was he a slave? A. Yes sir.

Q Who did he belong to? A. First to Peter and Eliza and they gave him to their daughter, she was married to a Rider.

Q Did he go out of the Cherokee Nation during the war? A. Yes sir.

Q When did he return? A. I don't know.

Q How long have you seen him since the war? A. 23 years ago.

Q Have you seen him all the time since then? A. Just off and on.

By Gov'r Needles,-

William J. Vann applies for himself; he is not found on any of the rolls of the Cherokee Nation, and was never recognized by the Cherokee authorities; he avers that he was a slave in the Cherokee Nation, moved to Kansas, married there, raised a family there and returned to the Cherokee Nation 23 years ago, and since that time he has worked in Kansas and Missouri. The evidence is conclusive that he is not entitled to enrollment under the terms of the treaty of 1866 and he will therefore 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 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 18th day of June, 1901.

[Signature]
Commissioner.

Cherokee Freedman R-154.

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

In the matter of the application for the enrollment of
William J. Vann as a Cherokee Freedman.

DECISION.

It appears from the record herein that William J. Vann ap-
peared before the Commission at Nowata, Indian Territory, on July
E, 1901, and made application for his enrollment as a Cherokee
freedman.

It appears from the evidence herein that William J. Vann
was the slave of a Cherokee citizen at the commencement of the re-
bellion; that during said rebellion he left the Cherokee Nation
and did not return thereto and establish a residence therein with-
in the time specified in the decree of the Court of Claims in the
case of Moses Whitwine, trustee, et al., vs. the Cherokee Nation, et al.
for the return of Cherokee freedmen to said Nation.

It does not appear that the applicant herein is identified
upon the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the
application for the enrollment of William J. Vann as a Cherokee
freedman should be denied, under the provisions of section twenty-
one of the act of Congress approved June 28, 1896, (30 Stat., 495),
and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED,

James Dixby.

Chairman.

SIGNED,

T. B. Needles.

Commissioner.

SIGNED,

D. E. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

this APR 20 1904

Commissioner.

30154

10

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 2 1901

[Signature]
ACTING CHAIRMAN

BY *[Signature]*
MEM

[Handwritten flourish]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 2, 1901
Post Office Coffeyville Kas.
District Coffey

1. Name William J. Vann Age 45
Owner's name Rachel Hayes Citizenship
Year Page No. District

Parents:

Father Neal Vann - dead Citizenship
Mother Catey Rider - living Citizenship

2. Name of wife
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship
Mother Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Repeated

Application made by Ms. 1 Stenographer Chas von Weiss

mdg

COMMISSIONERS
TANS SIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM O. BEALL,
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

<p>REFER IN REPLY TO THE FOLLOWING</p> <p>Cherokee Freedmen R-154.</p>
--

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 5, 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 William J. Vann 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,



Enc. D-170.

Commissioner in Charge.

COPY.

Cherokee Freedmen
R-/154.

Muskogee, Indian Territory, May 5, 1904.

William J. Vann,

Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of the application for your enrollment as a Cherokee freedman, together with a copy of the Commission's decision dated April 20, 1904, rejecting said application.

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

Respectfully,

T. B. Needles.

Register

Enc. D-169.

Commissioner in Charge.

COPY.

Cherokee Freedmen
R-154.

Muskogee, Indian Territory, May 5, 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 William J. Vann 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,

T. B. Needles.

Enc. D-170.

Commissioner in Charge.

COPY.

Cherokee Freedmen
B-154.

Muskogee, Indian Territory, May 5, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of William J. Vann as a Cherokee freedman, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

T. B. Needles.

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-171.

Refer in reply
to the following:
Land
31085-1904

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

May 24, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose, herewith, a report from the Commission to the Five Civilized Tribes, dated the 5th instant, 1904, transmitting for your consideration the application of William J. Vann for enrollment as Cherokee Freedman.

April 20, 1904, the Commission rejected the application.

An examination of the record of the evidence in this case shows that the said William J. Vann was a slave of a Cherokee citizen at the commencement of the war of the Rebellion, and that he left the Nation during said war, and did not return within the time specified in the decree of the Court of Claims in the case of Moses Whitmire, trustee, et al., vs. the Cherokee Nation, et al. for the return of Cherokee freedmen to said Nation.

It is shown in the record that he returned to the Nation 22 years prior to 1901, and that prior to that time had married and established a home in Kansas, and lived with his wife about three years and that as a result of said marriage, there are three children, and that his said three children, were at the time the testimony in this case was taken in Osawatomie, Kansas, and that

(2)

he had not lived with his wife since his return to the Nation 22 years ago.

Now it is held by the Attorney General, that actual physical presence is not necessary to constitute residence with in the provisions of Art. IX. of the treaty of 1865, between the United States and the Cherokee Nation, or the decree of the Court of Claims, previously cited, or the act of June 29, 1898; yet the facts as related above, and from the evidence show that applicant was neither actually nor constructively a resident within the opinion of the Attorney General, or the act, or decree, Supra.

It is further recommended that the action of the Commission rejecting the application of said William J. Vann, for enrollment as a Cherokee Freedman be sustained and that it be so ordered.

Very respectfully,

Assistant Commissioner.

J.T.H.
W.

he had not lived with his wife since his return to the Nation 32 years ago.

Now it is held by the Attorney General, that actual physical presence is not necessary to constitute residence with in the provisions of Art. II. of the treaty of 1866 , between the United States and the Cherokee Nation, or the decree of the Court of Claims, previously cited, or the act of June 28, 1896; yet the facts as related above, and from the evidence show that applicant was neither actually nor constructively a resident within the opinion of the Attorney General, of the act, or decree, Supra.

It is further recommended that the action of the Commission rejecting the application of said William J. Vann, for enrollment as a Cherokee Freedman be sustained and that it be so ordered.

Very respectfully,

Assistant Commissioner.

J.T.N.
W.

D. C. 1868-1904
1898-1904

W. P. 1868-1904
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DEPARTMENT OF THE INTERIOR
WASHINGTON.

June 2, 1904.

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

Gentlemen:

May 6, 1904, you transmitted the record in the matter of the application for the enrollment of William J. Vann as a Cherokee freeman [F. A. 184], including your decision of April 20, 1904, rejecting said application.

Reporting in the matter May 25, 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) Thom Ryan
Acting Secretary.

1 inclosure.

Cherokee Freedmen

R 254

Muskogee, Indian Territory, June 14, 1904.

William J. Vann,
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 2, 1904.

Respectfully,

Chairman.

mdg

Cherokee Freedmen
R 154

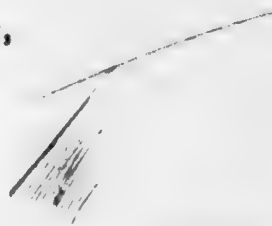
Muskogee, Indian Territory, June 14, 1904.

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 William J. Vann as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 2, 1904.

Respectfully,



Chairman.

Cherokee freedman

R-154

Muskogee, Indian Territory, May 28, 1906.

William J. Varn,
Coffeyville, Kas.

Dear Sir:

You are hereby advised that the motion filed by your attorneys September 7, 1905, for a review in your Cherokee freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

MMP

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

Vinita, Indian Territory.

Dear Sir:-

You are advised that this office is in receipt of Departmental letter of May 2, 1906, a copy of which is enclosed herewith, denying motions by Blue & Bulger, filed September 7, 1905, for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC
Incl. C-2

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JUL 19 1901
F. I. E. D.
COMMISSION TO THE FIRE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR



MAKING CHECK
ACTING CHAIRMAN

M. D. Green



1000

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., July 2, 1901.

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

- Q What is your name? A David Lane.
Q How old are you? A 44.
Q What is your post-office address? A Lenapah.
Q What district do you live in? A Coowooquoowa.
Q You apply to be enrolled as a Cherokee Freedman? A Adopted Freedman.
Q Are you married? A Yes sir, intermarried.
Q What is your wife's name? A First wife was Eliza Martin.
Q Is she living? A Yes sir, married in the Creek Nation.
Q Is she a Creek? A No, her man is a Creek.
Q Who do you claim your citizenship through, Eliza Martin? A I suppose so, got the Nation's seal there on these papers.
Q Is Eliza Martin your wife? A She was my first wife.
Q She is living? A Yes sir.
Q Do you claim your citizenship through her, or your second wife? A First wife I guess.
Q Your second wife a citizen? A That's what she claims.
Q Is her name on any of the rolls of the Cherokee Nation? A Yes sir, I think so.

Gov'r: Applicant presents duly authenticated marriage license and certificate certifying that he was married to one Eliza Martin according to the laws of the Cherokee Nation on the 20th day of April, 1868.

BY MR. DAVENPORT, Cherokee Rep'or Representative of the Cherokee Nation object to the introduction of the marriage license for the reason that under the laws of the Cherokee Nation there was no law authorizing the issuance of a marriage license to one adopted citizen to marry another and give them rights.

- Q Is Eliza Martin living you say? A Yes sir.
Q She your present wife? A No sir.
Q Now living with her? A No sir.
Q Separated from her? A Yes sir, living with Lucinda Foster.
Q What is Lucinda Foster, a citizen? A Yes sir.
Q Were you ever married before you married Eliza Martin? A Now sir.
Q Was she ever married before she married you? A No sir.
Q You separated from her? A Yes sir.
Q You divorced? A No sir, I applied for one at Dog Creek, that was in '89, and Council had just passed up, and I never applied no more.
Q You had no divorce when you married Lucinda Foster? A No sir.
Q Why did you and Lucinda Martin part? A I don't know, we just got displeased.
Q Where have you lived all your life? A In the Cherokee Nation.
Q Live in the Cherokee Nation now? A Yes sir, been here all the time.

Gov'r Needles: David Lane applies to be enrolled as a Cherokee Freedman; by intermarriage; he makes satisfactory proof of marriage to one Eliza Martin, and he claims her to be a citizen; no proof is made as to the citizenship of Eliza Martin; he says that he separated from Eliza Martin and is now married to one Lucinda Foster; that he moved and divorced; the fact that he was married to one Eliza Martin and the proof is not as to her citizenship David Lane's applicant on for enrollment as an adopted citizen.

COMMISSION TO THE INVESTIGATING AND JURY
DEPARTMENT OF THE ARMY
WASHINGTON, D. C.

Marie Lane
Geraldine N... and he will be rejected.

Y. H. Cross, being first called to the stand, testified to the Commission to the fact that he had been in the presence of the testator and proceeded to state that the testator had a true and complete knowledge of all the facts...

and which and sworn to before me this July 14, 1901.



Commissioner

CHEROKEE NATION, T.,
Covarskoon DISTRICT.

I, *J. B. Campbell* a *Clark (Depty)*

hereby certify that on the *21* day of *April*, 188*8*
I joined in Marriage, Mr. *David Lane* a citizen
of the United States; and *Miss Elizabeth Martin* a citizen
of the Cherokee Nation, agreeable to the authority given in the within
License and the customs and laws of the Cherokee Nation.

Given under my hand this the *21* day of *April*
A. D. 188*8*

J. B. Campbell
Depty Clerk Covarskoon

Dish.
C. N.

Witness
Wm. C. ...
A. Howard

THE INTERIOR,
CIVILIZED TRIBES

INTERIOR,
CIVILIZED TRIBES
D
[Signature]
ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE
JUL 2 1891

Marriage License.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE
JUL 2 1891

CHEROKEE NATION, I. T.,
Cowles Hoover DISTRICT.

To Any Person Legally Authorized to Solemnize Marriages—Greeting :

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. *David Cone*, a citizen of the United States and *Mrs Elizabeth*, a citizen of the Cherokee Nation, according to the usual custom and laws of the Cherokee Nation; and you are required to return this License to me, for record, within thirty days from the celebration of such Marriage with a Certificate of the same appended thereto and signed by you.

Given under my hand and Seal of Office

this the *24* day of *April*

A. D. 188*8*

J. E. Campbell

District Clerk Cowles Hoover District.

Department of the Interior
Commission to the Five Civilized Tribes.

In the matter of the application for enrollment of William Davis, et al., as citizens by inter-marriage of the Cherokee Nation, consolidating the applications of:

William Davis,	Cherokee Freedmen D-14,
Henry Thomas,	Cherokee Freedmen D-15,
Ellis Vahn,	Cherokee Freedmen D-16,
Mary Markham,	Cherokee Freedmen D-17,
Frances Melton,	Cherokee Freedmen D-18,
John Dotson,	Cherokee Freedmen D-19,
Mary Jane Vahn,	Cherokee Freedmen D-20,
Thomas Lowe,	Cherokee Freedmen D-21,
Ellis Maynard,	Cherokee Freedmen D-22,
Sallie Rider,	Cherokee Freedmen D-23,
Reuben Campbell,	Cherokee Freedmen D-24,
Van Jackson Luttie,	Cherokee Freedmen D-25,
Gessie Middleton,	Cherokee Freedmen D-26,
Mary Harlin,	Cherokee Freedmen D-27,
Nellie Fields,	Cherokee Freedmen D-28,
John Kinoo,	Cherokee Freedmen D-29,
William S. Madden,	Cherokee Freedmen D-30,
Janie Bell,	Cherokee Freedmen D-31,
Albert T. Thomas,	Cherokee Freedmen D-32,
Mary Campbell,	Cherokee Freedmen D-33,
Catherine Daniels,	Cherokee Freedmen D-34,
Melvin Abbott,	Cherokee Freedmen D-35,
Dave Morris,	Cherokee Freedmen D-36,
Alexander Gigggett,	Cherokee Freedmen D-37,
Amanda Martin,	Cherokee Freedmen D-38,
Eliza Martin,	Cherokee Freedmen D-39,
John E. Barnes,	Cherokee Freedmen D-40,
Ben Davis,	Cherokee Freedmen D-41,
Samuel Brown,	Cherokee Freedmen D-42,
Howard F. Watson,	Cherokee Freedmen D-43,
Jack McConnell,	Cherokee Freedmen D-44,
Minnie Manley,	Cherokee Freedmen D-45,

George Reed, Sr.,
Buck Ledman,
Bell Thompson,
Lewis Scott,
Abe Scott,
Kender Lupton,
Thomas E. Allen,
Lewis Vanderford,
John L. Bowlin,
Katie Davis,
Charles Williams,
John J. Rose,
Jane Martin,
Lena Peterson,
Alex Johnson,
Martha Vann,
John Scott,
Nancy Rhea,
Charles C. Smith,
Susie Colbert,
William Skaggs,
Susie Johnson,
Alfred P. Hopkins,
Kinie Vann,
Freddie Looney,
Lucy Choules,
Alice Durant,
Mahaley Ward,
Fred D. Thomas,
Bettie Beck,
Ellis Warren,
Mills Robinson,
Mary Webber,
Frances Martin,
Mary Riley,
Emanuel Taylor,
Henry Sykes,
Larkin P. Powell,
Stepney Davis,
Malinda Vann,
Frances Johnson,
Annie Foster,
Mary H. Rogers,
George Washington Lane,
Jane Brown,

Cherokee Freedmen D-389,
Cherokee Freedmen D-406,
Cherokee Freedmen D-411,
Cherokee Freedmen D-420,
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Cherokee Freedmen D-743,
Cherokee Freedmen D-752,
Cherokee Freedmen D-753,
Cherokee Freedmen D-760,

Elizabeth (Clay) 174
 Emily (Looney) 175
 John (Gove) 176
 Matilda (McNair) 177
 Belle (Vann) 178
 Nelson (Lott) 179
 Fannie (Roper) 180
 William (Washington) 181
 Squire (Woods) 182
 Fannie (Goldby) 183
 Jane (Daniels) 184
 Anderson (Earl) 185
 David (Hager) 186
 Fannie (McWhorter) 187
 Henderson (James) 188
 Belle (Vann) 189
 Levi (Scott) 190
 John (Campbell) 191
 Mattie (Thompson) 192
 Etta (Sheppard) 193
 Edith (Milton) 194
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Cherokee Freedmen Row 188,
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DECISION.

It appears from the record herein that applications for enrollment as Cherokee citizens by inter-marriage, were made to this Commission by William Davis for himself; by Hannah Thomas for her husband, Henry Thomas; by Jim Vann for his wife, Ella Vann; by Sig Markham for his wife, Mary Markham; by Nathan Melton for his wife, Francis Melton; by Mary Dotson for her husband, John Dotson; by George W. Vann for his wife, Mary Jane Vann; by Thomas Lowe for himself; by Thomas Mayfield for his wife, Ella Mayfield; by James Alder for his wife, Sallie Alder; by Benton Campbell for himself; by Van Jackson Luther for himself; by Tobe Middleton for his wife, Grace Middleton; by Thomas Harlin for his wife, Mary Harlin; by John Fields for his wife, Nettie Fields; by John Kimbo for himself; by William McWadden for himself; by Tobias Bean for his wife, Jane Bean; by Etta Thomas for her husband, Albert T. Thomas; by James Campbell for his wife, Mary Campbell; by Frank Daniels for his wife, Caroline Daniels; by Jim Alberty for his daughter, Melvina Alberty; by Sarah Morris for her husband, Dave Morris; by Jane Claggett for her husband, Alexander Claggett; by Peyton Martin for his wife, Amanda Martin; by Charles Martin for his wife, Eliza Martin; by John E. Barrow for himself; by Joe Davis for his wife, Bell Davis; by Ellen Brown for her husband, Samiel Brown; by Mary Ann Watson for her husband, Howard E. Watson; by Jack McConnell for himself; by Maule Mauley for herself; by George Road, Sr. for himself; by Buck Ledman for himself; by Bell Thompson for herself; by Lewis Scott for himself; by Abe Scott for herself.

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The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by any constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (39 Stat., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Benben Campbell, Van Jackson Luther, Cassie Ediston, Mary Harlin, Nellie Fields, John Kiarbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Baross, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Manda Mastley, George Reed, Sr., Buck Ledman, Bell Thompson, Louis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles G. Smith, Saele Colbert, William Shiggs, Saele Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouveau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Weber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin F. Powell, Stephen Down, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowler, Malinda Marrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncum, Saele Adams, Georgeann Archer, John Claggett, Mattie Smith, Jack Jackson, Lela Sanders, George Hasting, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Legat, George Howell, Henry Mastir, George Adams, Annie Thomas, Lewis McConnell, Oaffie Vann, Lou Peters, Ida Adair, Robert Brown, Affie Chambers, Isaac Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Slaughter, Mariah Thompson, Ellen Sheppard and Lula Malton, as Cherokee citizens by intermarriage, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 25, 1906, (34 Stat., 407), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

[SIGNED] F. B. HUNTER

[SIGNED] J. B. HUNTER

[SIGNED] C. R. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1906.

B

JR 155

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 2 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 2, 1901
Post Office Leopold, D.C.
District 100

1. Name David Lane Age 44
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

No.	Year	Page	No.	Dist.
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Repeated

Application made by No. 1 Stenographer M. H. Green

COPY

Cherokee Freedmen

No. 258

Muskogee, Indian Territory, January 24, 1906.

David Laha,

Leapah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1906, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

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,

Insl. 8-102,

Register.

SIGNED

Tame Blaby

Chairman.

COPY

Charles Freeman
2-25 et al.

Mustang, Indian Territory, January 26, 1905.

Sell, Mustang & Lawport,
Assistant for the Cherokee Nation,
Langage, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the resolution of
the Council to the Five Civilized Tribes, dated January 13, 1905,
rejecting the applications for the enrollment of, William J. Lyle,

Harry Jones, Bill Cook, Harry Jackson, Thomas Walker, John Brown,
Harry Lee Vance, William Lee, Bill Duffield, Willie Lee, Andrew
Cannon, The Indian Star, George Williams, Harry Martin, Willie
Smith, Bill Cook, Thomas B. Moore, John Cook, Albert T. Thomas,
Ray Campbell, George Smith, George Albert, Sam Harris,
George Cannon, James Smith, John Smith, John E. Smith,
Bill Cook, John Cook, William E. Jones, John Williams, Harry
Smith, George Smith, W. E. Lee, William Lee, George Smith,
Al Cook, George Smith, John E. Smith, Harry Jackson, Bill
T. Smith, Willie Lee, George Smith, John Smith, John
Smith, Bill Jackson, Harry Smith, John Smith, John Smith, Harry
Smith, Charles G. Smith, George Smith, William Lee, John
Smith, Albert T. Thomas, Willie Lee, George Smith, John

PROPERTY WILL BE HELD UNDER THE ACT IN FORCE AT THE TIME OF THE
ISSUE OF THE DEED.

WITNESSED

SIGNED: *James Pirby*

1862. 10.

COPY.

Cherokee Freedman
D-14 et al.

Muskogee, Indian Territory, January 24, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Nellie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Marley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kendar Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Mouteau, Alice Durant, Mahalay Ward, Fred D. Thomas, Bettie Duck, Ellis Warren, Millie Robinson, Mary Webber,

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepeny Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buskner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazalrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Locney, John Groves, Matilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by inter-marriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

Tama Dixby.
Chairman.

Incl. K-6.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, March 20, 1905.

Refer in reply
to the following:
Lead.
7908-1905.

The Honorable,

The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Welton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Earlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lupton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie DAVIS, Charles Williams, John J. Ross, Jane Martin, Lena Petersen, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Lacey, Lucy Chouteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Backner, Willis Cox, Leonard Bewles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Howe, Fecma Howe, Ella Ross, Elizabeth Duncan, Sadie Adams, Georganna Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Haselrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deekman, James R. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Len Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McWair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1908, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that

-3-

name is identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 8448-1904) in the Lousin Wilson case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

U. F. Larrabee,

Acting Commissioner.

H.M.M.
W.

(COPY)

D. C. 2000-1000
L. I. A. 2000-1000

V.C.R.
PFB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L.I.A.

April 17, 1906

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory,
Tulsa, Okla.

January 24, 1906, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1906, rejecting said applications, viz.

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Datsch, Mary Jane Vann, Thomas Lowe, Ella Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbe, William S. Hodson, Jane Dean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Mary Ann Alberty, Mary Morris, Alexander Caggotti, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McDunnell, Mary Manley, George Reed, Dr. Frank Johnson, Bell Thompson, Lewis Scott, Abe Scott, Kander Scott, Thomas E. Allen, Lewis Vanterford, John L. Smith, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann.

John Scott, Nancy Dean, Charles C. Smith, Susie Gilbert,
William Kruger, Susie Johnson, Alfred F. Hopkins, Elsie Vann,
Freddie Leamy, Lucy Chastean, Alice Durant, Mahaley Ward,
Fred D. Thomas, Nettie Beck, Eliza Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Samuel Taylor, Henry
Lykes, Larkin F. Fowell, Stephen Daws, Malinda Vann, Frances
Johnson, Annie Foster, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Beckner, Willis Cox, Leonard
Bowles, Malinda Merrill, Charles Gaggott, Samuel Irwin, Mary
Ross, Maggie Hove, Hanna Faye, Ella Ross, Elizabeth Dungan,
Bessie Adams, Georgiana Archer, John Gaggott, Mattie Smith,
Jack Jackson, Lula Sanders, George Haselrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Beckman,
James H. Ferry, Emma Welch, Emma Logan, George Howell,
Henry Massey, George Sims, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Alkie Chambers,
Isaac Jensen, Alice Hunter, Katie Adair, Carrie Martin, Benjamin
Chart, Sally Leamy, John Groves, Matilda McHair, Bettie Vann,
Nelson Lott, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Saldy, Susan Daniels, Anderson Turk, David Lane,
Velix McClain, Anderson Jones, Belle Vann, Levi Stroud, John
Smaytor, Mariah Thompson, Ellen Sheppard and Lula Keltan.

Reporting in the matter March 21, 1908, 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,

(Signed) WENDELL RYAN
Acting Secretary

1 inclosure

COPY.

Charles Fredson

2-155.

Waskagee, Indian Territory, April 28, 1908.

David Lacey,

Waskagee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1908, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1908.

Respectfully,

SIGNED.

Tame Blaby

Chairman.

COPY.

Charles Bixby
1904, et al.

Hastings, Indian Territory, April 29, 1908

Hall, Hastings & Newport,
Attorneys for the Charles Bixby,
Hastings, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's
decision dated January 19, 1908, rejecting the application
for the naturalization of William Lewis, et al., as American
citizens by intermarriage, was affirmed by the secretary of
the Interior on April 17, 1908.

Respectfully,

(SIGNED)

James Bixby.

Gentlemen.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,
Cherokee Land Office,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED: *Tame Dixby*
Chairman.

Department of the Interior.

Division of the Five Civilized Tribes

OFFICIAL BUSINESS

Penalty for private use, \$300.

Cher. Fr. R- 156

Cher. Fr. R- 156

12

7-19-01

COMMISSION ON THE CIVILIZED TRIBES
FILED
JUL 19 1901

[Signature]
ACTING CHAIRMAN

RECORDED

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July 2, 1901.

In the matter of the application of Joshua Ward for the enrollment of himself and five children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

Appearances:

Jo, Sequichie, agent for the applicant;
Messrs. Hastings and Davenport, for the Cherokee Nation.

- Q What is your name? A Joshua Ward.
Q How old are you? A I am about 58 or 59.
Q What is your post-office address? A Wier.
Q 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 10 children.
Q How many children have you got under age and unmarried? A There is 5.
Q Give me their names? A (Produces papers)
Q Turner, how old is he? A About 17.
Q Next one? A 16.
Q What is the name? A Minnie.
Q Minnie 16? A Yes sir.
Q What is the next one? A Ella, and the next one is Ellen, they were twins.
Q Ellen, she is 12 years old? A Yes sir.
Q Next is Ella? A Yes sir.
Q What is the next one, Jeffie? A Yes sir.
Q What is his name, Jeff? A Jeffie, Ward.
Q Jefferson? A Yes sir, Jefferson.
Q 10 years old? A Yes sir.
Q Are these children all living at this time? A Yes sir.
Q Now you have got some that are over age? A Yes sir.
Q What is the first one named? A Mattie.
Q What is her name now? A Mattie McHair.
Q How old is she? A She is about 30 I guess.
Q What is the next one, Albert? A Albert.
Q He 28? A Yes sir.
Q Next one John? A John.
Q He 26? A Yes sir.
Q Next one? A Matilda.
Q Matilda what? A Matilda Moigs now.
Q She is 24 is she? A Yes sir.
Q What is the next one? A Melissa McHair.
Q She is 22? A Yes sir, that's right.
Q That makes 10 in all? A Yes sir.
Q Your name on any of the rolls of the Cherokee Nation? A I don't know sir.
Q Did you ever draw any money from the Cherokee Nation? A No sir.
Q Name not on the roll of 1880? A I don't know. I applied and I don't know whether it is or not.
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 applicants not found;
Korn-Clifton pay roll of citizens of the Cherokee Nation examined and applicant not found;
Wallace roll of citizens of the Cherokee Nation examined and applicants not found.

BY MR. SEQUICHIE;

- Q Who did you belong to? A George Ward.
Q Are you any relation to Peter Ward? A Yes sir, he is my uncle.

John Ward et al

- Q - That the set of Wards up there on Big Creek? A No, is my uncle.
- Q - You all belonged to the same gang? A I and him did, I and Peter and the boys that belonged to my old boss' son, George Ward's son.
- Q - Was George Ward a Cherokee by blood either of the Cherokee Nation? A Yes sir.
- Q - In what part of the Cherokee Nation did you live before the war? A We lived down here close to Heatty's Prairie, near Maysville.
- Q - Did you leave here at any time, leave the Cherokee Nation at any time during the war? A No sir, I didn't.
- Q - Lived here in the Cherokee Nation all the time? A No sir, during the war I was taken away with the soldiers, by the soldiers.
- Q - Where were you taken to? A Out to Ft. Scott.
- Q - You know what year you came back to the Cherokee Nation? A I came back in '66.
- Q - Where did you come to? A I come to Russell Creek.
- Q - In the Cherokee Nation? A Yes sir.
- Q - How long did you live there? A I was down there three or four years, if my memory serves me right, I don't know just.
- Q - Where did you go from there? A I went from there to Ft. Gibson.
- Q - How long did you live there? A I went from Gibson down to a place called Vian.
- Q - Where do you live now? A I live on Big Creek.
- Q - How long have you been living there? A About 8 or 10 years.
- Q - Continuously? A Yes sir.
- Q - Did you leave the Cherokee Nation at any time after the war when you returned back to the Cherokee Nation from Ft. Scott? A Oh I have been back and there on visits.
- Q - How long did you stay there during those visits? A Not more than a week.
- Q - How many times have you been back there? A About 14 or 15 times back there twice.
- Q - How long did you stay each time you went up there? A Oh I wasn't more than 8 or 10 days.
- Q - And when you went back to the Cherokee Nation the second time have you been here ever since? A Yes sir.
- BY MR. HASTINGS:
- Q - What is your wife's name? A Madeline Ward.
- Q - Who did she belong to before the war? A She belonged to a man named Watson.
- Q - White man? A Yes sir.
- Q - You married her before the war did you? A No sir.
- Q - Did you marry her after the war? A Yes sir.
- Q - Where did you marry her? A I married her in Kansas.
- Q - What is your oldest child's name? A Mattie Howell.
- Q - How old is she? A I could be 20, she aint quite 20.
- Q - So is your oldest child? A Yes sir.
- Q - How long did you and your wife been married when this child was born? A About a year.
- Q - How was she born in Kansas was Mattie born, Ft. Scott? A My home was all there.
- Q - Where was she born? A She was born on Russell Creek.
- Q - At whose house? A At John Shafter's house.
- Q - Was he a white man? A No sir.
- Q - What was he? A He was a colored man.
- Q - Colored man by the name of John Shafter? A Yes sir.
- Q - How far from Ok. Falls did John Shafter live at that time? A There was no Ok. Falls there then.
- Q - Well how far from there it is now? A I guess about 2 or 3 miles down south.
- Q - Down south? A Yes, of South.
- Q - North and South? A Yes sir.
- Q - At what and on what the? A At what?
- Q - I want to know which direction from Ok. Falls was that child born.

Joshua Ward et al 5

- A Kind of west of Gustoper.
- Q How how long had you been living there when that child was born there on Russell Creek? A If my memory serves me right, it was about two or three years.
- Q You hadn't been married you said but a year before that, and you was married in Kansas? A Yes, that's correct.
- Q Now then how long had you been living down there on Russell Creek when that child was born? A Well I don't know any dates about time. I don't know nothing at all about that.
- Q Do you know when that Kern-Clifton Consular was sitting here, what year? A No sir.
- Q Now did John Sifer have a house there at that time? A Yes sir.
- Q Was you living in the house with him? A Yes sir.
- Q Did he have a wife there? A Yes sir.
- Q Did he have children? A He had one or two.
- Q What were their names? A I don't remember.
- Q What was his wife's name? A I am unable to tell you.
- Q Did he have a field? A He had a small field.
- Q Did you make a crop there? A No sir.
- Q Well then you didn't stay there one summer did you? A I don't think I did, yes. I was there a year or two.
- Q What was you doing? A I wasn't married when I was there.
- Q You have just now testified that your child was born there? A Well since that time, because I wasn't married in '60.
- Q Where did you go from there? A I went to Gibson.
- Q Who did you live with at Gibson? A I went from Gibson down to what they called Vian.
- Q How long did you stay at Gibson? A 4 or 5 years.
- Q Did you go direct from there to Vian? A Well I stopped in Gibson awhile.
- Q After you stopped in Gibson 4 or 5 years, you went to Vian? A Yes sir.
- Q Who did you stop with at Ft. Gibson? A Let me see what's his name, I will get it right, why, I can't think of his name just now, I will call his name pretty soon, why Fox Fields.
- Q What did you do there? A I worked there.
- Q For Fox? A Yes sir.
- Q What kind of work? A Gropping.
- Q Did Fox have a wife? A Yes sir.
- Q Did he live in town? A No sir, lived down on a creek.
- Q What direction from town? A South.
- Q How far? A 25 miles.
- Q I thought you were living in Ft. Gibson? A No I didn't say I was living in there.
- Q Did you live in Ft. Gibson at all? A No sir, not any length of time, maybe a week or such a matter.
- Q How many crops did you make for Fox Fields? A I guess I made some 5 or 6.
- Q Did you have your wife with you? A No sir, I was a lone man. I didn't have no wife then.
- Q Where was she? A I don't know.
- Q You hadn't found her? A I hadn't found her.
- Q You went from Fox Fields to Vian? A No I didn't do that, I went to Vian to Fox Fields.
- Q How is it now? A I went from Ft. Gibson down there.
- Q Had you been at Fox Fields when you went from Ft. Gibson down there? A No sir.
- Q That was before you had been to Fox Fields, you went from Ft. Gibson down there in '60 then? A No I didn't do that either.
- Q Well tell me how it was? A Now could I get down in '60- Russell Creek I was there about I guess a year or two, or say so

Joshua Ward et al

- Q Do you know when he returned? A No I don't.
- Q When did you return? A I turned in '56.
- Q Did he come back before you did or after you did? A I saw him afterwards, I don't know when he came.
- Q How long afterwards was it when you saw him? A Oh I never kept no count how long it was I saw him, I couldn't tell you.
- Q Was it a year? A It might have been a year or it might have been two years, I don't remember.
- Q Where was it you saw him at that time? A He come up from below up where I lived on Big Creek.
- Q Do you know where he came to when he first come back to the Cherokee Nation after the war? A No sir, I don't know, I positive I don't know.
- Q And you don't know then when he returned? A No sir, I don't know.
- Q How long ago has that been when he come to your house on Big Creek, do you have any idea? A No sir, I don't. It has been a good while ago.
- Q 10 years? A More than that I guess.
- Q Is it 20 years? A Something like 18 or 19 years, I guess, since that time. I don't know for certain.
- Q Did he make a home? A Yes sir, he has got a place there.
- Q Been living there ever since? A Yes sir.
- BY MR. HASTINGS:
- Q You saw him about 18 or 19 years ago? A Yes sir.
- Q That is your best judgment? A Yes sir.
- Q How many children did he have in his family there when you first saw him? A Two or three that I noticed.
- Q Had a wife? A Yes sir.
- Q What was her name? A Her name was Madeline.
- COM'ER NEEDLES: What relation are you to Josh Ward, son? A Yes sir, he is my nephew.
- Q Are you a recognized citizen of the Cherokee Nation yourself? A I guess so, they say I am, I don't know, I belonged to the Wards all my life.

Applicant, JOHNSA WARD, re-called and further examined;

BY MR. HASTINGS:

- Q When did you first see Jim Albany? A I seen him when I was a little boy.
- Q Where at? A Nashville.
- Q When did you first see him after the war? A I met him, but no where I was.
- Q Where? A No sir.
- Q Big Creek? A Yes, I met him on Big Creek.
- Q Was that up near Uncle Peter Ward's? A Yes sir.
- Q Were you living up there near Uncle Peter Ward's when you saw Jim Albany? A Yes sir, number of years ago.

JIM ALBANY, being sworn by Com'ed oner Needles, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Jim Albany.
- Q How old? A 70.
- Q Your present office? A Custom.
- Q You know the applicant, Joshua Ward? A Yes sir.
- Q How long have you known him? A I have known him as long as years.
- Q Did you know him before the war? A Yes sir.
- Q Where did you know him? A I know him at Old George Ward.

Joshua Ward et al 6

- Q Did you know him continuously from that time on to this time?
A No sir.
Q You know whether he is the Cherokee nation? A No sir.
Q You know when he came back? A No sir.
Q Don't know when he returned? A No sir, I don't know.
Q Where was the first time you saw him? A He was down on Vian
at Fox Field's.
Q What year was it you first saw him after the war? A Well it
was I suppose it to be something in '68.
Q Was it? A Yes sir.
Q Where was it? A On Vian.
Q You don't know then how long he had been in there when you saw him?
A No sir, I don't.
Q You know where he went from Fox Field's after you saw him?
A No sir.
Q How long was it after that that you saw him again? A 6 or 7 years
there at it. A Up here where he lives now on Big Creek.
Q He is now living there ever since? A I never has saw him since
else but there.

BY MR. HASTINGS:

- Q You don't know how long he stayed at Fox Field's? A No sir, I
don't know.
Q 6 or 7 years until you next saw him? A Yes sir.
Q About what age a man was he when you saw him at Fox Field's,
was he grown? A Yes sir, I guess he was 18 or about it.
Q Did he have a wife? A No sir, no wife there.
Q Any children down there? A No sir, nothing there.

Applicant, JOSHUA WARD, re-called and further examined;

BY MR. HASTINGS:

- Q When did you see Charles Mayfield first after the war? A I saw
him I guess it has been about 5 or 6 years maybe about 7 or 8
years ago, up on Geesam etc.
Q That's the first time you saw him after the war? A No.
Q Not I want to know the first time you saw him after the war?
A I want to get just as correct as I can, (et) it has been about
7 or 8 years.
Q When did you first see Squire Ward after the war? A I have been
with him a good deal of the time after I came back and before.

SQUIRE WARD, being sworn by Con'r Needles, testified as
follows:

BY MR. GRUQUIN:

- Q What is your name? A Squire Ward.
Q What is your age? A Between 47 and 50.
Q What is your post-office? A Central Ia.
Q You know the applicant, Joshua Ward? A Yes sir.
Q You know anything about him? A He is pretty well competent to look
after his own affairs, is his memory good or anything? A Not very
good.
Q How is his memory? A He is not very competent in memory.
Q Or anything else? A No.
Q Is he competent to look after his own matters anything
like that? A He don't make very much of an out of it, sure.
Q How long have you known him? A I have known him pretty
nearly all my life, about all my life.
Q Did you know him before the war? A Yes, I remember him, I
remember him well, but I remember him well enough, he lived on a place
adjoining me, I remember to see him and he belonged to his father.
Q You know where he lived after the war?

Joshua Ward et al v

the war? A No sir. I don't know when he first came back to the Cherokee Nation, I never saw him any more until just about the time before the Wallace Court; I never saw him any more until that.

COM'R NEEDLES:

Q You said he wasn't hardly competent to attend to his own affairs?

A Yes sir.

Q Got a farm airt he? A Got a little farm, not very big.

Q He has got no conservator (Guardian) appointed for him?

A No sir.

BY MR. HASTINGS:

Q He attends to his own business like other colored people? A Yes sir.

CHARLES MAYFIELD, being sworn by Com'r Needles, testified as follows:

BY MR. SQUITCHER:

Q What is your name? A Charles Mayfield.

Q How old are you? A Born in 1852, about 45 I guess.

Q What is your post-office? A Spertshaw, I. T., Saline District.

Q How long have you known the applicant, Joshua Ward? A Oh I have known him a right smart while.

Q How long? A Well I don't know just how long, but it has been quite a while.

Q Been 5 years? A Oh it has been longer than that.

Q 30? A Yes sir, longer than that.

Q Been 30 years? A I guess about in the neighborhood of that.

Q Where did you see him first after the war? A First time I remember seeing him was at John Shafer's, on Russell Creek.

Q You remember what year that was? A Don't remember just exactly.

Q How long after peace was declared? A Well I don't know, good little while.

Q Was it two or three years? A Yes sir.

Q You know how long he had been on there at John Shafer's when you saw him? A No sir. I just remember him there, I was ~~about~~ going to Chetopa to mill and stopped there and stayed all night and seen him there.

Q Where did you see him next? A On Big Creek at a picnic.

Q How long ago has that been? A I guess it must have been about '85 somewhere along there.

BY MR. HASTINGS:

Q How far was that from where Squire Ward lived up there you saw him on Big Creek? A Squire Ward was living in about a mile of the place, right across the creek from place Dave Kay's.

Q Bare right across? A Yes sir.

Q You were going to Chetopa to mill when you first saw this man?

A Yes sir.

Q Did he have a wife? A Not that I know of.

Q You didn't see her? A No sir.

Q There was a mill at Chetopa at that time? A Yes sir.

Q About how many years before the war, at your best judgment?

A I am not able to say, I don't really know, I wasn't paying much attention.

Q Some good men with you or were you by yourself? A No sir, I was

with a colored fellow named George Johnson, living in Saline District.

Q Well now your best judgment as to the number of years after the war? A Oh I couldn't say really, some where two or three years,

two years or so.

Q Town up there wasn't there? A No, there wasn't no town.

Q But there was a mill there? A Yes sir.

Q All the place was called? A Yes sir, called it Chetopa.

BY MR. HASTINGS:

Joshua Ward et al v

- Q When did you come back? A I was told by my parents that I came
back in '65.
Q How long after that did you see this man? A Two years I guess.
BY MR. HASTINGS:
Q You are on the disputed roll? A Yes sir.
BY COM'R NEEDLES:
Q You don't know his wife? A No sir.

Applicant, JOSHUA WARD, re-called and further examined;

BY MR. HASTINGS:

- Q Was married you? A Squire Ward can testify, a man by the name of
Locke, a preacher.
Q You know whether he is living or not? A No sir, he is dead.
Q You know anybody around here that was present when you were
married? A Squire Ward was.
BY COM'R NEEDLES:
Q How many times have you been married? A Once.
Q Is your wife living now? A Yes sir.
Q You married in Kansas did you? A Yes sir.
Q Did you ever draw any money for any of those children? A No sir.

PETER WARD, re-called and further examined;

BY COM'R NEEDLES:

- Q What is your name? A Peter Ward.
Q You know Joshua Ward's wife? A Yes sir, I have seen her sev-
eral times.
Q You know whether they are married or not? A I don't know that.
Q You know how long they have lived together as man and wife?
A No sir.
Q You know whether any white child run were born while they were
living together as man and wife or not? A No sir, I don't know
that.
Q This man lived in Kansas while? A Yes sir.

BY MR. HASTINGS:

- Q Aint he living up there now in Kansas? A No, he is living
right close to where I live.
Q How long has he been down there? A Oh he has been there quite
awhile.
Q About how many years? A 8 or 9 years.
Q All of his children were born in Kansas weren't they? A I could
not tell you that.
Q He is your nephew aint he? A Yes. But then he was way off from
me, I don't know where his children were born.
Q They wasn't born in your neighborhood on Big Creek? A Some of
them was.

BY COM'R NEEDLES:

- Q You say he lived around you eight or nine years? A Yes sir and more.
Q Where did he live before that? A I don't know sir.
Q You don't know where he came from there? A No sir.
BY MR. HASTINGS:
Q How much longer than 8 or 9 years, you say more? A I don't
know. It might have been about 7 or 8, I don't know.
Q 7 or 8 years longer? A I say I never kept no count about it
how long he was there.

SQUIRE WARD, re-called and further examined;

BY COM'R NEEDLES:

- Q Do you know Joshua Ward's wife? A Yes sir, I know her.
Q How long have you known her? A I have known her, I don't know

Virginia Ward et al

Q Just how long did they live down here, I saw her once or twice.
A I wasn't acquainted with her in the early days, I was a boy, I
guess it was '64 or '65.

Q Was she a slave? A Yes sir, she was a slave, but I don't
think she was a slave in the Cherokee Nation.

Q He married her in Kansas did he? A Yes sir, I think so.

Q You know whether they were married or not? A No sir, I don't
know it.

Q You know how long they have lived together as man and wife?
A No sir, I don't know that.

Q How long since Joshua Ward came to your section of the country?

A It was in '63 I think, he come down before the Wallace roll was
made into our section of the country.

Q Where did he come from? A I don't know.

Gen'l Needles: Joshua Ward applies for the enrollment of himself and 5 children, Turner, Kinkle, Kila, Allen and Jefferson; he avers that he was a slave of George Ward; the testimony shows that he is hardly competent to answer questions himself; he avers that he was married in Kansas, and now lives in the Cherokee Nation; the proof shows that he does live in the Cherokee Nation. His name is not found upon any of the rolls of the Cherokee Nation now in the possession of the Commission, though all have been thoroughly examined and his name cannot be found; he cannot be identified. No proof has been presented showing that Joshua Ward ever complied with the Treaty of '66 in regard to freedmen returning to the Cherokee Nation, and acquiring their rights, and no satisfactory proof is made as to the marriage of himself to his wife, Madeline, whom he avers is his wife, consequently under the testimony presented at this time the Commission will have no authority under the enrollment laws of his children whose names are upon a doubtful base, consequently the application of said Joshua Ward for the enrollment of himself and five children enumerated herein will be rejected.

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.

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



Comptroller

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THE
CITY
OF
NEW
YORK

A. P. No.
D. C. L.

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

In the matter of the application of Joshua Ward et al.,
for enrollment as Cherokee Freedmen, consolidating the appli-
cations of--

Joshua Ward, et al.,
Mollie Nalga,

Cherokee Freedmen R. 156,
Cherokee Freedmen R. 92.

RESOLUTION.

The Commission on the application of Joshua Ward et al.,
for enrollment as Cherokee Freedmen, were made by the Commission on the
Ward et al. and the children of the same, and by George N. Smith, Sr.,
and George N. Smith, Jr., and by George N. Smith, Sr., and George N. Smith, Jr.,
of the Cherokee Freedmen, but by the application for the enrollment of
Mr. and Mrs. Nalga, who have been enrolled as Cherokee Freedmen.

The Commission on the application of Joshua Ward et al.,
for enrollment as Cherokee Freedmen, were made by the Commission on the
Ward et al. and the children of the same, and by George N. Smith, Sr.,
and George N. Smith, Jr., and by George N. Smith, Sr., and George N. Smith, Jr.,
of the Cherokee Freedmen, but by the application for the enrollment of
Mr. and Mrs. Nalga, who have been enrolled as Cherokee Freedmen.

Commission on the application of Joshua Ward et al.,
for enrollment as Cherokee Freedmen, were made by the Commission on the
Ward et al. and the children of the same, and by George N. Smith, Sr.,
and George N. Smith, Jr., and by George N. Smith, Sr., and George N. Smith, Jr.,
of the Cherokee Freedmen, but by the application for the enrollment of
Mr. and Mrs. Nalga, who have been enrolled as Cherokee Freedmen.

denied enrollment as a Cherokee Indian, on the ground that he was not the slave of a Cherokee citizen at the commencement of the rebellion; and on account of his general disreputableness, little credit is given his testimony, either by this Commission or the Department, as indicated in Departmental letter of August 17, 1904 (I. T. D. 1422-4938-04). Sawyer Curry, although claiming to be a Cherokee freedman, has made no application for enrollment as such.

In connection with the Commission's theory of this case, attention is called to the fact that -The burden of proof is on the applicants, to establish by satisfactory evidence, their rights to citizenship in the Cherokee Nation; and that if, after ample opportunity having been afforded, applicants fail to establish their rights to citizenship in said Nation, they should be denied enrollment under the rulings of the Department in the cases of Eliza Bryant et al. (I. T. D. 3642-04), Ed Williams, (I. T. D. 4230-04), William Raster, (I. T. D. 1468-04), Minnie Duggan, et al., (I. T. D. 1470-04), Sarah Chambers, (I. T. D. 2876-04), Martha Albert, et al., (I. T. D. 3187-04), and Moses Hess (I. T. D. 6064-04).

It is, therefore, the opinion of this Commission that the applications for the enrollment of Emma Ford, Sarah Ford, Minnie Ford, Eliza Ford, Sarah Ford, Sarah Ford and William Hess, as Cherokee freedmen, should be denied, under the provisions of section twenty-two of the act of Congress approved June 23, 1906 (34 Stat., 494), and it is so ordered.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

(Signed) _____
T. B. Bly

(Signed) _____

(Signed) _____

Headquarters, Indian Territory.

MAY 22 1906

FR 156

MOTION

For Review of Decision of
Commission denying the
application for enroll-
ment 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:

Joanna Ward, et al.

15-6

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, 1868:

That applications were made for their enrollment prior to September 1, 1903.

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 _____

le

X 2156

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

DEC 12 1901

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

ALLISON I. AVESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Winston S. S., Oct 12 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Wesley Ward et al for enrollment as
Freedmen of the Cherokee Nation.

No. 1178

W. S. S.
Agent for applicant



FOR 156

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 2 1901

[Handwritten signature]

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date July 2, 1861
Post Office J. W. ...
District

1. Name Esthera Ward Age 58
Owner's name Geo. Ward Citizenship Cherokee
Year Page No. District

Parent
Father _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife _____ Age _____
Owner's name _____ Citizenship _____
Year Page No. District

Parents
Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

	Year	Page	No.	Dist.	
2. <u>George Ward</u>					17
3. <u>Mary</u>					16
4. <u>Ella</u>					12
5. <u>Ella</u>					12
6. <u>Jefferson</u>					10
7. <u>[scribble]</u>					
8. <u>[scribble]</u>					
9. <u>[scribble]</u>					
10. <u>[scribble]</u>					
11. <u>[scribble]</u>					
12. <u>[scribble]</u>					

Application made by No. 1 Stenographer [scribble]

~~... of birth to be supplied~~
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represented by [scribble]

mdt

CHIEF COMMISSIONER
TAMM BERRY,
THOMAS B. NEEDLER,
C. R. BRACKENRIDGE,
W. E. STANLEY.

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

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
H 155

ALLISON L. AYLEWORTH,
SECRETARY
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 6, 1904.

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

Dear Sir:

In the matter of the application for the enrollment of Joshua Ward, et al., 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 the date of Joshua Ward's return to the Cherokee Nation after the close of the war of the rebellion.

The said Joshua Ward 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 Thursday March 3, 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.

Cherokee Freedmen
R 156

Muskogee, Indian Territory, February 6, 1904.

Joshua Ward,

Wimer, Indian Territory

Dear Sir:

In the matter of your application for the enrollment of yourself and your five minor children 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 the date of your return to the Cherokee nation after the close of the war of the rebellion.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Thursday March 3, 1904, and introduce testimony as above requested.

Respectfully,

T. B. Needles.

Commissioner in Charge

Cherokee Freedmen
R 156

Muskogee, Indian Territory, February 6, 1904.

Joshua Ward,

Wimer, Indian Territory

Dear Sir:

In the matter of your application for the enrollment of yourself and your five minor children 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 the date of your return to the Cherokee nation after the close of the war of the rebellion.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Thursday March 3, 1904, and introduce testimony as above requested.

Respectfully,

T. E. Needles.

Commissioner in Charge

Cherokee Freedmen
R 156

Muskogee, Indian Territory, February 6, 1904

J. R. Sequichie,
Agent for Joshua Ward, et al.,
Chelsea, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Joshua Ward, et al., 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 the date of Joshua Ward's return to the Cherokee nation after the close of the war of the rebellion.

The said Joshua Ward 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 Thursday March 3, 1904, and introduce testimony as above requested.

Respectfully,

T. B. Needles.
Commissioner in Charge

Cherokee Freedmen
R 156

Muskogee, Indian Territory, February 6, 1904

J. R. Sequichie,

Agent for Joshua Ward, et al.,

Chelsea, Indian Territory.

Dear Sir:

In the matter of the application for the enrollment of Joshua Ward, et al., 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 the date of Joshua Ward's return to the Cherokee nation after the close of the war of the rebellion.

The said Joshua Ward 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 Thursday March 3, 1904, and introduce testimony as above requested.

Respectfully,

A. B. Noyes.

Commissioner in Charge

Cherokee Freedmen
R 156

Muskogee, Indian Territory, March 7, 1904

Joshua Ward,

Wimer, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of February 24th, acknowledging receipt of the Commission's notice to you of February 5th, to appear at Muskogee on March 3rd and introduce further testimony in the matter of your application for enrollment as a Cherokee freedman. You state that, on account of sickness, you were unable to appear on that date, and you ask that the time for your appearance be extended.

In reply you are hereby directed to appear before the commission at its offices in Muskogee, Indian Territory, at nine o'clock A.M., on Wednesday April 6, 1904, and introduce testimony as requested in the Commission's notice to you of February 5th.

Respectfully,

T. B. Needles.

Commissioner in Charge

Cherokee Freedmen
R 156

Muskogee, Indian Territory March 7, 1904

J. A. Sequichie,
Agent for Joshua Ward,
Chelsea Indian Territory.

Dear Sir:

You are hereby advised that the Commission is in receipt of a letter from Joshua Ward, Cherokee Freedmen R 156, stating that, on account of sickness, he was unable to appear before the Commission on March 3rd, and introduce further testimony in the matter of his application for enrollment.

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 Wednesday April 6, 1904, and introduce testimony as heretofore requested.

Respectfully,

T. B. Needles.
Commissioner in Charge

Cherokee Freedmen
R 156

Muskogee, Indian Territory, March 7, 1904.

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

Dear Sir:

You are hereby advised that the Commission is in receipt of a letter from Joshua Ward, Cherokee Freedmen R 156, stating that, on account of sickness, he was unable to appear before the Commission on March 3rd, and introduce further testimony in the matter of his application for enrollment.

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 Wednesday April 6, 1904, and introduce testimony as heretofore requested.

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

Respectfully,

Commissioner in Charge.

Dbw

COMMISSIONERS:
TAMM HILBY,
THOMAS B. NEEDLER,
C. R. BRUCKENRIDGE

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

ORDER IN REPLY TO THE FOLLOWING:
Cherokee Freedman
2-186--92.

W. C. SMITH,
Secretary.



ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 13, 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 May 13, 1905, rejecting the applications for the enrollment of Joshua Ward 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,



Incl. L-15.

Chairman.

COPY

Cherokee Freedman
R-156.

Muskogee, Indian Territory, May 15, 1905.

Joshua Ward,

Wimer, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, the application for the enrollment of yourself and your minor children as Cherokee freedmen. There has heretofore been furnished your former agent, J. R. Sequichie, Chelsea, Indian Territory, a copy of the record of proceedings.

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

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

Incl. L-13.

Register.

COPY.

Charlotte Freedman
L-100-000

Muskogee, Indian Territory, May 13, 1905.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the report of proceedings had in the matter of the applications for the enrollment of Joshua Ward et al., as Cherokee freedmen, including the Commission's decision, dated May 13, 1905, rejecting said applications.

Respectfully,

SIGNED: *Tams Bixby*
Chairman.

Incl. L-16.

Through the
Commissioner of Indian Affairs.

-5571-

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

LANDS
37646-1905

May 23, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the Five Civilized Tribes, dated May 13, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen by Joshua Ward for himself and his minor children, Turner, Minnie, Ella, Ellen and Jefferson Ward; and by Matilda Neigs for herself.

May 13, 1905, the Commission decided adversely to all the applicants.

The record shows that the applicant, Joshua Ward, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that he was taken out of the Cherokee Nation during the war, and that he did not return to said Nation and establish a residence therein on or before February 11, 1867; that the other applicants are the children of Joshua Ward, born since 1866 and possess no rights to enrollment other than as dependents of their father. None of the applicants is identified on any roll of the Cherokee Nation.

In view of the record the approval of the Commission's

-2-

decision adverse to the applicants is recommended.

Very respectfully,

C. F. Iarrabee,

Acting Commissioner.

M.M.H.
W.

-COPY-

C.R.

D.C. 22999

I.T.D. 6062, 6595-1905.

DEPARTMENT OF THE INTERIOR, LIA

WASHINGTON.

L.R.S.

June 4, 1906.

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

Sir:

In accordance with the recommendation of the Indian Office of May 23, 1905, the decision of the Commission to the Five Civilized Tribes dated May 13, 1905, denying the applications for the enrollment of Joshua Ward and his minor children, Turner, Minnie, Ella, Ellen, and Jefferson Ward, and Matilda Neigs as Cherokee freedmen, is hereby affirmed, and a motion filed with the Department September 7, 1905, by Messrs. Elms & Bulger and McGowan, Scriven & Mahun, for review of said decision is hereby denied.

A copy of the Indian Office letter is inclosed.

Respectfully,

Jesse H. Wilson,

Assistant Secretary.

1 inclosure.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freed-
men R 156

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

Muskogee, Indian Territory, June 16, 1906.

Joshua Ward,
Wimer, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, your application for the enrollment of yourself and children, as Cherokee freedmen, was affirmed by the Secretary of the Interior June 4, 1906, and that the motion filed by your attorneys September 7, 1905, for review of said decision is denied.

Respectfully,

Commissioner.

WSP

REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-156 et al.

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

Muskogee, Indian Territory, June 16, 1906.

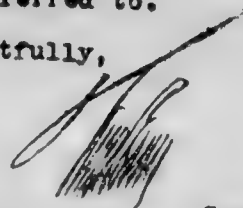
Bell, Hastings & Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications of Joshua Ward, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior June 4, 1906, and that the motion filed September 7, 1905, for review of said decision is denied.

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

Respectfully,



Commissioner.

Incl. P-24
MCP

Cherokee Freedmen
R 186 et al.

COPY.

Waukege, Indian Territory, June 16, 1906.

Blue & Bulger,
Attorneys for Joshua Ward, et al.,
Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications of Joshua Ward, et al., for enrollment as Cherokee Freedmen, was affirmed by the Secretary of the Interior June 4, 1906, and that the motion filed by you September 7, 1905, for review of said decision is denied.

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

Respectfully,

SIGNED

James Dixby.

Commissioner.

Incl. P-23
MCP

Cherokee Freedmen
E-156 et al.

COPY.

Muskegee, Indian Territory, June 16, 1906.

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

Gentlemen:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting the applications of Joshua Ward, et al., for enrollment as Cherokee freedmen, was affirmed by the Secretary of the Interior June 4, 1906, and that the motion filed September 7, 1905, for review of said decision is denied.

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

Respectfully,

(SIGNED).

James Bixby.

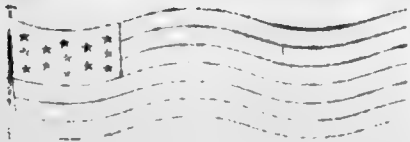
Commissioner.

Incl. P-24
MCP

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Handwritten signature or initials, possibly "J.P. 156".

~~Wimer, Indian Territory.~~

~~Wimer, Indian Territory.~~

Cl. Fr. 2-187

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
17 1901

[Handwritten signature]

OFFICE OF THE COMMISSIONER

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

In the matter of the application of Henry Alberty et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicant.

Appearances:

L. T. Brown, agent for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

ALICE SMITH, being duly sworn by Commissioner Needles, testified as follows:

L. T. Brown: State your name? A Alice Smith.

Q What is your age? A I gave them in my age on the roll.

Q I don't know it, what is your age? A I think it was 45.

Q What is your postoffice? A Tallequah.

Q You a recognized citizen of the Cherokee Nation? A Yes, sir.

Q Is your name on the 1880 roll? A Yes, sir.

Q Do you know Hannah and Henry Alberty? A Yes, sir.

Q How long have you known them? A I have been knowing Hannah about 10 years.

Q How long have you been knowing Henry? A It has been along, I don't know how many, it has been several years, he came out with us, came out from Texas with us.

Q Did you go out of the Cherokee Nation during the war? A Yes, sir, went to Texas.

Q When did you return? A Just directly after peace was declared, didn't stay there a week after peace was declared.

Q Who returned with you? A My owners came with me, Campbell.

Q Who else? A Mr. Campbell and their colored folks, my grandmothers and me and my sisters.

Q Well, in reference to the time when you returned to the Cherokee Nation, when did you see Hannah Henry Alberty, the applicant in this case? A Well it has been ten years since I seen him again, after we came out you know.

Q You and him came out together? A Yes, sir.

Q Was it before or after the war? A After the war.

Mr. Hastings: How old were you at that time; you married?

A Yes, sir.

Q You were married, were you? A No, sir, not that I wasn't.

Q Were you married when you came out here? A No, sir.

Q How old were you? A I can't tell you how old I was.

Q About how old when you came, were you grown? A No, sir.

Q You were not grown? A No, sir, I reckon I might have been about ten years old.

Q Well, who came along with you? A My owners came with me.

Q What were their names? A Campbells, Elise Campbell and Jack Campbell, and myself.

Q Was Doctor Campbell along? A Yes, sir, I think he was too.

Q How who else? A Well, all of her children, excepting she left two daughters back there in Texas and they came afterwards.

Q What were their names? A Margaret and Martha Campbell.

Q Are they living now? A I don't know as any of them are living.

Q Did they marry back there? A Yes, sir, they were married then when they lived there.

Q How far did Henry come over cross the river with you? A He came to Skullyville.

Q You left him there? A There is where I left him.

Q You never saw him till ten years ago? A Yes, sir.

Q Skullyville is in the Choctaw Nation? A Yes, sir.

ED SHANNON, being duly sworn by Commissioner Needles, testified as follows:

By L. T. Brown: State your name? A Ed Shannon.

Q What is your age? A 53.

Q What is your postoffice? A Tahlequah.

Q Do you know Henry Alberty? A Yes, sir, I saw him in the latter part of '55; '56.

Q Do you know Hannah Alberty? A Yes, sir, I didn't know her then but I know her now.

Q What relation is Hannah to Henry? A It is his wife.

Q Where did you see Henry Alberty for the first time after the close of the Civil War? A Saw him down below Fort Smith over across the river.

Q You say you saw him across the river from Fort Smith? A Yes, sir.

Q In what Nation is that? A Cherokee Nation.

Mr. Hastings: Across the river from Fort Smith? Q Yes, sir.

Q How far from Fort Smith? A It is on the other side from there close to Mill Wheeler's farm.

Q When did you see him there? A I saw him there about the latter part of '56.

Q Are you positive about the year? A Yes, sir.

Q Who was he living there with, Henry Alberty? A I don't know who he was living with, I was cutting cane.

Q Who for? A Bill Wheeler.

Q For William Wheeler? A Bill Wheeler, yes, sir.

Q You were cutting cane for him? A Yes, sir.

Q You were married at that time? A Yes, sir.

Q You lived in Fort Smith? A Yes, sir.

Q How how far was Bill Wheeler's cane patch on this side of the river? A Well, I reckon it must have been about two miles where we went to cut cane, from the river.

Q Bill Wheeler owned a farm? A Yes, sir, and a mill over there.

Q At the same time? A Yes, sir.

Q A corn mill? A No, sir, a saw mill.

Q It was running at that time? A Yes, sir, I guess it was.

Q Don't you know whether it was or not? A I don't know, sir, I was over there cutting cane.

Q Couldn't you see the mill running? A Yes, sir, I could see steam going over there.

Q And that was in the latter part of '56? A Yes, sir.

Q What month? A Along about the first of the fall.

Q About September? A Yes, sir.

Q How long did you see him there; ever see him after that? A I just saw him passing there.

ALICE SMITH, recalled, testified as follows:

Mr. Hastings: What time of the year did you come to the Cherokee Nation? A I can't tell you what time, it was in the fall sometime.

Q Was it getting cold weather? A No, sir, it was early in the fall I guess it must have been.

Q Where did you go to first? A Fort Smith.

Q Did you go then across the river over there to the Campbell place? A Yes, sir.

Q How long did you stay there at that Campbell place? A I don't know how many months I stayed there till my father came and got me.

Q You stayed there several months? A Yes, sir.

Q That was right across the river from Fort Smith? A Yes, sir.

Q Did you see Henry Alberty over there? A No, sir, we left him in Mulkeyville as I told you.

Q The Campbell place was just across the river from Fort Smith in the Cherokee Nation? A Yes, sir.

Q About how far from Fort Smith? A About a mile from the river where we lived.

Q That was the river then ran right by Fort Smith? A Yes, sir.

Q And you never saw Henry Alberty over there? A No, sir.

Q You lived there several months? A I didn't live there so many months before my father came and got me and brought me up to Gibson.

Q You never saw Henry Alberty there during that time? A No, sir.

By L. T. Brown: How long after peace was it till you started from Texas to the Cherokee Nation? A Why I told you they didn't stay there a week afterwards.

Q Then you returned to the Cherokee Nation in the year that peace was made? A Yes, sir.

Q In 1865?

Mr. Hastings: Don't put in the year that way: you have no right to suggest that.

Commissioner: She says she returned the first year after peace was made, you can find out when ~~1865~~ peace was made from the records.

Q You say you stayed there some months? A Yes, sir, I don't know whether two months or three before my father came and got me and brought me to Gibson.

Mr. Hastings: You don't know what year then you came to this country? A No, sir, no more than I know it was in the fall of the year.

Q They didn't tell you what year? A No, sir.

Q You never did hear what year? A No, sir.

Q Where did your father move you to? A Fort Gibson here; Bark Hill.

ED STANNON, recalled, testified as follows:

Mr. Hastings: How long did you see Henry Alberty over there? A I just saw him passing.

Q He wasn't living there then? A I don't know what he was doing.

Q You just saw him passing along the road? A I just saw him passing, I was cutting cane.

Q Did you speak to him? A Yes, sir.

Q And that is all; you just saw him pass along the road when you were cutting cane just after the war? A No, sir, I saw him again

along about March, 1867, or April, '67, I came here to Fort Gibson.

Q You don't know where he was living? A I don't tell you.

Q He wasn't living over there? A I don't know what he was doing.

Q It wasn't in any house that he was living? A No, sir, he was passing going backwards and forwards.

Q Did you ever see him before the war? A No, sir, that man.

Q That was the first time you ever saw him, you were cutting cane and you saw him passing along the road? A Yes, sir, I saw him in '67, '68.

Q You were a stranger to him and you remember 35 years you saw a man passing along the road and you were cutting cane? A Yes, sir, I saw him in '67.

Commissioner: How many times did you see him passing along the road? Just pass you once, or several times? A No, he was going

backwards and forwards while we were cutting cane.

Q You never spoke to him at all? A No, sir, I didn't. I wasn't acquainted with him, I just saw him passing.

Q How do you know it was him? A Because I met him in '67.

Mr. Hastings: Where did you see him in '67? A In Fort Smith.

Q Where did you ever afterwards see him? A Yes, sir.

Q Where did you ever afterwards see him? A Saw him here at Tahlequah.

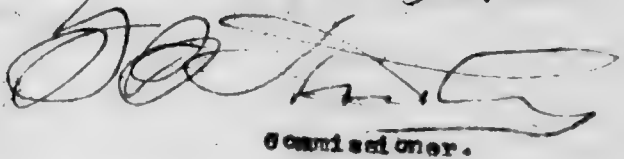
Q When? A About 11 or 12 years ago.
 Q Then from '87 till '91 or 12 years ago you never saw him? A No, I never saw him anymore. I was soldiering, till I got a discharge.
 Q Since 1891? A Yes, sir.
 Q And that time you say you saw him in Fort Smith? A Yes, sir, saw him right here in '91.
 Q In Fort Smith? A Yes, sir, him and a fellow named Blackburn.
 Commissioner: Was that the time you got acquainted with him?
 A Yes, sir.
 Q You wasn't acquainted with him before that time? A Yes, sir.
 Q When you did get acquainted with him you were satisfied he was the one you were looking for? A Yes, sir.

Commissioner: This testimony will be filed with the testimony already taken in this case.

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

Bruce G. Jones

Sworn to and subscribed before me this the 8th of October, 1901.


 Commissioner.

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR

GOLD & SILVER
MINES



OFFICE OF THE COMMISSIONER

1877
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Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 25, 1901.

In the matter of the application of Lucyn Barker for the enrollment of herself and three children as Cherokee Freedmen.

Appearances:

L. T. Brown, Agent for the applicants;

W. W. Hastings, ~~agent~~, counsel for Cherokee Nation.

Lucy Baker, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Lucy Baker.
- Q How old are you? A I don't know my age exactly, but I reckon I am about 20 or 25 or maybe older.
- Q What is your postoffice? A Tahlequah.
- Q What district do you live in? A Tahlequah district.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Who do you want to enroll besides yourself? A No one but three children.
- Q Yourself and three children? A Yes, sir.
- Q These children under age? A Yes, sir, all of them but one, one that is married.
- Q You have got two then unmarried? A I have one that is married.
- Q Give me the names of the children unmarried? A Jeff and Azzie.
- Q How old is Jeff? A 15.
- Q What is his last name? A Jeff Ray.
- Q What is the other child's name? A Azzie Barker.
- Q How old is Azzie Barker? A She is going on 13.
- Q What is your father's name? A Henry Alberty.
- Q Is he living? A Yes, sir.
- Q What is your mother's name? A Hannah.
- Q Is she living? A Yes, sir.
- Q You married? A Yes, sir.
- Q What is your husband's name? A Tom Barker.
- Q Is he a citizen? A No, sir.
- Q Were you ever married before you married Tom Barker? A Yes, sir.
- Q Who to? A To a man named Charley Ray.
- Q Is he living? A No, sir, he is dead.
- Q He is the father of Jeff Ray? A Yes, sir.
- Q Who is the father of Azzie Barker? A Tom Barker.
- Q Are these children both living at this time? A Yes, sir.
- Q Living with you? A Yes, sir.
- Q Where were you born? A I was born in Going Snake.
- Q Cherokee Nation? A Yes, sir.
- Q You lived in the Cherokee Nation all your life? A Well, no, sir, not all my life.
- Q Where have you been living then? A You see my parents was around, you see when the war came up, of course I am not old enough to know anything of that, I wasn't old enough.
- Q No, you were not born then. A No, when I first recollect we were in the Choctaw Nation, close to Skulleyville when I can recollect.
- Q When did you come from the Choctaw Nation? A I don't know exactly what year, I don't know what year I come.
- Q How big was you? A Well, I was a great big girl.
- Q Wasn't married? A No, sir.
- Q You came from the Choctaw Nation to the Cherokee Nation? A Yes, sir, from the Choctaw Nation to the Cherokee Nation.
- Q Then have you been living in the Cherokee Nation ever since that time? A Yes, sir, backwards and forwards, not all the time.
- Q Backwards and forwards between this and the Choctaw Nation? A Yes, sir, my husband, after he died, I had an awful times hard time and I had to rustle around.

Q How long have you been living in the Cherokee Nation? A Well, I can't tell you exactly how long I have been living in the Cherokee Nation, backwards and forth.

Q About how long? A I just can't give it correctly, I have been right here at Tahlequah seven or eight years to my best knowledge, seven or eight years, right here.

Q Where was Jeff Born? A He was born in the Choctaw Nation.

Q Where was Assie born? A In the Choctaw Nation.

By L. T. Brown: Do you claim your citizenship through your mother?

A Yes, sir.

Commissioner: Is your name on any of the rolls of the Cherokee Nation? A No, sir, not that I know of.

Q You never drew any money at all? A No, sir.

Mr. Hastings: You lived with your father until you married, did you?

A No, sir, I didn't live with my father until I married.

Q Did you live with your mother? A No, sir, I lived with her part of the time, I was just at home and up here and yonder.

Q Up until you got grown did you live with your father? A Part of the time there with them and part of the time here.

Q When you were first old enough to remember you were at Skulleyville in the Choctaw Nation? A Yes, sir.

Q You lived there until you got to be a good big girl? A Yes, sir.

Q 15 or 16 years old? A No, sir, I wasn't that old.

Q 12 years old? A I don't know exactly what age I was, about that age, I don't know.

Q About your age, your best judgment? A Well I don't know exactly, what age I was, but I was a good big girl, of course I go backwards and forwards from there.

Q Your father was living over there, wasn't he? A I guess he was living over there when he was over there, yes sir, he was there before I can remember.

Q And he was there up as long as you can remember; when did he leave there? A I don't know when he left.

Q About when did you leave? A I don't know, I wasn't old enough to make that statement.

Q 10 years? A No, I can't say that because I wasn't old enough.

Q You can remember ten years ago, can't you? A I can't remember when my father left there.

Q About how old were you when your father left there? A Well I don't know that, unless I know when my father left.

Q Were you married when your father left there? A No, sir, I wasn't married.

Q You were not married? A No, sir, I wasn't married, I wasn't grown.

Q Where did your father go? A I suppose from what he said he came to the Nation.

Q Don't you know? A No, of course I don't know, how do you expect me to know something when I was nothing but a little kid.

Q Where did you go to, when you came with your father from there, where first? A I didn't come with my father.

Q You stayed down there? A Of course I stayed, I wasn't big enough to remember when my father left.

Q You have stayed down there and your children were born?

A Yes, sir.

Q Well, did your mother leave down there with your father? A No sir, I don't reckon that she did.

Q Well, did you continue to live with your mother down there until you got to be a pretty good big size? A I was with my mother when I came to my recollection, I was with my mother and father.

Q Now I don't want to confuse you; how long did you continue to live with your father and mother, how old were you when you quit living with your mother and father? A I don't remember how old.

Q Your best judgment? A Yes, but I don't know, I just don't

know when my father left there.
Q What became of you? A I was with my mother.
Q Did your father and mother go off together? A No, I don't
recollect they did, I can't remember that.
Q Did you go with your mother? A I can't tell that.
Q Well, about when, you know whether you stayed down there till
you married? A My mother kept me hired out all the time.
Q Were you hired out when your father and mother left down there?
A Yes I hired out; I can't remember when my father left.
Q Well your mother then? A Well, I can't remember the time when
my mother came away.
Q And left you down there? A Yes, I stayed down there, I
was hired out, I had a sister down there and she left me with her.
Q How long did you stay there after she left? A I don't know how
long.
Q What kind of work were you doing? A Well, I was nursing for a
living.
Q When they left down there? A Yes, sir, when they left down
there.
Q How long did you stay till you saw your mother again? A Well,
I don't know exactly how long it was, of course I can't remember to
give you the year.

The rolls of Cherokee Freedmen in the possession of the Commission examined, and the applicant not identified on any of said rolls.

L. T. Brown: I want reference made to R-157.

Mr. Hastings: I would like to have an order to make this case, have it filed in R-157.

Commissioner: The attorney for the applicant requests that the testimony taken in the matter of the enrollment of Henry Alberty et al., R-157, be made part of the record in the case at bar, and it is so ordered. The attorney for the Cherokee Nation prays that the testimony taken in the case at bar be made part of the record in the case of Henry Alberty et al., R-157, and the order will be made.

Lucy Barker applies for the enrollment of herself and two children, Jeff Ray and Assie Barker. She cannot be identified upon any of the rolls of the Cherokee Nation, neither can the names of her children be found. She avers that she is the child of Henry and Hannah Alberty, who applies for enrollment and were rejected, their names appearing upon Rejected Freedman Card R-157. By reason of the fact that the father and mother, through whom said Lucy Barker claims her citizenship, were rejected, and the further fact that her name is not found upon any of the rolls of the Cherokee Nation, said Lucy Barker, Jeff Ray and Assie Barker will be rejected. It will be necessary for her to file with this commission satisfactory proof of birth of her two children, Jeff Ray and Assie Barker.

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.

Sworn to and subscribed before me this 13th day of October, 1901.

Commissioner.

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The 1st of July 1901

- C. You have not...
- A. H. etc.
- Q. Don't know...
- Q. Don't know...
- Applicants: Not...

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1st of July 1901 roll of
 existing and applicants not heard;
 1st census roll of citizens of the town
 and applicants not heard;
 Fern-Clinton 1st of July 1901 roll of
 existing and applicants not heard;
 Wallace roll of citizens of the town
 applicants not heard.

In the town of...
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Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., July 2, 1901.

In the matter of the application of Daniel Alberty for the enrollment of his step-father HENRY ALBERTY, and mother, HANNAH ALBERTY, as Cherokee Freedmen; being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A Daniel Alberty.
Q How old are you? A I don't exactly know my age, I am somewhere between 52 and 5 years old.
Q What is your post-office? A Tahlequah.
Q You apply for enrollment of your mother? A Of my mother and step-father.
Q What is the name of your step-father? A Henry Alberty.
Q How old is he? A About 70 years old.
Q What is your mother's name? A Hannah Alberty.
Q How old is she? A About 75.
Q What is the reason your step-father isn't here, isn't he able to testify? A No, he can stand to ride in the wagon.
Q How is his mind? A Well I would rather you would examine Mr. John Ross here before you go any further; he is well acquainted with them and knows.
Q How far do they live from here? A Lives right there at Tahlequah.
Q What is the reason your mother can't come here? A She is not able to come.
Q What witnesses have you got? A I have got Jim Alberty to testify that they belonged to Hoss Alberty.
Q Who else have you got? A That's all the one I have besides; I can get others to swear to that fact.
Q How many witnesses have you got to substantiate the citizenship of your father and mother? A I have got one.
Q Who? A Jim Alberty.
Q Was your father a slave? A My step-father he was a slave.
Q Who did he belong to? A Hoss Alberty.
Q Was he a Cherokee citizen? A Yes sir.
Q Did Henry Alberty go out of the Cherokee Nation during the war? A Yes sir, he and my mother both.
Q Both went out together? A Yes sir, did they? A Yes sir.
Q When did they return? A I saw him in '67.
Q When did your mother return? A I don't know, she turned later.
Q They didn't return together? A No sir.

BY MR. HASTINGS: Cherokee Rep's:

- Q Where did you see him? A Saw him down here about Ft. Smith.
Q Just got him in the road? A No, he was working down there.
Q He and your mother go out together? A Yes sir.
Q Been to get her ever since I could recollect.
Q That is the time you went up through here with the drove of horses? A Yes, I went North here.
Q With the drove of horses? A Yes, he had horses.
Q Who was your step-father working for then? A I don't know, he was cutting firewood when I come up on him, I think it was January, just after Christmas, when I come down there.
Q You don't know who he was cutting wood for? A No sir.
Q He hadn't married your mother then? A Oh they had been together ever since I could recollect.
Q Did you stay all night with him? A No sir. We come there in wagons.
Q Who did you come with? A Major Houston.
Q Was he a white man? A Yes sir.
Q Where did you go then? A I went to Scullyville, Choctaw Nation. I was in Ft. Smith a few days, and then went to Scullyville.

BY MR. HASTINGS:

- Q Where have your father and mother been living? A They have principally lived in the Choctaw Nation since they have been over there.

Daniel Alberty for step-father and mother 2

him it was in '67 when I come up here.

Q Where did you see him? A I saw him down in the Cherokee Nation.

Q I say when did he return to the Cherokee Nation from the Choctaw Nation? A He aint been at Tahlequah more than about 10 years ago.

Q Come back from the Choctaw Nation about 10 years ago? A Yes sir.

Q Did they ever claim Choctaw citizenship? A No sir, they did not.

BY MR. HASTINGS:

Q Did you ever see your mother in the Nation before the war?

A I saw her here at Ft. Smith.

Q How long ago? A About 16 or 17 years ago.

Q Were they living at Ft. Smith? A No sir, they were there at the store; they were living in the Choctaw Nation.

Q I want to know when you first saw your mother in the Cherokee Nation after the war? A When I first saw my mother in the Cherokee Nation after the war living in here, was about 10 years ago.

Q And she and your step-father are living together now aint they?

A Yes sir.

BY COM'R NEEDLES:

Q In the Cherokee Nation about 10 years? A Yes sir.

Q What part of the Choctaw Nation were they, how far from Ft. Smith? A About 75 or 80 miles from Ft. Smith, south, on the line of Arkansas and Ft. Smith; that's where he left them; he left them there and carried the balance of us darkies down to Doaksville.

JOHN H. ROSS, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A John H. Ross.

Q You know Henry and Hannah Alberty? A Yes sir.

Q Any relation of yours? A Said to be a half brother of mine.

Q Who? A Henry Alberty.

Q Good deal older than you? A Oh yes, he is an old man.

Q Is he competent to be here and give testimony? A I don't know; ~~some~~ think he is, Judge, in fact I know his wife is not, she is old and not able to do anything.

BY MR. HASTINGS:

Q Does the old man work around any? A Oh yes, he works.

Q Up and working about all the time? A Yes sir, he works at the Female Seminary. He cuts wood around there; that's about all.

Q In fact for that matter he is not sound in his mind.

Q Wasn't you up at Chelsea the other day? A Yes sir, I was there.

Q I mean him? A Yes, he was there the last two days, he got there two or three days before the court adjourned; he was there and they adjourned; I don't think he had his wife seen and didn't get in over there. He was over at Chelsea and went back home.

Q Was he at Ft. Gibson? A I don't know; I wasn't there, I don't know; I don't think he was.

JIM ALBERTY, being sworn and examined by Com'r Needles, testified as follows:

Q What is your name? A Jim Alberty.

Q What is your age? A 70 or older.

Q Do you know Henry Alberty? A What Henry Alberty?

Q The father of Daniel Alberty here? A Not by that name.

Q What did you say? A I don't know him that way, by that name.

Q You know Hannah Alberty? A Yes sir.

Q Who is her husband? A The best husband that I knowed of was name Holt.

Q Was she a slave? A Yes sir.

Q Who did she belong to? A Big Moss Alberty.

Q Where did you see her after the war the first time? A I haven't seen her at all since the war.

Daniel Alberty for stepfather and mother 3

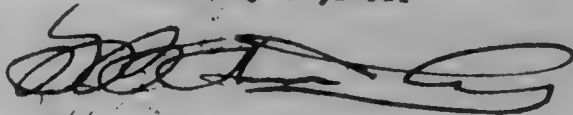
- Q You know whether she went out of the Nation during the war?
A No sir.
Q Don't know? A No sir.
Q Don't know when she returned? A No sir.
A Applicants Holt was his father.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicants not found;
1886 census roll of citizens of the Cherokee Nation examined and applicants not found;
Kern-clifton pay roll of citizens of the Cherokee Nation examined and applicants not found;
Wallace roll of citizens of the Cherokee Nation examined and applicants not found.

Com'r Needles: Daniel Alberty applies for the enrollment of his father and mother, Henry and Hannah Alberty; they cannot be identified upon any of the rolls of the Cherokee Nation, and no testimony has been adduced satisfactory that they complied with the provisions of the article of the Treaty of 1866 in regard to Cherokee Freedmen; satisfactory proof is made as to their continued residence in the Cherokee Nation, consequently, the application of Daniel Alberty for the enrollment of his father and mother, Henry and Hannah Alberty will be rejected; satisfactory reason has been made in the testimony as to why said Hannah and Henry Alberty are not present.

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

Subscribed and sworn to before me this July 17, 1901.



Commissioner.

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RECEIVED BY THE DIRECTOR OF THE BUREAU OF INVESTIGATION

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TO THE DIRECTOR OF THE BUREAU OF INVESTIGATION
FROM THE DIRECTOR OF THE BUREAU OF INVESTIGATION

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FILED
APR 8 1964
COMMISSION TO THE TIMES

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RE: [Illegible]

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FR 157

File in R 157

Cherokee Freedmen R-157.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, April 6, 1904.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of Henry Alberty, and his wife, Hannah Alberty, as Cherokee Freedmen.

It appears that on the 6th day of February, 1904, the principal applicant, his attorney 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 3, 1904, and then and there introduce testimony touching matters stated in said letter.

Applicant failed to appear on March 3, 1904, as requested, and on this, April 6, 1904, applicants appearing by Lucy Barker and the Cherokee Nation by W. W. Hastings, the following testimony was taken.

LUCY BARKER, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A Lucy Barker.

Q How old are you? A About 25 or 26 I guess, don't know for certain.

Q What is your postoffice address? A Tahlequah.

Q Are your father and mother both living now?

A No sir, they are both dead.

Q How long have they been dead? A Mama has been dead about a year and two months, and father about a year and one month.

Q Since you can remember, up to the time of their death, where did they live? A In the Cherokee Nation.

Q What part of the Cherokee Nation? A Around Tahlequah there.

Q Since your recollection, have they ever lived outside of the Cherokee Nation? A No sir, not that I remember; not as I know of.

By Mr. Hastings:

Q Where were they living when you first remember?

A When I first remember mother was living at Skulleyville.

Q Where was your father living at that time? A He was living there too.

Q How long did they continue to live at Skulleyville? A I don't know.

Q Were they living there when you married? A No sir.

Q Where were they living when you were married to this man, Ray?

A They was living in the Cherokee Nation.

Q On whose place? A I don't know.

Q Near what town were they living? A Don't know.

Q Were you over at their place where you say they were living in the Cherokee Nation? A Yes sir.

Q Where was that? A Over here at Humphrey's place, I think.

Q Just after you were married, a number of years ago, where were your mother and father then living? A They was living in the Cherokee Nation; can't tell you just whereabouts.

Q You can't tell the neighbors can you? A I can't.

Q Nor the district? A No sir, if you can't remember anything you can't remember it.

Q You can't tell their neighbors, can you?
A Can't tell all the neighbors, when I wasn't there.
Q Were you ever at their house, where you say they were living, directly after you were married? A It has been so long I can't just tell what house it was.
Q How long has it been since they moved to Tahlequah?
A To the best of my knowledge, ten or twelve years.
Q Where did they come from to Tahlequah?
A To the best of my knowledge they come from Skulleyville.
Q Were you living at Skulleyville at the time, too?
A Yes sir, I was with my mother at the time; I was hired out & until I was big enough to come away from her.
Q Didn't you see them often until they moved to Tahlequah?
A Yes sir, I saw my mother oftener than I saw my father. It has been so far back I can't tell it.
Q It has not been but about ten years, according to your tale?
A That is as much as I can remember.
Q Whose place did they live on there at Skulleyville?
A Ross, I believe, Ross something.
Q Did they farm? A My daddy you are speaking about?
Q Yes? A I think he was just working for some one.
Q Where did you first know this man Smith? A Smith is all I know.
Q You don't know this witness, Mr. Smith's first name?
A All I know is Smith.
Q Isn't his name George? A I don't know.
Q When did you first see him to know him?
A The first time I seen him I had two children I believe.
Q How many years ago?
A It has been, I expect, fifteen or twenty years ago.
Q Did you ever see him before you come to Tahlequah? A Yes sir.
Q While you were at Skulleyville? A Let me see now, to my best knowledge the first time I seen him I was near Fort Smith, at a little town called Cherokee Junction, I believe it ~~was~~ is.
Q What were you doing there? A I was loafing.
Q Just walked up to the railroad train and met him? A No sir.
Q How did you happen to meet him? A I was just out browsing around.
C You were just browsing around, were you? No response.
Q How long had you been away from Skulleyville?
A Just a little while, a day or two; longer than that --
Q Well how long? A Well I don't know how long, when one gets in a big way he can't tell. I was just browsing around making a living the best way I could.
Q Where did you stay around Cherokee Junction?
A I stayed with an old woman by the name of olad Aunt Maria, what time I was there. I would sometimes --
Q You never lived there then in a separate house and kept house?
A I never lived there anytime, only just come there and put up with this woman after my hus and was away.
Q What became of your husband? A He died.
Q Where? A At kulleyville.
Q How old was Jeff when your husband died? A He couldn't set alone.
Q Are you certain he was born? A Yes sir, he was born.
Q Why did you start to say he wasn't.
A Because you kept questioning me. When he went to die he sent for the little girl; she couldn't walk, they were right close together.
Q You say you came from Skulleyville to Tahlequah, did you?
A No, I didn't say I come from Sku leyville to Tahlequah.
C Where did you come from?
A I have done told you all I can tell you.
Q Well where did you come from? A I come from that place I talked about, of course, I have been here to Tahlequah from that place up this side of Fort Smith.

Q You never kept separate house down there? A Whereabouts?
 Q Cherokee Junction?
 A After my husband passed I never kept separate house.
 Q Do you know anybody who lives around Cherokee Junction?
 A Yes several at that time.
 Q Who? A Old Unale -- I knowed several around there.
 Q You can't think of their names now? A No sir.
 Q You don't know any of those fellows who owned farms around there?
 A No sir, I can't place them now, I tell you my mind is not good.

WILLIAM SMITH, being first duly sworn, testified as follows:

By the Commission:

Q What is your name? A William Smith.
 Q What is your age? A About 50 years old, I reckon.
 Q What is your postoffice address? A Tablequah.
 Q Do you know Henry and Hannah Alberty, the father and mother of this woman, Lucy Barker who was here this morning? A Yes sir.
 Q Are either of them living now? A No sir.
 Q Do you know when they died? A No sir, I don't know that I do.
 Q About how long ago has it been? A I suppose about a year and a month since the old man died, somewhere along there.
 Q How long had you known them prior to their death?
 A Why I don't know exactly just how long it was.
 Q About how long do you think it was? A Don't know exactly how long.
 Q Was it a year, 2 years or 20 years? A It was 8 or 9 years before they died, but to tell you exactly what time I can't do it, or how long it had been, but 8 or 9 years to the best of my know edge.
 Q You think you had never known them before some 8 or 9 years before they died? A That's my recollection.
 Q You know nothing about when they returned to the Cherokee Nation after the Civil War? A No sir, the first time I seed the old man was down here at the Cherokee Nation. I taken sick and stopped at old man K Ma Jake Gatline, there on a farm, if I ain't mistaken not, by name of Wilson farm.
 Q When was that? A That's been a good while ago. Don't know just exactly how long it has been.
 Q 8 or 9 years before he died?
 A Yes sir, 8 or 9 years before he died.
 Q When did you first see his wife? A When I first saw his wife was when I come up here at Tablequah; I supposed they had moved up here.
 Q How long ago was that? A When I saw them up here at Tablequah?
 Q Yes? A It was the year before the Cherokee payment. You know how long that has been.
 Q How long have you been in the Cherokee Nation? A I have been in, out, to, and stoping in the Cherokee Nation, I don't know how long.

 M. M. Vance, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported the preceding in the above entitled cause and that the above and foregoing is a correct transcript of his stenographic notes thereof.

W. M. Vance

Sworn to and subscribed before me this 7th day of April, 1904.

Charles H. Payne
 Notary Public.

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

C. T. M. 2

In the matter of the application for the enrollment of Henry Alberty, et al., as Cherokee Freedmen, consolidating the applications of:

Henry Alberty, et al.,	Cherokee Freedmen R 157,
Lucy Barker, et al.,	Cherokee Freedmen R 175,
Joe Alberty	Cherokee Freedmen R 176.

--17--

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 Daniel Alberty for his stepfather, Henry Alberty, and mother, Hannah Alberty; by Lucy Barker for herself and minor children, Jeff Ray and Assie Barker; and by Joe Alberty for himself.

The evidence in this case shows that the applicants, Henry and Hannah Alberty, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they were taken out of the Cherokee Nation, and the proof does not satisfactorily establish that they returned thereto within the time specified in the decree of the Court of Claims rendered on February 3, 1866, in the case of Moses Whitwire, trustee, et al., 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 applicants Henry and Hannah Alberty, were born since 1866, and possess no rights to enrollment (birth affidavits filed herewith show that the fathers of Jeff Ray and Assie Barker are non-citizens of the Cherokee Nation), other than as descendants of the said Henry and Hannah Alberty.

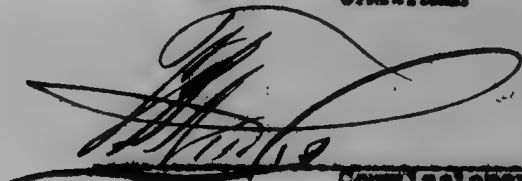
None of the applicants herein can be identified on any roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that, following the rulings of the Department in the cases of Eliza Bryant, (I.T.D. 844-04), William Barber, (I.T.D. 1468-04), Minnie Duncan et al., (I.T.D. 1470-04), Samantha Chambers (I.T.D. 2306-04), Ed Williams (I.T.D. 4230-04), Martha Albert et al., (I.T.D. 4732-04), and Meson Ross (I.T.D. 6086-04), the applications for the enrollment of Henry Liberty, Natwah Liberty, Lucy Barker, Jeff Day, Annie Barker and Joe Liberty, as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress approved June 20, 1898 (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES



Chairman



Commissioner



Commissioner

Dated at Muskogee, Indian Territory,

this MAY 13 1905

J.R. 157

IN RE
THE DEATH OF

Henry Alberty
a citizen of the
Cherokee Nation.

Approved *[Signature]* APR 6 1904 190
[Signature]
Commissioner *[Signature]*

FILED
APR 6 1904
COMMISSION TO FIVE TRIBES.

Chas. H. Sawyer

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

In the matter of the death of Henry Alberty
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Tahlequah, Ind. Ter., and died on the 26th day of
January, 1903
(Here insert name of post office)

AFFIDAVIT OF RELATIVE.

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

I, Lucy Barker, on oath state that I am 28 00 9
years of age and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Tahlequah, Ind. Ter.; that I am
Daughter of Henry Alberty,
(State relationship as to the father; an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Henry Alberty died on the 26 day of
January, 1903.

WITNESSES TO MARK: Lucy Barker
(Must be Two Witnesses) } Charles H. Sawyer mark
W. Vance

Subscribed and sworn to before me this 6th day of April 1904.
Charles H. Sawyer
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, Thomas Barker, on oath state that I am about 28
years of age, and a citizen, by —, of the US Nation;
that my post office address is Tahlequah, Ind. Ter.;
that I was personally acquainted with Henry Alberty,
(Here insert name of post office) (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Henry Alberty died on the 26 day of
January, 1903.

WITNESSES TO MARK: Thomas Barker
(Must be Two Witnesses) } Charles H. Sawyer

Subscribed and sworn to before me this 6th day of April 1904.
Charles H. Sawyer
Notary Public.

JR 157

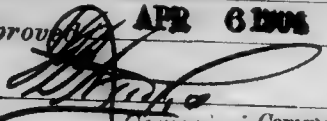
IN RE
THE DEATH OF

Hannah Alberty

a citizen of the

Cherokee Nation.

Approved **APR 6 1904** 190



Commissioner of the Five Tribes

FILED
APR 6 1904
COMMISSION TO FIVE TRIBES.

Ches Ex R157

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

In the matter of the death of Hannah Alberty
(Here insert name of deceased.)
a citizen of the Cherokee Nation, who formerly resided at or near
Jahleguah, Ind. Ter., and died on the 20th day of
Nov., 1902.
(Here insert name of post office.)

AFFIDAVIT OF RELATIVE.

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

I, Lucy Barker, on oath state that I am 28 or 9
years of age and a citizen, by adoption, of the Cherokee Nation;
that my post office address is Jahleguah, Ind. Ter.; that I am
Daughter of Hannah Alberty,
(State relationship as to the father: an uncle; a cousin, etc.) (Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Hannah Alberty died on the 20 day of
Nov., 1902.
Lucy Barker
(Here insert name of deceased.)

WITNESSED TO MAKE:

Charles H. Sawyer
M. Vance
(Must be Two Witnesses.)

Subscribed and sworn to before me this 6th day of April, 1904.
Charles H. Sawyer
Notary Public.

AFFIDAVIT OF ACQUAINTANCE.

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

I, Thomas Barker, on oath state that I am about 28
years of age, and a citizen, by US, of the US Nation;
that my post office address is Jahleguah, Ind. Ter.;
that I was personally acquainted with Hannah Alberty,
(Here insert name of deceased.)
who was a citizen, by adoption, of the Cherokee Nation;
and that said Hannah Alberty died on the 20 day of
Nov., 1902.
Thomas Barker
(Here insert name of deceased.)

WITNESSED TO MAKE:

Charles H. Sawyer
(Must be Two Witnesses.)

Subscribed and sworn to before me this 6th day of April, 1904.
Charles H. Sawyer
Notary Public.

6

50157

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 24 1901



ACTING CHAIRMAN

COMMISSIONERS

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

J. H. Gibson J. P. 9/24/01

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Henry Alberty et al for enrollment as
Freemen of the Cherokee Nation.

Louis T. Brown
Agt for applicant

~~111~~ R 157

13

JB 157

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 2 1901


A. T. H. C. ARVA

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date July 2, 1901

Post Office Parkersburg, W. Va.

District

1. Name Henry Liberty Age 70
Owner's name George Liberty Citizenship Cherokee
Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Hannah Liberty Age 75

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

- 3. Year Page No. Dist.
4. Year Page No. Dist.
5. Year Page No. Dist.
6. Year Page No. Dist.
7. Year Page No. Dist.
8. Year Page No. Dist.
9. Year Page No. Dist.
10. Year Page No. Dist.
11. Year Page No. Dist.
12. Year Page No. Dist.

Application made by Annie Liberty Stenographer W. R. Green

Cherokee Freedmen
R 187

Muskogee, Indian Territory, February 6, 1904.

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

Dear Sir:

In the matter of the application of Henry Alberty for the enrollment of himself and wife, Hannah Alberty, 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 the date of their return to the Cherokee Nation after the close of the war of the rebellion and as to their residence since that time.

The said Henry Alberty 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 Thursday March 3, 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.

Cherokee Freedmen
R 187

Muskogee, Indian Territory, February 6, 1904.

Louis T. Brown,
Attorney for Henry Alberty, et al.,
Vinita, Indian Territory.

Dear Sir:

In the matter of the application of Henry Alberty for the enrollment of himself and wife, Hannah Alberty, 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 the date of their return to the Cherokee Nation after the close of the war of the rebellion and as to their residence since that time.

The said Henry Alberty 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 Thursday March 3, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY
THOMAS H. NEEBLES
C. R. BINGKINBROOK
W. E. STANLEY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CHEROKEE TRIBES

CHEROKEE FREEDMEN

Cherokee Freedmen
R 157

ALLISON A. AYERS WITH
SECRETARY

ab

Muskogee, Indian Territory, February 2, 1904.

Henry Alberty,

Tahlequah, Indian Territory.

Dear Sir:

In the matter of your application for the enrollment of yourself and wife, Hannah Alberty, 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 the date of the return of yourself and wife to the Cherokee Nation after the close of the war of the rebellion and as to your residence since that time.

You are, therefore, hereby directed to appear before the Commission at its office in Muskogee, Indian Territory, at nine o'clock A. M., on Tuesday, March 3, 1904, and introduce testimony as above required.

Respectfully,


Commissioner in Charge.

COPY.

Cherokee Freedmen
R-237.

Muskogee, Indian Territory, May 13, 1905.

Henry Alberty,

Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1905, rejecting, among others, the application for the enrollment of yourself and your wife, Hannah Alberty, as Cherokee freedmen. There has heretofore been furnished your attorney, Louis I. Brown, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Incl. L-17.

Register.

SIGNED,

Tamm Blair

Special Agent

COPY.

Charles Freedman
vs. al.

Shawnee, Indian Territory, May 13, 1906.

Louis F. Brown,

Attorney for Henry Alberty et al.,

Shawnee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the applications for the enrollment of Henry Alberty et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

(Signed) James Bisby,
Commissioner.

Encl. 1-21.

Register.

COPY.

Cherokee Freedmen
No. 157 et al.

Washoe, Indian Territory, May 13, 1905.

The Honorable

Sir:

There is herewith transmitted the record of proceedings had in the matter of the applications for the enrollment of Henry Alberty et al., as Cherokee freedmen, including the Commission's decision, dated May 13, 1905, rejecting said applications.

Respectfully,

SIGNED: *Tatus Bixby*
Chairman

Incl. 1-22.

Through the
Commissioner of Indian Affairs.

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

WM. O. BEALL,
Secretary.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING:

Cherokee Freedman
R-157 et al.

Muskogee, Indian Territory, May 13, 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 May 13, 1905, rejecting the applications for the enrollment of Henry Alberty 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,

Incl. L-20.

Chairman.

(COPY)

Refer in reply
to the following:

Land
57537-1905

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON

May 23, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose a report from the Commission to the five Civilized Tribes, dated May 15, 1905, transmitting the record of the consolidated applications for enrollment as Cherokee Freedmen of Henry Alberty and his wife, Hannah Alberty; by Lucy Barker for herself and her minor children, Jeff Ray and Angie Barker, and by Joe Alberty for himself.

May 15, 1905, the Commission decided adversely to all the applicants.

The record shows that Henry and Hannah Alberty were the slaves of Cherokee citizens at the beginning of the war of the rebellion; that they were taken out of the Cherokee Nation during the war and it is not satisfactorily shown that they returned thereto on or before February 11, 1867. The other applicants are children and grand children of Henry and Hannah Alberty, born since 1866 and possess no rights to enrollment, except as such descendants.

D. C. 59214-1905
I. T. D. 6056-1905
L R S

(COPY)

F.P.
THE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

August 7, 1905.

Commissioner to the Five Civilized Tribes
Muskegee, Indian Territory.

Sir:

May 13, 1905, the commission to the Five Civilized Tribes transmitted the record in the matter of the applications for the enrollment as Cherokee freedmen of Henry Alberty and his wife, Hannah Alberty; of Eazy Barker and her two minor children, Jeff Ray and Azzie Parker; and of Joe Alberty, including its decision of the same date, rejecting the applicants.

Reporting May 23, 1905, the Indian Office recommends that said decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation, and the Commission's decision is hereby affirmed.

Respectfully,

1 inclosure.

(signed) THOS RYAN
Acting Secretary.

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
R-157, et al.

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

Boj

Muskogee, Indian Territory, August 21, 1905.

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 May 13, 1905, rejecting the applications for the enrollment of Henry Alberty, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior on August 7, 1905.

For your information there is inclosed herewith a copy of Departmental letter referred to.

Respectfully,



Commissioner.

LS

Incl. S-105

None of the applicants is identified on any roll of the Cherokee Nation.

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

Very respectfully,

C. F. Larrabee

Acting Commissioner

M. M. N.

v.

Washington, D. C.

Wool & Landon,

Fort Smith, Arkansas.

Gentlemen:

This office is in receipt of your letter of September 14, stating that you have been employed to represent Henry Alberty in the matter of his application for enrollment as a Cherokee freedman. You ask that you be entered as attorneys of record in this case, and that you be advised the status of the case.

In reply you are advised that the decision of the Commission to the Five Civilized Tribes, dated May 13, 1906, rejecting the application of one Henry Alberty for the enrollment of himself and his wife, Hannah Alberty, as Cherokee freedmen, was approved by the Secretary of the Interior on August 7, 1906.

Respectfully,

Yours truly,

Tame Blaby
Commissioner.

ENROLLMENT REPORT

EROKEE FREEDMAN

IN THE MATTER OF THE APPLICATION OF

Henry Liberty et al

ENROLLMENT AS

CHEROKEE INDIAN MEN

- A Original testimony July 2 1901
- B Memo of application July 2 1901
- Receipt for testimony
- Supplemental testimony Sept 25 1901
- See also case, Barker case 1/25/01

Copy of testimony filed with Cherokee Nation

See also case in volume kept in R. 75 of 116

General Office

Cherokee Div

Advise to appear and introduce testimony as to date of return to Cherokee Nation after the close of the war of the rebellion.

Henry Alberty,
Sablequah, Indian Territory.

Department of the Interior.

Commission to the Five Civilized Tribes

INMUSCLES

1857

General Office

Cherokee Div

Advising to appear and introduce
testimony as to date of return
to Cherokee Nation after the close
of the war of the rebellion.

Henry Alberty,
Chalequah, Indian Territory.

Department of the Interior.

October 16 1877

10 16 1877

Chen Fr. R. 187

Chen Fr. R. 187

117

COMMISSION TO THE PRESIDENT OF THE UNITED STATES
FILED
JUL 23 1901

117

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS,
WASH., D. C., JULY 24, 1901.

In the matter of the application of Sadie Ross for enrollment
of herself and one child as Cherokee persons; said Ross being
sworn and examined by Commissioner F. B. Needles, testified as fol-
lows:

- Q What is your name? A Sadie Ross.
Q How old are you? A 28.
Q What is your post office address? A Muskogee.
Q What district do you live in? A I don't know, I live in Muskogee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A One girl.
Q What is its name? A Eva Ross.
Q How old is Eva Ross? A She is 14.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A No, sir.
Q What is your father's name? A Ed Harris.
Q What is your mother's name? A Caroline Ross.
Q Has your mother been listed for enrollment? A Yes, sir, yesterday.
Q Is she here to day? A Yes, sir.
Q Do you claim citizenship through your mother? A Yes, sir.
Q Where were you born? A Chetopa.
Q Kansas? A Yes, sir.
Q Where have you lived all your life? A Well, I have lived here principally.

BY MR. J. S. DAVENPORT, Cherokee Representative:

- Q There is a good deal of time you haven't lived in the Cherokee Nation? A I haven't made my home at any other place any.

BY COM'R NEEDLES:

- Q Are you married? A No, sir.

BY MR. DAVENPORT:

- Q You said you lived in Kansas all your life? A No, sir.
Q You lived in Kansas quite a while? A I have lived there about three years.
Q Did you never lived in Kansas until you went to Kansas the last time about a year ago? A I haven't been in Kansas three years.
Q You have been to Missouri in side of three years? A Yes, sir.
Q How long did you live in Missouri? A I lived about three years.
Q When did you go to Missouri? A I went to Missouri in '94.
Q You have been living there ever since until the last few months? A No, sir.
Q Where were you living the last January term of Court?
A Kansas City.
Q And you received and drew me as large from the Federal Court during the year and other case? A Not as my home.
Q You made an affidavit to it? A Yes, sir.
Q Now you haven't lived in the Cherokee Nation since the Polly Sanders killing? A Yes, sir.
Q Where is your home? A We haven't a home here.
Q You stayed in the States the greater part of the time?
A No, sir, I have been in the States off and on for about six years.
Q How long you been in the States further back than six years?
Q No, sir.
Q Now, you have been living in Missouri about four years?
A About three years.
Q Now, how long did you live in Kansas?
A About two years and a half.
Q How long have you lived in Arkansas? A I haven't been to
Q How long have you been living in Muskogee?
A Well I don't remember I was in Muskogee.

Sadie Rose, et al.—2.

- Q How you have been there since you remember?
A No, sir, when I was about eight or nine years old I was living there.
Q You never lived in the Cherokee Nation in your life did you?
A Yes, sir.
Q You have been just wandering from place to place? A Yes, sir.
Q Where have you ever lived in the Cherokee Nation?
A I lived with my Aunt here Fort Gibson.
Q How long did you stay with her? A About four months.
Q How long did you stay at Vinita? A I stayed there about nine months, about a year ago.
Q You haven't been there since then or before? A Yes, sir; I have been there on a visit down here to Murrells.
Q Where was Eva born? A Leavenworth County,
Q Kansas? A Yes, sir.
Q Where is she living? A Down here in town.
Q Where has she been living? A She has been living at Muskogee and around at places.
Q With you? A Not all the time.
Q You are a daughter of Carris B. Rose? A Yes, sir.
Q Your name is not on any of the rolls of the Cherokee Nation?
A No, sir.
Q You never drew any money? A No, sir.
Q Never been recognized as a Cherokee citizen?
A No, sir.

COMMISSIONER Sadie Rose applied for the enrollment of herself and her child Eva. She swears that her child Eva, was born in the State of Kansas. She makes no satisfactory proof as to residence. For the reason that her name is not on any of the rolls of the Cherokee Nation, consequently the application for the enrollment of herself and her child is rejected.

—00000000—

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 18th day of July, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 25th 1901.

SUPPLEMENTAL TESTIMONY, in the matter of the application of Carrie
B. Ross, C. F. No. 188.

Appearances:

V. W. Hastings for the Cherokee Nation
Applicant present in person.

V. A. JOHNSON being first duly sworn by Gen'l F. B. Needles, tes-
tified as follows on the part of the Cherokee Nation.

(By Hastings)

- Q What is your name? A V. A. Johnson.
Q What is your age? A 71.
Q What is your post office address? A Garnett, Kansas.
Q That has been your post office since before the war? A Yes sir.
Q Do you know this applicant here, Carrie B. Ross? A I do.
Q When did you first begin to know her? A When I first knew her it
must have been about '87 or '8.
Q Did you know her father? A Yes sir.
Q What is his name? A Jacob.
Q Did you know her mother? A I know her mother by sight only.
Q Did you know them in Garnett, Kansas? A Yes sir.
Q How long did you continue to know this applicant in Garnett, Kansas?
A About three years.
Q You are a practicing attorney there? A Yes sir.
Q I will ask you if you had a trial in which this applicant figured?
A Yes sir.
Q What was the nature of that suit? A It was a writ instituted by
her against Newton Spriggs charging him with being the father of a
bastard child which was being carried at that time by her.
Q Was there some investigation at that time as to her pregnancy? A
Yes sir.
Q Did she afterwards give birth to that child? A Yes sir.
Q Did you know that child's name? A That child was named Sadie.
Q Where was that child born? A In Garnett, Kansas.
Q Then you knew her up until after the child was born? A Yes sir.
Q Did she live with her father and mother? A Yes sir.
Q Did you know where they came from there? A No sir I dont know
exactly.

(By the Commission.)

- Q When was this trial? A In '88.
Q How long had you known her before that? A About a year before that.

WILLIAM RAY being sworn by Gen'l F. B. Needles, testified as
follows for the Cherokee Nation:

(By Hastings)

- Q What is your name? A William Ray.
Q What is your age? A 23 years.
Q What is your post office address? A Garnett, Kansas.
Q I believe you testified that has been your postoffice since '87 or
'8? A Yes sir.
Q Do you know this applicant here, Carrie B. Ross? A Yes sir.
Q How long have you known her? A I got acquainted with her in '88 or
'9.
Q Did you know her before her child Sadie was born? A Just before—
about the time the Colonel said that law suit was tried.
Q Did you know her father? A Yes sir.
Q What was his name? A Jacob Linder is what we called him.
Q Do you know if he went by the name of Ross? A Only from what I
heard.
Q Did you know her mother? A Yes sir.
Q What was her name? A Lizzie.

- Q How long did she continue to stay at Garnett? A Not very long I think.
- Q How long after the child was born did she stay there? A As near as I can tell, she left there as soon as the child got a little size.
- Q Do you know where she went? A I don't know positively.
- Q Did her father and mother continue to live there? A No did—her mother died soon after she left there.
- (By the Commission)
- Q The first you know of this woman was in '68? A Either '8 or '9.
- Q At Garnett, Kansas? A Yes sir.
- Q Do you know where she came from when she went to Garnett? A No sir, only that her father moved from off a farm into town.
- Q You don't know where they were in '68 or '69? A No sir.
- (By Hastings)
- Q How long had you known her father before that? A I had seen him passing, but not much acquainted with him.

APPLICANT recalled by Mr. Hastings for further cross examination—

- Q What is your father's name? A Jacob Varn.
- Q Did he ever go by the name of Lonier? A Yes sir.
- Q And Ross? A Yes sir.
- Q And this is the same party that Col. Johnson and William Ray have been talking about? A Yes sir.
- (By the Commission)
- Q Where were you in '66? A I was here.
- Q How long had you been here before going to Garnett? A I don't know just exactly, come here about the time the soldiers was discharged.
- Q How long did you stay here then? A Until the first part of '67 when I left here.
- Q Where did you go then? A Oshopa, Kansas.
- Q Where then? A In my evidence I said that my father and mother were dead because when I was with those people I was told that—the news come that my mother was dead, and I didn't get back where my folks was then, and after that I heard that my father and mother were both living and that is the way I got amongst those people.
- Q You said that afterwards you heard they were living? A Yes sir.
- Q Where did you go after you heard they were living? A To Garnett.
- Q Did you have a child born there? A Yes sir.
- Q How long did you stay there? A The child was born in April 29th and I staid to 1871.
- Q Did you then come back to the Cherokee Nation? A Yes sir.
- Q Have you staid here ever since? A Yes sir, I went out and worked.
- Q Were you ever married? A No sir.
- Q Never have been married? A No sir.
- Q What were you doing here in '66? A I were living with a family named Tylers.
- Q Working for them? A No sir they just brought me along with them when they came.
- (By Hastings)
- Q Who did you say you come here with? A Tylers.
- Q Where did you leave your mother? A They put me out with some white people at Central City, Kansas.
- Q How old were you then? A I don't know.
- Q They put you out with some white people? A Yes sir me and my brother Mose.
- Q When was that? A Before the people come out of the army.
- Q Where was your mother? A At home.
- Q In town? A No sir my brother was in town.
- Q Wasn't your mother in town then? A No sir.
- Q You don't know how far she was from you? A No sir.
- Q You was born when? A From what people tells me in '60.
- Q And you come here with Tyler—was it John Tyler? A Yes sir.
- Q Same in seasons? A Yes sir.
- Q Why didn't you tell that before? A I did tell that before.
- Q When did you go back to Kansas? A I don't know the date of the month.
- Q Don't you know the year? A I don't remember directly know the year.

I didn't know much about these things until I became a Christian.
Q When did you become a Christian? A About 15 years ago.
Q Was this man Tyiso any kin to you? A No sir, just acquaintances.
Q How many children have you had? A Two born in Sarcelt.
Q What was the youngest ones name? A Never has no name.
Q Died small? A Yes sir.

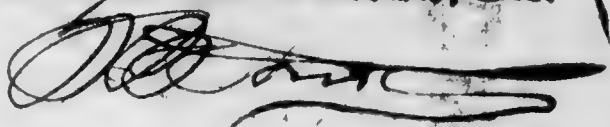
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This will be filed with the original application and also a copy with the case of Sadie Seese et al., G. P.R. 188.

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 15th of November, 1901.



Commissioner.

C. R.

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

In the matter of the application for the enrollment of Carrie B. Ross, et al., as Cherokee Freedmen, consolidating the applications of--

Carrie B. Ross,	Cherokee Freedmen D-999,
Sadie Ross, et al.,	Cherokee Freedmen R-158.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Carrie B. Ross for herself, and by Sadie Ross for herself and her minor daughter, Eva Ross.

The evidence in this case shows that the applicant, Carrie B. Ross, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she left the Cherokee Nation and went to the State of Kansas. In her testimony given before the Commission at Nowata, Indian Territory, on July 1, 1901, she states that she returned to the Cherokee Nation in 1866, and attempts to support this statement by the testimony of Harry Still and John Landrum. Harry Still testifies that he saw her in the Cherokee Nation in 1866. The Commission has found in the case of Harry Still, Cherokee Freedmen -876, that the said Harry Still did not return to the Cherokee Nation within the time specified in the Cherokee Treaty of 1866 for the return of freedmen to said Nation; therefore, he could not possibly have seen the applicant, Carrie B. Ross, in the Cherokee Nation in 1866; and if, as he states, he was living in said Nation when the applicant, Carrie B. Ross, returned thereto, then she did not return within the time specified in the Cherokee treaty of 1866. The testimony of John Landrum is that the applicant, Carrie B. Ross, came to the Cherokee Nation in 1866. This statement is contradicted by him later in his testimony when he testifies that he himself came to the Cherokee Nation in the fall of 1866, and that the applicant, Carrie B. Ross, did not come thereto until about a year afterwards. The testimony of the applicant is to the effect that she lived a short time in the Cherokee Nation and returned to the State of Kansas in 1867, where she remained until about the year 1873 or 1874, when she removed to the Creek Nation, where she lived for several years. The Cherokee Nation introduced three witnesses, then residents of the State of Kansas, who testified that they knew the

applicant, Carrie B. Ross, in the State of Kansas as early as the year 1867, and that she lived in said State for several years after that time. The applicants, Sadie Ross and Eva Ross have been born since 1866, are the child and grand-child of the said Carrie B. Ross, and have no right to enrollment except through her.

It does not appear that any one of the applicants herein is identified upon the 1880 authenticated Cherokee Roll; neither does it appear that any one of them has ever been recognized by the Cherokee tribal authorities as a Cherokee freedman.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Carrie B. Ross, Sadie Ross and Eva Ross 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.

[Signature]

 Chairman.

[Signature]

 Commissioner.

[Signature]

 Commissioner.

[Signature]

 Commissioner.

Muskogee, Indian Territory,
 this MAR - 5 1899

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7R158

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 2 1901


ACTING COMMISSIONER

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 2, 1901
Post Office Wynahogue St.
District Creek Nation

1. Name _____ Age _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

18. Name of wife Sadie Road Age 28
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father C. Harris Citizenship _____
Mother Barbara Road Citizenship _____

Names of Children:

No.	Name	Year	Page	No.	Dist.
21.	<u>Eva Road</u>				<u>14</u>
4.					
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

Application made by no. 1 Stenographer J. O. Rison

~~2 Birth cert to be supplied.~~

X Ref 19999

Cherokee Freedmen

D-999 et al.

Muskogee, Indian Territory, March 24, 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 Carrie B. Ross et al., rejecting the applications for the enrollment of Carrie B. Ross, Sadie Ross and Eva Ross 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,

Enc. D-84.

Commissioner in Charge.

COPY

Cherokee Freedmen
D-999 et al.

Muskogee, Indian Territory, March 24, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Carrie B. Ross et al., including the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of Carrie B., Sadie and Eva Ross as Cherokee freedmen.

Respectfully,

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-85.

COPY.

Refer in reply to the following:

Land. 20528-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, June 8, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated March 24, 1904, transmitting the record of the applications for enrollment as Cherokee Freedmen of Carrie B. Ross, Sadie Ross and her minor child, Eva Ross.

March 5, 1904, the Commission found that the applicants were not entitled to enrollment as Cherokee Freedmen.

The evidence shows that the applicant, Carrie B. Ross was the slave of a Cherokee citizen at the beginning of the war of the Rebellion; that during the rebellion she left the Cherokee Nation and did not return thereto and establish a residence therein on or before February 11, 1867, but on the contrary has resided in Kansas and the Creek Nation. The applicants, Sadie Ross and Eva Ross have been born since February 11, 1867 and are the child and grand child of the applicant Carrie B. Ross and have no right to enrollment except through her.

-2-

It does not appear that any one of the applicants is identified on the 1880 authenticated Cherokee roll.

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

Very respectfully,

A. C. Tanner,
Acting Commissioner

M.M.M.

v.

W.C.P.

J.P.

FHE

D.C. 20185-1904.

I. T.D. 4004-1904.

L R S

DEPARTMENT OF THE INTERIOR,
WASHINGTON, June 14, 1904.

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

Gentlemen:

March 24, 1904, you transmitted the record in the consolidated Cherokee freedman case of Carrie B. Ross et al. (F.C-999 et al.), including your decision of March 5, 1904, respecting the application for the enrollment of Carrie B., Sallie and Eva Ross.

Reporting in the matter June 8, 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 Enclosure.

Cherokee Freedman
D. 999. R. 188

Muskegee, Indian Territory, June 23, 1904.

W. W. Hastings,

Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, in the consolidated case of Carrie B. Ross et al., rejecting the applications for the enrollment of Carrie B., Sadie and Eva Ross, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 14, 1904.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMM 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
R. 158.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 23, 1904.

Sadie Ross,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting, among others, your application for the enrollment of yourself and your minor child, Eva Ross, as Cherokee Freedman, was affirmed by the Secretary of the Interior on June 14, 1904.

Respectfully,



Commissioner in Charge.

IN THE MATTER OF THE APPLICATION OF

Sadie Ross: et al

FOR ENROLLMENT AS

CHEROKEE FREEMEN

- A. Original testimony July 2, 1904
- B. Memo of application July 2, 1904
- C. Dup test from Carrie O Ross case ^{10/24/04}

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR.

JUN 14 1904

Copy of testimony filed with Cherokee Nation.

See to Cherokee. I received packet No 21999

11269

Department of the Interior

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

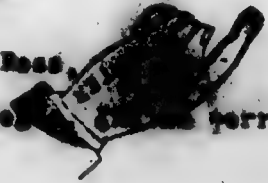
OFFICIAL BUSINESS.

Penalty for private use, \$300.



Sadie Ross,

Muskogee Territory.



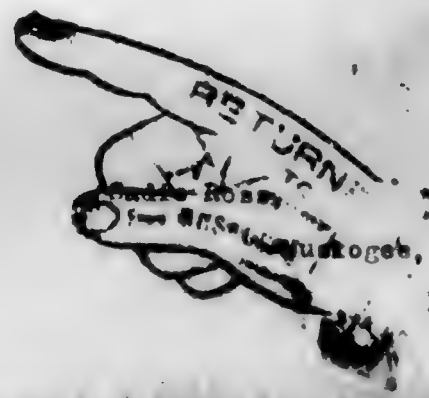
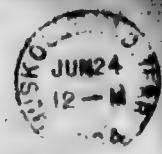
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Department of the Interior.

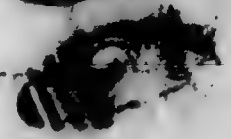
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

Cherokee
FR 158



Sadie Ross,
Muskogee,

Indian Territory.



Cher. Fr. R-159

Cher. Fr. R-159

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V. G. ...
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DEPARTMENT OF
COMMISSION TO
SEP

To be filed with case of Charlie Love, C.F. B. #159.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 20th, 1901.

In the matter of the application of Mollie Love for the enrollment of herself and two of her children, she being sworn by Commissioner T. J. Needles, testified as follows:

- Q What is your name? A Mollie Love.
Q How old are you? A 44.
Q What is your post office address? A Catoca.
Q In what district do you live? A Comanche.
Q Do you apply to be enrolled as a Cherokee? A Yes, sir.
Q Who else do you want to have enrolled besides yourself?
A My children.
Q How many? A Two.
Q What are their names? A Ullion Love.
Q How old? A 19 years.
Q Next? A Maud.
Q How old? A 16 years.
Q Are you married? A No, sir, not now.
Q What is your father's name? A Ben Grinnatt.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Betsey Sandy.
Q Is she living? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A The Wallace and Kern-Clifton rolls.
Q What is your husband's name? A Robert Love.
Q Is he living? A I don't know.
Q You don't live with him? A No, sir.
Q Were you a slave? A Yes, sir.
Q Who did you belong to? A George Sandy.
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 Texas.
Q Was your mother also? A Yes, sir.
Q When did you return? A I don't know exactly, how long I have been here.
Q When did you get back? A I don't know exactly, I have been here a good while.
Q Where were you married? A In Texas.
Q Was your husband a non-citizen or was he a Cherokee freedman?
A I don't know.
Q Where were your children born? A Some were born in Texas.
Q Where was Ullion born? A In the Creek Nation.
Q Where was Maud born? A In the Creek Nation.
Q Did you ever live there? A Yes, sir, for a while back and forth.
Q With your husband? A Yes, sir.
Q Did you ever apply to be enrolled as a Creek? A No, sir.
Q Did you ever draw any money from the Creek Nation? A No, sir.
Q How many years did you live there? A Just a year or two back-wards and forward.
Q What part of the Creek Nation? A Muskogee, just first one place and then another.
Q EXHIBIT 208: What is the name of your oldest child?
A Charles.
Q Where was he born? A Texas.
Q How old is he? A 26.
Q What is your next child's name? A Nellie.
Q Where was she born? A Texas.
Q What is the name of the third one? A Lora.
Q Where was this one born? A In Texas.
Q How old is that? A I don't know her age.
Q What is the next one? A Ullion.

Q That one was born in the Creek Nation? A Yes, sir.
Q That was your first child to be born in the Territory?
A Yes, sir.
Q You were married in Texas? A Yes, sir.
Q And you came here after your third child had been born there?
A Yes, sir.
BY COM'N NEEDLES: How old were you when you came up here?
A I just don't know.

JULIA A. SCHRIMPSHER, called and sworn as a witness for the applicant, testified as follows:
Q What is your name? A Julia A. Schrimsher.
Q What is your age? A 59.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Do you know the applicant, Mollie Lovel? A I know her mother.
Q What was her name? A Betsy.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A My father.
Q What was his name? A George Candy.
Q Was she taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Did she return to the Cherokee nation? A Yes, sir.
Q About what time did she come back? A I don't know, it has been not more than 10 or 15 years ago that she came to my house.
Q Did Mollie come back with her? A I don't know.
Q Do you know when this applicant came back? A No, sir.
Q Is her mother living now? A No, sir.
Q Where was her mother taken to during the war? A Texas.
BY HASTINGS: Do you know where this applicant was born?
A No, sir.

BY COM'N NEEDLES OF APPLICANT:
Q Did you come back here when your mother came? A Yes, sir.
Q You never did come before that? A No, sir.
BY HASTINGS: You had three children born to you before you came here? A Yes, sir.

BEN GRIMMETT, called and sworn as a witness for the applicant:
Q What is your name? A Ben Grimmett.
Q What is your age? A 55.
Q What is your post office address? A Nowata.
Q Do you know the applicant Mollie Lovel? A Yes, sir.
Q What relation is she to you? A My daughter.
Q How old is she? A I can't tell her age.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A George Candy.
Q Was that the same man you belonged to? A No, sir.
Q Was she taken out of the Cherokee nation during the war?
A Yes, sir.
Q When did she come back here? A I don't know.
Q What was her mother's name? A Betsy.
Q Were you married to her? A Yes, sir.
Q Is she living? A Dead.
Q Have you married since? A Yes, sir.
Q Was Betsy taken out of the Cherokee nation? A Yes, sir, to Texas.
Q When did she come back? A I don't know.
Q Did you never live with her after the war? A No, sir.
Q When was the first time you saw her since she got to the Cherokee Nation? A At the Ballad court.

HASTINGS WILLIAMS, called and sworn as a witness for the applicant.

Q What is your name? A. Easter Williams.
 Q What is your age? A. 50.
 Q Are you a recognized Cherokee Freedman? A. Yes, sir.
 Q Do you know the applicant? A. Yes, sir. I only know her by the old name of her mother.
 Q What relation are you to her? A. Her father, Ben Williams, is my brother.
 Q Where did you first see that applicant after the war? A. At home.
 Q How long ago? A. 2 or 3 years ago.
 Q Did you know her mother? A. Yes, sir, he said to be her mother.
 Q Was she known as Betsy Candy? A. Yes, sir.
 Q Was Betsy Candy a slave? A. Yes, sir.
 Q You don't know when this applicant came back after the war?
 A. No, sir.

BY THE COMMISSION OF APPLICANT:

Q You were born in the Cherokee Nation were you? A. Yes, sir.
 Q You were taken to Texas with your mother at the breaking out of the war? A. Yes, sir.
 Q And you married there? A. Yes, sir.
 Q And you came back here about ten or fifteen years ago?
 A. Yes, sir.
 Q And have been here ever since? A. Yes, sir.

BY COM'R NEEDLES: The applicant applies for herself and two children, Ullion, 10 years of age, and Maud Love, 14 years of age; she avers that she was a slave of one Candy a Cherokee citizen, and was taken to Texas during the war. The testimony shows that she was married in Texas and raised three children there. The evidence is conclusive that the applicant did not return to the Cherokee Nation in time to take advantage of the treaty of 1866 requiring slaves to return in a certain time in order to hold their citizenship, consequently the applicant, Mollie Love and her two children as herein named will be rejected.

Chas. van Waise being sworn states that he stenographer to the Commission to the Five Civilized Tribes he reported in full 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 Waise.

Subscribed and sworn to before me this the 10th of July, 1901.

(Signed) T. B. Needles,

Commissioner.

SUPPLEMENTAL TESTIMONY.

F. B. 2157.

Department of the Interior,
 Commission to the Five Civilized Tribes,
 Wagon, I. T., July 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Mollie Love as a Cherokee Freedman introduced at the request of the applicant.

MOLLIS LOVE, being duly sworn by Commissioner T. Needles, testified as follows: EXAMINATION BY MR. MORGA:

- Q What is your name? A Mollis Love.
Q What is your post office address? A Caspca.
Q You are the same Mollis Love that applied for enrollment?
A Yes, sir.
Q Were you born a slave? A Yes, sir.
Q To whom did you belong? A George Ganady.
Q Where were you born? A Fort Gibson my mother said.
Q In the Cherokee Nation? A Yes, sir.
Q Now, where were you when you first had any recollection of yourself? A In the Choctaw Nation.
Q Indian Territory? A Yes, sir.
Q How long did you live there? A I don't remember, I was there quite a while, I was quite small.
Q Where were you born? A In Texas.
Q Well, when did you return to the Cherokee Nation? A (No response)
Q How long have you been living in the Cherokee Nation since the war? A About 15 or 16 years, about 8 or 9 years I guess, been here in the Cherokee Nation.
Q Have you acquired any property since the public lands of the Cherokee Nation? A Yes, sir.
Q How long have you been operating? A About eight years.
Q How many children have you ever 21 years of age? A Two.
Q Give me their names? A The oldest.
Q The oldest. A Charley.
Q Charley Love? A Yes, sir.
Q How old is he? A 25.
Q The next oldest? A Nellie.
Q How old is she? A About 23 I reckon.
Q Are those all? A No, sir, one more.
Q What is the name of the other? A Loy.
Q How old is he? A About 20.
Q Now, have you lived continuously in the Cherokee Nation for these 15 or 20 years of which you have mentioned? A Yes, sir.
BY MR. DAVENPORT: Your children, Charley and Nellie and Loy, were all born in the state of Texas? A Yes, sir.
Q You were married there? A Yes, sir.

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 July 19th, 1901.

(Signed) T. B. Needles,

Commissioner.

---000000000---

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 same is a true and complete copy of the original.

Subscribed and sworn to before me this September 12th, 1901.

(Signature)
Commissioner.

a

JR 159

THE FIVE CIVILIZED TRIBES
 COMMISSION
 WASHINGTON, D. C.
 JUL 23 1901
 ACTING CHAIRMAN

[Faint, mostly illegible text follows, appearing to be a letter or report.]

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 24, 1901.

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

APPEARANCES:

Mr. A. B. McRea for Applicant.

Mr. W. W. Hastings for Cherokee Nation.

- Q What is your name? A Charley Love.
Q How old are you? A 25.
Q What is your post office address? A Catoosa.
Q What district do you live in? A Coowasagowas.
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 only.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A Not that I know of.

BY MR. McREA:

- Q Charley, where were you born? A My mother said I was born in Texas.
Q How long have you lived in the Cherokee Nation? A I have been here ever since I could remember.
Q Lived continuously in the Cherokee Nation ever since you can remember? A I have.
Q Have you ever voted in the Cherokee Nation? A No, sir.
Q Have you acquired any property upon the public domain of the Cherokee Nation? A I do.
Q About how long have you been operating it? A Four or five years, about six I guess.

BY MR. HASTINGS:

- Q Your mother's name is Nellie Love? A Yes, sir.
Q She is the woman that was in here to-day? A Yes, sir.

COM'R NEEDELES: Charley Love applies for the enrollment of himself. His name cannot be identified upon any of the rolls of the Cherokee Nation now in the possession of this Commission. He avers that he is a son of Nellie Love who has been rejected by this Commission on Rejected Card #137, and claims citizenship through his mother. For the reason that his mother has been rejected and refused enrollment and he claims citizenship through his mother, his application for enrollment as a Cherokee Freedman will be rejected.

---00000000---

J. O. Hossen, 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. Hossen

subscribed and sworn to before me this 19th day of July, 1901.

T. B. Needles

Commissioner.

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

ORDER

In the matter of the application for the enrollment of Nellie Love, et al., as Cherokee Freedmen, consolidating the applications of--

Nellie Love, et al.,	Cherokee Freedmen N-137,
Charlie Love,	Cherokee Freedmen N-139,
Lloyd Love,	Cherokee Freedmen N-160,
Nellie Thompson,	Cherokee Freedmen N-161.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Nellie Love for herself and her minor children, Uliam and Maude Love; by Charlie Love for himself; by Lloyd Love for himself and by Nellie Thompson for herself.

The evidence in this case shows that the applicant, Nellie Love, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she was taken out of 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 Whitwires, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; that the applicants, Uliam Love, Maude Love, Charlie Love, Lloyd Love and Nellie Thompson have been born since 1866, are the children of the said Nellie Love, and have no rights to enrollment except through her.

It does not appear that any of the applicants herein are identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Nellie Love, Uliam Love, Maude Love, Charlie Love, Lloyd Love and Nellie Thompson as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1898, (30 Stats., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Toms Dixby,
Chairman.

(Signed) T. E. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

Muskegee, Indian Territory,

this APR 20 1904

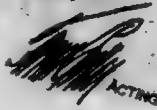
NOT A COPY OF APPLICATION

①

XR 159

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

FILED
JUL 2 1901



ACTING CHAIRMAN

OFFICE OF THE COMMISSIONER

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 2, 1901
Post Office Catoosa T.P.
District Geo.

1. Name Charlie Love Age 25

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother Mollie Love living Citizenship _____

2. Name of wife _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Rejected

Application made by No. 1 Stenographer J. C. Ross

*X Ref R 137
Represented by A. S. McRae,*

COPY.

Charles Brockman
B 159

Muskogee, Indian Territory, May 2, 1904.

Charlie Love,
Citizen, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 28, 1904, in the consolidated case of Mollie Love, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. Hays, Muskogee, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

James Dixby.

Encl. V-2
Register.

Chairman.

COPY.

Sherokee Freedmen
R 100, R 100, R 100

Muskogee, Indian Territory, May 2, 1904.

A. S. BROWN,

Attorney for Charlie Love, et al.,

Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Nellie Love, et al., rejecting, among others, the applications for the enrollment of Charlie Love, Elmer Love and Nellie Thompson, as Sherokee 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,

James B. Bixby.

Encl. V-3

Register.

Chairman.

COPY.

Charles Braddock
E 157, et al.

Washington, Indian Territory, May 3, 1904.

V. V. Hastings,
Attorney for the Cherokee Nation,
Tulsa, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 29, 1904, in the consolidated case of Hollie Love, et al., rejecting the applications for the enrollment of Hollie, Eliza, Wanda, Charlie and Lloyd Love, and Follie Thompson, as Cherokee Braddock.

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

Respectfully,

James Birba.

Encl. V-6

Chairman.

COPY

Cherokee Freedmen
197, et al.

Mustoge, Indian Territory, May 8, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Nellie Love, et al., including the Commissioner's decision dated April 30, 1904, rejecting the applications for the enrollment of Nellie, Wlien, Hudo, Charlie and Elvay Love, and Nellie Thompson, as Cherokee freedmen.

Respectfully,

Tavis Bixby.

Chairman.

Encl. V-7

Through the
Commissioner of Indian Affairs.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated May 2, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen of Nellie Love for herself and her minor children, Lillie and Shade Love; by Charlie Love for himself; by Floyd Love for himself, and by Nellie Thompson for herself.

April 20, 1904, the Commission decided that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that the applicant, Nellie Love, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war she was taken out of the Cherokee Nation and did not return thereto on or before February 11, 1867. That the other applicants were born subsequent to February 11, 1867, and their sole title is derived from the principal applicant, Nellie Love. The names of none are found on the 1868 authenticated Cherokee Roll.

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

Very respectfully,

H.H.H.
W.
3 encl.

A.S. Turner,
Acting Commissioner.

(COPY)

J.P.
CNR

D.C. 26859-1904.

ITD 5900-1904.

L R S

DEPARTMENT OF THE INTERIOR,

WASHINGTON,

July 25, 1904.

The Commission
to the Five Civilized Tribes.

Gentlemen:

The Chairman with his letter dated May 3, 1904, transmitted the citizenship case involving the applications for enrollment as Cherokee freedmen, of Nellie Love, Ulian and Mauds Love, Charlie Love, Lloyd Love and Nellie Thompson, together with the decision of your Commission, dated April 20, 1904, denying said applications.

The papers in the case were forwarded to the Department by the Acting Commissioner of Indian Affairs on the 20th instant, and he recommends approval of your decision.

The Department also concurs and your said decision is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen

R-159 R-10 R-161.

Muskogee, Indian Territory, August 5, 1904.

A. S. McRea,

Attorney for Charlie Love, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated April 20, 1904, in the consolidated case of Nellie Love, et al., rejecting, among others, the applications for the enrollment of Charlie and Lloyd Love and Nellie Thompson as Cherokee freedmen, was affirmed by the Secretary of the Interior on Jul. 16, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

B-127-159-160-161.

Muskogee, Indian Territory, August 8, 1904.

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

Gentlemen:

You are hereby advised that the Commission's decision, dated April 20, 1904, in the consolidated case of Nellie Love, et al., rejecting the applications for the enrollment of Nellie Ulian, Maudie, Charlie and Lloyd Love and Nellie Thompson as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 28, 1904.

Respectfully,

Commissioner in Charge.

MDG

COMMISSIONERS
TAMS BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

ISSUED IN REPLY TO THE FOLLOWING:
Cherokee Freedmen
R-159.

W. M. O'BEALL,
Secretary

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 5, 1904.

Charlie Love,

Catoosa, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on July 25, 1904.

Respectfully,



Commissioner in Charge

MENT REFUS

CHARLES F. FREDMAN.

IN THE MATTER OF THE APPLICATION OF

Charles Love

FOR ENROLLMENT AS

CHIEF OF POLICE

- 1. Original testimony July 21 1904
- 2. Memo of application July 21 1904
- 3. Testimony of Charles Love June 25 1904

REFUSED

ACTION APPROVED BY SECRETARY JULY 25 1904

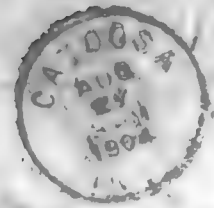
JUL 25 1904

Copy of testimony filed
with Charles Watson
See to Denver - Fredman jacket
No R 137

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

*Charley Love
P O R 159.*

Return to Writer
UNCLAIMED



Charley Love,



John Love

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

120/11/31

MUSKOGEE, IND. TER.
MAY 5 1904
:E: :KED



Charley Love,

Catoosa, Indian Territory.

OCT 27 1904

*R 30
30*

Returned to writer

Cher. Fr. R-160

Cher. Fr. R-160

Page 2

MEMORANDUM

TO: SAC, NEW YORK

FROM: SAC, NEW YORK (100-100000)

SUBJECT: [Illegible]

Reference is made to New York letter to Bureau dated 10/10/50.

Enclosed for the Bureau are two copies of a letterhead memorandum dated 10/10/50.

One copy of the letterhead memorandum is being furnished to the New York Office.

Very truly yours,
[Illegible Signature]

Special Agent in Charge

Enclosure

100-100000

10/10/50

Approved: [Illegible Signature]

Special Agent in Charge

100-100000

10/10/50

DEPARTMENT OF JUSTICE
COMMISSION TO THE FUTURE
F I I
SEP 18

To be filed with case of Layt Love, C.V. R. 2160.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
OKMATA, I.T., JUNE 30, 1901.

In the matter of the application of William Love for the enrollment of himself and two children, one being a son of the late T. B. Needles, testified as follows:

- Q What is your name? A William Love.
Q How old are you? A 44.
Q What is your post office address? A Catoosa.
Q In what district do you live? A Coconawaco.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who else do you want to have enrolled besides yourself?
A My children.
Q How many? A Two.
Q What are their names? A Ullion Love.
Q How old? A 19 years.
Q Next? A Maud.
Q How old? A 16 years.
Q Are you married? A No, sir, not now.
Q What is your father's name? A Ben Grimes.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Betsey Candy.
Q Is she living? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A The Wallace and Kerp-Clifton rolls.
Q What is your husband's name? A Robert Love.
Q Is he living? A I don't know.
Q You don't live with him? A No, sir.
Q Were you a slave? A Yes, sir.
Q Who did you belong to? A George Candy.
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 Texas.
Q Was your mother also? A Yes, sir.
Q When did you return? A I don't know exactly, how long I have
been here.
Q When did you get back? A I don't know exactly, I have been
here a good while.
Q Where were you married? A In Texas.
Q Was your husband a non-citizen or was he a Cherokee Freedman?
A I don't know.
Q Where were your children born? A They were born in Texas.
Q Where was Ullion born? A In the Creek Nation.
Q Where was Maud born? A In the Creek Nation.
Q Did you ever live there? A Yes, sir, for a while back and forth
with your husband? A Yes, sir.
Q Did you ever apply to be enrolled as a Creek? A No, sir.
Q Did you ever draw any money from the Creek Nation? A No, sir.
Q How many years did you live there? A Just a year or two back-
wards and forward.
Q What part of the Creek Nation? A Muskogee, just first one
place and then another.
BY HASTINGS: What is the name of your oldest child?
A Charles.
Q Where was he born? A Texas.
Q How old is he? A 28.
Q What is your next child's name? A Nellie.
Q Where was she born? A Texas.
Q What is the name of the third one? A Boyd.
Q Where was this one born? A In Texas.
Q How old is that? A I don't know how old.
Q What is the name of the next one? A Ullion.

Q That one was born in the Creek Nation? A Yes, sir.
 Q That was your first child to be born in the Creek Nation?
 A Yes, sir.
 Q You were married in Texas? A Yes, sir.
 Q And you came here after your third child had been born there?
 A Yes, sir.
 BY COM' R HASTINGS: How old were you when you came to here?
 A I just don't know.

JULIA A. SCHRIMPSHER, called and sworn as a witness for the applicant, testified as follows:

Q What is your name? A Julia A. Schrimsher.
 Q What is your age? A 59.
 Q Are you a Cherokee citizen by blood? A Yes, sir.
 Q Do you know the applicant, Mollie Lovel? A I know her mother.
 Q What was her name? A Betsy.
 Q Was she a slave? A Yes, sir.
 Q Who did she belong to? A My father.
 Q What was his name? A George Candy.
 Q Was she taken out of the Cherokee Nation during the war?
 A Yes, sir.
 Q Did she return to the Cherokee nation? A Yes, sir.
 Q About what time did she come back? A I don't know, it was been not more than 10 or 15 years ago that she came to my house.
 Q Did Mollie come back with her? A I don't know.
 Q Do you know when this applicant came back? A No, sir.
 Q Is her mother living now? A No, sir.
 Q Where was her mother taken to during the war? A Texas.
 BY HASTINGS: Do you know where this applicant was born?
 A No, sir.

BY COM' R HASTINGS OF APPLICANT:

Q Did you come back here when your mother came? A Yes, sir.
 Q You never did come before that? A No, sir.

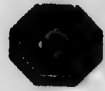
BY HASTINGS: You had three children born to you before you came here? A Yes, sir.

BEN GRIMMETT, called and sworn as a witness for the applicant:

Q What is your name? A Ben Grimmett.
 Q What is your age? A 68.
 Q What is your post office address? A Texas.
 Q Do you know the applicant, Mollie Lovel? A Yes, sir.
 Q What relation is she to you? A Daughter.
 Q How old is she? A I don't tell her age.
 Q Was she a slave? A Yes, sir.
 Q Who did she belong to? A George Candy.
 Q Was that the same man you belonged to? A No, sir.
 Q Was she taken out of the Cherokee nation during the war?
 A Yes, sir.
 Q When did she come back here? A I don't know.
 Q What was her mother's name? A Betsy.
 Q Were you married to her? A Yes, sir.
 Q Is she living? A Dead.
 Q Have you married since? A Yes, sir.
 Q Was Betsy taken out of the Cherokee nation? A Yes, sir, in Texas.
 Q When did she come back? A I don't know.
 Q Did you never live with her after the war? A No, sir.
 Q When was the first time you saw her after the war in the Cherokee Nation? A I don't know.

EASTER WILLIAMS, called and sworn as a witness for the ap-

CORRECTION



The preceding document(s) has been refilmed
to assure legibility and its image appears
immediately hereafter.

- Q That one was born in the Creek Nation? A Yes, sir.
Q That was your first child to be born in the Territory?
A Yes, sir.
Q You were married in Texas? A Yes, sir.
Q And you came here after your third child had been born there?
A Yes, sir.
BY COM'R NEEDLES: How old were you when you came up here?
A I just don't know.

JULIA A. SCHRIMPSHER, called and sworn as a witness for the applicant, testified as follows:

- Q What is your name? A Julia A. Schrimsher.
Q What is your age? A 59.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Do you know the applicant, Mollie Love? A I knew her mother.
Q What was her name? A Betsy.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A My father.
Q What was his name? A George Candy.
Q Was she taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Did she return to the Cherokee nation? A Yes, sir.
Q About what time did she come back? A I don't know, it has been not more than 10 or 15 years ago that she came to my house.
Q Did Mollie come back with her? A I don't know.
Q Do you know when this applicant came back? A No, sir.
Q Is her mother living now? A No, sir.
Q Where was her mother taken to during the war? A Texas.
BY HASTINGS: Do you know where this applicant was born?
A No, sir.

BY COM'R NEEDLES OF APPLICANT:

- Q Did you come back here when your mother come? A Yes, sir.
Q You never did come before that? A No, sir.
BY HASTINGS: You had three children born to you before you came here? A Yes, sir.

BEN GRIMMETT, called and sworn as a witness for the applicant:

- Q What is your name? A Ben Grimmatt.
Q What is your age? A 65.
Q What is your post office address A Nowata.
Q Do you know the applicant Mollie Love? A Yes, sir.
Q What relation is she to you? A My daughter.
Q How old is she? A I can't tell her age.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A George Candy.
Q Was that the same man you belonged to? A No, sir.
Q Was she taken out of the Cherokee nation during the war?
A Yes, sir.
Q When did she come back here? A I don't know.
Q What was her mother's name? A Betsy.
Q Were you married to her? A Yes, sir.
Q Is she living? A Dead.
Q Have you married since? A Yes, sir.
Q Was Betsy taken out of the Cherokee nation? A Yes, sir, to Texas.
Q When did she come back? A I don't know.
Q Did you never live with her after the war? A No, sir.
Q When was the first time you saw her after the war in the Cherokee Nation? A At the Walker court.

EASTER WILLIAMS, called and sworn as a witness for the applicant:

- Q What is your name? A Master Williams.
- Q What is your age? A 30.
- Q Are you a recognized Cherokee Indian? A Yes, sir.
- Q Do you know the applicant, Mollie Love? A No, sir, I only know her by the old name Betsy Candy.
- Q What relation are you to her? A Her brother Ben Grissett is my brother.
- Q Where did you first see this applicant after the war? A At Muskogee.
- Q How long ago? A 2 or 3 years ago.
- Q Did you know her mother? A Yes, sir, so said to be her mother.
- Q Was she known as Betsy Candy? A Yes, sir.
- Q Was Betsy Candy a slave? A Yes, sir.
- Q You don't know when this applicant came back after the war?
- A No, sir.

BY THE COMMISSIONER OF APPLICANT:

- Q You were born in the Cherokee Nation were you? A Yes, sir.
- Q You were taken to Texas with your mother at the breaking out of the war? A Yes, sir.
- Q And you married there? A Yes, sir.
- Q And you came back here about ten or fifteen years ago?
- A Yes, sir.
- Q And have been here ever since? A Yes, sir.

BY COM'R NEEDLES: The applicant applies for herself and two children, Ulien, 19 years of age, and Maud Love, 15 years of age; she avers that she was a slave of the Candy a Cherokee citizen, and was taken to Texas during the war. The testimony shows that she was married in Texas and raised three children there. The evidence is conclusive that the applicant did not return to the Cherokee Nation at the time to take advantage of the treaty of 1865 requiring slaves to return in a certain time in order to hold their citizenship, consequently the applicant, Mollie Love and her two children as herein named will be rejected.

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

(Signed) Chas. von Weize.

Subscribed and sworn to before me this the 10th of July, 1901.

(Signed) T. B. Needles,
Commissioner.

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

F.-R.#137.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Mollie Love as a Cherokee Indian; introduced on the part of applicant:

APPEARANCES:

A. W. Needles for Plaintiff;
J. B. Rosson for Defendant.

SAID MOLLIE LOVE, being duly sworn by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. McREA:

- Q What is your name? A Mollie Love.
Q What is your post office address? A Gateoua.
Q You are the same Mollie Love that applied for enrollment?
A Yes, sir.
Q Were you born a slave? A Yes, sir.
Q To whom did you belong? A George Canady.
Q Where were you born? A Fort Gibson my mother said.
Q In the Cherokee Nation? A Yes, sir.
Q Now, where were you when you first had any recollection of yourself? A In the Choctaw Nation.
Q Indian Territory? A Yes, sir.
Q How long did you live there? A I don't remember, I was there quite a while, I was quite small.
Q Where were you born? A In Texas.
Q Well, when did you return to the Cherokee Nation? A (No response)
Q How long have you been living in the Cherokee Nation since the war? A About 15 or 16 years, about 1845 or 1846.
Q Have you acquired any property upon the public domain of the Cherokee Nation? A Yes, sir.
Q How long have you been operating it? A About eight years.
Q How many children have you over 21 years of age? A Two.
Q Give me their names? A The oldest?
Q The oldest. A Charley.
Q Charley Love? A Yes, sir.
Q How old is he? A 25.
Q The next oldest? A Nellie.
Q How old is she? A About 23 I reckon.
Q Are those all? A No, sir, one more.
Q What is the name of the other? A Loy.
Q How old is he? A About 20.
Q Now, have you lived continuously in the Cherokee Nation for these 15 or 20 years of which you have mentioned? A Yes, sir.
BY MR. DAVENPORT: Your children, Charley and Nellie and Loy, were all born in the state of Texas? A Yes, sir.
Q You were married there? A Yes, sir.

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 July 19th, 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 same is a true and complete copy of the original.

Subscribed and sworn to before me this September 12th, 1901.



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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JULY 2d, 1901.

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

APPEARANCES:

Mr. A. S. McRea for Applicant.

Mr. W. W. Hastings for Cherokee Nation.

- Q What is your name? A Loyd Love.
Q How old are you? A 21 years old.
Q What is your post office? A Cottonwood.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you apply for the enrollment of anybody besides yourself?
A No, sir.
Q Are you married? A Yes, sir.
Q Have you a wife? A Yes, sir.
Q and children? A Yes, sir.
Q you don't apply for them? A No, sir.
Q What is your mother's name? A Mollie Love.
Q Where were you born? A Here I reckon.
Q Where have you lived all your life? A Here.
Q In the Cherokee Nation? A Yes, sir.
Q You claim your citizenship through your mother, Mollie?
A Yes, sir.

The Tribal rolls of Freedmen of the Cherokee Nation examined and name of applicant not found on any of them.

COM'R NEEDLES: The name of Loyd Love does not appear upon any of the rolls of the Cherokee Nation. He applies for the enrollment of himself and claims his citizenship through his mother who has been listed for enrollment by this Commission on Rejected card #137, and the testimony taken in the matter of the application of Mollie Love, his mother, will be made part of the record in the case at bar and a copy thereof filed herewith. For the reason that his name does not appear upon any of the rolls of the Cherokee Nation and he claims his citizenship through his mother who has been rejected the application of Loyd Love will be refused and he will be rejected.

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J. O. Resnon, 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. Resnon

Subscribed and sworn to before me this 19th day of July, 1901.

T. B. Needles

Commissioner.

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

GENERAL

In the matter of the application for the enrollment of Nellie Love, et al., as Cherokee Freedmen, consolidating the applications of--

Nellie Love, et al.,	Cherokee Freedmen N-137,
Charlie Love,	Cherokee Freedmen N-159,
Lloyd Love,	Cherokee Freedmen N-160,
Nellie Thompson,	Cherokee Freedmen N-161.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Nellie Love for herself and her minor children, Ulian and Maud Love; by Charlie Love for himself; by Lloyd Love for himself and by Nellie Thompson for herself.

The evidence in this case shows that the applicant, Nellie Love, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she was taken out of 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 Whitwire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; that the applicants, Ulian Love, Maud Love, Charlie Love, Lloyd Love and Nellie Thompson have been born since 1866, are the children of the said Nellie Love, and have no rights to enrollment except through her.

It does not appear that any of the applicants herein are identified on the 1866 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Nellie Love, Ulian Love, Maud Love, Charlie Love, Lloyd Love and Nellie Thompson 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) Tans Rixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

(Signed) C. R. Breckinridge,
Commissioner.

Muskegee, Indian Territory,

this APR 30 1904

B

JR 160

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 2 1901


ACTING CLERK

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN.

Date July 2, 1901
Post Office Leatherwood St.
District

1. Name *Wloyd Love* Age *21*
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship
Mother *Mollie Love King* Citizenship

2. Name of wife
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship
Mother ~~_____~~ Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Repeated

Application made by *M. L.* Stenographer *J. O. Ross*

Y. H. R. 137
(L. S. to be filled in for applicants)

Cherokee Freedman
R 160

Muskogee, Indian Territory, May 3, 1904.

Lloyd Love,

Oottenwood, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Mollie Love, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. Your attorney, A. B. McRea, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Tame Kirby

Encl. V-3

Chairman.

Register.

COPY.

Cherokee Freedmen
R 159, R 160, R 161

Muskogee, Indian Territory, May 3, 1904.

A. S. McRea,
Attorney for Charlie Love, et al.,
Muskogee, Indian territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Nellie Love, et al., rejecting, among others, the applications for the enrollment of Charlie Love, Lloyd Love and Nellie Thompson, 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,

Encl. V-3
Register.

Chairman.

COPY.

Cherokee Freedmen
R 137, et al.

Muskogee, Indian Territory, May 3, 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 April 20, 1904, in the consolidated case of Nellie Love, et al., rejecting the applications for the enrollment of Nellie, Ulian, Maude, Charlie and Lloyd Love, and Nellie Thompson, 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,

Encl. V-6

Chairman.

OPY.

Cherokee Freedmen
R 137, et al.

Muskogee, Indian Territory, May 3, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Mollie Love, et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Mollie, Ulian, Maude, Charlie and Lloyd Love, and Mollie Thompson, as Cherokee freedmen.

Respectfully,

James L. Love

Encl. V-7

Chairman.

Through the
Commissioner of Indian Affairs.

(COPY)

J.F.
CMB

D.C. 28889-1904.

DEPARTMENT OF THE INTERIOR,

ITD 8800-1904.

WASHINGTON.

July 25, 1904.

L R S

The Commission

to the Five Civilized Tribes.

Gentlemen:

The Chairman with his letter dated May 3, 1904, transmitted the citizenship case involving the applications for enrollment as Cherokee freedmen, of Nellie Love, Ulian and Maudie Love, Charlie Love, Lloyd Love and Nellie Thompson, together with the decision of your Commission, dated April 30, 1904, denying said applications.

The papers in the case were forwarded to the Department by the Acting Commissioner of Indian Affairs on the 20th instant, and he recommends approval of your decision.

The Department also concurs and your said decision is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

1 inclosure.

Refer in reply
to the following:
Land.
30002-1904.

(COPY)

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

WASHINGTON, July 20, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated May 3, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen of Nellie Love for herself and her minor children, Lillian and Maude Love; by Charlie Love for himself; by Floyd Love for himself, and by Nellie Thompson for herself.

April 20, 1904, the Commission decided that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that the applicant, Nellie Love, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war she was taken out of the Cherokee Nation and did not return thereto on or before February 11, 1867. That the other applicants were born subsequent to February 11, 1867, and their sole title is derived from the principal applicant, Nellie Love. The names of none are found on the 1880 authenticated Cherokee Roll.

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

Very respectfully,

M.M.W.
V.
3 encl.

A.C. TENNER,
Acting Commissioner.

Cherokee Freedmen

No. 140.

Muskogee, Indian Territory, August 4, 1904.

Lloyd Love,

Cottonwood, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman was affirmed by the Secretary of the Interior on July 25, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

B-109 B-160 B-181.

Muskogee, Indian Territory, August 5, 1904.

A. S. McRea,

Attorney for Charlie Love, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated April 20, 1904, in the consolidated case of Nellie Love, et al., rejecting, among others, the applications for the enrollment of Charlie and Lloyd Love and Nellie Thompson as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 26, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

D-187-100-100-100

Hastings, Indian Territory, August 2, 1904.

Hastings, Hall & Davaper,
Attorneys for the Cherokee Nation,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the Commission's decision, dated April 20, 1904, in the consolidated case of Mollie Love, et al., rejecting the applications for the enrollment of Mollie, Ulian, Maude, Charlie and Lloyd Love and Nellie Thompson as Cherokee freedmen, was affirmed by the Secretary of the Interior on July 25, 1904.

Respectfully,

Commissioner in Charge.

IN THE MATTER OF THE APPLICATION OF

Lloyd Love

FOR ENROLLMENT AS

CHEROKEE INDIAN

Original testimony July 21
Memo of application July 24
Test from case of Willie Love June 25

REFUSED

ACTION APPROVED BY SECRETARY OF INTERIOR

JUL 25 1904

Copy of testimony filed
with Cherokee Nation

See to her case Friedman packet

no R 137

Cher Fr. R. 161

Cher. Fr. R. - 161

DEPARTMENT OF
COMMISSION TO THE

SEP 1 1901

RECEIVED
GENERAL MAIL ROOM
SEP 1 1901

POST OFFICE STAMP

Q How many of these? A No, sir, one mole.
Q How did you find it? A Upon the second.
Q The next biggest? A No, sir.
Q How did you find it? A Upon the second.
Q Charles Tomlinson? A Yes, sir.
Q The object? A Charles.
Q Give me your name? A The object.
Q How would you give him? A On each of these. A Two.
Q How long have you been observing this? A Upon eight years.
Q Charles Tomlinson? A Yes, sir.

To be filed with case of Nellie Thompson, C.F. R.#161.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., FROM 25th, 1901.

In the matter of the application of Mollie Love for the enrollment of herself and two children, she being sworn by Commissioner T. N. Needles, testified as follows:

- Q What is your name? A Mollie Love.
Q How old are you? A 44.
Q What is your post office address? A Catoosa.
Q In what district do you live? A Catoosa.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who else do you want to have enrolled besides yourself?
A My children.
Q How many? A Two.
Q What are their names? A Ullion Love.
Q How old? A 19 years.
Q Next? A Maud.
Q How old? A 16 years.
Q Are you married? A No, sir, not now.
Q What is your father's name? A Ben Grinnett.
Q Is he living? A Yes, sir.
Q What is your mother's name? A Betay Candy.
Q Is she living? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A The Wallace and Kern-Clifton rolls.
Q What is your husband's name? A Robert Love.
Q Is he living? A I don't know.
Q You don't live with him? A No, sir.
Q Were you a slave? A Yes, sir.
Q Who did you belong to? A George Candy.
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 Texas.
Q Was your mother also? A Yes, sir.
Q When did you return? A I don't know exactly, how long I have been here.
Q When did you get back? A I don't know exactly, I have been here a good while.
Q Where were you married? A In Texas.
Q Was your husband a non-citizen or was he a Cherokee Freedman?
A I don't know.
Q Where were your children born? A They were born in Texas.
Q Where was Ullion born? A In the Creek Nation.
Q Where was Maud born? A In the Creek Nation.
Q Did you ever live there? A Yes, sir, for a while back and forth
Q With your husband? A Yes, sir.
Q Did you ever apply to be enrolled as a Creek? A No, sir.
Q Did you ever draw any money from the Creek Nation? A No, sir.
Q How many years did you live there? A Just a year or two back-wards and forward.
Q What part of the Creek Nation? A Muskogee, just first one place and then another.
BY HASTINGS: What is the name of your oldest child?
A Charles.
Q Where was he born? A Texas.
Q How old is he? A 25.
Q What is your next oldest child's name? A Nellie.
Q Where was she born? A Texas.
Q What is the name of the third one? A Loyd.
Q Where was this one born? A In Texas.
Q How old is she? A I don't know her age.
Q What is the next one? A Willson.

- Q That one was born in the Cherokee Nation? A Yes, sir.
Q That was your first child to be born in the Territory?
A Yes, sir.
Q You were married in Texas? A Yes, sir.
Q And you came here after your child had been born there?
A Yes, sir.
BY COM'R HASTINGS: How old were you when you came up here?
A I just don't know.

JULIA A. SCHREIBER, called and sworn as a witness for the applicant, testified as follows:

- Q What is your name? A Julia A. Schreiber.
Q What is your age? A 59.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q Do you know the applicant, Mollie Love? A I know her mother.
Q What was her name? A Betsy.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A My father.
Q What was his name? A George Candy.
Q Was she taken out of the Cherokee Nation during the war?
A Yes, sir.
Q Did she return to the Cherokee nation? A Yes, sir.
Q About what time did she come back? A I don't know, it was then not more than 10 or 15 years ago that she came to my house.
Q Did Mollie come back with her? A I don't know.
Q Do you know when this applicant came back? A No, sir.
Q Is she now living? A No, sir.
Q Where was her mother taken to during the war? A Texas.
BY HASTINGS: Do you know where this applicant was born?
A No, sir.

BY COM'R MEMBERS OF APPLICANT:

- Q Did you come back here when your mother came? A Yes, sir.
Q You never did come before that? A No, sir.
BY HASTINGS: You had three children born to you before you came here? A Yes, sir.

BEN GRIMMETT, called and sworn as a witness for the applicant:

- Q What is your name? A Ben Grinnett.
Q What is your age? A 65.
Q What is your post office address? A Nowata.
Q Do you know the applicant Mollie Love? A Yes, sir.
Q What relation is she to you? A My daughter.
Q How old is she? A I can't tell her age.
Q Was she a slave? A Yes, sir.
Q Who did she belong to? A George Candy.
Q Was that the same man you belonged to? A No, sir.
Q Was she taken out of the Cherokee nation during the war?
A Yes, sir.
Q When did she come back here? A I don't know.
Q What was her mother's name? A Betsy.
Q Were you married to her? A Yes, sir.
Q Is she living? A Dead.
Q Have you married since? A Yes, sir.
Q Was Betsy taken out of the Cherokee Nation? A Yes, sir, to Texas.
Q When did she come back? A I don't know.
Q Did you never live with her after the war? A No, sir.
Q When was the first time you saw her after the war in the Cherokee Nation? A At the Wallace store.

EASTER WILLIAMS, called and sworn as a witness for the applicant:

- Q What is your name? A. Buster Williams.
- Q What is your age? A. 32.
- Q are you a recognized Cherokee Freedman? A Yes, sir.
- Q Do you know the applicant, Mollie Love? A No, sir, I only knew her by the old name calling her by his daughter.
- Q What relation are you to her? A Her father Sam Grinnett is my brother.
- Q Where did you first see this applicant after the war? A At Muskogee.
- Q How long ago? A 2 or 3 years ago.
- Q Did you know her mother? A Yes, sir, she said to be her mother.
- Q Was she known as Baby Candy? A Yes, sir.
- Q Was Baby Candy a slave? A Yes, sir.
- Q You don't know when this applicant came back after the war?
- A No, sir.

BY THE COMMISSIONER OF APPLICANT:

- Q You were born in the Cherokee Nation were you? A Yes, sir.
- Q You were taken to Texas with your mother at the breaking out of the war? A Yes, sir.
- Q And you married there? A Yes, sir.
- Q And you came back here about ten or fifteen years ago?
- A Yes, sir.
- Q And have been here ever since? A Yes, sir.

BY COM'R NEEDLES: The applicant applies for herself and two children, Willson, 19 years of age, and Hana Love, 16 years of age; she swears that she was a slave of one Candy a Cherokee citizen, and was taken to Texas during the war. The testimony shows that she was married in Texas and raised three children there. The evidence is conclusive that the applicant did not return to the Cherokee Nation in time to take advantage of the treaty of 1866 requiring slaves to return in a certain time in order to keep their citizenship, consequently the applicant, Mollie Love and her two children as herein named will be rejected.

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

(Signed) Chas. von Weize.

Subscribed and sworn to before me this the 10th of July, 1901.

(Signed) T. B. Needles,
Commissioner.

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SUPPLEMENTAL TESTIMONY.

F.-R.#137.

Department of the Interior,
Commission to the Five Civilized Tribes,
Wash., D. C., July 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Mollie Love as a Cherokee Freedman, introduced on the part of applicant:

APPEARANCES:

S. M. Peck for Applicant;
G. S. Davenport for Cherokee Nation.

GATT MULLIN LOVE, being duly sworn by Commissioner T. B. Needles, testified as follows: EXHIBITION BY MR. PECK:

- Q What is your name? A Gattis Love.
Q What is your present office address? A ...
Q You are the same Gattis Love that applied for ...
A Yes, sir.
Q Were you born a slave? A No, sir.
Q To whom did you belong? A George Canada.
Q Where were you born? A West Virginia, my mother said.
Q In the Cherokee Nation? A Yes, sir.
Q Now, where were you when the first ... of your ...
A In the Choctaw Nation, Indian Territory.
Q How long did you live there? A I don't remember, I was there quite a while, I was quite small.
Q Where were you born? A In Texas.
Q Well, when did you return to the Cherokee Nation? A (No response)
Q How long have you been living in the Cherokee Nation since the war? A About 15 or 16 years, about 20 yrs I guess, been here in the Cherokee Nation.
Q Have you acquired any property upon the public domain of the Cherokee Nation? A Yes, sir.
Q How long have you been operating it? A About eight years.
Q How many children have you over 21 years of age? A Two.
Q Give me their names? A The oldest?
Q The oldest. A Charley.
Q Charley Love? A Yes, sir.
Q How old is he? A 25.
Q The next oldest? A Nellie.
Q How old is she? A About 23 I reckon.
Q Are these all? A No, sir, one more.
Q What is the name of the other? A Loy.
Q How old is he? A About 20.
Q Now, have you lived continuously in the Cherokee Nation for these 15 or 20 years of which you have mentioned? A Yes, sir.
BY MR. DAVENPORT: Your children, Charley and Nellie and Loy, were all born in the state of Texas? A Yes, sir.
Q You were married there? A Yes, sir.

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 thereon. (Signed) J. O. Rosson.

Subscribed and sworn to before me this July 19th, 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 it is a true and complete copy of the original.

Subscribed and sworn to before me this September 12th, 1901.

(Signature)
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
NOWATA, I. T., JULY 22, 1901.

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

APPEARANCES:

Mr. A. S. Baker for applicant.
Mr. W. W. Hastings for Cherokee Nation.

- Q What is your name? A Mollie Thompson.
Q How old are you? A 25 years old.
Q What is your past office address? A Cottonwood.
Q What district do you live in? A Cherokee.
Q What district is that? A Between Fort Smith and Muldrow.
BY MR. HASTINGS:
Q Have you been raised there? A I have been there ever since I can recollect.
Q And don't know the name of your district? A No, sir.
BY COM'R NEEDLES:
Q Who do you desire to have enrolled next to yourself? A Myself.
Q What is your husband's name? A Henry Thompson.
Q What is your mother's name? A Mollie Love.
Q Where were you born? A Born in Texas.
Q Have you lived in the Cherokee Nation all your life?
A Yes, sir.
Q When you can first recollect you were in the Cherokee Nation?
A Yes, sir.

The tribal roll of Freedmen of the Cherokee Nation examined and name of applicant not found thereon.

COM'R NEEDLES: Mollie Thompson applies for the enrollment of herself. She avers that she is a child of Mollie Love and she is now married to one Henry Thompson. She cannot be identified upon any of the rolls of the Cherokee Nation, she avers that she has lived in the Cherokee Nation all her life and was born in the State of Texas. She claims her citizenship through her mother, Mollie Love, who has been enrolled as Freedman and citizen, and the testimony taken in the matter of the enrollment of her mother will be made part of the testimony in the case at bar and a copy thereof filed herewith. By reason of the fact that her name does not appear upon any of the rolls of the Cherokee Nation and further fact that her mother has been refused enrollment, her application of Mollie Thompson for the enrollment of herself will be rejected.

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J. D. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he has 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 21st day of July, 1901.

Commissioner.

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

CMMcR

In the matter of the application for the enrollment of Mollie Love, et al., as Cherokee Freedmen, consolidating the applications of--

Mollie Love, et al.,	Cherokee Freedmen R-137,
Charlie Love,	Cherokee Freedmen R-159,
Lloyd Love,	Cherokee Freedmen R-160,
Nellie Thompson,	Cherokee Freedmen R-161.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Mollie Love for herself and her minor children, Ulian and Maude Love; by Charlie Love for himself; by Lloyd Love for himself and by Nellie Thompson for herself.

The evidence in this case shows that the applicant, Mollie Love, was the slave of a Cherokee citizen at the commencement of the rebellion; that during said rebellion she was taken out of 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; that the applicants, Ulian Love, Maude Love, Charlie Love, Lloyd Love and Nellie Thompson have been born since 1866, are the children of the said Mollie Love, and have no rights to enrollment except through her.

It does not appear that any of the applicants herein are identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Mollie Love, Ulian Love, Maude Love, Charlie Love, Lloyd Love and Nellie Thompson 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. D. Needles,
Commissioner.

(Signed) C. H. Breckinridge,
Commissioner.

Muskogee, Indian Territory,


this APR 20 1904

①

3R161

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 2 1901


ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 2, 1901
Post Office Hotchkisswood
District Sej.

1. Name Age
Owner's name Citizenship
Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Mollie Thompson Age 23

Owner's name Citizenship

* Year Page No. District

Parents:

Father Citizenship

Mother Mollie Love living Citizenship

Names of Children:

No.	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Rejected

Application made by

No. 1

Stenographer

J. O. Ross

X of R 137

A. S. McAfee, agent for applicants

COPY.

Cherokee Freedman
161

Muskogee, Indian Territory, May 3, 1904.

Hellie Thompson,
Gettenwood, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, in the consolidated case of Nellie Love, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. Your attorney, A. S. McKee, Muskogee, Indian Territory, has heretofore been furnished with a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Encl. V-4
Register.

Chairman.

COPY.

Cherokee Freedmen
R 189, R 190, R 191

Muskogee, Indian Territory, May 3, 1904.

A. S. McKee,
Attorney for Charlie Love, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 30, 1904, in the consolidated case of Nellie Love, et al., rejecting, among others, the applications for the enrollment of Charlie Love, Lloyd Love and Nellie Thompson, 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,

Encl. V-3
Register.

Chairman.

007
Cherokee Freedmen
R 137, et al.

Madrege, Indian Territory, May 3, 1904.

W. V. 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 April 30, 1904, in the consolidated case of Nellie Love, et al., rejecting the applications for the enrollment of Nellie, Ulian, Maudie, Charlie and Lloyd Love, and Nellie Thompson, 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,

Tame Fisher

Encl. V-6

Chairman.

COPY.

Cherokee Freedmen
R 137, et al.

Muskogee, Indian Territory, May 3, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Nellie Love, et al., including the Commission's decision dated April 20, 1904, rejecting the applications for the enrollment of Nellie, Elias, Hattie, Charlie and Lloyd Love, and Nellie Thompson, as Cherokee freedmen.

Respectfully,

James Luxon.

Encl. 7-7

Cherokee.

Through the
Commissioner of Indian Affairs.

(COPY)

J. P.
Gibbs

D.C. 28599-1904.

IED 8000-1904.

L R S

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

July 25, 1904.

The Commission

to the Five Civilized Tribes.

Gentlemen:

The Chairman with his letter dated May 3, 1904, transmitted the citizenship case involving the applications for enrollment as Cherokee freedmen, of Nellie Love, Ulian and Maudie Love, Charlie Love, Lloyd Love and Nellie Thompson, together with the decision of your Commission, dated April 20, 1904, denying said applications.

The papers in the case were forwarded to the Department by the Acting Commissioner of Indian Affairs on the 20th instant, and he recommends approval of your decision.

The Department also concurs and your said decision is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Refer to 10017
to the Commission;

20000-10017

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER,

WASHINGTON, July 30, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes dated May 3, 1904, transmitting the record of the consolidated applications for enrollment as Cherokee freedmen of Nellie Love for herself, and her minor children, Lillian and Maud Love; by Charlie Love for himself; by Floyd Love for himself, and by Nellie Thompson for herself.

April 20, 1904, the Commission decided that the applicants were not entitled to enrollment as Cherokee freedmen.

The record shows that the applicant, Nellie Love, was the slave of a Cherokee citizen at the beginning of the war of the rebellion; that during the war she was taken out of the Cherokee Nation and did not return thereto as of before February 11, 1867. That the other applicants were born subsequent to February 11, 1867, and their sole title is derived from the principal applicant, Nellie Love. The names of some are found on the 1850 authenticated Cherokee Roll.

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

Very respectfully,

M.H.H.
V.
3 encl.

A.G. Foster,
Acting Commissioner.

Cherokee Freedman

N-161

Washoe, Indian Territory, August 4, 1904.

Nellis Thompson,

Cottonwood, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated April 20, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on July 25, 1904.

Respectfully,

Commissioner in Charge.

Commissioner in Charge

Department of the Interior

Mustang, Indian Territory, August 5, 1906.

A. E. Moran,
Attorney for Charlie Love, et al.,
Mustang, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated April 20, 1906, in the consolidated case of Nellie Love, et al., refusing, among others, the application for the enrollment of Charlie and Elora Love and Nellie Thompson as Negroes freedmen, was affirmed by the Secretary of the Interior on July 29, 1906.

Respectfully,

Commissioner in Charge.

Office of the

Director

Washington, D.C., August 1, 1964

Mr. J. Edgar Hoover,
Director, Federal Bureau of Investigation,
Washington, D.C.

Dear Sir:

You are hereby advised that the Commission's decision, dated April 24, 1964, in the consolidated case of Willie Love, et al., rejecting the applications for the enrollment of Willie Love, Willie Love, Willie Love and Lloyd Love and Willie Love as Charitable Foundation, was affirmed by the Secretary of the Interior on July 29, 1964.

Sincerely,
Respectfully,

Commissioner in Charge

Cherokee Freedmen
R-161.

Muskogee, Indian Territory, December 19, 1904.

Nellie Thompson,

Claremore, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of November 6, asking to be advised whether or not your citizenship has been finally approved.

In reply you are advised that the Commission's decision dated April 20, 1904, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on July 25, 1904, of which action you were advised by letter on August 5, 1904.

Respectfully,

Jame Dixby.
Chairman.

COPY.

Cherokee Freedmen

R-161.

Muskogee, Indian Territory, February 2, 1905.

Mrs. J. R. Stout,

Collinsville, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of January 23, asking to be advised as to the status of the application for the enrollment of Nellie Thompson as a Cherokee freedman.

In reply you are advised that the Commission's decision dated April 20, 1904, rejecting the application for the enrollment of the said Nellie Thompson as a Cherokee freedman, was affirmed by the Secretary of the Interior on July 25, 1904.

Respectfully,

(SIGNED) *James Dixby*
Chairman.

IN THE MATTER OF THE APPLICATION OF

Hellie Johnson

FOR ENROLLMENT AS

CHEROKEE FREEDMEN

- A Original testimony July 2, 1904
- B Memo of application July 2, 1904
- C Test from the case of Nellie Love 6/25/04

REFUSED

ACTION APPROVED BY J. C. TAYLOR

JUL 25 1904

Copy of testimony
 filed with Cherokee Nation
 See Cherokee Nation
 packet R 135

Cher F. R. 112

Cher F. R. 112

a

FR 162

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES

FILED

SEP 4 1901

~~XXXXXXXXXX~~

A. W. CHAPMAN

Cherokee Freedman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 3, 1901.

In the matter of the application of Billy Rowe for the enrollment of himself and six children as Cherokee Freedman.

Billy Rowe, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Billy Rowe.
Q Billy or William? A Billy Rowe.
Q That the only name you have, Billy Rowe? A Yes, sir.
Q How old are you? A About 51 I reckon.
Q What is your postoffice address? A My postoffice is over here to Gibson Station.
Q What district do you live in? A Over here, I don't know what district.
Q You live in the Creek Nation? A Yes, sir.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A None but myself and children, if it is allowed; I want to go according to law.
Q Who do you apply for? A Nobody but my children and myself, my wife wasn't born here at all.
Q What are the names of your children? A One named Lewis.
Q How old is Lewis? A 13.
Q What is the next one? A Alex.
Q How old is Alex? A 12.
Q The name of the next one? A The next one is Joseph.
Q How old is Joseph? A 9.
Q The next one? A Lula.
Q How old is Lula? A 3, going on 4; Omie.
Q How old is Omie? A She is 2 years.
Q That all? A No, sir, Jonathan.
Q How old is Jonathan? A About 6 months.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Well, this the first time ever I come along.
Q Is your name on any of the rolls of the Cherokee Nation? A No, sir, none of them ask know of.
Q Did you ever apply to the Cherokee authorities to be enrolled as a Cherokee Freedman? A I came here when they were here before, but I didn't get in, because I came here too late, they were adjourned when I come here.
Q Did you ever apply to the Cherokee authorities, to the Council?
A No, sir, I never been before it.
Q You say your name is not on any of the rolls of the Cherokee Nation? A None of them as I knows of, without my father put it on. The 1880 authenticated roll, the 1886 census roll, the Wallace roll, and the Kern-Clifton roll, examined, and the name of the applicants not found thereon.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Katie Rowe.
Q Is she a citizen? A No, sir.
Q How old is she? A She is about 44.
Q Have you any proof of your marriage? A Oh yes, sir.
Q Well, have you got a marriage certificate? A I have one at home.
Q Got none here? A No, sir.
Q When were you married? A I was married in '86.
Q Have you lived with your wife continually since you married her?
A Yes, sir.
Q Were you ever married before? A Yes, sir, my wife died, my first wife.
Q Your former wife was dead when you married your present wife?
A Yes, sir.

- Q Was she ever married before? A No, sir; this woman I got?
- Q Yes? A Yes, sir, she has been married.
- Q Was her husband living when you married her? A Yes, sir, living and divorced.
- Q Have you got a copy of that divorce? A No, sir, I have no copy of it because I didn't hardly know her then.
- Q Where were you fixing married? A Little Rock, Arkansas.
- Q Where were you born? A Over here in old Dave Rowe's yard.
- Q Where is Dave Rowe's yard? A God in Heaven knows I can't tell you from here.
- Q In Texas or California? A It is in the Cherokee Nation.
- Q Were you a slave? A Yes, sir.
- Q To whom did you belong? A Dave Rowe, a time.
- Q Was he a Cherokee citizen? A He was at that time, I don't know what he done when I got away from here.
- Q I asked you, was he a Cherokee citizen? A Yes, sir, he was; I belonged to him for a time, and he let Joel Bryant have me and he carried me south.
- Q Carried you south when? A I don't know when.
- Q Was Joel Bryant a Cherokee citizen? A Yes, sir.
- Q Do you recollect when he carried you south? A Yes, sir, I can remember.
- Q Was that before the war between the United States and the Confederacy? A Yes, sir.
- Q What part of the south did he carry you? A Below Little Rock.
- Q In the state of Arkansas? A Yes, sir.
- Q When did you return to the Cherokee Nation? A Been back here it will soon be two years.
- Q You have been here about two years? A Yes, sir.
- Q Where were these children born? A There isn't but one been born in the Nation, all the others were born in the State.
- Q As I understand you then, your owner, Dave Bryant, Joel Bryant, took you to the State of Arkansas and you never returned to the Cherokee Nation until two years ago? A No, sir.
- Q You been living here continuously since that time? A Yes, sir, right here.
- Mr. W. W. Hastings, Cherokee attorney: Did anyone go with you to Little Rock when you went out; who all was along in the crowd?
- A My brother, one brother.
- Q What was his name? A Sam.
- Q Who else? A Fellow by the name of Torrence, a white man.
- Q Was Jim Alberty along? A I disremember now; I believe he was; I think he was.

Commissioner: Applicant applies for the enrollment of himself and six children as enumerated herein. Upon an examination of the rolls of the Cherokee Nation, their names cannot be found upon any of the rolls thereof. From the testimony, it is evident that the applicant, although he avers that he was a slave, was taken to the State of Arkansas by his owner, and did not return to the Cherokee Nation until two years ago; consequently it is clear that the application for the applicant does not come under the section of the treaty of 1866 providing for the enrollment of Cherokee Freedmen, and the application he makes for himself and his children will be rejected.

P. R. - B.

Under the provisions of the act, upon the 3rd of September 1901
the Commission of the Massachusetts State Board of Health, was authorized to
prepare and publish a report on the subject of the prevalence of the
and notify the

[Handwritten signature]

Done and subscribed before me this the 3rd of September, 1901.

[Handwritten signature]

Commissioner.

VALLEY PAPER CO. T

MASS. U.S.A. 1901

Chick

Cherokee Freedmen B-162.

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

In the matter of the application for the enrollment of Billy Rowe and his minor children, Lewis, Alex, Joseph, Lula, Omie and Johnathan Rowe, as Cherokee Freedmen.

DECISION.

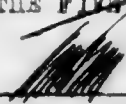
It appears from the record herein that Billy Rowe appeared before the Commission at Fort Gibson, Indian Territory, on September 3, 1901, and made application for the enrollment of himself and his minor children, Lewis, Alex, Joseph, Lula, Omie and Johnathan Rowe as Cherokee freedmen.

The evidence in this case shows that Billy Rowe 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, et al., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; that the applicants, Lewis Rowe, Alex Rowe, Joseph Rowe, Lula Rowe, Omie Rowe and Johnathan Rowe, are the minor children of the said Billy Rowe, and have no right to enrollment except through him.


It further appears that none of the applicants herein is identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the application for the enrollment of Billy Rowe, Lewis Rowe, Alex Rowe, Joseph Rowe, Lula Rowe, Omie Rowe and Johnathan Rowe 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,



 Chairman.



 Commissioner.



 Commissioner.

Muskogee, Indian Territory,

this _____

Commissioner.

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

In the matter of the application for the enrollment of BILLY LOUSE,
ET AL., as Cherokee freedmen, C. T. R. 162.

Reply of Cherokee Nation to the Brief and Argument and to
the Assignment of Errors filed by the Applicant
in Support of his Motion to Reopen.

The representatives of the Cherokee Nation respectfully submit that it would be needless for them to discuss at length this record or the reasons why the decision of the Commissioner to the Five Civilized Tribes should not be disturbed, because the attorney for applicants has presented at length an able brief and argument which so clearly discloses the position taken by the representatives of the Cherokee Nation that it makes it needless to take up such space in replying to the brief and argument.

It is a well settled rule of the department and the Commissioner to the Five Civilized Tribes that before anyone can be enrolled as a Freedman in the Cherokee Nation he must allege and prove himself within the letter of the Treaty of 1836, and the recent act of Congress, which was approved April 20, 1850, expressly declared that hence they shall enroll anyone as a freedman citizen of the Cherokee Nation, who must have been a slave of a Cherokee citizen in the Cherokee Nation at the breaking out of the rebellion and if he left the Cherokee Nation, he must have returned to and had an actual bona fide residence therein on or before February 11, 1867. But as the attorney for applicant has discussed this question and on page three of his assignment of errors admits that the principal applicant was sold in the State of Arkansas to a man by the name of Dick Fletcher several years prior to the beginning of the rebellion, it is clear to be seen that he could not possibly have been a slave of a Cherokee citizen in the Cherokee Nation at the breaking out of the war.

It is further argued, and so strong for the Cherokee Nation that as

deem it useless to do other than mention it, that the applicant did not return to the Cherokee Nation until the year 1899 or 1900. This was about 34 years after the close of the rebellion, and there is no testimony to show that applicant owned any property in the Cherokee Nation during that time, and the best proof, we take it, that he did not is that his attorney in arguing the case for the applicant did not mention the fact that he had any property in the Cherokee Nation or that he was ever in the Cherokee Nation until after the close of the war, and until the year 1899 or 1900. It is useless to discuss this question further, because the able and learned counsel for the applicants in his kindness has relieved the Cherokee Nation of a great deal of laborious and tedious work by frankly admitting that the principal applicant was sold out of the Cherokee Nation to a resident of the State of Arkansas several years before the war and that he did not return to the Cherokee Nation until 1899 or 1900. This argument by the representative of the applicants is such a departure from the arguments that are usually presented by many attorneys who are representing applicants for enrollment as freedmen citizens of the Cherokee Nation that the writer of this report feels constrained to compliment the attorney for applicants for his fairness, his frankness and his clear conception of the law and substance of the facts, and feels assured that in presenting this position to the applicants as he did that he has done so from the standpoint of a lawyer high in the profession, who would not attempt to misstate the facts in the case, and in so doing in his honest and polite manner he has ably and intelligently discussed the questions fairly both for the applicants and for the Cherokee Nation and has shown conclusively that the applicants are not entitled to be enrolled as freedmen citizens of the Cherokee Nation.

We, therefore respectfully submit that the decision of the Commission to the Five Civilized Tribes is correct and should not be disturbed.

Respectfully submitted,

(Signed) *Bell Hastings & Associates*
Attorneys for the Cherokee Nation.

IN THE INDIAN TERRITORY AT MUSKOGEE.

IN RE

Petition to review by Billy Rowe
on behalf of himself and his
minor children, Lewis Rowe, Alex
Rowe, Joseph Rowe, Lula Rowe,
Omie Rowe and Johnathan Rowe.

Cherokee Freed. R-162.
I.T.D. 4635-1904.

To the Honorable

The Secretary of the Interior.

The above named petitioner Billy Rowe in his own behalf and for his said six minor children respectfully submits this petition asking that the decision heretofore rendered in the above entitled application for enrollment be opened for review and that the same be reconsidered; for that, as he is advised and insists error was made therein as hereafter pointed out. Said decision, recommendation and approval thereof are in the ^{following} ~~full~~ words and figures, that is to say:

"DECISION.

"It appears from the record herein that Billy Rowe appeared before the Commission at Fort Gibson, Indian Territory, on September 3, 1901, and made application for the enrollment of himself and his minor children, Lewis, Alex, Joseph, Lula, Omie and Johnathan Rowe as Cherokee freedmen.

"The evidence in this case shows that Billy Rowe 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, 1866, in the case of Moses Whitmire, trustee, etc., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation; that the applicants, Lewis Rowe, Alex Rowe, Joseph Rowe, Lula Rowe, Omie Rowe and Johnathan Rowe, are the minor children of the said Billy Rowe, and have no right to enrollment except through him.

"It further appears that none of the applicants herein is identified on the 1880 authenticated Cherokee Roll.

"It is, therefore, the opinion of this Commission that the application for the enrollment of Billy Rowe, Lewis Rowe, Alex Rowe, Joseph Rowe, Lula Rowe, Omie Rowe and Johnathan Rowe as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 26, 1898, (30 Stat., 495), and it is so ordered.

"Commission to the Five Civilized Tribes."

"Muskogee, Indian Territory,
this Apr 20 1904."

Washington, June 8, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

"I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, transmitting for your consideration the application of Billy Rowe for himself and his minor children, Lewis Rowe, thirteen years old; Alex Rowe, twelve years old; Joseph Rowe, six years old; Lula Rowe, three years old; Omie Rowe, two years old; and Johnathan Rowe, six months old.

"April 20th, 1904, the Commission rejected said applications.

"From an examination of the records of the evidence in these applications it appears that the principal applicant, Billy Rowe, was a 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 in the time required by law to entitle him to enrollment as a Cherokee Freedman. None of the names appear upon the 1860 authenticated Roll of Cherokee Freedmen.

"It is therefore recommended that the action of the Commission rejecting Billy Rowe, Lewis Rowe, Alex Rowe, Joseph Rowe, Lula Rowe, Omie Rowe, and Johnathan Rowe be sustained, and that is the order of this office.

Very respectfully,

A. C. Tomper,
Acting Commissioner."

Washington June 9, 1904.

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

Gentlemen:

"April 30, 1904, you transmitted the record in the matter of the application of Billy Rowe (F.D-162), for the enrollment of himself and his six minor children, Lewis, Alex, Joseph, Lula, Omie and Johnathan Rowe, as Cherokee freedmen, including your decision of April 20, 1904, rejecting said application.

"Reporting in the matter June 8, 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,

E. A. Hitchcock,
Secretary."

ASSIGNMENTS OF ERROR.

First Assignment: It is stated as a fact in the decision as follows: "That during the rebellion he left the Cherokee Nation:" this is erroneous and not sustained by the evidence. The evidence shows, and is supported by the affidavits hereto attached, that the petitioner Billy Rowe

was a minor slave (about seven or eight years old) the property of Dave Howe, a Cherokee Indian and was by force, as such slave, sent to the State of Arkansas by his master and sold to a slave owner by the name of Dick Fletcher several years prior to the beginning of the rebellion and so kept in slavery.

Second assignment: It was error in law to find "that he did not return thereto (Cherokee Nation) in the time required by law to entitle him to enrollment as a Cherokee Freedman".

From the affidavits and evidence the fact is established that said Billy Howe was kept in slavery in the State of Arkansas, below and near Little Rock, from the time he was taken away from his native residence until the approach of the Union Army; then he, together with other slaves, was taken to the southern part of the State of Texas and there kept in slavery until after the emancipation; he was then about sixteen years old and wandered about for six months or more before reaching the place near Little Rock from which he had last been carried. That he was utterly illiterate and ignorant; had no idea of the distance, course nor location of his Cherokee home; and remained where he was placed in absolute ignorance. That he returned to the Cherokee Nation his native home and residence in 1899 - just as soon as he learned of the same and could secure means with which to return. From the time he was taken away as a child until 1894 to 1896 he had not heard a word from his home, brothers and sisters or parents; it was then by chance that he first heard of the same through a white man named Bob Grimes who had recently visited the Territory and was talking about people by the name of "Howe" in the Cherokee Nation; this name attracted your petitioner's attention and upon further inquiry he learned of the location of his former master's home and family and of the location

of his brothers and sisters and other members of his family. This was the first time since being taken away as an infant slave that he had heard from his home and the residence of his birth. Fortwith he began preparations to return, but an overflow washed away his crop and left him in debt so that he was not able to leave until about the year 1899 or 1900, and then having freed himself from debt he was at liberty to leave and forthwith returned carrying wife and family with him.

It is advised and insisted that the decision should be opened for review, that the same be reversed and that he and his said children be enrolled as prayed for pursuant to the statute or treaty which provides:

... that further agreed that all freedmen who have been liberated . . . by law . . . and are now residing therein, or who may return within six months, and their descendants shall have all the rights of native Citizens. Treaty of 1866, Article 9.

Statutes shall be so construed as to carry out the intent of the law makers and give force to the equity of the statute. Words have to be construed so as to carry out the object of the act and some times given a meaning different from the ordinary meaning. Lord Coke tells us "The equity of a statute, is a construction made by the judges, that passes out of the letter of a statute, yet being within the same mischief, or cause of the making of the same, shall be within the same remedy that the statute provideth; and the reason whereof is, for that the law makers could not possibly set down all cases in express terms." 1st. Inst. 203.

The question for decision being, was said Billy Hoyle a resident of the Cherokee Nation before and at the time of the execution of the said treaty in 1866, according to the intent and meaning of the same? If so, he remained so for at no time was it in his power, physical or otherwise, to change his residential relations. Therefore, the law will not agree him because of the conduct of another - how he slipped into Cherokee Nation

Intention and practice must be construed with reference to

the conditions under and purposes for which they were enacted or executed, of which courts will take judicial notice (Southland by statutory construction, Sec. 300). The conditions under which the aforesaid agreement or treaty was executed clearly show that the bounty therein provided for the ex-slaves of the Cherokee Nation included only two classes of the same, viz., (1) those ex-slaves who never changed their residence from the nation, (2) those who had left for any purpose whatsoever and who would voluntarily return within six months from the promulgation of said treaty or agreement.

The petitioner Billy Rowm belongs to the first class, because, he was born in the Cherokee Nation the child of a Cherokee slave; a slave of a Cherokee Indian, a resident by birth and servitude of the Cherokee Nation; it was during his infancy that he was involuntarily sold from his parents and by coercion carried to a foreign jurisdiction; at no time did he ever consent to his removal or abandon his purpose or hope of being returned to his native domicile; by the restraining influences of slavery he was kept in ignorance of his family, native land and rights; though removed involuntarily his failure to return within the six months, or any time sooner than he did, was the direct result of involuntary servitude and not of his choosing; his brothers and sisters who were not sold away in slavery are ^{regularly} enrolled. Therefore, he should not be prejudiced.

Having been by nature and legal status a resident and domiciled in the Cherokee Nation and never having voluntarily departed he has, in law, continued so to be ever since.

In good conscience and justice, having no will of his own nor control over his personal conduct his coerced departure from the nation to a state could not change his legal residence and status to his prejudice. Having been born and domiciled in the Cherokee Nation to acquire a new domicile there must be not only actual residence but the animus manendi, which animus is negatived by the evidence and proof. (Wheeler v. Cobb 45 N.C. Rep; Mitchell v. U. S. 21 Wal. 240).

The domicile of the owner of a person continues until he acquires another by actually removing of the one from will to another country with the intention of remaining in the latter altogether. *Evra v. Bora*, 31 F.3d, 189, 190.

Residence is fixed by the individual from which he may remain at will, so long as he has the means perpetual no length of stay elsewhere will change it. (*Wason v. Gainsford*, 20 F.3d, 214; *Harris v. Ginner* 187 F.3d, 215; *Mitchell v. U. S.* 31 Wal. 241). "The question being whether the plaintiff at a certain time changed his residence from Iowa to Illinois, the jury were correctly told that he did not said disloyalty in Illinois when he went there voluntarily in good faith left Iowa and actually was in good faith took up his permanent residence in that state he was there". (*Chicago and N. W. vs. Ohio*, 117 U. S. 123). In this case Billy Rowe did not, being a slave could not, change his residence from the Cherokee Nation. At no time did he ever abandon the intention and hope of returning to his native residence. His failure to return within six months after the passage of the treaty was to him an impossibility, and it is an axiom of law that it does not seek to compel a man to do that which he can not possibly perform - lex non cogit ad impossibilia.

The facts being established that said Billy Rowe was involuntarily and by force taken and carried from his home and native residence his legal residence remained unchanged, for the law will not allow anyone to be prejudiced by the doings of another. Therefore within the meaning and spirit of the treaty he continued to be a "resident therein".

Nor can the fact that he remained where he was placed as a slave in ignorance defeat his enrollment for the reason that he was taken to this strange place, kept in darkness as to his place of residence. It was not within his mental or physical power to do otherwise. The law excuses him because it was impossible for him to do so and the law will not allow him to be prejudiced thereby.

Therefore the petitioners pray that the aforesaid decision

as approved be opened and reviewed; that further evidence be permitted to be introduced to establish the facts stated in affidavits, and that your said petitioners be annulled under the treaty aforesaid.

Charles A. Corn

Attorney for petitioners

United States of America
Indian Territory
Eastern District
at Muskogee.

Billy Rowe, one of the above named petitioners, after having been first duly sworn deposes and says that the above petition has been read over to him; that the facts therein stated are true of his own knowledge, except as to those matters stated on information and belief and as to those he believes them to be true.

Billy Rowe

Subscribed and sworn to before me this 1st day of May, 1906.

Charles F. DeFurter
Notary Public.

My com. ex. Jan 21 1906

Cherokee Freed. R-182.
I.T.D. 4636-1904.

IN RE

Motion to review by Billy Rowe)
on behalf of himself and his)
minor children, Lewis Rowe, Alex)
Rowe, Joseph Rowe, Lula Powe,)
Omie Rowe and Jonathan Rowe.)

A F F I D A V I T.

Indian Territory,))
Western District.)) ss.

Billy Rowe being duly sworn deposes and says that he is a Cherokee freedman. That he was born in the Cherokee Nation in Flint District about fifty-six years ago, to-wit: about the year 1850. That he was a slave of Dave Rowe, a Cherokee Indian. At the age of seven or eight years his master, Dave Rowe, sent him off with Joel Bryant, also a Cherokee Indian, and sold him in the State of Arkansas to a man by the name of Dick Fletcher who lived near the City of Little Rock, where he was kept as such slave until some time during the Rebellion when the Union Army was approaching Little Rock; then his said master Dick Fletcher sent him, together with other slaves, down into the southern part of Texas to keep them from falling into the hands of said Union Army. Upon the close of the war and when affiant ascertained that he was at liberty to return he forthwith sought his way back to the last and only home that he knew of, to-wit: near Little Rock aforesaid. After about six months roaming and inquiring he arrived at his said former home. That he was then about sixteen years old, utterly illiterate and ignorant; had a recollection of his former home and associates and well remembered the name of his former master and his children, but had no idea of the name, distance or locality, nor did he ever hear anything concerning his former home until about the year 1894, '5 or '6 when he was informed by a white man in the neighborhood of a trip he had recently taken into the Cherokee Nation; from what he heard

that man say, calling the name Dave Rowe and other names of the Rowe family, his former recollection was revived; he inquired and learned the location of his native land; forthwith began to make preparation to return and provided means for the same, but an overflow of the river destroyed his crop, brought him deep into debt and after struggling to pay his debts it was not until 1899 that he was released from debt and able to return to his home in the Cherokee Nation, which he forthwith did and there located, and subsequently having learned of his rights as a Cherokee freedman applied for allotments for himself and children, as fully set forth in the record. That his departure from his Cherokee home was not with his consent nor volition but under coercion and by the will of his master. That it was his purpose and desire from the day he was taken and sold from his home to return thereto if he ever had the power so to do and at no time did he ever abandon said purpose and hope. That he returned to his Cherokee home just as quickly as he possibly could after learning where it was and how he could get there, finding upon his return his sister Katie and brothers Lewis, Jesse and Alex still living whom he left in slavery with his master Dave Rowe, all of whom have received their allotments. One brother and two sisters had died during his absence.

Witness:

Billy X Rowe

Subscribed and sworn to before me this 25th day of April, 1906.

Chas. T. Eifendopfer
Notary Public.

My commission expires January 25, 1910.

Cherokee Freed. R-162.
I.T.D. 4636-1904

Copy

In re motion to review by Billy Rowe)
on behalf of himself and his minor)
children, Lewis Rowe, Alex Rowe,)
Joseph Rowe, Lula Rowe, Omie Rowe and)
Jonathan Rowe.)

A F F I D A V I T

9000000000000

Indian Territory,)
Western District.)

Gilbert Vann being duly sworn deposes and says that he is a Cherokee freedman now residing in the Creek Nation, Indian Territory. That he was born a slave of Katy Vann and raised on her land in the Cherokee Nation, Saline District, about a mile and a half from the home of Dave Rowe, who was a Cherokee Indian and the owner of Billy Rowe. That he and Billy Rowe were boys together, about the same age and played together constantly up until the time Billy was carried away by Joel Bryant. That Billy Rowe and he were about eight or nine years old when they carried Billy off. That he saw them when they carried him along the road in front of his home and he never saw Billy again until he came back to the Cherokee Nation about six years ago. That he is a Cherokee citizen upon the freedman roll and has filed on his allotment in the Cherokee Nation but now lives upon a rented place in the Creek Nation.

his
Gilbert Vann
mark

Subscribed and sworn to before me this 13th day of April 1906.

(Seal)

W. S. Spender
Notary Public.

My commission expires Jan. 25, 1910.

Cherokee Freed. R-162.
I.T.D. 4636-1904

Muskogee, Ind. Ter. March 7, 1906.

In re motion to review by Billy Rowe)
on behalf of himself and his minor)
children, Lewis Rowe, Alex Rowe,)
Joseph Rowe, Lula Rowe, Omie Rowe and)
Jonathan Rowe.)

A F F I D A V I T.

Indian Territory,)
Western District.) SS.

Cofey

Henry Kinslow being duly sworn deposes and says that he is a freedman now residing at Wybarck in the Creek Nation, Indian Territory aforesaid and has been for the last six years; that he is fifty-eight years old, was born and raised in Pulaski County, Arkansas, and was a slave of Dick Fletcher; that he first knew Billy Rowe about the year 1859 or 1860 when he was bought by said Dick Fletcher and brought to his plantation, in said county, then a small boy seven or eight years old; that he has known said Billy Rowe ever since. During the early part of the war between the states Mr. Bob Fletcher, son of Dick Fletcher, took charge of his father's slaves and "refugeed" them down in Texas escaping the Union Army. While on the way to Texas the said Henry Kinslow made his escape, returned to the Union lines and joined the Union Army. Next saw Billy Rowe in April 1866 in Little Rock, Arkansas, where he, the said Henry Kinslow, was mustered out of service and to which place the said Billy Rowe had then returned. That he lived in the neighborhood with the said Billy Rowe continuously until 1900 when he and his family and Billy Rowe and his family left said Pulaski County and moved to the Indian Territory, said Billy Rowe settling in the Cherokee Nation.

Henry Kinslow

Subscribed and sworn to before me this 7th day of March 1906.

(Seal)

W. H. Babson
Notary public.

My commission expires *May 29 1907*

Copies

Cherokee Freed. R-162.
I. T. D. 4636-1904.

Muskogee, Ind. Ter. March 7, 1906.

In re motion to review by Billy Rowe)
on behalf of himself and his minor)
children, Lewis Rowe, Alex Rowe,)
Joseph Rowe, Lula Rowe, Omie Rowe and)
Jonathan Rowe.)

A F F I D A V I T.

Copy

Indian Territory,)
Western District.) SS.)

Mary E. Biffel first being duly sworn deposes and says that she is now forty-eight years old; that she was a slave of Matt Temple and was born and raised in Pulaski County, Arkansas, near the plantation of Dick Fletcher, to whom Billy Rowe belonged; that she knew Billy Rowe when he was first brought to his master's plantation; that ^{she} ~~said Billy~~ Rowe was then only three or four years old; and that she she has known him ever since. She knows that they carried him away to Texas about the beginning of the war and that he came back some time during the year 1866; that he resided in the same neighborhood until 1900 at which time he came to the Cherokee Nation in said Indian Territory. That she moved from said ~~back~~ Pulaski County to the Creek Nation in 1899.

Mary E. Biffel

Subscribed and sworn to before me this 7th day of March 1906.

(Seal)

W. H. Bateman
Notary Public.

My commission expires *May 29-1907*

D

X R 162

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

FILED
SEP 3 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

SEP 3 - 1901

Date
 Post Office *Gibson Station, T. S.*
 District *Creek Nation*

1. Name *Billie Rowe* Age *51*
 Owner's name *Fare Rowe* Citizenship *Cher.*
 Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age
 Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

No.	Name	Year	Page	No.	Dist.	
3.	<i>Lewis Rowe</i>					<i>13</i>
4.	<i>Eric Alex</i>					<i>12</i>
5.	<i>Josaph</i>					<i>6</i>
6.	<i>Lula</i>					<i>3</i>
7.	<i>Thos. Omie</i>					<i>2</i>
8.	<i>Jonathan</i>					<i>6</i>
9.						
10.						
11.						
12.						

Application made by *# 1*

Stenographer *B. L. Jones*

Cherokee Freedmen
R 162

Muskogee, Indian Territory, April 30, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Billy Rowe for the enrollment of himself and his six minor children, Lewis, Alex, Joseph, Lula, Omie and Johnathan Rowe, as Cherokee freedmen, including the Commission's decision dated April 20, 1904, rejecting said application.

Respectfully,

T. J. ...

Encl. V-45

Chairman.

Through the
Commissioner of Indian Affairs.

msg

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
R 162

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, April 30, 1904.

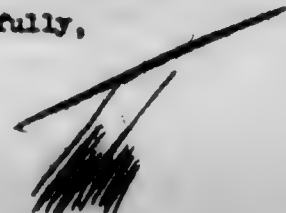
W. W. Hastings,
Attorney for the Cherokee Nation,
Tahlequah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated April 20, 1904, rejecting the application for the enrollment of Billy, Lewis, Alex, Joseph, Lula, Ozie and Jehanathan Rowe 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,



Encl. V-44

Chairman.

Cherokee Freedmen
R 162

Muskogee, Indian Territory, April 30, 1904.

Billy Rowe,

Gibson Station, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself and your six minor children, Lewis, Alex, Joseph, Lula, Omie and Johnathan Rowe, as Cherokee freedmen, together with the Commission's decision dated April 20, 1904, rejecting your said application.

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

Respectfully,

Jar

Encl. V-43

Chairman.

Register.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Washington, June 6, 1904.

D.C. 19427-1904.

Land.

30078-1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith, a report from the Commission to the Five Civilized Tribes, transmitting for your consideration the application of Bill Rowe for himself and his minor children, Lewis Rowe, thirteen years old; Alex Rowe, twelve years old; Joseph Rowe, six years old; Lula Rowe, three years old; Omie Rowe, two years old; and Johnathan Rowe, six months old.

April 20th, 1904, the Commission rejected said applications.

From an examination of the record of the evidence in these applications it appears that the principal applicant, Billy Rowe, was a 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 in the time required by law to entitle him to enrollment as a Cherokee Freedman. None of the names appear upon the 1880 authenticated Roll of Cherokee Freedmen.

It is therefore recommended that the action of the Commission rejecting Billy Rowe, Lewis Rowe, Alex Rowe, Joseph Rowe, Lula Rowe, Omie Rowe, and Johnathan Rowe be sustained, and that is the order of this office.

Very respectfully,
A. C. Tonner,
Acting Commissioner.

J.T.N.

W.

J.P.

DEPARTMENT OF THE INTERIOR,

Washington, ^{FHE}
June 9, 1904.

D. C. 19427-1904.

I.T.D. 4636-1904.

L.R.S.

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

Gentlemen:

April 30, 1904, you transmitted the record in the matter of the application of Billy Rowe (F.D-162), for the enrollment of himself and his six minor children, Lewis, Alex, Joseph, Lula, Omie and Johnathan Rowe, as Cherokee freedmen, including your decision of April 20, 1904, rejecting said application.

Reporting in the matter June 6, 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.

Cherokee Freedmen
R 162

Muskogee, Indian Territory, June 21, 1904.

Billy Rowe,

Gibson Station, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting your application for the enrollment of yourself and your minor children, Lewis, Alex, Joseph, Lula, Onie and Johnathan Rowe, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 9, 1904.

Respectfully,

Chairman.

mdg

COMMISSIONERS
JAMES 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
R 162

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

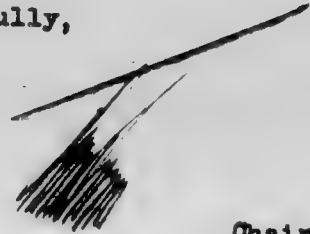
Muskegee, Indian Territory, June 21, 1904.

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

Dear Sir:

You are hereby advised that the Commission's decision dated April 20, 1904, rejecting the application of Billy Rowe for the enrollment of himself and children, Lewis, Alex, Joseph, Lula, Omie and Johnathan Rowe, as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 9, 1904.

Respectfully,



Chairman.

Muskogee, Indian Territory, May 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted motion for review filed in the case of Billy Rowe, et al, Cherokee Freedmen R. 162, together with the affidavits of Billy Rowe, Gilbert Vann, Henry Kinslow and Mary E. Biffel, in support thereof. Said motion shows due service upon the Attorneys for the Cherokee Nation, but as yet this office is not in receipt of reply to same.

For reasons most obvious from an examination of said motion, this office respectfully recommends that the same be denied.

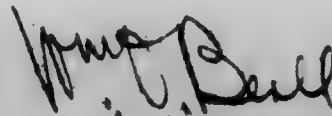
Respectfully,

Through the

Commissioner of Indian Affairs

LMB

Incl. B-60



Acting Commissioner

Signed

Muskogee, Indian Territory, May 16, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted motion for review filed in the case of Billy Rowe, et al, Cherokee Freedmen R. 162, together with the affidavits of Billy Rowe, Gilbert Vann, Henry Kinslow and Mary E. Biffal, in support thereof. Said motion shows due service upon the Attorneys for the Cherokee Nation, but as yet this office is not in receipt of reply to same.

For reasons most obvious from an examination of said motion, this office respectfully recommends that the same be denied.

Respectfully,

Through the
Commissioner of Indian Affairs

LMB
Incl. B-60

W. C. Reel
Acting Commissioner.

(Signed)

Muskogee, Indian Territory, May 25, 1906

The Honorable,

The Secretary of the Interior.

Sir:

Referring to this office's letter of May 16, 1906, transmitting a motion for review in the Cherokee freedmen enrollment case of Billy Rowe, et al., R 162, there is enclosed herewith the reply of the Cherokee Nation.

Respectfully,

Through the

Commissioner of Indian Affairs.

LMB

Acting Commissioner

Encl. B 77

-COPY-

Y.P.

DEPARTMENT OF THE INTERIOR,

D.C. 22184
I.T.D. 9642-1906.

WASHINGTON.

FHE.

L.R.S.

May 29, 1906.

The Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

The Department has considered the motion for review in the Cherokee freedman case of Billy Rowe, et al, received with your office letter of May 16, 1906.

No new question of law or fact is presented, and in accordance with the Acting Commissioner's letter, the motion is denied.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
R162

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

Muskogee, Indian Territory, June 9, 1906

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

Gentlemen:

For your information there is herewith enclosed a copy of departmental letter of May 29, 1906, denying a motion for rehearing in the Cherokee Freedman Enrollment case of Billy Rowe, et al.

Respectfully,


Commissioner

LMB

Encl. B-18

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R162

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

Muskogee, Indian Territory, June 9, 1906

Billy Rowe,

Gibson Station, Indian territory.

Dear sir:

You are hereby advised that a motion filed by your attorney, Charles A. Cook, Muskogee, Indian territory, for a rehearing in your Cherokee Freedman Enrollment case, was denied by the Department on May 29, 1906.

Respectfully,

LMB

Commissioner

Cherokee Freedmen
R 162

Muskogee, Indian Territory, June 9, 1906

Charles A. Cook,

Attorney for Billy Rowe et al.

Muskogee, Indian Territory.

Dear sir:

You are hereby advised that the motion for a rehearing filed by you in the Cherokee freedman enrollment case of Billy Rowe, et al, was denied by the department on May 29, 1906.

There is enclosed herewith a copy of Departmental letter denying said motion.

Respectfully,

LMB
Encl. B-17

Commissioner

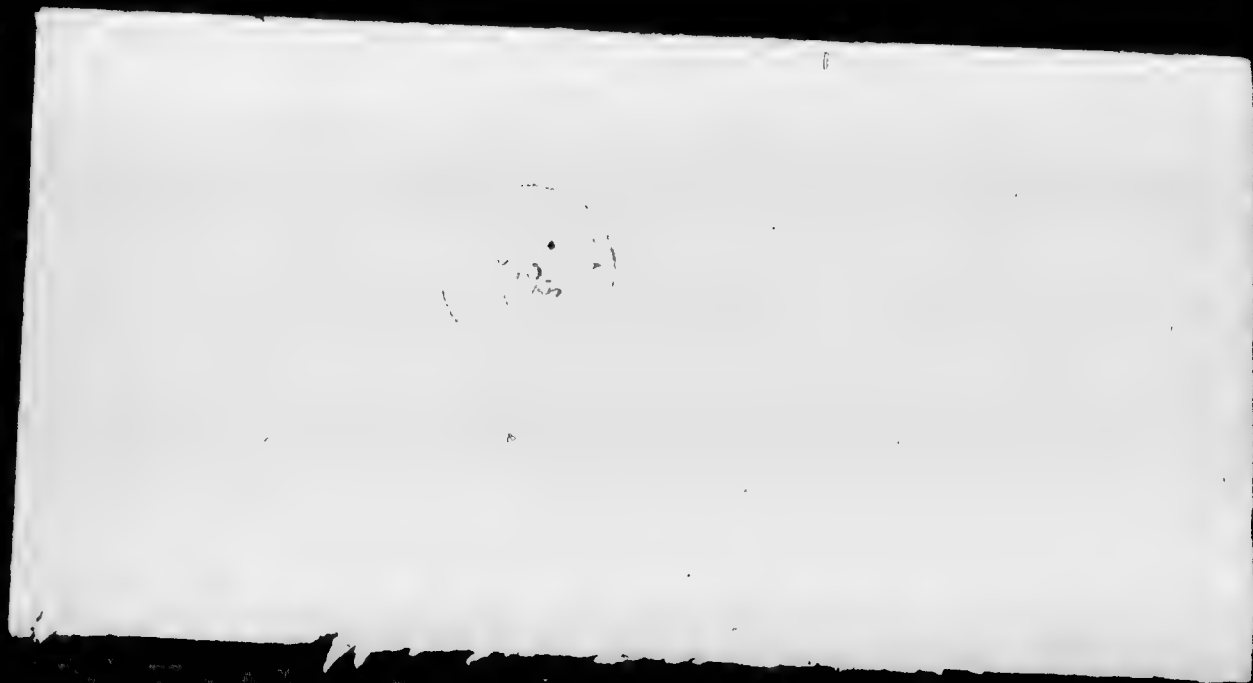
APR 10 1904
COMMISSION TO FIVE TRIBES

• • LAW OFFICE OF • •
JAMES HART.

MUSKOGEE, IND. TER.

1904.

I Belle Rae hereby constitute and appoint
James Hart my true and lawful attorney
to act in my stead in all matters pertaining
to my enrollment as a citizen of the Cherokee
Nation and to perform all acts necessary in
my behalf before said Commissioner and
I hereby revoke any and all former power of
attly. there to give given her
Unless to ~~write~~ Belle Rae
M H Dumbley ~~write~~
Ely Rogers



AUSKOGEE
JUN 23
4-
1901

1901
01
AUG 1

Department of the Interior.

Commissioner to the Five Civilized Tribes,

CHEROKEE, IND. TER.

Cherokee Enrollment Div.



Unclaimed

Billy Rowe,

Gibson Station,

Indian Territory.

Cher Fr. R-163

Cher Fr. R-163

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 13th, 1901

In the matter of the application of Lila Alberty for enrollment as a Cherokee Freedman, said Alberty being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A. Lila Alberty.
Q What is your name now? A. Yes, sir.
Q How old are you? A. About sixty some odd.
Q What is your post office address? A. Fort Gibson or Melvin.
Q Well, you must give one or the other? A. Fort Gibson.
Q What district do you live in? A. Tablequah district.
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you want to enroll besides yourself? A. Well, my husband is here.
Q He can apply for himself, I presume? A. Yes, sir, and all of my children is of age.
Q They must apply for themselves; you have no children under 21 years of age, married living with you? A. No sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A. Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation? A. Not on the '80 roll, but on the other rolls.
Q Is your name on the roll of 1896? A. No, sir.
Q Are you married? A. Yes sir.
Q What is your husband's name? A. Arthur Alberty.
Q How long have you been married? A. I have been married so long I can't tell.

The 1880 authenticated roll, 1896 census roll, Burn-Clifton pay roll and Wallace roll of Cherokee Freedman examined and name of applicant not found thereon.

- Q Did you draw what is known as Strip money? A. No sir.
Q Did you ever draw any money from the Cherokee Nation? A. No sir.
Q Did anybody ever draw any for you? A. No sir.
Q Were you a slave? A. Yes sir.
Q To who did you belong? A. Tom Pettit.
Q Was he a Cherokee? A. Yes, sir.
Q Right? A. Yes, sir.
Q Where were you born? A. Born in the old country.
Q Were you taken out of the Cherokee Nation during the war between the north and south? A. Yes sir.
Q Where to? A. Texas.
Q State of Texas? A. Yes sir.
Q When did you return from the state of Texas to the Cherokee Nation? A. I don't know just when it was; it was as quick as I could return, you see I had to work my way.
Q Have you lived in the Cherokee Nation ever since you returned? A. Yes sir.
Q How many children has you? A. Well I have three children, three boys and one girl.
Q How old are they now? A. Well, about--

Lila Alberty, et al--2

- Q In the Cherokee Nation o state of Texas? A Born mostly in the Cherokee Nation.
- Q Were any of your children born in Texas? A. No, sir, don't remember any born in Texas.
- Q Where were you married, Auntie? A. In the Cherokee Nation.
- Q That was after you came back from Texas? A. No sir.
- Q You were married when you went to Texas? A. Yes sir, my first husband died.
- Q And your second husband? A. And my second husband was the one went.
- Q Went to Texas? A. Yes sir.
- Q Is he living; your second husband? A. Yes sir, he is living
- Q About how many children did you have born in Texas then?
- Q The one that's there; there is one there in Texas, he was born there.
- Q Is that your oldest child, the one that is in Texas? A. No, sir my oldest child is right here.
- Q The one that was born in Texas it ehrrer yer? A. Yes sir
- Q How old is he? A. He is about 36 or 7, I don't know which; I don't remeber all the ages.
- Q How old was he when you let there and come back? A. I don't know how old he was.
- Q Did you leave him there? A. Yes sir.
- Q Well was he a pretty well grown boy? A. Yes sir, he was about 16; I guess along there somewhere when he left me.
- Q About 16? A. Yes, sir, about there.
- Q And born there? A. Yes, sir.
- Q Have you any witnesses? A. Yes, sir.
- Q Who are they? A. My sisters and brothers and cousin.
- Q Have you any here to-day to testify? A. Yes sir.
- Q Who have you here to-day? A. Clark Grihamett---
- (Two witnesses sworn and put under the rule)

BY MR. HASTINGS: Cherokee Representative:

- Q What was your son's name who lives in Texas? A. Robert.
- Q You say he is 36 or 7 years of age? A. Yes sir, that is about his age I think.
- Q Was he married when you left down there? A. No sir.
- Q Old enough to work for himself was he Auntie? A. Yes sir
- Q Take care of himself when you left? A. Yes sir.
- Q What is your next child's to Robert's name? A. George
- Q How old is George? A I think he is about 27 I think that is his age; I can't much tell the ages.
- Q What place in Texas was e born, near what town? A. Harrison County, near to Marshall.
- Q Now what is the next one to George? A. Joe.
- Q How old is Joe? A. I guess he is 24 or 5, or something along there.
- Q Now, what place in Texas was he born? A. Born the same place, same town, Harrison County, Texas
- Q What is the next one to George? A. William.
- Q How old is William? A. He is 20 years old, 3 or 4
- Q Was he born in the same County in Texas? A. Yes sir, same town
- Q What is the next one? A. Frances, a girl
- Q How old is Frances? A. She is 22 I believe
- Q Was she born in the same County with the rest of them? A. Yes sir
- Q In Texas? A. Yes sir
- Q What is the next one? A. That is all
- Q Well, all of your children, all of your, youngest children were born in Texas? A. Yes sir.

Lila Alberty et al., ---3--

Q How old was France when you come up here? A. Three years old
I come up here in '83

COM'R NEEDLES: Well, you lived in Texas until 1883,
and came here with your children; that is the truth is it?
A. Yes sir.

BY MR. HASTINGS: What is this oldest daughter of yours?
A. Eliza Walldridge

Q You took her to Texas with you? A. Yes sir

Q How long has she been here? A. She has been back about six
months.

CLARK GRIFFETT, sworn and examined by Commissioner Needles,
testified as follows on part of the applicant:

Q What is your name? A. Clark Griffett

Q What is your age? A. 40

Q What is your post office? A. Fort Gibson

Q Do you know Lila Alberty? A. Yes sir.

Q How long have you known her? A. Ever since I could remember

Q Was she a slave? A. Yes, sir.

Q To whom did she belong? A. Tom Pettit.

Q Was she taken out of the Cherokee Nation during the war be-
tween the North and South? A. Yes sir.

Q When did she return? A. '83

Q Been living hereever since? A. Yes sir.

Q Didn't return here until 1883? A. No, sir.

AMY SMITH being sworn and examined by Commissioner Needles,
testified as follows on part of applicant.

Q What is your name? A. Amy Smith

Q How old are you Amy? A. About 70.

Q What is your post office? A. Fort Gibson

Q Do you know Lila Alberty, the applicant? A. Yes sir.

Q How long have you known her? A. I have been knowing her all
my days.

Q Was she a slave? A. Yes sir.

Q To whom did she belong? A. Tom Pettit.

Q Do you know whether she went out of the Cherokee Nation during
the war between the North and South? A. Yes sir.

Q Where did she go? A. She went down in Texas

Q When did she return? A. I can't tell the time she came back?

APPLICANT: '83 it was? A. It was.

Q About ten or 12 years ago? A. Over 12 years

Q You think it is not 15? A. It is about 15 or 16. I don't
know which; I can't tell you exactly

Q She has been living here ever since? A. Yes sir.

Q She lived in Texas and raised a family down there? A. Yes sir

LILA ALBERTY applies for the enrollment of herself as
a Cherokee Freedman/ Upon examination of the rolls of
the Cherokee Nation her name cannot be found. She avers that
she was a slave, taken out of the Cherokee Nation during the
war, and did not return until in 1883, too late under the

Lila Alberty et al.---4

provisions of the treaty of 1866, and the laws now in force to be enrolled as a Cherokee Freedman, consequently her application will be denied and she will be rejected.

---000---000---

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

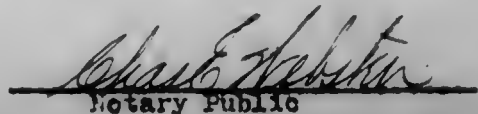
(S E A L) Subscribed and sworn to before me this September 13th, 1901

(Signed) M.D. GREEN
N.P.

Lucy M. Bowman, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she made the above and foregoing copy and that same is a full true and complete copy of the original transcript.


Lucy M. Bowman

Subscribed and sworn to before me this 16 day of June, 1905.


Charles E. Webster
Notary Public

Wm R

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

in the matter of the application for the enrollment of Lila Alberty, et al., as Cherokee Freedmen, consolidating the applications of--

Lila Alberty, Cherokee Freedmen R-163,
William A. Alberty, Cherokee Freedmen R-164.

DECISION.

The record herein shows that applications for enrollment as Cherokee freedmen were made to this Commission by Lila Alberty for herself and by William A. Alberty for himself.

The evidence in this case shows that the applicants, Lila Alberty and William A. Alberty, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they 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 Whitacre, trustee, et al., vs. the Cherokee Nation, et al., for the return of Cherokee freedmen to said Nation.


It further appears that neither of the applicants herein is identified on the 1880 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Lila Alberty and William A. Alberty as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1896, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



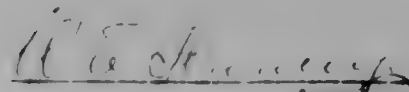
Chairman.



Commissioner.

C. R. Buckner

Commissioner



Commissioner.

Muskogee, Indian Territory.

MAR 5 1904

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

FILED
SEP 13 1901

[Handwritten signature]

CHEROKEE FREEDMEN.

Date Sept 13, 1901
Post Office Fort Gibson, T. T.
District Lahman

Name Age

Owner's name Citizenship

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

1. Name of wife Lila Alberty Age 60

Owner's name Tom Petit Citizenship Cherokee by blood

Year Page No. District

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

Rejected

3. Year Page No. Dist.

4. Year Page No. Dist.

5. Year Page No. Dist.

6. Year Page No. Dist.

7. Year Page No. Dist.

8. Year Page No. Dist.

9. Year Page No. Dist.

10. Year Page No. Dist.

11. Year Page No. Dist.

12. Year Page No. Dist.

Application made by #1 Stenographer J. O. Ross

SY:

Cherokee Freedmen
R-163

Muskogee, Indian Territory, March 25, 1904

Lila Alberty,

Fort Gibson, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision, dated March 5, 1904, rejecting, among others, your said application.

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

Respectfully,

Register

Commissioner in Charge.

Enc. 101

COPY

Cherokee Freedmen
R-163 R-164.

Muskogee, Indian Territory, March 25, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Lila Alberty et al., including the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of Lila and William A. Alberty as Cherokee freedmen.

Respectfully,

T. E. Needles,

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-104.

mdg

COMMISSIONERS

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

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

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R-163 et al.

ALLISON I. AYERSWORTH
SECRETARY

ALBANY, N. Y.
MARCH 25, 1904

Muskogee, Indian Territory, March 25, 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 Lila Alberty et al., rejecting the applications for the enrollment of Lila and William A. Alberty 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,



Enc. D-103.

Commissioner in Charge.

Refer in reply to the following:

Land.
21086/1904.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

(C O P Y)

WASHINGTON, June 18, 1904.

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 March 25, 1904, transmitting the record of the proceedings in the matter of the application of Lila Alberty and William A. Alberty for enrollment as Cherokee freedmen.

The record in this case shows that the applicants were slaves of Cherokee citizens at the commencement of the war; that during the war they left the Cherokee Nation and that they did not return until some during the year 1863. They are not therefore entitled to enrollment as Cherokee Freedmen, and the approval of the Commission's decision of March 5, 1904, unfavorable to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW-H

D.C. 22544-1904.
I.T. 5084-1904.
L.R.S.

W.C.F.

FHE

J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

June 28, 1904.

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

Gentlemen:

March 25, 1904, you transmitted the record in the consolidated case involving the applications of Lila Alberty and William A. Alberty as Cherokee freedmen, including your decision of March 5, 1904, rejecting said applications.

Reporting 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) M. N. Miller.

Acting Secretary.

1, inclosure.

COMMISSIONERS
TANS MEEY,
THOMAS B. NEEDLES,
C. R. BRACKENRIDGE

WM. O. BRALL
Secretary

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

FORM TO BE FILLED BY THE FOLLOWING
[Handwritten: Charles Brackenridge]
[Handwritten: 1894]

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, rejecting the application for the enroll-
ment of Lila and William A. Alberty as Cherokee freedmen, was
affirmed by the Secretary of the Interior on June 28, 1904.

Respectfully,



Commissioner in Charge.

Cherokee Freedmen

R-164.

Muskogee, Indian Territory, August 4, 1904.

William A. Alberty,

Fort Gibson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 28, 1904.

Respectfully,

Commissioner in Charge.

Cher. Fr. R. - 164

Cher. Fr. R. - 164

A

RR 1174

COMMISSION TO THE INDIAN DEPARTMENT OF THE INTERIOR

SEP 18 1904
H. E. D. D.

SEP 17 1904

of British Columbia for a party being given and given as follows:

~~Handwritten scribble~~

of the Cherokee Nation

Cherokee Nation

and words that placed upon

General Fifteen Col-

Mr. William Arthur.

the war between

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 13, 1901.

In the matter of the application of William A. Alberty for enrollment as a Cherokee Freedman, said Alberty being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A William A. Alberty.
Q What is your age? A About 66 years old.
Q What is your post office address? A Fort Gibson.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Does your name appear upon any of the rolls of the Cherokee Nation
A On Mr. Wallace roll I reckon.

The 1880 authenticated roll, 1880 census roll, Kern-Clifton pay roll, and Wallace roll of Cherokee Freedmen examined and name of applicant not found thereon.

- Q What is your middle name? A Arthur.
Q Is that the name you go by? A Yes, sir.

(Two witness called for applicant and sworn and placed under the rule")

- Q You say you drew the Wallace money? A I drew Fifteen dollars and a half.
Q Under the name of William Alberty? A Yes, sir, William Arthur.
Q Were you a slave, Mr. Alberty? A Yes, sir.
Q To whom did you belong? A Alberty, Mr. Blue Alberty.
Q Was he a Cherokee? A Yes, sir.
Q By blood? A By blood.
Q Well, where were you born? A Flint district.
Q Were you taken out of the Cherokee Nation during the war between the North and south? A Yes, sir.
Q Where to? A Carried to Texas.
Q When did you return? A In '83.
Q Been living here ever since? A Ever since.
Q You raised a family in Texas? A Not all of them.
Q You had some of them? A Yes, sir.
Q Are you the husband of Lila Alberty? A Yes, sir.
Q Did you live with her in the State of Texas while she was there?
A Yes, sir.
Q You and her returned to the Cherokee Nation together?
A Yes, sir; I was a slave brought up with my old friends and was an old settler.

(Testimony of witness not considered necessary for the Commissioner and not introduced.)

WILLIAM A. ALBERTY applies for the enrollment of hi self; he cannot be identified upon any of the rolls of the Cherokee Nation, although he avers that he drew what is known as the Wallace payment. His name cannot be found upon said roll. He avers that he was a slave and taken to the State of Texas during the war, and did not return until 1883, too late under the provisions of the treaty of 1866 to be listed for enrollment as a Cherokee Freedman, consequently the application of William A. Alberty for enrollment will be rejected.

---00000000---

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

Subscribed and sworn to before me this September 13, 1901.

J. O. Rowson
Commissioner.

To be filed in R-164.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., May 15, 1902.

In the matter of the application of Martha Stand for the enrollment of herself and child as citizens of the Cherokee Nation.

SUPPLEMENTAL TO 7524.

Applicants represented by S. S. Clover, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

THOMAS DAUGHERTY, being first duly sworn testified as follows:

- COMMISSION: What is your name? A. Thomas Daugherty.
- Q. How old are you, Mr. Daugherty? A. 52 years old.
- Q. What is your postoffice address? A. Vinita, I. T.
- Q. Are you a citizen of the Cherokee Nation? A. Yes sir.
- Q. Are you a Shawnee? A. Cherokee-Shawnee, yes sir.
- Q. Are you acquainted with Martha Stand? A. Yes, sir.
- Q. What was the name of her mother? A. The name of her mother?
- Q. Yes sir. A. Let me see, David I think.
- Q. Is her mother living at this time? A. No.
- Q. Laura Jacko isn't living, or Laura David?
- A. No sir.
- Q. When did she die? A. I don't remember, it's been about a year or such a matter.
- Q. Now this Martha Stand, is she a Cherokee-Shawnee? A. Yes, sir.
- Q. How long have you known her? A. Oh, I knowed her quite awhile, ever since she was a girl.
- Q. Where was she living when you first became acquainted with her?
- A. Why she was living in Kansas.
- Q. When did she come to the Cherokee Nation? A. Same time the Shawnees did.
- Q. In '71? A. '70 or '71 some time, some came in '70 and some in '71.
- Q. Where has she been living since that time? A. Why she has lived on Caney up here awhile.
- Q. In the Cherokee Nation? A. In the Cherokee Nation, Cooweescoowee District, and then she lived on White Oak until she died.
- Q. Is that also in the Cherokee Nation? A. Yes, sir, also in the Cherokee Nation.
- Q. Have you known her continuously since the time she came here with the Shawnees? A. Yes, sir, I think I have.
- Q. Where has she been living during all that time?
- A. Well that's about all I knew.
- Q. Has she always to the best of your knowledge lived in the Cherokee Nation since that time? A. Yes, sir, I think so.
- Q. Is she living now? A. No, sir, she died, I don't remember what date, but it's been—
- Q. She's died since this application was made? A. Yes, sir, I think so.
- Q. Is she a full blood Shawnee. A. Well called her full-blood, yes sir.
- Q. Did this Martha Stand ever take an allotment with the absentee Shawnees in Kansas, that is did she ever go back there and take an allotment after she came to the Cherokee Nation? A. No, sir.
- Q. Do you know of your own knowledge whether or not she has been recognized as a citizen since she came here with the Shawnees?
- A. I think so.
- MR. CLOVER Q. Who was she first married to? A. Was married to Charles Blackfeather—Oh yes, now this James Hunter.
- Q. Well who is James Hunter? A. He is a Shawnee.

- Q. Was she a registered Shawnee? A. Yes, sir.
- Q. Did she have any children by him? A. Had one.
- Q. Is that child alive? A. Yes, sir.
- Q. Who did she next marry? A. Charles Blackfeather.
- Q. Charles Blackfeather, was he a Cherokee Shawnee, registered Cherokee Shawnee? A. Yes, sir.
- Q. Did she have any children by him? A. Had one that I know of.
- Q. What is the name of that child? A. Susie Blackfeather.
- Q. That child alive or dead? A. Died.
- Q. Charles Blackfeather, did he die, her husband, or not? A. Yes, sir.
- Q. And who did she next marry after that? A. Married Reuben White.
- Q. Was Reuben White a Cherokee Shawnee? A. Yes, sir.
- Q. A registered Shawnee I mean? A. Yes, sir.
- Q. Were they divorced, separated? A. Yes, sir.
- Q. And then she married who next? A. Married Tom Stand.
- Q. Is he a Shawnee or a registered Shawnee or what tribe does he belong to? A. Belongs to the eastern tribe of Shawnees. Q. He isn't a member of the Cherokee Nation then? A. No. Q. Makes no claim I mean to that? A. None only for that child.
- MR. HASTINGS: How old were you when you came to the Cherokee Nation? A. Well I don't exactly know, I came in '71.
- Q. Well I want to know how old are you now? A. I am 52.
- Q. Where did you first know this woman? A. I knowed her.
- Q. Now I want to explain to you that I don't care about your hearing of her, but I want to know from your own personal knowledge? A. Why?
- Q. When did you first know her? A. I guess it was here in the Cherokee Nation.
- Q. You didn't know her then before you come here? A. No.
- Q. You got acquainted with her after you come to the Cherokee Nation? A. Yes sir.
- Q. How how long after you come here? A. Oh it wasn't long.
- Q. Well your best judgment? A. About a year or two.
- Q. When was she then living? A. Why she was on-let's see, think on Caney.
- Q. Well now is Caney out near Bartlesville? A. Caney, in the river I mean.
- Q. Is that out near Bartlesville? A. It is near Talala.
- Q. Well it's west of Talala ain't it? A. Yes, sir, west of Talala.
- Q. Well Bartlesville is right on it, isn't it? A. Well Bartlesville is further west.
- Q. Well how far were you living at that time, how far from Vinita? A. I lived nine miles north.
- Q. And that was about 75 miles from where this woman lived? A. No, it wasn't that.
- Q. How far? A. Something about 35 miles.
- Q. With whom was she living at that time? A. Why now I can correct that account.
- Q. Just correct it any way you want to? A. Why when I first knew her she lived on the Neesaho River.
- Q. Where was that? A. That was a little Southeast of Chetopa down the river.
- Q. Well on which side of the Neesaho River? A. This side of the river.
- Q. With whom was she living then? A. Why she was living there with Sallie, I think it is Sallie Prephet.
- Q. Sallie Prephet? A. Yes, sir.
- Q. In the Cherokee Nation? A. In the Cherokee Nation.
- Q. Was she single at that time? A. No, I think not, she was living with this Hunter, they were living there.
- Q. She was living with Hunter? A. James Hunter, yes, sir.
- Q. Well she was old enough at that time to be married, was she? A. Oh yes, sir.
- Q. Did she have any children when you knew her? A. Not when I first knew her.

- Q. She didn't? A. No.
- Q. How long did she live there on the Neosho River? A. I think she lived there till about '74.
- Q. And then where did she go? A. I believe she went across the river from there to the Shawnee Reservation.
- Q. Over there in the Quapaw Agency? A. Yes, sir.
- Q. And how long did she live over there? A. Well that I don't know.
- Q. Well she was living there in '60 wasn't she? A. I couldn't say, she might have been.
- Q. Well she lived there quite a number of years, didn't she? A. I don't know how long she did live there.
- Q. Well you know she did live there? A. Well that's what I said.
- Q. Well now who did she go over there with? A. Must have been with her mother.
- Q. Well what was her mother's name? A. Laura Davit, the way I knowed it.
- Q. Well was she separated from her first husband Hunter at that time? A. Yes, sir.
- Q. Where did Hunter go? A. He lived there, he died right there on the Neosho River.
- Q. Well did she marry any one else over there in that reservation? A. Not that I know of.
- Q. Well now when of your own personal knowledge did you ever after that time see her in the Cherokee Nation? A. Yes, sir, I have.
- Q. Well when I say? A. Oh.
- Q. And about that I want you to be as positive as you can? A. About '84.
- Q. Where? A. There in Vinita.
- Q. Was she there on a visit? A. No, they had some business there.
- Q. Well they lived though over in that reservation? A. No, they lived over on Caney.
- Q. They had moved to Caney then had they? A. Yes, sir, had when I knew them.
- Q. What were they doing there in '84? A. Why they were paying some of these Black Box Shawnees some money.
- Q. Was she known as one of these Black Box Shawnees? A. She heired some of the proceeds of the land and also her husband.
- Q. That in the spring or fall of that year? A. I think it was along, must have been along about this time of year.
- Q. Are you certain it was '84? A. Well that's my gift of it.
- Q. Well do you feel positive about it? A. I think so.
- Q. Did you ever see her living over on Caney? A. Yes, sir.
- Q. Was you ever at her house? A. Yes, sir.
- Q. How far did she live from Talala? A. She lived about six miles west.
- Q. Six miles west; now when were you ever there and saw her living there? A. I have been there several times.
- Q. When was the first time? A. First time was long about, well along about that time, along about '84 or '85.
- Q. Where did she marry Blackfeather? A. Married him there.
- Q. On Caney? A. Yes, sir.
- Q. What was her third husband's name? A. Third husband was White.
- Q. Where did she marry him? A. On White Oak.
- Q. Where did she marry Stand? A. Married Stand there on White Oak.
- Q. You say he was an eastern Shawnee? A. A Cherokee e-Shawnee.
- Q. When did he come to the Cherokee Nation? A. I don't know that, couldn't say, but after he married her.
- Q. Well did she and this last husband after their marriage continue to reside in the Cherokee Nation? A. Yes, sir.
- Q. Live there all the time I mean? A. After.
- Q. After she married her last husband? A. Yes, sir, I think so.
- Q. Well do you know it? A. Well she might have lived over there, he belonged over there; they might have lived there awhile now,

Q. that's what I am trying to say.

Q. Now Tom, I want to tell you right now there is a spirit of not direct positiveness about what you are testifying ; I want to know

the absolute truth in this case, and I want to know it all, and I want to know where she and this last man lived; tell it all? A. I knew what you want; I don't know whether they lived over there after they married, but all I know they lived ~~there~~ here.

Q. Well what makes you think they lived over there awhile? A. Well I thought it might be that way because he belonged over there; that they might have lived there awhile.

Q. Where did he belong? A. Eastern Shawnees.

Q. Over where she first lived? A. No, not where she first lived.

Q. Well she had lived over there among these people, over in the Quapaw Agency, was it there or in Oklahoma? A. Over there. Q. Over where? A. Quapaw.

Q. That's where he belonged? A. Yes, sir.

Q. Well now are you sure that she married him in the Cherokee Nation or over there? A. Well I am not positive about that.

Q. You are not positive about that, you know that she's dead?

A. Yes, sir, I knew she's dead.

Q. When did she die, do you know how long ago? A. Must have been a year or more.

MR. CLOVER: I wish to ask you too, do you know whether her mother was a registered Shawnee or not and under what name she was registered? A. I think she was.

Q. Well state what you know of your own knowledge of it? whether her mother was a registered Shawnee or not? A. Why I said I think she was.

MR. HASTINGS: I suggest that the records will show that.

MR. CLOVER: Let him state.

MR. HASTINGS: Well I ask the Commission to refer to Alexander Drum and find her name there.

COMMISSION: On the register of Shawnees?

MR. HASTINGS: Yes, sir.

COMMISSION: Was this woman ever known as Martha Drum? A. No.

Q. Do you know whether or not she was ever known as Martha Drum? A. No.

Q. What was her name when she came herewith the Shawnees?

A. I think she went under the name of Prophet on the register.

Q. What was her husband's name? A. Hunter after she came to the country.

Q. Well I mean after she came here with the Shawnees did she have a husband at that time? A. No sir.

Q. She did she marry, who had she been married to? A. Nobody, what I know of.

Q. What was her maiden name, Prophet? A. I think so.

Q. I asked you just now what the name of this Martha Stand was, do you know what her maiden name was? A. Well that's all I know, that Prophet.

Q. Do you know what her father's name was? A. Yes, sir.

Q. What was his name? A. I think his name was Prophet.

Q. Are you sure that it was Prophet, did you know him? A. I know the man. Q. Well what name did he go by? A. He went by the name of Batiest, but he was really a Prophet, his name ought to have been Prophet, his name was Batiest.

Q. Well what name was she going by when she came here with the Shawnees, did you know that the name at that time? A. Yes, sir. Q. What name did she have? A. Prophet. Q. Called her Martha Prophet? A. Yes I guess so.

MR. HASTINGS: Now didn't you tell us just now on cross-examination that you never did know this woman until she was living with this man Hunter up there on the Neches? A. I mean in the Cherokee Nation.

Q. Well that's what you said; you said that you never knew her until after she came to the Cherokee Nation, it was while she was living on the Neosho, and that she was living with a man by the name of Hunter and a woman by the name of Prophet's house? A. Yes, sir.

Q. You said just now on cross-examination that you never knew her before, didn't you? A. I said that, yes, sir, of course I meant to say I didn't know her.

Q. Well didn't you say just now that her mother's name was this Laura Davit over here? A. Yes, sir.

Q. Well how would this woman's name be Prophet if her mother's name was Laura Davit? A. Well just because she was raised by this Prophet.

Q. How do you know that? A. Why I knew the facts.

Q. Well how do you know it? A. Because I knew that she was, she was with her, and came with them people right there.

Q. How do you know that? A. Because I went back and forth to the Neosho River.

Q. Well you never saw her then until after she married, and that was some time after you met her, I mean after she had married Hunter? A. No, I knowed her before that.

Q. When? A. I knowed her before that, come to think over the matter, I know that I knowed her before that time.

Q. Well now this Sarah Prophet wasn't her mother? A. No. Q. And she was then a minor child wasn't she? A. Yes, sir, Sallie Prophet was her aunt.

Q. Well is she alive? A. No, sir, she's dead.

Q. And is any members of that family alive? A. Yes, sir, there is. Susie Highnife, that's the daughter of this Sallie.

COMMISSION: What name was this woman going by about six years ago? A. Six years ago? Q. Yes. What was her last husband's name? A. Stand. Q. When did she marry him? A. Well I don't know when they were married.

Q. How long has he been dead? Stand? A. He ain't dead; he's alive.

He's living is he? A. Yes, sir. Q. Well did she live with him continuously up until thotime she died? A. Yes, sir.

Q. Is he a Cherokee? A. No, he's an eastern Shawnee. Q. Not a citizen of the Cherokee Nation? A. No sir.

Q. Where does he live? A. He lives there on the place where she died on White Oak in Coowescoose District.

Q. Has he an allotment with the absentee Shawnees? A. No, he's an eastern Shawnee. Q. An eastern Shawnee? A. Yes, sir, in the Quapaw country. Has this child Edward always made its home here in the Cherokee Nation? A. I think so.

Q. Well how do you know whether it has? A. To the best of my knowledge they have.

Q. Do you know whether or not he has ever received an allotment with the Eastern Shawnees? A. I don't know.

Q. Did his father ever take an allotment with them? A. I think his father did.

Q. That's in the Quapaw Agency? A. Yes, sir.

Q. His father ever live on that allotment? A. I think so.

Q. How long ago was that that he was living on it? A. I couldn't say. Q. Well isn't he living on it now? A. No, he's living about White Oak; I saw him day before yesterday up there at White Oak.

Q. When did she marry Reuben White, how long ago? A. I don't know exactly to a day.

Q. Well about how long ago was that? A. Well along about the time this little before this Wallace roll was made; I don't know when

that was exactly.

-6-

Q. Well about how many years ago was it, ten or fifteen or how many?

A. Why I couldn't say how many years.

Q. Haven't you any idea as to the number of years? A. I don't know, couldn't say.

JOHNSON BLACKFEATHER, being first duly sworn, testified as follows through sworn interpreter Thomas Duagherty:

MR. CLOVER: What's your name? A. Blackfeather, Johnson Blackfeather.

Q. What's your age? A. About 64 years old.

Q. What is your postoffice address? A. Vinita.

Q. What positions have you held in the Shawnee tribe of Indians prior to your time of coming to the Indian Territory and Cherokee Nation? A. Why he said he has been a councilman before he came to the Cherokee Nation.

Q. You were a Shawnee Indian by blood and birth? A. Yes, sir.

Q. What positions have you held in the Cherokee Nation in the Shawnee organization since you came here? A. He said he has been a chief of the Shawnees.

Q. Were you or were you not plaintiff in the case of the Cherokee-Shawnees against the Cherokee Nation and the United States? A. Yes, sir.

Q. Were you or were you not the plaintiff in the case of the Shawnee Indians against the government of the United States? A. Yes, sir.

Q. Did you know Martha Stand before she died? A. Yes, sir.

Q. Of what nation and tribe was she a member before 1871, June 18? A. Shawnee.

Q. Was her mother a Shawnee or belonged to some other tribe? A.

Shawnee. Q. Was her father a Shawnee or belonging to some other tribe or a white person? A. Shawnee. Q. How long did you know Martha Stand from the time of her birth before her death, how many years, what's your recollection? A. Thirty some odd years.

Q. What was her Shawnee Indian name? A. Nawatanase.

Q. What time did she come to the Cherokee Nation to your knowledge?

A. Along about '70 or '71, said she didn't know exactly what year.

Q. Who did she come with, what family of Shawnees did she come with, if any? A. Why Chachequa, her Indian name, don't know the English name of it.

Q. Was that party that she came with any relation to the Prophet family or not? A. Why she was a sister of John Prophet.

Q. What relation was Martha Stand, alias Nawatanase, to the Prophet family? A. Why this Chachequa was an aunt of hers.

Q. Well who did Nawatanase first marry, her first marriage, and where did that marriage take place? A. Her first marriage was taken place at the Neecbe River, Cherokee Nation.

Q. And who was that marriage to? A. To Bully.

Q. What's the English name of that Indian name Bully? A. Do you want the straight English?

A. Yes, straight English name, what was his English name? A. He said his first name he don't know, but he went by the name of Hunter.

Q. He was a Cherokee-Shawnee Indian? A. Yes, sir.

Q. Did she have any children by him? A. One.

Q. What was the name of that child? A. Woodmanase.

Q. What was her English name? A. Malinda Hunter.

Q. Is she now living? A. Yes, sir, saw her a few days ago.

Q. After that marriage and the death of James Hunter who did she next marry? A. He said his nephew, Charles Blackfeather.

- Q. Was you present at that marriage? A. No, he wasn't there, saw them afterwards together.
- Q. Did Charles Blackfeather and her have any children?
- A. One he knowed of.
- Q. Give the name of that one? A. Susie Blackfeather.
- Q. Was Susie born in the Cherokee Nation? A. Yes sir.
- Q. Did she die in the Cherokee Nation, or die elsewhere, if she's dead? A. Died at White Oak in the Cherokee Nation.
- Q. Did your nephew live with her until she died or not, or were they divorced? A. Till she died?
- Q. Till he died? A. They lived together until he died.
- Q. Was your nephew, Charles Blackfeather, a registered Shawnee or not? A. Yes, sir, I guess he was.
- Q. He came here and lived in the Cherokee Nation did he or did he not?
- A. Yes, sir.
- Q. Now then who next did she marry? A. Tom Stand he says.
- Q. Make your recollection again and see if she hadn't been married some time between the death of your nephew and the marriage to Tom Stand? (No response)
- Q. Did she ever marry Reuben White? A. Yes, sir.
- Q. Did she have any children by Reuben White? A. Not that he knows of.
- Q. Was Reuben White a registered Shawnee? A. Yes, sir.
- Q. Who was his father? A. Thomas White.
- Q. Who was his mother? A. Kalmahkase, that's her Indian name.
- Q. Now about what time did Thomas Stand and her marry? A. He don't know exactly, he said, how long.
- Q. Well were they living together as man and wife at the time of her death and prior to that date? A. Yes, sir, he knew them.
- Q. Well did he have any child or children living at the time of her death, did she have? A. One that he knows of.
- Q. What Indian or English name of both of them did Martha go under and who she married about '80 or '81? A. He says he don't know.
- MR. HASTINGS: Well when she married Blackfeather? A. Along about '84 or '85 as near as he can recollect. Now I'll tell you how he says he recollects this, He said when he first saw Blackfeather and her was at the time that Carney came there paying this money in '84.
- COMMISSION: Well what name was she going by just before she married Blackfeather? A. Must have been, she must have went under the name of Prophet at that time.
- MR. CLOVER: Prop bet, she was married before by Hunter, and of course her maiden name- A. They separated.
- Q. Then they came on the others; well it's either Hunter or White then up to that because '83 she was a White. Her husband died in '86.
- MR. DAUGHERTY: Which one of the husbands?
- MR. CLOVER: That's Blackfeather, he died in '86, and she married Reuben White then after that time, and this Susie Blackfeather was born between '83 and '87, their child.
- COMMISSION: The applicant is not identified on the Authenticated Roll of 1880 either as Martha Hunter, Martha Prophet, or any other name mentioned in this testimony.
- MR. CLOVER: What family did Martha Stand come down herewith when she came to the Cherokee Nation? A. Well this Chachequa.
- Q. That's this Prophet; who was this Chachequa woman married to previous to when she came here? A. Kahwekah.
- Q. What's his English name? A. He don't remember the English name, but it's Caleb Harvey's brother.
- COMMISSION: Now what family did this Martha Stand come to the Cherokee Nation with? A. Well that's the family she came with, with Chachequa.
- Q. That's the English for that? A. There is no English for that.
- Q. This Chachequa was the aunt of Martha Stand, was she? A. Yes, sir.
- Q. Well now who was her aunt married to? A. He thinks that John Francis or Kahwekah and this Chachequa was living together when they came to the Cherokee Nation.

Q. Now Kasekah is John Francis in English? A. John Francis, yes, sir.

Q. Now did John Francis and his wife have any children of their own when they came down here, A. No, sir.

MR. HASTINGS: None at all? A. No.

COMMISSION: Well did his wife have any children? A. Oh, yes, she had children.

Q. Now many did she have when she came down here? A. Three that he remembers of.

Q. Well, what name did those children go by? A. They went by the name of their father?

Q. And who was the father? A. Chepas, he don't know the English name.

MR. HASTINGS: Well was John Francis' wife living when they came down? A. Why yes, Chachequa.

Q. And she had three children of her own? A. Three or four that he knows of.

MR. CLOVER: Who was she married to before that? Who was this Chachequa married to when she came down here, I mean? A. Chepas.

Q. Which Chepas is that? A. He thinks his name is Nicaschie.

Q. What was his English name? A. That's all he knows, that Nicaschie.

Q. Was there any other of that name in the tribe who came down here? A. Not that he knows of.

Q. What became of him? A. Died.

Q. Who was the mother of Martha Stand alias Nawatanase? A. Lahlugua.

COMMISSION: Now what was the English for that? A. Jacko.

MR. CLOVER: Who was she married to when she came to the Cherokee Nation? A. He don't know.

Q. Well state if he knows whether at any time she was ever married to Alexander Drum? A. Only by hearsay, that's all.

COMMISSION: Did he ever see her living with Alexander Drum?

A. He said that no, he never; he said that only by hearsay that he was.

Q. Now ask him what the English name of the mother of Martha Stand is at the present time or was before she died some time ago?

A. He didn't know; told him to state up to the time that she died; he didn't know she was dead.

Q. Well does he know what they called her, does he know what her given name was? A. Her last name was Taylor.

Q. Ask him if he ever knew this woman by the name of Laura Jacko?

A. That's before she was married; that was her name, he said that was her name before she was married.

Attention is here called to the name of Laura Drum as it appears opposite No. 256 in the list of Shawnees who removed to and settled in the Cherokee Nation in the year 1871, which Laura Drum appears to be the mother of the applicant, Martha Stand.

THOMAS DAUGHERTY, recalled.

COMMISSION: Were you acquainted with John Francis during his life time? A. Yes, sir.

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

Q. What was her name? A. Sallie, I think her name was.

Q. Did she have any children by Francis? A. No, not that I know of.

Q. Did she have any children by any man? A. Why she had children by Thomas Nicaschie.

Q. You know Martha Stand during her life time? A. Yes, sir.

Q. Now many children did this John Francis' wife have by Thomas Nicaschie? A. Why she had three girls and one boy.

Q. Now what relation, if any, did John Francis' wife bear to the applicant in this case, Martha Stand? A. Why that was Martha Stand's aunt.

Q. Did Martha Stand come to the Cherokee Nation with her aunt?

A. Yes, sir, I think so.

Q. Did Martha Stand have any brothers or sisters who came here at the same time? A. No, I think not, not to my knowledge.

MR. HASTINGS: Now as I understand you John Francis' wife was named Sallie Prophet? A. That was her maiden name.

Q. Yes; she had three girls and one boy when she came to this country? A. Yes, sir.

Q. In other words John Francis' wife had four children when she came down here with the Shawnees? A. Yes, sir, that's it.

MR. CLOVER: Did this Sallie Francis have any children named Angeline?

MR. HASTINGS: Let him name them if he knows them; he says he knows them.

COMMISSION: Do you know the children of Sallie Prophet?

A. Yes, sir.

Q. What are their names? A. Why there was Henry, and Susie, Phoebe, and Theopew.

MR. HASTINGS: These four children were children that she had had before her marriage to Francis, that I called your attention to?

A. Yes. Q. Weren't Francis' children? A. No.

Q. Francis' stepchildren? A. Yes sir.

MR. CLOVER: Here's Thomas Hicachis and two children marked down here, how many did he have? A. He had those four children that I named.

Q. Well this is her's by her- A. Might have been two registered with him, had a son, might have been with him, but he had no other children besides that to my knowledge.

COMMISSION: Well now was Hicachis the father of Sallie's children? A. Yes, sir.

Q. He was the father of those four children? A. Yes, sir.

Q. Did he have any other children besides those four at any time?

A. No, that is all they had, that is all he ever had.

MR. HASTINGS: Well didn't Tom marry somebody after they separated before they came down here? A. Yes, sir, but he never had no children.

Q. By a second wife? A. No, no children, I knew the woman's name that he married I think.

Commission: Well how do you account for the fact that the name of Sallie's children, if she was married to Thomas Hicachis, appears on this Shawnee register under the name of Prophet? A. Well her and Hicachis separated and she took her maiden name.

Q. And had her children know her? A. Yes, sir, excepting if Hicachis had two of them I don't know, there's their register here, he might have took two of the children and she took two because he had no other children only them four.

Q. Well now was there anybody else besides Martha Stand who came down here with Sallie at that time. Sallie and her children and Martha; was there anybody else? A. I think there was one older daughter by another marriage, but what her name is I don't know.

Q. Sallie had another daughter by a different man than Hicachis? A. Yes, sir, she had one child.

MR. CLOVER: Who was it? A. I don't know her name-Walahquechie.

COMMISSION: Who was the father of this Martha Stand?

A. Why, his name is James Prophet, and at other times his name was Batiest, on the rolls James Batiest.

MR. CLOVER: What did they call B tiest, what was his given name? A. He was a Prophet. What did they call him, what was his given name?

A. James.

Q. What was his Cherokee name? A. Shawnee name I know.

Q. Yes, Shawnee name? A. Falwetete.

Q. Did he go by any other English name; here we have got him down as Batiest, and his Indian name; what other name did he go by?

A. That's all I know.

Q. Prophet? A. Well I said that already, Prophet.

COMMISSION: Did this Martha Stand ever have a Shawnee name?

A. Nawatanase.

Q. Did you ever know any other James Prophet who was a registered Shawnee except the father of this Martha? A. That's all I know.

Q. Do you know whether or not James Prophet and Laura Jacks ever had any other children other than the applicant?

A. That's all I know of them, just that one.

Q. Well now after the separation of James Prophet and the mother of the applicant, Laura Jacobs, did he, James Propher ever marry any one else? A. Why to my knowing he married this here woman.

Q. What's that Shames name? A. Shameshshshshshsh.

MR. HASTINGS: That was his second wife then? A. That is to my knowing.

Q. That was Martha Staud's stepmother? A. Yes, sir.

MR. GLOVER: How many times did you know them to be married any way? A. A. I didn't know but three times, the last time he married he married a Delaware woman.

JOHN BLACKFATHER, recalled.

MR. HASTINGS: Where did you first know Martha Staud? A. Neesho River.

Q. Did you know her up in Kansas before she came down there? A. Yes, he said he knowed her in Kansas when she was about that high. (Indicating about two feet)

Q. How far did he live from her? A. About seven miles.

Q. How long did he live there on the Neesho River? Did she ever go over there and live in the Quapaw Agency? A. He said he couldn't state exactly when she went over.

Q. Well he knows she did go over? A. Yes, sir, only by hearsay. He didn't know it; I reckon that he knowed she lived on this side when she first come.

Q. Does he know by hearsay how long she lived over there? A. No, he couldn't state.

Q. Well does he know when she come back, when did he first see her back here the first time after that? A. He said he couldn't exactly tell when he saw her first after she come there.

Q. Well hasn't he got no recollection at all about it? A. He said he couldn't exactly tell when he saw her first after she come there.

Q. Well hasn't he got no recollection at all about it? A. He said he couldn't say about when he saw her after she come over; might be wrong; said he could guess at it.

Q. Well short time or long time? A. Why it wasn't very long she was over there.

Q. Think it's been as much as a year or two years since she come from the Quapaw Reservation back over there? A. You mean from the time

Q. That she come from the Reservation, she come over here to the Cherokee Nation? A. About twenty or twenty-five years.

Q. Since she come back? A. A. Yes, sir, that's when she went there first.

Q. Well I am after when she come back from over there, put that into the man's head? A.

COMMISSION: How long has she been back over here from the Quapaw Reservation? A. Why he couldn't state; he said he didn't know.

Q. Doesn't he know about how long it was? Hasn't he any idea?

A. He don't know, he said, he couldn't remember when they come over.

MR. HASTINGS: Well he don't know whether it is one or twenty five years? A. He said he thought it was about twenty-five years.

Q. Since she come back from over there? I'm trying to get him to say not when she went over there, but when she come back, when he first saw her back here in this country after she went over there to the Quapaw Reservation. A. He said he stated it awhile ago.

Q. Well I want to know it again; now it won't hurt him? A. He says he made a statement there awhile ago he thought it was about '84.

COMMISSION: How has Laura Jacobs's mother-how long has she been living in the Cherokee Nation? A. Well she come in here about '70 or '71.

Q. How long did she continue to reside here? A. He said that she come here about '70 or '71 and then stayed here awhile and went with the absentee Shames.

Q. In the Quapaw Reservation? A. No, absentee Shames, Oklahoma,

C.M.McR.

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

In the matter of the application for the enrollment of Lila Alberty, et al., as Cherokee Freedmen, consolidating the applications of--

Lila Alberty, (Cherokee Freedmen R- 163
William A. Alberty, Cherokee Freedmen R- 164.

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 Lila Alberty for herself and by William A. Alberty for himself.

The evidence in this case shows that the applicants, Lila Alberty and William A. Alberty, were the slaves of Cherokee citizens at the commencement of the rebellion; that during said rebellion they 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 neither of the applicants herein is identified on the 1860 authenticated Cherokee Roll.

It is, therefore, the opinion of this Commission that the Applications for the enrollment of Lila Alberty and William A. Alberty as Cherokee freedmen should be denied, under the provisions of section twenty-one of the act of Congress approved June 28, 1888, (30 Stat., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

Signed-- Tams Bixby,
Chairman.

▪ T. B. Needles,
Commissioner.

▪ C. R. Breckinridge,
Commissioner.

▪ V. E. Stanley,
Commissioner.

Muskogee, Indian Territory,

this March 5, 1904



JR 164

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

FILED
SEP 13 1901

 ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept. 13, 1901.
Post Office Fort Gibson, Okla.
District Tahlequah

1. Name William A. Alberty
Owner's name Edward Alberty
Year Page No. District
Age 66
Citizenship Other

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owner's name Citizenship

Year Page No. District
Rejected

Parents:

Father Citizenship

Mother Citizenship

Names of Children:

	Year	Page	No.	Dist.
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by # 1.

Stenographer J. O. Ross

Not identified on any tribal roll in possession of the Commission.

Cherokee Freedmen
R-164.

Muskogee, Indian Territory, March 25, 1904.

William A. Alberty,

Fort Gibson, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision, dated March 8, 1904, rejecting, among others, your said application.

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

Respectfully,

Register
Enc. D-103.

Commissioner in Charge.

Cherokee Freedmen
B-163 et al.

Muskogee, Indian Territory, March 25, 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 8, 1904, in the consolidated case of Lila Alberty et al., rejecting the applications for the enrollment of Lila and William A. Alberty 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,

L. B. Worsham

Enc. D-103.

Commissioner in Charge.

COPY

Cherokee Freedmen
R-163 R-164.

Muskogee, Indian Territory, March 25, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Lila Alberty et al., including the Commission's decision, dated March 5, 1904, rejecting the applications for the enrollment of Lila and William A. Alberty as Cherokee freedmen.

Respectfully,

I. D. Noddins.

Through the
Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. D-104.

Refer in reply to the following:

Land.
21088/1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

(C O P Y)

WASHINGTON, June 18, 1904.

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 March 25, 1904, transmitting the record of the proceedings in the matter of the application of Lila Alberty and William A. Alberty for enrollment as Cherokee freedmen.

The record in this case shows that the applicants were slaves of Cherokee citizens at the commencement of the war; that during the war they left the Cherokee Nation and that they did not return until some during the year 1863. They are not therefore entitled to enrollment as Cherokee Freedmen, and the approval of the Commission's decision of March 5, 1904, unfavorable to the applicants is recommended.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW-H

D.O. 32644-1904.
I.T.D. 5082-1904.
L.R.S.

W.C.F.

FHE

J.P.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

June 28, 1904.

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

Comptroller

March 25, 1904, you transmitted the record in the consolidated case involving the applications of Lifa Alberty and William A. Alberty as Cherokee freemen, including your decision of March 5, 1904, rejecting said applications.

Reporting 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,

(S. 2007) R. F. BURTON

Acting Secretary.

1, inclosure.

Cherokee Freedmen

R-163 R-164.

Muskegee, Indian Territory, August 4, 1904.

Hastings, Bell & Davenport,
Attorneys for the Cherokee Nation,

Gentlemen:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting the application for the enrollment of Lila and William A. Alberty as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 28, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

R-163 R-164.

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, rejecting the application for the enrollment of Lila and William A. Alberty as Cherokee freedmen, was affirmed by the Secretary of the Interior on June 28, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

R-163.

Muskogee, Indian Territory, August 4, 1904.

Lila Alberty,

Fort Gibson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated March 5, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on June 26, 1904.

Respectfully,

Commissioner in Charge.

Cher. Fr. R 165

Cher Fr. R - 165

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FR 1165

COMMISSION
INDIAN AFFAIRS
WASHINGTON, D.C.
BUREAU OF INDIAN AFFAIRS
DIVISION, CIVILIZED TRIBES.

SEP 18 1903

[Handwritten signature]
A. N. CHARMAN

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 16, 1901.

In the matter of the application of Felix McClain for enrollment as a Cherokee Freedman by Intermarriage; said McClain being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Felix McClain.
Q How old are you? A About 30.
Q What is your post office address? A Cottenwood.
Q What district do you live in? A Sequoyah.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q By intermarriage or how? A By marriage.
Q What is your wife's name? A Nellie.
Q How old is she? A About 22 or 3 I guess.
Q What was her father's name? A Sam Starr.
Q Is he living? A No, sir.
Q What is her mother's name? A Nancy Starr.
Q Is she living? A Yes, sir.
Q Is your wife a Cherokee Freedman? A Yes, sir.
Q Has she been listed for enrollment? A Yes, sir.
Q Were you ever married before you married her? A No, sir.
Q Was she ever married before she married you? A No, sir.
Q You present a marriage license issued by William Nelson, Clerk of the United States Court, on the 17th day of January, 1891, and certificate that you were married according to said license on the 25th day of February, 1891, by William M. Payne, a Minister of the gospel? Is that correct? A Yes, sir.
Q Have you ever been married according to the laws of the Cherokee Nation? A No, sir.
Q You never obtained a license according to the laws of the Cherokee nation? A No, sir.
By Mr. Hastings, Cherokee representative:
Q Are you living with your wife now? A Yes, sir.
By Com'r Needles: Have you lived with her continuously since you married her? A Yes, sir.
Q You say she has been listed for enrollment by this Commission? A Yes, sir.

Well, Mr. McClain, by reason of the fact that you were not married according to the laws of the Cherokee Nation the Commission has no authority to list you for enrollment, and your application will be rejected.

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

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

J. O. Rosson
Commissioner.

To be filed in Cherokee R-165

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

In the matter of the application of Martha Stand for the enrollment of herself and child as citizens of the Cherokee Nation.

SUPPLEMENTAL TO 7824.

Applicants represented by S. S. Clover, Vinita, I. T.
Cherokee Nation represented by W. W. Hastings.

Thomas Daugherty being first duly sworn testified as follows:

COMMISSION: What is your name? A. Thomas Daugherty.

Q. How old are you Mr. Daugherty? A. 52 years old.

Q. What is your postoffice address? A. Vinita, I. T.

Q. Are you a citizen of the Cherokee Nation? A. Yes, sir.

Q. Are you a Shawnee? A. Cherokee-Shawnee, Yes, sir.

Q. Are you acquainted with Martha Stand? A. Yes, sir.

Q. What was the name of her mother? A. The name of her mother?

Q. Yes, sir. A. Let me see, Davit I think.

Q. Is her mother living at this time? A. No.

Q. Laura Jacko isn't living, or Laura Davit? A. No, sir.

Q. When did she die? A. I don't remember, it's been about a year or such matter.

Q. Now this Martha Stand, is she a Cherokee Shawnee? A. Yes, sir.

Q. How long have you known her? A. Oh I knowed her quite awhile, ever since she was a girl.

Q. Where was she living when you first became acquainted with her?

A. Why she was living in Kansas.

Q. When did she come to the Cherokee Nation? A. Same time the Shawnees did.

Q. In '71? A. '70 or '71 some time, some came in '70 and some in '71.

Q. Where has she been living since that time? A. Why she has lived on Caney up here awhile.

Q. In the Cherokee Nation? A. In the Cherokee Nation, Cooweescoowee District, and then she lived on White Oak until she died.

Q. Is that also in the Cherokee Nation? A. Yes, sir, also in the Cherokee Nation.

Q. Have you known her continuously since the time she came here with the Shawnees? A. Yes, sir, I think I have.

Q. Where has she been living during all that time? A. Well that's about all I know.

Q. Has she always to the best of your knowledge lived in the Cherokee Nation since that time? A. Yes, sir, I think so.

Q. Is she living now? A. No, sir, she died, I don't remember what date, but its been-

Q. She's died since this application was made? A. Yes, sir, I think so. Q. Is she a full blood Shawnee? A. Well called her full blood, yes, sir.

Q. Did this Martha Stand ever take an allotment with the absentee Shawnees in Kansas, that is did she ever go back there and take an allotment after she came to the Cherokee Nation? A. No, sir,

Q. Do you know of your own knowledge whether or not she has been recognized as a citizen since she came here with the Shawnees?

A. I think so.

MR. CLOVER. Who was she first married to? A. Was married to Charles Blackfeather-Oh yes, now this James Hunter.

Q. Well who is James Hunter? A. He is a Shawnee.

Q. Was he a registered Shawnee? A. Yes, sir.

Q. Did she have any children by him? Had one.

Q. Is that child alive? A. Yes, sir.

Q. Who did she next marry? A. Charles Blackfeather.

Q. Charles Blackfeather; was he a registered Cherokee-Shawnee, registered Cherokee-Shawnee? A. Yes, sir.

- Q. Did she have any children by him? A. Had one that I know of.
- Q. What is the name of that child? A. Susie Blackfeather.
- Q. That child alive or dead? A. Died.
- Q. Charles Blackfeather, did he die, her husband, or not? A. Yes, sir.
- Q. And who did she next marry after that? A. Married Reuben White.
- Q. Was Reuben White a Cherokee Shawnee? A. Yes, sir.
- Q. ~~A registered Shawnee I mean? A. Yes, sir.~~
- Q. A registered Cherokee Shawnee I mean. A. Yes, sir.
- Q. Were they divorced, separated? A. Yes, sir.
- Q. And then she married who next? A. Married Tom Stand.
- Q. Is he a Shawnee or a registered Shawnee or what tribe does he belong to? A. Belongs to the eastern tribe of Shawnees.
- Q. He isn't a member of the Cherokee Nation then? A. No.
- Q. Makes no claim I mean to that? A. None only for that child.
- MR. HASTINGS: How old were you when you came to the Cherokee Nation? A. Well I don't exactly know, I came in '71.
- Q. Well I want to know how old are you now? A. I am 52.
- Q. Where did you first know this woman?
- A. I knowed her- Q. Now I want to explain to you that I don't care about your hearing of her, but I want to know from your own personal knowledge? A. Why- Q. When did you first know her? A. I guess it was here in the Cherokee Nation.
- Q. You didn't know her then before your come here? A. No.
- Q. You got acquainted with her after you come to the Cherokee Nation? A. Yes sir. Q. Now how long after you come here? A. Oh it wasn't long. Q. Well your best judgment? A. A bout a year or two.
- Q. Where was she then living? A. Why she was on-let's see, think on Caney.
- Q. Well now is Caney out near Bartlesville? A. Caney, in the river I mean. Q. Is that out near Bartlesville? A. It is near Talala.
- Q. Well it's west of Talala, aint it? A. Yer, sir, west of Talala.
- Q. Well Bartlesville is right on it, isn't it? A. Well Bartlesville is further west.
- Q. Well now where were you living at that time, how far from Vinita? A. I lived nine miles north.
- Q. And that was about 75 miles from where this woman lived? A. No, it wasn't that. Q. How far? A. Something about 35 miles.
- Q. With whom was she living at that time? A. Why now I can correct that account.
- Q. Just correct it any way you want to? A. Why when I first knew her she lived on the Neosho River.
- Q. Where was that? That was a little Southeast of Chatopa down the river.
- Q. Well on which side of the Neosho River? A. This side of the River.
- Q. With whom was she living then? A. A. Why she was living there with Sallie, I think it is Sallie Prophet.
- Q. Sallie Prophet? A. Yes, sir.
- In the Cherokee Nation? In the Cherokee Nation.
- Q. Was she single at that time? A. No, I think not, she was living with this Hunter, they were living there.
- Q. She was living with Hunter? A. James Hunter, yes sir.
- Q. Well she was old enough at that time to be married, was she? A. Oh yes sir.
- Q. Did she have any children when you know her? A. Not when I first
- Q. She didn't? A. No.
- Q. How long did she live there on the Neosho River? A. I think she lived there till about '74.
- Q. And then where did she go? A. I believe she went across the river from there to the Shawnee Reservation.
- Q. Over there in the Quapaw Agency? A. Yes, sir.
- Q. And how long did she live over there? A. Well that I don't know. Q. Well she was living there in '80 wasn't she? A. I couldn't say she might have been.
- Q. Well she lived there quite a number of years didn't she? A. I don't know how long she lived there. Q. Well you know she lived there? A. Well that's what I said.
- Q. Well now who did she go over there with? A. Must have been with her mother.

- Q. Well what was her mother's name? A. Laura Davit the way I knowed it.
- Q. Well was she separated from her first husband Hunter at that time? A. Yes, sir.
- Q. Where did Hunter go? A. He lived there, he died right there on the Neeshe River.
- Q. Well did she marry any one else ever there in that reservation? A. Not that I know of.
- Q. Well now when of your own personal knowledge did you ever after that time see her in the Cherokee Nation? A. Yes, sir, I have.
- Q. Well when I say? A. Oh.
- Q. And about that I want you to be as positive as you can? A. About '84.
- Q. Where? A. There in Vinita.
- Q. Was she there on a visit? A. No they had some business there.
- Q. Well they lived though over on that reservation? A. No, they lived over on Caney.
- Q. They had moved to Caney had they? A. Yes, at had when I know them.
- Q. What were they doing there in '84? A. Why they were paying some of these Black Box Shawnees some money.
- Q. Was she known as one of these Black Box Shawnees? A. She heired some of the proceeds of the land and also her husband.
- Q. That in the Spring or the fall of that year? A. I think it was along most have been along about this time of year.
- Q. Are you certain it was '84? A. Well that's my gift of it.
- Q. Well do you feel positive of it? A. I think so.
- Q. Did you ever see her living over on Caney? A. Yes, sir.
- Q. Was you ever at her house? A. Yes, sir.
- Q. How far did she live from Talala? A. She lived about six miles west.
- Q. Six miles west; now when were you over there and saw her living there? A. I have been there several times.
- Q. When was the first time? A. First time was long about, well along about that time,, along about '84 or '85.
- Q. Where did she marry Blackfeather? A. Married him there.
- Q. On Caney? A. Yes sir.
- Q. What was her thir husband's name? A. Thir husband was White.
- Q. Where did she marry him? A. On White Oak.
- Q. Where did she marry Stand? A. Married Stand there on White Oak.
- Q. You say he was an eastern Shawnee? A. A Cherokee-Shawnee.
- Q. When did he come to the Cherokee Nation? A. I don't know that, couldn't say, but after he married her.
- Q. Well did she and this last husband after their marriage continue to reside in the Cherokee Nation? A. Yes, sir.
- Q. Live there all the time I mean? A. After-
- Q. After she married her last husband? A. Yes, sir, I think so.
- Q. Well do you know it? A. Well she might have lived over there, he belonged over there; they might have lived there awhile now, that's what I am trying to say.
- Q. Now Tom, I want to tell you right now there is a spirit of not direct positiveness about what you are testifying; I want to know the absolute truth in this case, and I want to know it all, and I want to know where she and this last man lived; tell it all? A. I know what you want; I don't know whether they lived over there after they married, but all I know they lived there.
- Q. Well what makes you think they lived over there awhile? A. Well I thought it might be that way because he belonged over there; that they might have lived there awhile.
- Q. Where did he belong? A. Eastern Shawnees.
- Q. Over where she first lived? A. No, not where she first lived.
- Q. Well she had lived over there among these people, ever in the Quapaw Agency, was it there or in Oklahoma? A. Over there.
- Q. Over where? A. Quapaw.
- Q. That's where he belonged? A. Yes sir.
- Q. Well now are you sure that she married him in the Cherokee Nation or over there? A. Well I am not positive about that.
- Q. You are not positive about that, you know that she's dead? A. Yes, sir, I know she's dead.
- Q. Then did she die, do you know how long ago? A. Must have been a year or more.

year or more.

MR. CLOVER: I wish to ask you too, do you know whether her mother was a registered Shawnee or not? A. Why, I said I think she was.

MR. HASTINGS: I suggest that the records will show that.

MR. CLOVER: Let him state.

MR. HASTINGS: Well I ask the Commission to refer to Alexander Drum and find her name there.

COMMISSION: On the register of Shawnees?

MR. HASTINGS: Yes, sir.

COMMISSION: Was this woman ever known as Martha Drum? A. No.

Q. Do you know whether or not she was ever known as Martha Drum? A. No.

Q. What was her name when she came herewith the Shawnees? A. I think she went under the name of Prophet on the register.

Q. What was her husband's name? A. Hunter, after she came to the country.

Q. Well I mean after she came herewith the Shawnees, did she have a husband at that time? A. No, sir.

Q. Who did she marry, who had she been married to? A. Nobody that I know of.

Q. Was that her maiden name, Prophet? A. I think so.

Q. I asked just now what the name of this Martha Stand was, do you know what her maiden name was? A. A. Well that's all I know, that Prophet.

Q. Do you know what her father's name was? A. Yes, sir.

Q. What was his name? A. I think his name was Prophet.

Q. Are you sure that it was Prophet, did you know him? A. I knew the man.

Q. Well what name did he go by? A. He went by the name of Batiest, but he was really a Prophet. His name ought to have been Batiest-Prophet, his name was Batiest.

Q. Well what name was she going by when she came here with the Shawnees, did you know them at that time? A. Yes, sir.

Q. What name did she have? A. Prophet.

Q. Called her Martha Prophet? A. I guess so.

MR. HASTINGS: Now didn't you tell me just now on cross examination that you never did know this woman until she was living with this man Hunter up there on the Neesaho? A. I mean in the Cherokee Nation.

Q. Well what you said; you said that you never knew her until after she came to the Cherokee Nation, it was while she was living on the Neesaho, and that she was living by with a man by the name of Hunter and a woman by the name of Prophet's house? A. Yes, sir.

Q. You said just now on cross-examination that you never knew her before, didn't you? A. I said that yes, sir, of course I meant to say I didn't know her.

Q. Well didn't you say just now that her mother's name was this Laura Davit ever here? A. Yes, sir.

Q. Well how would this woman's name be Prophet if her mother's name was Laura Davit? A. Well just because she was raised by this Prophet.

Q. Now who told you that? A. Why I know the facts.

Q. Well how do you know it? A. Because I knew that she was, she was with her, and came with them people right there.

Q. How do you know that? A. Because I went back and forth to the Neesaho River.

Q. Well you never saw her until after she married, and that was some time after you met her, I mean after she had married Hunter? A. No, I knowed her before that.

Q. When? A. I knowed her before that, come to think over the matter, I know that I knowed her before that time.

Q. Well now this Sarah Prophet wasn't her mother? A. No.

Q. And she was then a minor child wasn't she? A. Yes, sir, Sallie Prophet was her aunt.

Q. Well is she alive? A. No, sir, she's dead.

Q. And is any member of that family alive? A. Yes, sir, there is. Susie Bigknife, that's the daughter of this Sallie.

COMMISSIONER: What name was this woman going by about six years ago? A. Six years ago?
Q. Yes. What was her last husband's name? A. Stand.
Q. When did she marry him? A. Well I don't know when they were married.
Q. How long has he been dead, Stand? A. No ain't dead; he's alive.
Q. He's living is he? A. Yes, sir.
Q. Well did she live with him continuously up until the time she died?
A. Yes, sir.
Q. Is he a Cherokee? A. No, sir, he is an Eastern Shawnee.
Q. Not a citizen of the Cherokee Nation? A. No sir.
Q. Where does he live? A. He lives there on the place where she died on White Oak in Coowesscoowee District.
Q. Had he an allotment with the absentee Shawnees? A. No, he's an Eastern Shawnee.
Q. An Eastern Shawnee? A. Yes, sir in the Quapaw country.
Q. Has this child Edward always made its home here in the Cherokee Nation? A. I think so.
Q. Well how do you know whether it has? A. To the best of my knowledge they have.
Q. Do you know whether or not he has ever received an allotment with the Eastern Shawnees? A. I don't know.
~~Q. Did his father ever take an allotment with them? A. I think his father did.~~
Q. Did his father ever take an allotment with them? A. I think his father did.
Q. That's in the Quapaw Agency? A. Yes, sir.
Q. His father ever live on the allotment? A. I think so.
Q. How long ago was that that he was living with-them----- on it?
A. I couldn't say.
Q. Well isn't he living on it now? A. No, he's living about White Oak; I saw him day before yesterday up there at White Oak.
Q. When did she marry Reuben White, how long ago? A. I don't know exactly to a day.
Q. Well about how long ago was that? A. Well along about the time this little before this Wallace Roll was made; I don't know when it was exactly.
Q. Well about how many years ago was it, ten or fifteen or how many? A. Why I couldn't say how many years.
Q. Haven't you any idea as to the number of years? A. I don't know, couldn't say.

JOHNSON BLACKFEATHER, being first duly sworn, testified as follows; through sworn interpreter Thomas Daugherty.

MR. CLOVER: What's your name? A. Blackfeather, Johnson Blackfeather.
Q. What's your age? A. About 64 years old.
Q. What is your postoffice address? A. Vinita.
Q. What position have you held in the Shawnee tribe of Indians prior to your time of coming to the Indian Territory and Cherokee Nation?
A. Why he said he has been a councilman before he came to the Cherokee Nation.
Q. You were a Shawnee Indian by blood and birth? A. Yes, sir.
Q. What positions have you held in the Cherokee Nation in the Shawnee organization since you came here? A. He said he has been a chief of the Shawnees.
Q. Were you or were you not plaintiff in the case of the Cherokee-Shawnee against the Cherokee Nation and the United States? A. Yes, sir.
Q. Were you or were you not plaintiff in the case of the Shawnee Indians against the government of the United States? A. Yes, sir.
Q. Did you know Martha Stand before she died? A. Yes, sir.
Q. Or what nation or tribe was she a member before 1871, June 10?
A. Shawnee. Q. Was her mother a Shawnee or belonged to some other tribe? A. A Shawnee.
Q. Was her father a Shawnee or belonging to some other tribe or a white person? A. Shawnee.

- Q. How long did you know Martha Stand from the time of her birth before her death, how many years, what's your recollection? A. Thirty some odd years.
- Q. What was her Shawnee Indian Name? A. Nawatanase.
- Q. When did she come to the Cherokee Nation to your knowledge? A. Along about '70 or '71, said he didn't know exactly what year.
- Q. Who did she come with, what family of Shawnees did she come with, if any? A. Why Chachequa, her Indian name, don't know the English name of it.
- Q. Was that party she came with any relation to the Prophet family or not? A. Why she was a sister of John Prophet.
- Q. What relation was Martha Stand, alias Nawatanase, to the Prophet family? A. Why this Chachequa was an aunt of hers.
- Q. Well who did Nawatanase first marry, her first marriage and where did that marriage take place? A. Her first marriage was taken place at the Neosho River, Cherokee Nation.
- Q. And who was that marriage to? A. To Bully.
- Q. What's the English name of that Indian Name Bully? A. Do you want the straight English? Q. Yes, straight English name, what was his English name? A. He said his first name he don't know, but he went by the name of Hunter.
- Q. Was he a Cherokee Indian? A. Yes, sir.
- Q. Did she have any children by him? A. One.
- Q. What was the name of that child? A. Wesekawase.
- Q. What was her English name? A. Malinda Hunter.
- Q. Is she now living? A. Yes, sir, saw her a few days ago.
- Q. After that marriage and the death of James Hunter who did she next marry? A. He said his nephew, Charles Blackfeather.
- Q. Was you present at that marriage? A. No, he wasn't there, saw them afterwards together.
- Q. Did Charles Blackfeather and h r have any children? A. One he knowed of.
- Q. Give the name of that one? A. Susie Blackfeather.
- Q. Was Susie born in the Cherokee Nation, A. Yes, sir.
- Q. Did she die in the Cherokee Nation, or die elsewhere, if she's dead? A. Died at White Oak in the Cherokee Nation.
- Q. Did your nephew live with her until she died or not or were they divorced? A. Till she died?
- Q. Till he died? A. They lived together till he died.
- Q. Was your nephew, Charles Blackfeather, a registered Shawnee or not? A. Yes, sir, I guess he was.
- Q. He came here and lived and died in the Cherokee Nation did he or did he not? A. Yes, sir.
- Q. How then, who next did she marry? A. Tom Stand he says.
- Q. Rake your recollection again and see if she had not been married sometime between the death of your nephew and the marriage of Tom Stand? (He reppense.)
- Q. Did she ever marry Reuben White? A. Yes, sir.
- Q. Did she have any children by Reuben White? A. Not that he knows of.
- Q. Was Reuben White a registered Shawnee? A. Yes, sir.
- Q. Who was his father? A. Thomas White.
- Q. Who was his mother? A. Kalmakase, that's her Indian name.
- Q. Now about what time did Thomas Stand and her marry? A. He don't know exactly, he said, how long.
- Q. Well were they living together as man and wife at the date of her death and prior to that time? A. Yes, sir, he knew them.
- Q. Well did he have any child or children living at the time of her death, did she have? A. One that he knows of.
- Q. What Indian or English name or both of them did Martha go under and who she married about '80 or '81? A. He says he don't know.
- MR. HASTINGS: Well when she married Blackfeather? A. Along about '84 or '85 as near as he can recollect. Now I'll tell you how he says he recollects this. He said when he first saw Blackfeather and her was at the time Carney came there paying this money in '84.
- COMMISSION: Well what name was she going by just before she married Blackfeather? A. Must have been, she must have went under the

name of Prophet at that time.

MR. CLOVER: Prophet, she was married before by Hunter, and of course her maiden name- A. They separated.

Q. They they come on the others; well its either Hunter or White then up to that because '83 she was a White. Her husband died in '86.

MR. DAUGHERTY: Which one of the husbands.

MR. CLOVER: That's Blackfeather, he died in '86, and she married Reuben White then after that time, and this Susie Blackfeather was born between '83 and '87, their child.

COMMISSION: The Applicant is not identified on the Authenticated Roll of 1880 either as Martha Hunter, Martha Hunter Prophet, or any other name mentioned in this testimony.

MR. CLOVER: What family did Martha Stand come down herewith when she came to the Cherokee Nation? A. Well this Chachequa.

Q. That's this Prophet; who was this Chachequa woman married to previous to when she came here? A. Kawekah.

Q. What's his English name? A. He don't remember the English name, but it's Caleb Harvey's brother.

COMMISSION: How what family did this Martha Stand come to the Cherokee Nation with? A. Well that's the family she came with, with Chachequa.

Q. What's the English for that? A. There is no English for that.

Q. This Chachequa was the aunt of Martha Stand, was she? A. Yes, sir.

Q. Well now who was her aunt married to? A. He thinks that John Francis or Kahwekah and this Chachequa was living together when they came to the Cherokee Nation.

Q. Now Kahwekah is John Francis in English? A. John Francis, yes, sir.

Q. Now did John Francis and his wife have any children of their own when they came down here? A. No, sir.

MR. HASTINGS: None at all? A. No.

COMMISSION: Well did his wife have any children? A. Oh yes, she had children.

Q. How many did she have when she came down here? A. Three that he remembers of.

Q. Well what name did those children go by? A. They went by the name of their father.

Q. And who was the father? A. Chepae, he don't know the English name.

MR. HASTINGS: Well was John Francis' wife living when they came down? A. Why yes, Chachequa.

Q. And she had three children of her own? A. Three or four that he know s of.

MR. CLOVER: Who was she married to before that, who was this Chachequa married to when she came down here, I mean? A. Chepae.

Q. Which Chepae is that? A. He thinks his name is Hieachie

Q. What was his English name? A. That's all he knows that Hieachie.

Q. Was there any other of that name in that tribe that came down here? A. Not that he know of.

Q. What became of him? A. Died.

Q. Who was the mother of Martha Stand, alias Nawatanase? A. Lahlacqua.

COMMISSION: Now what was the English for that? A. Jacko.

MR. CLOVER: Who was she married to when she came to the Cherokee Nation? A. He don't know. Q. Well state if he knows whether at any time she was ever married to Alexander Drum? A. Only by hearsay that's all.

COMMISSION: Did he ever see her living with Alexander Drum? A. He said that no, he never; he said only by hearsay that he was.

Q. Now ask him what the English name of the mother of Martha Stand is at the present time or was before she died sometime ago? A. He didn't know; I told him to state up to the time she died; he didn't know she was dead.

Q. Well does he know what they called her, does he know what her given name was? A. Her last name was Taylor.

Q. Ask him if he ever knew this woman by the name of Laura Jacko? A. That's before she was married; that was her name, he said that was her name before she was married.

Attention is here called to the name of Laura Drum as it appears opposite No. 236 in the list of Shawnees who removed to and settled in the Cherokee Nation in the year 1871, which Laura Drum appears to be the mother of the applicant, Martha Stand.

THOMAS DAUGHERTY, recalled.

COMMISSION: Were you acquainted with John Francis during his life time? A. Yes, sir.

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

Q. What was her name? A. Sallie I think her name was.

Q. Did she have any children by Francis? A. No, not that I know of.

Q. Did she have any children by any man? A. Why she had children by Thomas Hieachie.

Q. You knew Martha Stand during her life time? A. Yes, sir.

Q. How many children did this John Francis' wife have by Thomas Hieachie? A. Why she had three girls and one boy.

Q. Now what relation, if any, did John Francis' wife bear to the applicant in this case, Martha Stand? A. Why that was Martha Stand's aunt.

Q. Did Martha Stand come to the Cherokee Nation with her aunt?

A. Yes, sir, I think so.

Q. Did Martha Stand have any brothers and sisters who came here at the same time? A. No, I think not, to my knowledge.

MR. HASTINGS: Now as I understand you John Francis' wife was named Sallie Prophet? A. That was her maiden name.

Q. Yes; she had three girls and one boy when she came to this country? A. Yes, sir.

Q. In other words John Francis' wife had four children when she came down here with the Shawnees? A. Yes, sir, that's it.

MR. CLOVER: Did this Sallie Francis have any children named Angeline?

MR. HASTINGS: Let him name them if he knew them; he says he knew them.

COMMISSION: Do you know the children of Sallie Prophet? A. Yes, sir.

Q. What are their names? A. Why there was Henry, and Susie, Phoebe and Theopowe.

MR. HASTINGS: Those four children were children she had had before her marriage to Francis, that I called your attention to?

A. Yes.

Q. Weren't Francis' children? A. No.

Q. Francis' stepchildren? A. Yes, sir.

MR. CLOVER: Here's Thomas Hieachie and two children marked down here, how many did he have? A. He had them four children that I named.

Q. Well this is her's by her-A. might have been two registered with him, had a son, might not have been with him, but he had no other children besides that to my knowledge.

COMMISSION: Well now was Hieachie the father of Sallie's children?

A. Yes, sir.

Q. He was the father of those four children? A. Yes, sir.

Q. Did he have any children besides these four at any time? A. No, that is all they had, that is all he ever had.

MR. HASTINGS: Well didn't Tom marry somebody after they separated be-

Were they come down here. A. Yes, sir, but he never had no children.
Q. By a second wife? A. No, no children, I know the woman's name that he married I think.

COMMISSION: Well how do you account for the fact that the name of Sallie's children, if she was married to Thomas Hiaschie, appears on this Shawnee Register under the name of Prophet? A. Well her and Hiaschie separated and she took her maiden name.

Q. And had her children follow her? A. Yes, sir, excepting if Hiaschie had two of them, I don't know, there's their register here, he might have took two of the children and she took two because he had no other children only them four.

Q. Well now was there anybody else besides Martha Stand who came down here with Sallie at that time, Sallie and her children and Martha; was there anybody else? A. I think there was one older daughter by another marriage, but what her name is I don't know.

Q. Sallie had another daughter by a different man than Hiaschie?
A. Yes, sir, she had one child.

MR. CLOVER: Who was it? A. Why I don't know her name, Welah-quechia.

COMMISSION: Who was the father of this Martha Stand? A. Why his name is James Prophet, and at other times his name was Batiest, on the rolls James Batiest.

MR. CLOVER: What did they call Batiest, what was his given name? He was a Prophet. What did they call him, what was his given name?

A. James. Q. What was his Cherokee name? A. Shawnee name I knew.

Q. Yes, Shawnee? A. Pawwotote.

Q. Did he go by any other English name; here we have got him down as Batiest, and his Indian name; what other name did he go by? A. That's all I know.

Q. Prophet? A. Well I said that already, Prophet.

COMMISSION: Did this Martha ever have a Shawnee name? A. Nawat-anaka.

Q. Did you ever know any other James Prophet who was a registered Shawnee except the father of this Martha? A. That's all I know.

Q. Do you know whether or not James Prophet and Laura Jasko ever had any children other than the applicant? A. That's all I knew of them, just that one.

Q. Well now after the separation of James Prophet and the mother of the applicant, Laura Jasko, did he, James Prophet, ever marry any one else? A. Why to my knowing he married this here woman.

Q. What's that Shawnee name? A. Wannahpewase.

MR. HASTINGS: That was his second wife then? A. That is to my knowing.

Q. That was Martha Stand's stepmother? A. Yes, sir.

MR. CLOVER: How many times did you know them to be married any way? A. I didn't know but three times, the last time he married he married a Delaware woman.

JOHNSON BLACKFEATHER recalled:

MR. HASTINGS: Where did you first know Martha Stand? A. Neeshe River.

Q. Did you know her up in Kansas before she came down here? A. Yes, he said he knowed her in Kansas when she was about that high. (Indicating about two feet)

Q. How far did he live from her? A. About seven miles.

Q. How long did she live there on the Neeshe River; did she ever go over there and live in the Quapaw Agency? A. He said he couldn't state exactly when she went over.

Q. Well he knows she did go over? A. Yes, sir, only by hearsay. He didn't know it; I reckon that he knowed she lived on this side when she first came.

Q. Does he know by hearsay how long she lived over there? A. No, he couldn't state.

Q. Well does he know when she came back, when did he first see her

back here the first time after that? A. He said he couldn't exactly tell when he first saw her first after she came there.

Q. Well hasn't he got no recollection at all about it? A. He said he couldn't say about when he saw her after she came over; might be wrong; said he couldn't guess it.

Q. Well short time or long time? A. Why it wasn't very long she was over there.

Q. Think it's been as much as a year or two years since she came to the Quapaw Reservation back over here? A. You mean from the time-

Q. That she came from the Reservation, she came back over here to the Cherokee Nation? A. About twenty or twenty-five years.

Q. Since she came back? A. Yes, sir, that's when she went there first.

Q. Well I am after when she come back from over there, put that into the man's head.

COMMISSIONER: How long has she been back over here from the Quapaw Reservation? A. Why he couldn't state; said he didn't know.

Q. Doesn't he know about how long it was; hasn't he any idea? A. He don't know, he said he couldn't remember when she came over.

MR. HASTINGS: Well he don't know whether it is one or twenty-five years? A. He said he thought it was about twenty-five years.

Q. Since she came back from there? I'm trying to get him to say not when she went over there, but when she came back, when he first saw her back here in this country after she went over there to the Quapaw Reservation? A. He said he stated it awhile ago.

Q. Well I want to know it again? Now it went hurt him? A. He said he made a statement there awhile ago he thought it was about '84.

COMMISSIONER: Now has Laura Jank's mother- how long has she been living in the Cherokee Nation? A. Well she came in here about '70 or '71.

Q. How long did she continue to reside here? A. He said that she came here about '70 or '71 and then stayed here awhile and then went with the absentee Shannees.

Q. In the Quapaw Reservation? A. No, absentee Shannees, Oklahoma.

Q. Well how long did she stay over there? A. Well something about six or seven or maybe eight years.

Q. Well where did she go then? A. Came back to the Cherokee Nation.

Q. How does he remember when she came back to the Cherokee Nation the last time? A. About four years ago.

Q. She came here about four years ago from this time? A. About four years ago.

Q. What time of the year was it? A. Well first he heard it was in the fall of the year, about the fall of the year that he remembers.

Q. Does he think it was in the fall of the year 1886 that she came back from Oklahoma? A. About, I guess.

Q. Well does he know of his own knowledge that she came back at that time? A. Well he thinks that's about the time.

Q. Well now how long did she continue to reside here after she came down with the Shannees in '71 before she went to Oklahoma, about how many years was it? A. He said he don't remember about what time, but he said he was there in '85 in Oklahoma and saw her there.

Q. She was there then? A. Yes, sir.

Q. She didn't come back here until about four years ago? A. He said he guesses not, about four years ago.

Q. Well did he ever see Martha Stand there in Oklahoma? A. Never went there.

COMMISSION: This testimony will be filed with and made a part of the record in the following cases: R-164, R-165 and 7524.

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 17th day of May, 1902.

(Signed) P. G. Reuter,

(SEAL)

Notary Public.

I, Frances S. Botsfahr, being first duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes, that the above and foregoing is a true and complete copy of the original offered in Cherokee case No. 7524.

Frances S. Botsfahr

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

(Seal)

Frances S. Botsfahr
Notary Public.

himself; by Kender Lampton for himself; by Thomas E. Allen for himself; by Lewis Vanderford for himself; by Elizabeth Bowlin for her husband, John L. Bowlin; by John D. Davis for his wife, Katie Davis; by Charles Williams for himself; by John J. Rose for himself; by David Martin for his wife, Jane Martin; by Fred Peterson for his wife, Lena Peterson; by Mariah Johnson for her husband, Alex Johnson; by Joseph Vann for his wife, Martha Vann; by John Scott for himself; by Steve Looney for Nancy Ross; by Charles C. Smith for himself; by James Colbert for his wife, Susie Colbert; by Rosanna Skaggs for her husband, William Skaggs; by Susie Johnson for herself; by Alfred P. Hopkins for himself; by Charles Vann for his wife, Kizzie Vann; by Jake Looney for his wife, Freddie Looney; by Lucy Choutau for herself; by Alice Durant for herself; by Alonzo Ward for his wife, Mahaley Ward; by Fred D. Thomas for himself; by Benjamin Beck for his wife, Bettie Beck; by Ellis Warren for himself; by William Henry Robinson for his wife, Millie Robinson; by John Webber for his wife, Mary Webber; by Otto Martin for his wife, Frances Martin; by Ed Riley for his wife, Mary Riley; by Emanuel Taylor for himself; by Henry Sykes for himself; by Larkin P. Powell for himself; by Steppay Dawn for himself; by Ellis Vann for his wife, Malinda Vann; by David Johnson for his wife, Frances Johnson; by Phillip Foster for his wife, Annie Foster; by Houston Rogers, Jr., for his wife, Mary H. Rogers; by George Washington Lane for himself; by Silas Hammer Brown for his wife, Jane Brown; by Samuel L. Young for himself; by Lizzie Buckner for her husband, John Buckner; by Sarah Cox for her husband, Willis Cox; by Susan Bowles for her husband, Leonard Bowles; by Henry Murrell for his wife, Malinda Murrell; by Charles Claggett for himself; by Samuel Irven for himself; by David Ross for his wife, Mary Ross; by George F. Nave for his wife, Maggie Nave; by Lewis Armistead Nave for his wife, Neoma Nave; by Perry Ross for his wife, Ella Ross; by Elizabeth Duncan for herself; by Perry Adams for his wife, Sadie Adams; by Thomas Archer for his wife, Georgeann Archer; by Nancy Claggett for her husband, John Claggett; by Sonny Smith for his wife, Hattie Smith; by Jack Jackson for himself; by John Sanders for his wife, Lula Sanders; by Mary Hazelrig for her husband, George Hazelrig; by George West for his wife, Lizzie West; by Maria French for herself; by Mary Johnson for herself; by Maggie Vann for herself; by William Hudson for himself; by Sarah Rogers for herself; by Abraham Ballard for himself; by King David for his wife, Laura David; by John Deckman for himself; by James B. Perry for himself; by Isaac Welch for himself; by Nancy Logan for her husband, Lawson Logan; by Maria Howell for her husband, George Howell; by Amanda Masir for her husband, Henry Masir; by Katie Adams for her husband, George Adams; by Willie Thomas for his wife, Annie Thomas; by Lewis McConnell for himself; by Josh Vann for his wife, Calie Vann; by Lou Peters for herself; by Robert Adair for his wife, Ida Adair; by Jodie Brown for her husband, Robert Brown; by Mat Chambers for his wife, Allie Chambers; by Rachel Jones for her husband, Isom Jones; by Lewis Gunter for his wife, Alice Gunter; by Amos Adair for his wife, Katie Adair; by William H. Martin for his wife, Carrie Martin; by Benjamin Clark for himself; by Emily Looney for herself; by Mary Groves for her husband, John Groves; by Butler McNair for his wife, Matilda McNair; by Bettie Vann for herself; by Nelson Lett for himself; by Allen Rogers for his wife, Fannie Rogers; by William Washington for himself; by Squire Warren Owens for himself; by Fannie Goldsby for herself; by Charles Daniels for his wife, Susan Daniels; by Rachel Turk for her husband, Anderson Turk; by David Lane for himself; by Felix McClain for himself; by Henderson Jones for himself; by Isaac Vann for his wife, Belle Vann; by Maggie Stroud for her husband, Levi Stroud; by John Sumpter for himself; by Mariah Thompson for herself; by Ellen Sheppard for herself; and by Lula Melton for herself, claiming their right thereto by virtue of their marriage to Freedmen Cherokee citizens.

The record further shows that none of the applicants herein make any claim to enrollment as citizens of the Cherokee Nation other than as set forth above.

It further appears from the record herein that at the time applications were made for the enrollment of the above named applicants, application was also made for the enrollment of other applicants as Cherokee Freedmen, but said applications being differently classified are not included in this decision.

It does not appear that any of the applicants herein are identified upon the 1880 Authenticated Cherokee Roll, nor does it appear that any of said applicants has ever been admitted to Cherokee citizenship by a duly constituted court or committee of the Cherokee Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896, (29 Stats., 321).

It is, therefore, the opinion of this Commission that, following the ruling of the Department in the case of Lemuel Welcome, (I. T. D. 5848-1904, 11,776-1904), the applications made for the enrollment of William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Mauley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau, Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkia P. Powell, ~~Stepney Dawn~~, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Melinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Looney, John Groves, Matilda McNair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington,

Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton, as Cherokee citizens by intermarriage, 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. B. BRECKINRIDGE,
Commissioner.

MUSKOGEE, INDIAN TERRITORY, JANUARY 19, 1905.

①

7-165

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
SEP 14 1901

[Faint handwritten signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept 14, 1901.
Post Office Leatonwood, T. S.
District Sequoyah

1. Name Felix McLain Age 30
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife _____
Owner's name _____ Citizenship _____
Year _____ Page _____ No. _____ District _____

Rejected

Parents:

Father _____ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

No.	Year	Page	No.	Dist.
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____
7.	_____	_____	_____	_____
8.	_____	_____	_____	_____
9.	_____	_____	_____	_____
10.	_____	_____	_____	_____
11.	_____	_____	_____	_____
12.	_____	_____	_____	_____

Application made by * 1 Stenographer J. O. Pearson

COPY.

Cherokee Freedmen

R-165.

Muskogee, Indian Territory, January 24, 1905.

Felix McClain,

Cottonwood, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 19, 1905, rejecting, among others, the application for your enrollment as a Cherokee citizen by intermarriage.

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

Respectfully,

(SIGNED) *Tame Dixby.*
Chairman.

Incl. 8-103.

Register.

COPY.

Cherokee Freedmen
D-14 et al.

Muskogee, Indian Territory, January 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 January 19, 1905, rejecting the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Matham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Haggfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kinbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Malvina Alberty, Jane Morris, Alexander Claggett, Susan Martin, Maria Martin, John S. Barnes, Bell Davis, Samuel Brown, Edward F. Wadson, Jack McConnell, Emma Manley, George Reed, Sr., Buck Lodgeon, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John J. Bowlin, Katie Davis, Charles Williams, John J. Rose, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Staggs, Susie Johnson, Alfred P. Hopkins, Kissie Vann, Freddie Lacey, Lucy

Chouteau, Alice Durant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dean, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irvan, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Meair, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Nelly Looney, John Groves, Matilda McHair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Ellen Shppard and Lula Melton, as Cherokee citizens by intermarriage.

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

42-

Enclosure will be sent along to you as soon as the Commission is
informed of the same.

Respectfully,

(SIGNED) *James Dixby*
Chairman

Incl. K-9.

5

COPY.

Charles Freedman
2-14 et al.

Muskogee, Indian Territory, January 24, 1905:

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted record of proceedings had in the matter of the applications for the enrollment of, William Davis, Henry Thomas, Ella Vann, Mary Harison, Frances Melton, John Deason, Mary Jane Vann, Thomas Lowe, Elia Hayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Killsten, Mary Harbin, Nellie Fields, John Kinco, William S. Mullins, Jane Ross, Albert T. Thomas, Mary Campbell, Caroline Justice, Melvina Aherty, Kate Morris, Alexander Claggett, Ananda Martin, Eliza Martin, John E. Baruss, Bell Davis, Emanuel Brown, Howard P. Watson, Jack McConnell, Maudie Manley, George Reed, Sr., Frank Rogers, Bill Thompson, Edna Scott, She Scott, Kester Langston, Thomas W. Allen, Lewis Vanderford, John L. Beulin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lora Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Hess, Charles C. Smith, Samie Colhart, William Skaggs, Susie Johnson, Alfred P. Hopkins, Klara Vann, Freddie Lecney, Lucy Chouteau, Alice Dewant, Mahaley Ward, Fred J. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber,

-2-

Frances Martin, Mary Riley, Emanuel Taylor, Henry Sykes, Barkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel I. Young, John Buckner, Willis Cox, Leonard Bowles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Nave, Neoma Nave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Bettie Smith, Jack Jackson, Lula Sanders, George Hamblin, Lizzie Vest, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogerr, Abraham Ballard, Laura David, John Deckman, James B. Perry, Isaac Welch, Lawson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McCormick, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Edna Jones, Alice Carter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Locney, John Groves, Hatilda McFair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Schaffly, Susan Daniels, Andersen Turk, David Lane, Felix McClain, Nathaniel Jones, Belle Vann, Levi Stroud, John Dwyer, Martha Thompson, Ellen Sheppard and Lula Helton, as Cherokee citizens by intermarriage, including the Commission's decision dated January 19, 1905, rejecting said applications.

Respectfully,

(SIGNED) *Tams Bixby*
Chairman.

Incl. K-8.
Through the
Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

Refer in reply
to the following:
Land.
7908-1908.

WASHINGTON, March 20, 1905.

The Honorable,
The Secretary of the Interior.

Sir:

I enclose a report from the Commission to the Five Civilized Tribes, dated January 24, 1905, transmitting the record of the application for enrollment as Cherokee citizens by intermarriage to Cherokee freedmen by William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Dotson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Rider, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John H. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McConnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Susie Colbert, William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann, Freddie Looney, Lucy Chouteau,

Alice Durant, Mahaley Ward, Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson, Mary Webber, Frances Martin, Mary Piley, Emanuel Taylor, Henry Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances Johnson, Annie Foster, Mary H. Rogers, George Washington Lane, Jane Brown, Samuel L. Young, John Baskner, Willie Cox, Leonard Bewles, Malinda Murrell, Charles Claggett, Samuel Irven, Mary Ross, Maggie Wave, Neoma Wave, Ella Ross, Elizabeth Duncan, Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith, Jack Jackson, Lula Sanders, George Hazelrig, Fizzie West, Maria French, Mary Johnson, Maggie Vann, William Hudson, Sarah Rogers, Abraham Bullard, Laura David, John Deckman, James B. Perry, Isaac Welch, Larson Logan, George Howell, Henry Masir, George Adams, Annie Thomas, Lewis McConnell, Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers, Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin Clark, Emily Leoney, John Groves, Matilda McMair, Bettie Vann, Nelson Lett, Fannie Rogers, William Washington, Squire Warren Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane, Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John Supter, Mariah Thompson, Ellen Sheppard, and Lula Melton.

January 19, 1908, the Commission decided adversely to all the applicants.

The record shows that none of the applicants makes claim to enrollment as citizens of the Cherokee Nation, except by intermarriage with a Cherokee Freedman; that none has ever been enrolled or admitted to citizenship by any tribal authority of the Cherokee Nation or by any United States tribunal and that none is

identified on the 1880 authenticated Cherokee roll.

In view of the record and of the ruling of the Department of November 12, 1904 (I. T. D. 5848-1904) in the Lemuel Wilson case, the approval of the Commission's decision adverse to all the applicants is recommended.

Very respectfully,

C. V. Larrabee

Acting Commissioner.

V.M.B.

W.

D.C. 20077-1905
I.T.D. 2904-1905

(C O P Y)

W.C.F.
F HE

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

L R 8

April 17, 1905

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

Gentlemen:

January 24, 1905, you transmitted the record in the matter of the applications for the enrollment of the following persons as citizens by intermarriage of the Cherokee Nation, including your decision of January 19, 1905, rejecting said applications viz:

William Davis, Henry Thomas, Ella Vann, Mary Markham, Frances Melton, John Detson, Mary Jane Vann, Thomas Lowe, Ella Mayfield, Sallie Edder, Reuben Campbell, Van Jackson Luther, Cassie Middleton, Mary Harlin, Nellie Fields, John Kimbo, William S. Madden, Jane Bean, Albert T. Thomas, Mary Campbell, Caroline Daniels, Melvina Alberty, Dave Morris, Alexander Claggett, Amanda Martin, Eliza Martin, John E. Barnes, Bell Davis, Samuel Brown, Howard F. Watson, Jack McSonnell, Maude Manley, George Reed, Sr., Buck Ledman, Bell Thompson, Lewis Scott, Abe Scott, Kender Lampton, Thomas E. Allen, Lewis Vanderford, John L. Bowlin, Katie Davis, Charles Williams, John J. Ross, Jane Martin, Lena Peterson, Alex Johnson, Martha Vann, John Scott, Nancy Ross, Charles C. Smith, Musie Gelbert,

William Skaggs, Susie Johnson, Alfred P. Hopkins, Kizzie Vann,
Freddie Looney, Lucy Cheuteau, Alice Yurant, Mahaley Ward,
Fred D. Thomas, Bettie Beck, Ellis Warren, Millie Robinson,
Mary Webber, Frances Martin, Mary Riley, Emanuel Taylor, Henry
Sykes, Larkin P. Powell, Stepney Dawn, Malinda Vann, Frances
Johnson, Annie Pester, Mary H. Rogers, George Washington Lane,
Jane Brown, Samuel L. Young, John Buckner, Willis Cox, Leonard
Bowles, Malinda Murrell, Charles Clagget, Samuel Irvan, Mary
Ross, Maggie Hays, Neoma Hays, Ella Ross, Elizabeth Duncan,
Sadie Adams, Georgeann Archer, John Claggett, Hattie Smith
Jack Jackson, Lula Sanders, George Hazelrig, Lizzie West,
Maria French, Mary Johnson, Maggie Vann, William Hudson,
Sarah Rogers, Abraham Ballard, Laura David, John Deckman,
James B. Perry, Isaac Welch Lawson Logan, George Howell,
Henry Masir, George Adams, Annie Thomas, Lewis McConnell,
Callie Vann, Lou Peters, Ida Adair, Robert Brown, Allie Chambers
Isom Jones, Alice Gunter, Katie Adair, Carrie Martin, Benjamin
Clark, Emily Looney, John Greves, Matilda McHair, Bettie Vann,
Nelson Lett, Fannie Rogers, William Washington, Squire Warren
Owens, Fannie Goldsby, Susan Daniels, Anderson Turk, David Lane,
Felix McClain, Henderson Jones, Belle Vann, Levi Stroud, John
Sumpter, Mariah Thompson, Ellen Sheppard and Lula Melton.

Reporting in the matter March 21, 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,

1 inclosure

(Signed) Thomas Ryan
Acting Secretary.

COPY.

Cherokee Freedmen

R-165.

Muskogee, Indian Territory, April 28, 1905.

Felix McClain,

Cottonwood, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting, among others, your application for enrollment as a Cherokee citizen by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

SIGNED: *James Bixby.*
Chairman.

COPY.

Cherokee Freedmen

D-14, et al.

Muskogee, Indian Territory, April 28, 1905

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

Gentlemen:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tams Bixby*
Chairman.

COPY.

Cherokee Freedman

D-14, et al.

Muskogee, Indian Territory, April 28, 1905.

Commissioner in Charge,

Cherokee Land Office,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 19, 1905, rejecting the applications for the enrollment of William Davis, et al., as Cherokee citizens by intermarriage, was affirmed by the Secretary of the Interior on April 17, 1905.

Respectfully,

(SIGNED) *Tame Bixby.*
Chairman.

Cher. Fr. R- 166

Cher. Fr. R- 166

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Nowata, I.T. July 2, 1901.

In the matter of the application of Maria French for the enrollment of herself as a Cherokee Freedman by intermarriage and for the enrollment of her child as a Cherokee Freedman.

APPEARANCES:

L. T. Brown, Attorney for applicants.

W. W. Hastings, of council for Cherokee Nation.

Maria French, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q. What is your name? A. Maria French.
Q. How old are you? A. I am 48.
Q. What is your post office? A. Lenepah.
Q. What District do you live in? A. Cooweescoowee.
Q. You apply to be enrolled as a Cherokee Freedman? A. No sir, I am an adopted citizen.
Q. Who do you want to enroll? A. I have three children.
Q. Want to enroll yourself and three children? A. Yes sir, one is of age.
Q. What are your children's names? A. James.
Q. How old is James? A. He is 27.
Q. He must apply for himself, he is over 21, I want those under age? A. I have one under age, Emeline, she is 18 this fall

BY L. T. BROWN:

- Q. What was your husband's name? A. My husband went by the name of William French or William Gillis.
Q. Now which is right, you go by? A. French I go by.
Q. You and your daughter, Emeline, claim citizenship through him? A. Yes sir.
Q. When were you and he married? A. In '73.
Q. Where were you married? A. On Snow Creek.
Q. Is he living or dead? A. He has been dead ever since '82.
Q. You and him lived together as man and wife from your marriage in '73 up until his death in '82? A. Yes sir.
Q. During that time how many children were born to you? A. Five.
Q. Give me the names of those living? A. James and Emeline and Mary.
Q. All three of these children living? A. Yes sir.
Q. Where were they born? A. On Snow Creek.
Q. In the Cherokee Nation? A. Yes sir.

MR. HASTINGS:

- Q. Where were you born? A. I was born in Kentucky.
Q. How old are you? A. I am 48.
Q. When did you come to this country? A. I came to this country 35 years ago.

- Q. You came here in '66? A. Yes sir.
Q. Who did you come with? A. I came with my parents.
Q. Settled on Snow Creek? A. Yes sir.
Q. What was your maiden name? A. Little, I was the daughter of Stephen Little.
Q. Did you ever have a child older than these? A. No sir.
Q. This child that you have given here is the oldest child you have ever had? A. Yes sir.
Q. Were you ever married before? A. No sir.
Q. Never lived with anybody as his wife? A. No sir.
Q. How long had you known your husband before you married him? A. I think I knowed him about four years.
Q. Had he been married before? A. Not that I know of.
Q. Did he have some children? A. No sir, not that I know of.
Q. Have you any reason to believe that he was married before? A. I can't say because I didn't know him.
Q. Haven't you made some inquiry about it? A. No sir, I didn't, there is people knows him better than me.
Q. You have got no information at all upon that subject? A. No sir, he always said he never was married.
Q. Who married you? A. Nathan Duffin.
Q. Have you got a certificate of marriage? A. No sir.
Q. Did you marry in the spring or fall? A. Married in August, August 10.
Q. Lived with your husband until his death? A. Yes sir.
Q. Where? A. Where at; at Fort Gibson.
Q. Were you married to him? A. Yes sir, I was living with him but I wasn't with him when he died.
Q. How long had he been in Fort Gibson? A. He went to take him mother home and was taken sick and died.
Q. Where were you married? A. Married on California Creek.
Q. Near what point? A. Not near any town, the nearest town to us was Coffeyville.
Q. When was your oldest child born? A. In '74.
Q. When was the next one born? A. She was born in '83, November 17.

Blue Thompson, being duly sworn by Commissioner Needles, testified as follows:

L. T. BROWN.

- Q. State your name? A. Blue Thompson.
Q. Your age? A. 51.
Q. Your post office address? A. Chetopa.
Q. You a Cherokee Freedman? A. Yes sir.
Q. Do you know the applicant, Maria French? A. Yes, I know her.
Q. Did you know her husband during his life time? A. Yes sir.
Q. What was his name? A. Bill French, or Bill Gillis, either one of them two, Bill Gillis he generally went by more till he got up quite a young man.
Q. Then what did he go by? A. Bill Gillis or Bill French.
Q. How long did you know him? A. Well, I knowed him seven or eight years possibly.
Q. Do you know whether he was a slave? A. No, I don't know whether or not he was a slave.
Q. When did you see him for the first time after the close of the war? A. Fort Gibson.

- Q. In what year was that? A. In '66, right in the fall.
- Q. You know whether or not he lived in the Cherokee Nation from the time you saw him in '66 until his death? A. Well, I don't know personally, I know he came north from Gibson and the next time I met him he was married to her. I don't know whether he was inside all this time or not.
- Q. Where was he living the last time you saw him? A. Well, I saw Mrs. French and him I think on Russell Creek the last time I saw him alive. That is as far as I can recollect.

MR) HASTINGS:

- Q. You didn't know this man before the war? A. No sir, didn't know him before the war.
- Q. About what age was he when you saw him? A. Well, I expect he was possibly fifteen or sixteen years old maybe, or maybe less.
- Q. You were not present at their marriage? A. Indeed no.
- Q. Do you know whether this man French married or lived with any one as his wife before he commenced to live with this woman? A. No, I used to run with him, he never had no wife.
- Q. Up to that time? A. No sir, that is I mean while he was at Gibson.
- Q. I mean at the time he and this woman commenced living together? A. You mean did he have any wife before that?
- Q. Before he and this woman commenced living together, no while he was at Gibson? A. No sir, not to my knowledge.
- Q. Well, do you know? A. No, you know I can't know only Fort Gibson.
- Q. I am trying to get into the record whether or not you know? A. Well, I don't know.
- Q. Did you know this woman before he and her commenced living together? A. I did.
- Q. Have you any information as to whether she married before that or not? A. I have not.
- Q. Don't know about that? A. No sir.
- Q. With whom was French or Gillis living when you first saw him in '66? A. Well I don't know who he lived with, I think he stayed with Dill Smith sometimes and first one place and then another, he was just a lad of a boy.
- Q. Just a lad of a boy? A. Yes sir.
- Q. What time did you see him? A. About in the Fall, kinder late in the fall, I know it was getting kinder cold.
- Q. You don't know what he was doing? A. Well, once in a while we would go around and chop up a little fire wood, and kinder work around a little bit.

Maria French recalled, testified:

MR. HASTINGS:

- Q. You state now that you were never married and you never had a child before you married or commenced living with French? A. Yes sir.
- Q. I want to know if you can give me the exact date of the birth of this first child? A. Yes sir.
- Q. Well, give it to me? A. She was born December 26.
- Q. In what year? A. In '74.
- Q. Did you apply for these children before the Fern-Clifton Commission? A. Yes sir, I did every time.
- Q. By what name, French? A. Yes sir, I applied for all of my children, their names ought to be there.
- Q. By the name of French or Gillis? A. Well, it is Gillis of French.

L. D. Daniels, being duly sworn by Commissioner Needles, testified as follows:

- BY L. T. BROWN: What is your name? A L. D. Daniels.
Q Your age? A 56.
Q Postoffice Claremore? A Yes sir.
Q You a recognized citizen of the Cherokee Nation? A Yes sir.
Q Your name on the Authenticated Roll of 1880? A Yes sir.
Q Know the applicant, Mariah French? A Yes sir.
Q Know her husband? A Yes sir.
Q Living or dead? A He is dead.
Q To whom did he belong at the beginning of the Civil War? A Well, I don't know of my own knowledge.
Q When did you see him for the first time after the close of the war? A I seen him in '66 sometime, I am not certain what time it was, but at Fort Gibson.
Q Know whether or not he continued to live in the Cherokee Nation until his death? A I know that he stayed there over a year and I never seen him any more then for seven or eight years, maybe longer.
Q Where was he living then? A When I moved up here he was up here.
Q With whom was he living? A With Maria French; that is Bill French.
Commissioner: Do you know whether he had ever been married or lived with anybody else as his wife when he and this woman commenced living together? A No, when I moved up here they were living together.
Q You don't know what became of him '66 or '67 till that time?
Q No sir, not till I come up here.
Q In '77? A Yes sir.
Q You don't know what time in '66 you saw this boy? A Yes I do, he was there in the summer of '66 and he stayed there a while.
Q Who did he live with? A Sometimes I would see him with Son Tolley, his young master; I don't know that of my own personal knowledge, only what he said.
Q You don't know what he was doing down there? A Just walking around there like all the balance.
Q Did his father live there? A I don't know his father.
Q Did his mother live there? A His mother wasn't there at that time.
Q Do you know what his mother's name was? A Mandy Gillis.
BY L. T. BROWN: Was Son Tolley a Cherokee Indian? A Yes sir.
Q Was William French recognized around there as the former slave of Son Tolley?

Mr. Davenport: I object to that.

Commissioner: I hardly think that is admissable.

Luster Foreman, being duly sworn by Commissioner Needles, testified as follows:

- BY L. T. BROWN: State your name? A Luster Foreman.
Q Your age? A About 50 or 60, I don't know just exactly.
Q Postoffice address? A Vinita.
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 the applicant, Maria French? A No sir.
Q Did you know her husband during his lifetime? A Yes sir.
Q What was his name? A William French.
Q How long did you know him, Mr. Foreman? A I knowed him about two years.
Q Do you know to whom he belonged at the beginning of the war?
A No sir.
Q Do you know where he was in the year 1866? A Yes sir, part of the time.
Q Where was he? A In Fort Gibson.

- Q Do you know how long he continued to remain there around Fort Gibson during that year? A That is the time I got acquainted with him, he was there in '66 up till '67, along about there I guess, I don't know exactly what time, he stayed there till his mother came.
- Q Who is his mother? A Mandy Gillis.
- Q She living or dead? A Dead.
- Q He came to Fort Gibson before his mother did? A Yes sir.
- Q How long before? A I don't know how long he came there in '66 stayed with old Mrs. Gillis a while and Son Tooley.
- Q Did William French have any sisters? A Yes sir.
- Q Do you know who returned first, his sister or he? A Will French returned first.
- Q What is his sister's name? A Alfred Smith's wife, I have only heard her name.
- Q Where does she live? A In Fort Gibson.
- MR. HASTINGS: You never knew this boy before the war? A No sir
- Q That was the first time you had seen him, was after the war?
- A Right in Gibson, yes sir.
- Q You were living there at that time? A Yes sir.
- Q Was this boy married down there? A Not as I know of
- Q Did he have anybody for his wife? A I don't know that either
- Q Don't you know whether he was living down there with someone for his wife? A No sir, he was just about like I was then.
- Q How were you? A I didn't have anybody, just running around.
- Q What makes you remember you saw him there 35 years ago, specially in the year '66? A Son Tooley and myself used to gamble around
- Q You have been gambling ever since? A No sir, I have farmed
- Q And you know you saw him there at that time? A Yes, I knowed him, I am well acquainted with him.
- Q About how old was he at that time? A You asked me too soon again, I can't tell nothing about anybody's age.
- Q What size was he, a young man? A Oh he was a young man about like myself.
- Q How old were you at that time? A I don't know, I don't know my age today
- Q You never saw him after that time? A No sir, I haven't seen him since.
- Q You don't know this is his wife? A Did I say she was.
- Q He asked you all along in his questions did you know this woman's husband; did you say he was her husband or not? A No, he asked me about Will French, and I told him.
- Q He said every time, this woman's husband, Will French, and you have testified he was her husband? A I don't know about her, I know about him, that is what I am testifying about, him.
- Q You don't know then that she ever lived with him? A I don't know it.
- Q And you don't know he was her husband? A I don't know nothing about that lady, she is a stranger to me.
- Q And you don't know whether she was the same person or not?
- A I don't know anything about it.
- Commissioner: You know William French and that is all you know about it? A Yes sir, I know him personally.

Charlie Chambers, being duly sworn by Commissioner Needles, testified as follows:

- BY I. T. BROWN: State your name? A Charlie Chambers.
- Q Your age? A 70 years old.
- Q Your postoffice address? A Hudson.
- Q Are you a recognized citizen of the Cherokee Nation? A Yes sir
- Q Is your name upon the authenticated roll of 1840? A Yes sir.
- Q Know the applicant, Maria French? A Yes sir.
- Q Know her husband during his life time? A Yes sir.
- Q Know whether or not they were ever married? A Yes sir.
- Q How do you know it? A I was right there in the country when they married.

- Q What is her husband's name? A Bill French
- Q Do you know whether Bill French had a sister or not, or did you know her? A Yes sir.
- Q What was his sister's name? A I can't just recollect her name, but I know he had a sister.
- Q Did you know Bill French's mother's name? A Yes sir, her name was Amanda.
- Q Amanda who? A Amanda Gillis.
- Q Do you know whether this Bill French and this applicant here, Maria French, continued to live together until his death? A Yes sir.
- Q Do you know her son, James French? A Yes sir.
- Q At the time he was born were they living together as man and wife? A Yes sir.
- Q Do you know her daughter, Emeline? A Yes sir.
- Q At the time she was born were they living together as man and wife? A Yes sir.
- Q So recognized in the country? A Yes sir.
- Commissioner: Was William French a slave, do you know?
- A I think he was.
- Q Do you know whether he was or not? A Yes sir, he was a slave.
- Q Who did he belong to? A Belonged to Mrs. Gillis.
- Q Was she a Cherokee citizen? A Yes sir.
- Q How do you know he belonged to Mrs. Gillis? A I saw him there, and he said himself; his mother stayed there, and I know his mother belonged to her.
- Q You saw him at Mrs. Gillis' place? A She was living over on the river.
- MR. HASTINGS: Near what river was he living? A On Illinois
- Q Now what time were you ever there? A Why, my goodness, I was over there right often, I lived close to their master.
- Q What age was this boy when the war came up? A I can't tell you that.
- Q Was he grown? A No sir, he wasn't grown.
- Q Was he married before the war? A No sir.
- Q What was his mother's name? A His mother's name was Amanda.
- Q What was his sister's name? A I just can't tell her name.
- Q Was his sister older or younger than he? A I don't recollect whether he was older or younger, but I know it was his sister.
- Q Did he have any other brothers or sisters? A I don't know about any other prethers.
- Q Have any other sisters? A I think he did.
- Q Why don't you remember their names if you knew this boy? A This boy and me were together a great deal.
- Q Were not you about 20 years older than him? A No sir.
- Q Was he about the same age as you? A No sir, he was little younger than me.
- Q About how much younger? A I can't tell you.
- Q Where were you living when the war came up? A Park Hill.
- Q Where was this boy living? A Living over on the river like I told you.
- Q What place on the river? A I can't tell you just which place he was living now but he was living over there near Nave's place
- Q On the east or west side of Illinois river? A On the west side.
- Q And how far from town? A I guess it was about six or seven miles, maybe that far.
- Q What was his Mistress' name? A Mrs. Gillis.
- Q What was her husband's name? A His name was Gillis too.
- Q Do you know his father's name? A No sir, I don't know his; that is the name we used to call her, Mrs. Gillis.
- Q Did they have any children, the Gillises? A If they had I did not know them, I don't think they had any children.

- Q You don't know Preacher Allen's wife at Tahlequah is one of them?
A No sir.
- Q When did you see this boy first after the war? A The first time I seen him I saw him when I came up to this ~~fixes~~ part of the country, on Snow Creek.
- Q About what time was that? A That was sometime in '67.
- Q Was he and this woman married then? A They were not married then.
- Q About how long after that were they married? A It was quite a little while, I guess about a year or two after I came up here, before they married.
- Q Was he living with any woman in '67 up here as his wife?
A Not as I know of.
- Q Was he living near you? A He was just riding about among his own people there, riding around, I saw him first one place and then another.
- Q How long after you came up here till you got acquainted with this woman; did you know her before she married him? A Yes sir, I knew her before she married.
- Q Did she have a child before they ~~were~~ married? A I think she did.
- Q Do you know who married them? A No sir, I don't know who married them.
- Q You don't know about the year? A No, I don't know what year they were married in.
- Q Do you know who she had been living with as a husband and wife prior to her marriage. A No sir, I don't know any more than just living with her father.
- Q Where has she lived since the death of French? A Why she has lived, well she was living on California Creek first.
- Q Since his death where has she been living? A She has been living right there on the Verdigris river on the west side up there close to Lenepah.
- Q Where are these children that she is applying for? A Up there, some of them.
- Q Where are the rest of them? A I guess she has got them here with her.

Maria French, recalled, testified as follows:

- MR. HASTINGS: Mr. French you appeared before the Kern-Clifton Commission, didn't you? A Yes sir.
- Q And at that time you only applied for two children, didn't you?
A No sir.
- Q You swear now you have three? A I do sir; I first applied to Lenepah for four and one was very sick when I applied and she died on the 6th of April, 1896, and that left three, and when I came to the payment Mr. Turner said he couldn't find but two.
- Q Now you swear that you applied for three children? A I applied for four.
- Q And you heard what Charlie Chambers said about you having a child before you married? A I can't help what Mr. Chambers said, I know all the children better than Mr. Chambers?
- Q Have you been married since the death of your husband? A No sir, never.
- Q Who do you live with? A Myself and my daughter and I keep my hired hands, is all the help I have.
- BY L.T. BROWN: You own a farm upon the public domain of the Cherokee Nation? A Yes sir, own a farm right across the river from Goose Neck Bend.
- Q How long have you been on that place? A I have made that farm since my husband's death.
- Q Before that time, did you own an improvement on the public domain?
A Yes sir, my husband had a little farm on California Creek and it was very thickly settled, and me and my children left that farm

and moved up close to my people so I could get protection for my children.

Commissioner: Did you ever have a child born before you married William French? A No sir, my children is all French's children

- Q The question is whether either of your children were born before you married French? A No sir.
- Q You never had a child until after you married French? A No sir.
- Q Never had an orphan child around with you or an adopted child? A No sir, no adopted or orphan child.
- Q Mr. Chambers is mistaken then? A Yes sir, I have no orphan child, they all are mine.
- Q When Mr. Chambers said you had a child before you married William French, he is mistaken, is he? A I guess he is.
- Q There is no question about it, you ought to know? A I say he is.
- Q You say positively you never did? A No sir, I never did.
- Q Is your name on any of the rolls of the Cherokee Nation? A I have been.
- Q Did you ever draw any money from the Cherokee Nation? A I never did.
- Q For yourself or your children? A The two children drew, that is all.
- Q Which two? A Jim and Emeline.
- Q Why didn't you draw? A I don't know sir, I was an intermarried
- Q Did you husband ever draw any money? A No sir.
- Q Is his name on any of the rolls of the Cherokee Nation? A It was on the authenticated roll every time.
- Q Is it there now? A I don't know, sir I have asked them to look for it, he says they can't find out; if you will allow me to tell you; I was going to tell you he was on the 1880 roll once, my husband and Cuskey Brown got in some trouble here.

The 1880 authenticated roll of Cherokee Freedmen examined and neither applicant, Maria French, or her husband, William French, identified thereon.

The 1896 census roll of Cherokee freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined, and the applicant, Emeline French, identified thereon, page 131, No. 3255, Cooweescoowee district, as Emeline French.

Commissioner: Maria French applies for the enrollment of herself and her daughter, Emeline. She applies for the enrollment of herself as an intermarried citizen. She avers that she was married to one William French in the year '73, and he died in the year 1882. She avers that he was the slave of Mrs. Mrs. Gillis, and there is testimony presented to that effect. She avers that during said marriage life there was born unto her one child, Emeline, 18 years of age, and Emeline is identified upon the Kern-Clifton roll, but cannot be identified upon any other roll. She avers that her maiden name was Little, that she was a non-citizen. She was married in '73 to her husband, William French. No proof of marriage other than that they lived together as man and wife, is presented. For particulars see testimony. She makes satisfactory proof as to residence, consequently Maria French will be listed for enrollment as an intermarried Cherokee Freedman upon a doubtful card. Said Emeline French will also be listed for enrollment as a Cherokee Freedman on a doubtful card. She will be notified by mail of the action of the Commission when the same is arrived at.

Supplemental testimony.

Katie Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Katie Vann.
Q Your age? A 56.
Q Your postoffice? A Lenepah.
Q You know Maria French? A Yes sir.
Q How long have you known her? A Let's see, I have known her about 25 years.
Q Did you know her husband, William French? A Yes sir.
Q Did you know Maria French before she and William French were married? A Yes sir, I saw her, I wasn't very well acquainted with her. William
Q Did she have any children before she and French were married?
A One.
Q What was its name? A Mary.
Q Do you know whether or not Mary is still living? A Yes sir, she is married.
BY L.T.BROWN: How do you know it was her child? She said it was her child and I seen her with it when it was small, taking care of it.
Q That child living or dead? A It is living.
Q What is its father's name? A I have forgotten its name, I did know once who its father was, I heard them all talking about it, calling his name; some of them here can tell you his name better than I can; I wasn't acquainted with him.

Nelson Murrell, being duly sworn by Commissioner Needles, testified as follows:

- BY J. S. DAVENPORT, Cherokee Attorney.
Q What is your name? A Nelson Murrell.
Q Your postoffice? A Coffeyville.
Q Do you know Maria French? A Yes sir.
Q Did you know her husband, William French? A Yes sir.
Q Did you know her before she and William French were married?
A Yes sir.
Q Had Maria any children before she and William French was married? A One.
Q What was its name? A Mary.
BY L.T.BROWN: Is it living or dead? A Living.
Q What is its father's name? A We called him Markham, I believe
Q How do you know it is her child, you were not present, were you?
A No, but she was living about 200 yards from me.
Q How do you know, if you lived in 200 yards of her? A I don't know all she said, it was her child.
Q Just heard it was? A Yes sir.
Commissioner: Did you see this child in this woman's arms?
A Yes sir.
Q Saw her nursing it? A Yes sir, seen her nursing it, everybody there knew it was her child; that is, all the neighbors and everybody.
Q Was her mother living there? A Her stepmother.
Q Was she living in her stepmother's house? A Yes sir.
Q That before she married French? A Yes sir.
Q How long before? A Along about six months.
L.T.BROWN: Did you know William French during his life time?
A Yes sir.
Q Know whether or not William French and Maria French were married?
A Yes sir.

Q Were you present at their marriage? A Yes sir, married right in my house.

Commissioner: Who married them? A I have forgotten.

Q Was the child there? A Yes sir.

I. T. Brown: Know her child, Emeline? A Yes sir.

Q Know her child, James French? A Yes sir.

Q Where they born after the marriage of William and Maria? A Yes sir

Mr. Hastings: Do you know what time they were married? A I can't tell you exactly, but they were married in my house.

Applicant: You say I was married in your house? A Yes.

Q How come me to be married in your house, wasn't my father living right there, wasn't I living in the house with my father? A Yes; we had a meeting over there and you and French got married.

Q How come me to leave my father's house to be married in yours?

A Because we had a meeting there, the preacher was there and you came over and married.

Maria French recalled, testified as follows:

Commissioner: Where was this child born? A Born in my father's house.

I.T.Brown: Mrs. French, have you made application to this Commission for any child by the name of Mary? A No sir.

Q You have heard the statement of Nelson Murrell and Katie Vann relative to your having a child prior to your marriage to William French? A Yes sir.

Q Is it true or not? A Yes sir.

Q Is it true? A Yes sir.

Commissioner: You were mistaken then when you said you didn't have, in your examination in chief? A Yes sir.

Q Is that child living? A Yes sir, I have made application for Mary.

Q She married? A Yes sir, I told you it was married.

Q You told me you didn't have any child before you married William French? A I didn't have any before I married William French.

Q Why don't you apply for her? A Because she wasn't his.

Q You said you applied for your four children at one time? A I did, I had five by William French; three of them however is dead. I don't feel satisfied. I want you to call Mr. Chambers and ask him if I was married in uncle Nelson's house; I wouldn't tell a lie for the Territory.

Q You don't appear to have done so.

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 21st day of July, 1901.

T. S. [unclear]
Commissioner.

Jessie Davies, stenographer to the Commission to the Five Civilized Tribes, upon her oath states: That the above and foregoing is a full, true and correct copy of the original testimony in the matter of the application for enrollment of Maria French, et al., as Cherokee Freedmen, taken at Nowata, Indian Territory, on the 2nd day of July, 1901, now on file with the Commission.

Jessie Davies

Subscribed and sworn to before me this March 9, 1905.

Myron White
Notary Public.

COMM. OF

F. I. D.

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[Handwritten signature]

ACTING CLERK

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., July 2, 1901.

In the matter of the application of Maria French for the enrollment of herself as a Cherokee Freedman by intermarriage and for the enrollment of her child as a Cherokee Freedman.

Appearances:

L.T. Brown, attorney for applicant;
W.W. Hastings, of counsel for Cherokee Nation.

Variah French - 8.

Supplemental testimony.

Katie Vann, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Katie Vann.

Q Your age? A 56.

Q Your post-office? A Lenapah.

Q You know Maria French? A Yes, sir.

Q How long have you known her? A Lets see, I have knowed her about 25 years.

Q Did you know her husband, William French? A Yes, sir.

Q Did you know Maria French before she and William French were married? A Yes, sir, I saw her, I wasn't very well acquainted with her.

Q Did she have any children before she and William French were married? A One.

Q What was its name? A Mary.

Q Do you know whether or not Mary is still living? A Yes, sir, she is married.

By L.T. Brown: How do you know it was her child? A She said it was her child and I seen her with it when it was small, taking care of it.

Q That child living or dead? A It is living.

Q What is its father's name? A I have forgotten its name, I did know once who its father was, I heard them all talking about it, calling his name; come of them here can tell you his name better than I can; I wasn't acquainted with him.

Nelson Murrell, being duly sworn by Commissioner Needles, testified as follows:

By J.S. Davenport; Cherokee attorney: What is your name?

A Nelson Murrell.

Q Your post-office? A Coffeyville.

Q Do you know Maria French? A Yes, sir.

Q Did you know her husband, William French? A Yes, sir.

Q Did you know her before she and William French was married?

A Yes sir.

Q Had Maria any children before she and William French was married? A One.

Q What was its name? A Mary.

By L.T. Brown: Is it living or dead? A Living.

Q What is its father's name? A We called him Markham I believe.

Q How do you know it is her child, you were not present, were you? A No, but she was living about 200 yards from me.

Q How do you know, if you lived in 200 yards of her? A I don't know, all she said, it was her child.

Q Just heard it was? A Yes, sir.

Commissioner: Did you see this child in this woman's arms? A Yes

Maria French 9

Q Saw her nursing it? A Yes, sir, soon after nursing it, everybody there knew it was her child; that is, all the neighbors and everybody

Q Was her mother living there? A Her stepmother.

Q She was living in her stepmother's house? A Yes, sir.

Q That before she married French? A Yes, sir.

Q How long before? A Along about six months.

L.T. Brown: Did you know William French during his life time?

A Yes, sir.

Q Know whether or not William French and Maria French were married? A Yes, sir.

Q Were you present at their marriage? A Yes, sir, married next in my house.

Commissioner: Who married them? A I have forgotten.

Q Was the child there? A Yes, sir.

L.T. Brown: Know her child Smalina? A Yes, sir.

Q Know her child James French? A Yes, sir.

Q Were they born after the marriage of William and Maria? A Yes, sir.

Mr. Hastings: Do you know what time they were married? A I can't tell you exactly, but they were married in my house.

Applicant: You say I was married in your house? A Yes.

Q How come you to be married in your house, wasn't my father living right there, wasn't I living in the house with my father? A Yes; we had a meeting over there and you and French got married.

Q So you didn't leave my father's house to be married in yours? A Because we had a meeting there, the preacher was there and you came over and married.

Maria French, recalled, testified as follows:

Commissioner: Where was this child born? A Born in my father's house.

L.T. Brown: Mrs. French, have you made application to this Commission for any child by the name of Mary? A No, sir.

Q You have heard the statement of Nelson Murrell and Katie Vann relative to your having a child prior to your marriage to William French? A Yes, sir.

Q Is it true or not? A Yes, sir.

Q It is true? A Yes, sir.

Commissioner: You were mistaken then when you said you didn't have, in your examination in chief? A Yes, sir.

Q Is that child living? A Yes, sir, I have made no application for any.

Q How married? A Yes, sir, I told you it was married.

Q You told me you didn't have any child before you married William French? A I didn't have any before I married William French.

Q Why don't you apply for her? A Because she wasn't his.

Q You said you applied for four children at one time? A I did, I had five by William French; three of them however is dead. I don't feel satisfied. I want you to call Mr. Chambers and ask him if I was married to Uncle Nelson's house; I wouldn't tell a lie for the Territory.

Q You don't appear to have done so.

.....

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.

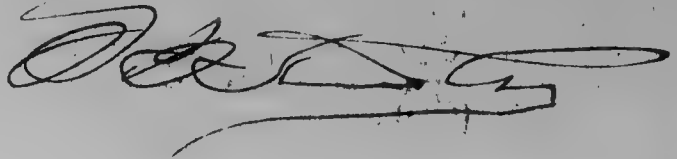
Sworn to and subscribed before me this the 15th of July, 1901.

(signed) T. B. Needles,
Commissioner.

Maria French 10

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 the proof.

Subscribed and sworn to before me this October 29, 1901.



Commissioner.

FRIB

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
5 1901


ATTORNEY GENERAL

REFLECTED:

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., Sept. 23, 1901.

In the matter of the application of Mary Gunter for the enrollment of herself and 4 children as Cherokee Freedmen; she being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Mary Gunter.
Q How old are you? A 28
Q What is your post-office address? A Lenapah.
Q What district 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 4 children.
Q Give me the names of your children? A William Gunter.
Q How old is he? A 6 years old.
Q Next one? A James Gunter.
Q How old is James? A 4 years old.
Q Next one? A Joseph.
Q How old is Joseph? A 3 years old.
Q Well? A Elizabeth.
Q How old is Elizabeth? A One year old.
Q Are you married? A Yes sir.
Q What is your husband's name? A William Gunter.
Q Is he living? A Yes sir.
Q Is he a citizen? A No sir.
Q What was your mother's name? A Mariah French.
Q She living? A Yes sir.
Q Your father's name? A William French.
Q Is he living? A No sir, he is dead.
Q IS your name on the roll of 1880? A I don't know sir. I don't think it is.
Q Is it on any of the rolls of the Cherokee Nation? A No sir, they lost my name.
Q Did you ever draw any money from the Cherokee Nation? A No sir.
Q Never have? A No sir.
Q Were you ever married before you married William Gunter? A Yes sir.
Q What was your husband's name then? A John Harley.
Q He living? A Yes sir.
Q You and he are separated are you A Yes sir.
Q Your maiden name was French then was it? A Yes sir.
Q Has your mother been listed for enrollment? A Yes sir, she has done been enrolled at Nowata, and my brother James French and sister, Emeline French.
Q You don't know that your name is on any of the rolls? A No sir, I don't think it is, it was lost.
Q Are these children that you apply for all alive and at this time? A Yes sir.
Q Where were you born? A On Snow Creek.
Q In the Cherokee Nation? A Yes sir.
Q You lived in the Cherokee Nation all your life? A Yes sir.
Q These children born in the Cherokee Nation? A Yes sir.
Q They are alive now? A Yes sir.
Q You claim your citizenship through your mother? A My father.
Q And his name was William French? A Yes sir.
Q How long has he been dead? A He has been dead I think 19 years.
Q Your mother claims to be a citizen does she? A No sir, she does not.
Q I thought you said she had applied to be enrolled here? A She applied I said for my brother James French, and Sister, Emeline French.

1890 authenticated roll, 1896 census roll, Kern-Clifton pay roll and Wallace roll of the citizens of the Cherokee Nation all examined for applicants and names not found thereon.

Mary Gunter et al 2

1890 authenticated roll of citizens of the Cherokee Nation examined for William French, and name not found.

Q Did you draw what is known as the Strip money? A No sir, my name was not found on the rolls.

Q You have got a sister named Emeline? A Yes sir.

Q She drew the Kerns Clifton money? A Yes sir, but my sister Martha never drew. Couple of us drew and couple of our names was lost.

COM'R NEEDLES: I don't think we can enroll you. The trouble about this is that your mother swears you were born before she was married to William French. She testified that herself, consequently, you could not claim through your father, because you were born before your father and mother were ever married.

COM'R NEEDLES: Mary Gunter applies for the enrollment of herself and 4 children, William, James, Joseph and Elizabeth. Her name is not identified upon any of the rolls of the Cherokee Nation nor the names of her children. She avers that she is the daughter of Mariah French and William French, and that she claims citizenship through her father, William, now deceased. On the 2nd of July, 1901, at Nowata, Mariah French, the mother of the applicant, applied to be listed for enrollment as an intermarried Freedman, and also applied for the enrollment of her daughter, Emeline. The supplemental testimony in said case, given by Katie Vann, Nelson Murrell and Mariah French, the mother of the applicant, will be made part of the testimony in the case at bar, and a copy thereof will be filed therewith. From the evidence, it is evident that the applicant was born before the marriage of her parents, her avowed father William French, with her mother, Mariah. Because of the fact that said Mariah at that time was a non-citizen, - at the time of the birth of the applicant was a non-citizen and only claims citizenship by reason of her marriage with William French, deceased, and the further fact that the name of said Mary Gunter does not appear upon any of the rolls of the Cherokee Nation, and she has never been recognized as a Cherokee citizen, the application for the enrollment of herself and 4 children will be refused, she will be rejected.

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 September 28, 1901.

C. R. [Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., November 18, 1904.

SUPPLEMENTARY PROCEEDINGS in the matter of the application for the enrollment of Mary Gunter and her minor children as Cherokee Freedmen.

It appears that on the 11th day of October, 1904, the applicant, her attorney, A. S. McKee, and the attorneys for 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 Thursday, November 17, and introduce testimony touching the points mentioned in said letter, at which time said case would be taken up for final consideration.

There being no appearance on the date above mentioned case was continued by consent, and on November 18, 1904, the following proceedings were had:

APPEARANCES:

Applicant appeared in person and by attorney W. H. Carrington.
Cherokee Nation by James S. Davenport.

MARIAH FRENCH, being duly sworn, testifies as follows:

BY W. H. CARRINGTON:

- Q What is your name? A Mariah French.
Q Where do you live? A I live in Cooweescoowee.
Q What is your postoffice? A Lenapah
Q What nation are you living in? A Cherokee Nation.
Q Are you a Cherokee citizen Mrs. French? A I married in it.
Q How long have you been living in the Cherokee Nation.
A It will be thirty-nine years this coming April, 15th day of April we came there.
Q I will ask you Mrs. French, were you ever married?
A Then I come there?
Q No, were you ever married? A Yes, sir.
Q How many times? A Once.
Q Who was your husband? A Some called him William French, some called him William Gillis.
Q By what name was he better known? A William French.
Q I will ask you whether or not you had any children by William French? A I had five.
Q I will ask you whether or not this applicant, Mary Gunter was his child? A Yes, sir.
Q Are you her mother? A Yes, sir, I am her mother.
Q I will ask you to state how long were you married to William French? A We lived together nine years, nine or ten about.
Q Is he living or dead now? A He has been dead since '82
Q Was William French considered a citizen of the Cherokee Nation?
A He was.
Q What part of the Cherokee Nation did you all live? A
A Cooweescoowee, when we came here we stopped on Snow Creek.
Q How long did you say you were married to French before he died?
A Going on ten years.
Q What year were you married to him? A In '72.
Q Can you remember the month and day?

A

A We were married in '73, on the 12th day of August.

Q How old is this applicant, Mary Gunter? A I think she is 32
Thirty-two? A I think she is.

Q I will ask you whether or not she was born before you were
married or afterward. A She was born December 26, and we
were married August 12.

Q December 26 of what year? A '72.

Q How long had you been before you were married? A Yes, sir.

Q How long had you known her father when you were married?

A I got acquainted with him in '52- in '64.

Q And as the mother of this applicant you are sure that William
French is her father?

BY MR. DAVENPORT: We object to that as being leading.

BY COMMISSIONER: Objection noted.

Q I will ask you again whether or not you are positive that this
applicant is the child of your husband, William French.

BY MR. DAVENPORT: We object to that as being an im-
proper way to prove parenthood. Testimony of the witness
shows that the child was born out of wedlock.

BY COMMISSIONER: Objection noted.

Q I will ask you further, Mrs. French whether or not, after the
marriage yourself and husband if he recognized this
applicant, Mary, as his child?

A She never WAS known as nothing else.

Q I asked you whether or not after your marriage to W. French
if he recognized this child as his child? A Yes, sir.

Q Has she lived in the Cherokee Nation ever since her birth?

A We never lived anywhere else, never been anywhere else.

Q What other living children have you living by William French?

A Only two.

Q What are their names? A John and Faeline.

BY MR. DAVENPORT:

Q William, you have testified to us three times in this case
isn't you? A I guess this will be three times.

Q You testified before the Commission in this case at Nowata,
July 1, 1902, did you? A Yes, sir.

Q I will ask you if in giving your testimony at Nowata, before
the Commission, if you did not give to the following questions
the following answers: "By Commissioner: There was this child
born? Ans. Born in my father's house." "By L. T. Brown: Mrs.
French have you made application to this Commission for
any child by the name of Mary? Ans. No, sir." You have heard
the statements of Nelson Murrell and Belle Vann relative to
your having a child prior to your marriage to William French?
Ans. Yes, sir." "Is it true or not? Ans: Yes, sir." "It is
true? Ans. Yes, sir." "By Commissioner: You were mistaken
then, when you said you didn't have, in your examination is
that chief? Ans. Yes, sir." "Is that child living? Ans. Yes, sir.
I have made no application for Mary." "Why don't you apply for
her? Ans. Because she wasn't his." "You told me you didn't
have any children before you married William French? Ans. I
didn't have any before I married William French."
Did you make these statements before the Commission at Nowata?

Cherokee Freedmen R-166

A No, sir. When I made a statement, he asked me how many children I had, and I told him three, and he asked me how many I wanted to make application for, and I told him myself and Emeline, that the other two was married.

Q You now deny that the statements which I have read to you from the record taken at Nowata, which appears to have been given in response to the questions I have read to you from the record taken at Nowata, were made by you, do you?

A I answered him that because this Mary was not there, she made her application at Gibson.

Q You know that Nelson Murrell, Katie Vann and Charley Chambers all testified in this case at Nowata? A Yes, sir.

Q And you know that they all testified that Mary was born to you before your marriage, do you?

BY W. H. CARRINGTON :

Objected to as incompetent, immaterial and leading; this matter was not brought out in direct examination. Objection noted.

BY DAVENPORT:

Q You know Katie Vann, do you? A Yes, sir.

Q And you knew her before you and French was married, didn't you?

A Yes, sir.

Q And you lived at Nelson Murrell's when Mary was born? A No, sir

Q Where did you live? A On Snow Creek.

Q You were living at Murrell's when you and French was married, were you not? A Will you allow me to tell you about--

Q I want you to answer yes or no? A No, sir, we wasn't living there.

Q You were married at Murrell's house? A No, sir.

Q At whose house were you and French married? A At my father's house.

Q What was your father's name? A Little, Stephen Little.

BY MR. CARRINGTON:

Q I will ask you Mrs. French if you know where Nelson Murrell was at the time of your marriage? A He was moving from Garnett to the Cherokee Nation.

Q Where was Garnett? A Up in Kansas, by Fort Scott.

BY COMMISSION:

Q Mrs. French, you say you testified in this case at Nowata on July 2, 1901? A Yes, sir.

Q At that time you made application for yourself and Emeline?

A Yes, sir?

Q You at that time stated to the Commission that you had a boy named James? A Yes, sir.

Q Who was 27 years of age; that's right is it?

A Yes, sir, that's Jimmie.

Q At that time did you testify that Mary Gunter was born in 1874?

A No, sir, Jimmie was born in '74.

Q At that time, before the Commission, did you give these answers to the following questions: " By Mr. Hastings: You state that you were never married and never had a child before you married or commenced living with French? Ans. Yes sir.

I want to know if you can give me the exact date of the birth of this first child? Ans. Yes, sir. Q. Well, give it to me? Ans. She was born December 26. Q. In what year? Ans. In '74.

Mrs. French: In '72.

If you testified '74 you were mistaken? A Yes, sir, that's Jimmie's birthday; he is the next.

Q If you testified that your first child was born in 1874 you were mistaken, were you? A Yes, sir, she wasn't, Jimmie is two years younger, and he was born in '74.

Q State whether or not, at Nowata, on the date I mentioned a while ago, you answered the following question: "Q You never had a child until after you married French? Ans. No, sir." Did you answer that? A No, sir.

Q What was it you said? A I told him that Mary was eight months old before I married French.

Q Then this is not a correct record? A Well, I told him that.

Q Don't you know, Mrs. French, that this is a correct record of everything you testified that day before the Commission?

A No, sir

Q I will ask you, Mrs. French, whether this question was asked you: "Q. When Mr. Chambers said you had a child before you married William French, he is mistaken? is he?" and whether or not you answered as follows: "Ans. I guess he is." "Q. There is no question about it, you ought to know? Ans. I say he is." "Q. You say positively you never did? Ans. No sir, I never did." Were these questions asked you and did you answer them as I have read? A No, sir, I did not.

Q I will ask you, Mrs. French if it is not a fact that the father of Mary Gunter is a colored man by the name of Markham?

W. H. CARRINGTON:

We object to that

A I never lived with a man in my life but Bill French.

Q That is not the question at all; Is not it a fact that the father of Mary Gunter was a man by the name of Markham? A No, sir

Q Did you ever know a man in that neighborhood about that time, by the name of Markham? A Yes, sir, I know one now, but I don't know nothing about him; Bill Markham lives on Grand River.

Q Did you ever live with him? A No, sir.

Q What did you mean, Mrs. French, when you answered this question; "Q. Why don't you apply for her" (meaning Mary Gunter), and you answered, "Because she wasn't his." What did you mean by that?

A I never answered that; I told him she was married and she could apply for herself.

Q You had Nelson Murrell as a witness didn't you, at Nowata?

A Now, I will have to tell you the whole story. Now, let me tell you; my word is all I have got. Well, Uncle Nelson come to me, hunted me up, and he said "I will be a good witness for your children." I said "Uncle Nelson, what do you want to testify". He said "I will testify that Bill was here in '66." I said "No, there's no need of you testifying that, and I won't let you, because I know you wasn't here yourself" but, says I, "you can do this, you can swear to Bill's ownership, because Bill's mother and you was sister and brother." He said "All right". And then he says, "Now, we have made a

rule, us witnesses, that everyone that wants us to witness must pay us before we swear", and he says, "then when we are called in we are there, there are so many we swear for that runs off and never pays us." I says, "All right, what do you charge?" He says "Five Dollars." I paid him. And then before I went on the stand for my children myself, they got to saying that I was going to be a witness against Snow Creek, the settlement of Snow Creek, and then he turned round, and some of them gets him to go and get up and swear as a rebutting witness against my children. That's how come him to be a rebutting witness against my children; he heard I was going to be a witness against Snow Creek.

- Q Louis T. Brown, the colored attorney was your attorney for your children there? A No, sir, I did not employ him
- Q He appeared and examined your witnesses, didn't he?
- A If he did I did not know anything about it.
- Q Don't you know that he stood right there and asked all these questions and examined you, on July 2, 1901, at Nowata?
- A He came and wanted to, but I never had no lawyer, I went right before the Commission myself, that's where I went.
- Q Do you deny that Louis T. Brown represented your children at that time, July 2, 1901? A Well, let me tell you, Brown never does anything unless he gets money, and I never did pay him a cent in my life.
- Q Then is this record wrong when it shows that Louis T. Brown appeared and cross-examined all these witnesses?
- A He may have done it, but not with my consent.
- Q Nelson Murrell is mistaken then is he, when he testifies in answer to this question, as follows "By Davenport: Did Mariah have any children before she and William French was married? Ans. Yes. Q. What was its name? Ans. Mary." "By. L. T. Brown Is it living or dead? Ans. Living. Q. What is its father's name? Ans. We called him Markham, I believe." He was mistaken when he testified that?

BY CARRINGTON: Objection is made by the attorney for applicant to the answer of Nelson Murrell to the question in the record "What is its father's name?" Answer given "Markham we called him." On account of it being hearsay and not the best evidence.

Objection noted.

COMMISSION:

- Q He is mistaken then, when he testified that the father of this child is a man named Markham? A Yes, sir.
- Q He is mistaken about that? A Yes, sir.

BY CARRINGTON:

- Q Mrs. French, I understand you to say that you are acquainted with a man by the name of Markham? A Yes, sir, I am acquainted with Bill Markham.
- Q Is he living or dead? A He is living.
- Q Where is he living? A He lives on brushy, I think, down below Wagoner, there.

BLUE THOMPSON being duly sworn, testifies as follows:

BY CARRINGTON:

- Q What is your name? A Blue Thompson.

- Q Where do you live? A Ghetopa, Kansas.
Q I will ask you, Mr. Thompson, if you ever lived in the Cherokee Nation? A I have, sir.
Q Between what years did you live in the Cherokee Nation?
A I have lived there on and off all my life.
Q I will ask you, Mr. Thompson, if you know a man by the name of William French? A I used to, yes, sir.
Q And you know his wife? A Yes.
Q Who is his wife? A Mrs. French, Little, she used to be, Mrs. French, she is now.
Q I will ask you to state whether or not this man William French, Bill French, was married to Mrs. Mariah French? A I don't know, wasn't there, didn't see them married.
Q Do you know this applicant here, Mary Gunter? A I used to know her when she was a girl; I haven't paid much attention to her, I know she's Mary Gunter.
Q State whether or not you ever heard Bill French say that she was his child, or not? A Say what?
Q That she was his child or not? A I had no call to hear him say that; I didn't interrogate him as to the domestic affairs of his family.
Q You visited him while he was alive did you? A Yes, sir, I have been to his home while he was living.
Q Well, as such a visitor did you have opportunity to see how he treated his children? A I did not pay any attention; didn't see anything particular about the way he treated his family; just living as anyone else, didn't pay any attention.
Q I will ask you if he seemed to make any particular difference between his treatment of this child, Mary and the other children? A I was not there frequently enough to answer that. I never knew any circumstances to happen to attract my attention to such things. That wasn't my business there, to see how he treated his family. I suppose he treated them all alike, so far as I know.

By COMMISSION:

- Q Did you know French and Mariah about the time they were married?
A No, I didn't know his wife, I knew him before he was married.
Q Do you know when they were married? A No, sir, not exactly, because I was at Gibson and he was up there.
Q Do you mean to say that you never knew anything about the parentage of Mary Gunter except that she lived in the family of William and Mariah French? A No, sir.
Q And of course, lived as one of their children? A Yes, that is what I thought.
Q Did you ever hear it said that a man by the name of Markham was the father of Mary?

CARRINGTON: Objected to because the relationship of the supposed father has not been established.
Objection noted:

- Q What is your answer, Mr. Thompson? A I never did.

By DAVENPORT:

- Q Never heard the question discussed, one way or the other, did you, Blue? A Never did in my life, sir.

-00-0-0-0-0-0-0-0-0-0-00-

Lucy M. Bowman, being duly sworn, states that as stenographer

Cherokee Freedman 8-100

to the Commission on the Five Civilized Tribes, and
correctly recorded the testimony and proceedings in this case
and that the foregoing is a true and correct transcript
of her stenographic notes therein.

Lucy M. [Signature]

Subscribed and sworn to before me this

3rd DAY of November, 1904.

Charles H. [Signature]
Notary Public



Approved by [Signature]

~~CONFIDENTIAL~~

FR 1663

FIELD
APR 1904
COMMISSION TO FIVE TRIBES

DO NOT WRITE
IN THESE SPACES

TO THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

FROM THE [Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

[Illegible]

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 Gunter, et al., for enrollment as Cherokee freedmen.

It appears that on the 6th day of February, 1904, the principal applicant, her attorney 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 3, 1904, and then and there to introduce further testimony touching the matters stated in said letter.

Applicant failed to appear on March 3, 1904, as requested, and on this the 6th day of April, 1904, applicant appearing in person and the Cherokee Nation by its attorney, W. W. Hastings, the following testimony was taken:

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 49.

Q What is your postoffice address? A Lenapah.

Q Do you claim to be a Cherokee freedman? A No, sir.

Q Are you a State woman? A Yes, sir.

Q Are you the mother of Mary Gunter here? A Yes, sir.

Q She is claiming to be a Cherokee freedman, is she? A Yes, sir.

Q Who is her father? A William French.

Q Was he a Cherokee freedman? A Yes, sir.

Q Who did he belong to? A He used to belong to a widow woman by the name of Elvira Gillis.

Q Where did he live before the war? A He lived at Fort Gibson.

Q Did he go out of the Cherokee Nation during the war? A No, sir, he didn't go out.

Q Is he living now? A No, sir, he's been dead ever since '82.

Q Did he ever live out of the Cherokee Nation? A Not that I know of.

Q Did he continue to live around Fort Gibson until his death?

A No, sir.

Q Where did he go? A No, sir, when he married me we lived on Snow creek, and he went to Fort Gibson to take his mother and died there.

Q Where were you married to him? A On Snow creek.

Q When? A In '73.

Q How long did you continue to live with him? A I lived with him nine years.

Q How many children did you have by him? A I have five by him.

Q What are their names? A Mary, James, Martha, Willie and Emaline.

Q Didn't you state in your testimony given before the Commission on July 2, 1901, that you had a child before you married William French?

A Yes, sir.

Q What was its name? A Mary.

Q Mary what? A Mary French.

Notary Public.

- Q Is that the same child as is this woman, Mary Gentry? A Yes, sir
- Q And that is the child of William French? A Yes, sir.
- Q How long prior to your marriage to William French was that child born? A I think she was about eight months old.

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

By the Commission:

- Q What is your name? A John Baldridge.
- Q What is your age? A 74.
- Q What is your postoffice address? A Coffeyville, Kansas.
- Q You are a justice of the peace, are you? A Yes, sir.
- Q Do you know Mary Gentry? A Yes, sir.
- Q Do you know her father and mother? A Yes, sir, I do.
- Q What are their names? A Father's name French.
- Q What is his given name? A I just call him right straight French.
- Q Were Mary's father and mother married? A I couldn't swear they were married; they were living as man and wife when I knewed them.
- Q How many children did they have? A I believe they had five.
- Q Do you know when Mary was born? A Yes, sir.
- Q Do you know whether or not she was born before William and her mother began living together? A No; they had a lot of children there; I couldn't tell.

0-0-0-0-0-0-0-0-0-0

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 notes thereof.

Subscribed and sworn to before me this 7th day of August, 1894.

[Handwritten signature]
Notary Public.

Cherokee Freedmen
R-166

9670

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

-e00-

In the matter of the application for the enrollment of Mary Gunter, et al., as Cherokee Freedmen.

---: R E C I S I O N :---

It appears from the record herein that on September 23, 1901, Mary Gunter appeared before this Commission, at Fort Gibson, Indian Territory, and made application for the enrollment of herself and her minor children, William, James, Joseph and Elizabeth Gunter, as Cherokee Freedmen. Additional proceedings were had in the matter of said application, at Muskogee, Indian Territory on April 6, 1904 and November 18, 1904. A copy of the testimony taken at Nowata, Indian Territory, on July 2, 1901, in the matter of the application for the enrollment of Maria French, as a citizen by intermarriage of the Cherokee Nation, is filed with and made a part of the record in this case.

The evidence herein shows that the principal applicant, Mary Gunter, was born since 1866, and is the daughter of Mariah French, a noncitizen, by one Markham, who is not shown to possess any rights as a Cherokee Freedman. The applicants, William, James, Joseph and Elizabeth Gunter, are the minor children of said Mary Gunter, and possess no rights to enrollment except such as are acquired through their mother.

Ample opportunity has been afforded the applicants to establish by satisfactory evidence their right to enrollment as Cherokee Freedmen, but they have failed to do so.

Although Mary Gunter, the principal applicant herein, claims that her father was William French (now deceased) the testimony of her mother, Mariah French, on her appearance before this Commission on July 2, 1901, shows that he was not her father, which fact is further supported by the testimony of two disinterested witnesses. It appears, however, that since said appearance of Mariah French, on July 2, 1901, she has appeared before this Commission and denied her former statement, relative to the parentage of said Mary Gunter, and states that William French, above named, was her father. Inasmuch as Mariah French is, indirectly, an interested witness, and her latter statements are not corroborated, the Commission is of the opinion that no credence should be given said testimony.

None of the applicants herein are identified upon the 1890 Authenticated Cherokee Roll.

-2-

It is therefore the opinion of this Commission that the application made for the enrollment of Mary Guster, William Guster, James Guster, Joseph Guster and Elizabeth Guster, nee Charles Freedman, should be denied, under the provisions of Section 21 of the Act of Congress approved June 28, 1900, (30 Stat., 494), and it so is ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tame Birby.

Commissioner.

(SIGNED).

I. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Mustoge, Indian Territory,

JUN 16 1905

Cherokee Freedmen-R-166.

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

In the matter of the application for the enrollment of
Mary Gunter as a Cherokee Freedman.

O R D E R.

It is hereby ordered that a copy of the testimony, taken
at Nowata, Indian Territory, July 2, 1901, in the matter of the
application for the enrollment of Maria French, Cherokee Freedman-
D-1010, as a citizen by intermarriage of the Cherokee Nation, be
filed with and made a part of the record in the case of Mary Gunter
et al., Cherokee Freedmen-R-166.

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

★
(SIGNED)

E. J. Buchanan

Commissioner in Charge.

Muskogee, Indian Territory,

March 3, 1905.

2

TR 166

RECEIVED
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OCT 13 1901

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OCT 13 1901

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

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES

Viola C. J. J. 16 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Mary G. Gentry for enrollment as
Freedmen of the Cherokee Nation.

No.

JR 166

J. J. Fields
Atty. for app. and

Wagoner Indian Territory, 15th Dec 1904

RECEIVED of the COMMISSION TO THE FIVE CIVILIZED

TRIBES one copy of the testimony in Case, Re Application

of Mary Lynde, et al.

Walter Lee
Attorney for Applicant.

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

REMOVAL
OF CHEROKEE LAND OFFICE.

NOTICE IS HEREBY GIVEN, That the Cherokee Land Office of the Commissioner to the Five Civilized Tribes heretofore located at Tahlequah, Cherokee Nation, Indian Territory, will, on and after January 2nd, 1906, be maintained at the General Office of the Commissioner at Muskogee, Creek Nation, Indian Territory.

All persons having business before the Cherokee Land Office on and after January 2nd, 1906, will be required to transact such business at the office at Muskogee.

TAMS BIXBY,
Commissioner to the Five Civilized Tribes

Dated, Muskogee, Indian Territory, November 25, 1905.

Jan 1:

Jan 2: 100
Jan 3: 100
Jan 4: 100
Jan 5: 100
Jan 6: 100
Jan 7: 100
Jan 8: 100
Jan 9: 100
Jan 10: 100
Jan 11: 100
Jan 12: 100
Jan 13: 100
Jan 14: 100
Jan 15: 100
Jan 16: 100
Jan 17: 100
Jan 18: 100
Jan 19: 100
Jan 20: 100
Jan 21: 100
Jan 22: 100
Jan 23: 100
Jan 24: 100
Jan 25: 100
Jan 26: 100
Jan 27: 100
Jan 28: 100
Jan 29: 100
Jan 30: 100
Jan 31: 100

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81 1901

CHEROKEE FREEDMEN.

No.	Name	Age	Sex	District	Citizenship	Notes
1	William Senter	28				
2	William Senter		Yes	Page	No.	Dist.
3	James		Yes	Page	No.	Dist.
4	Joseph		Yes	Page	No.	Dist.
5	Elinor		Yes	Page	No.	Dist.
6			Yes	Page	No.	Dist.
7			Yes	Page	No.	Dist.
8			Yes	Page	No.	Dist.
9			Yes	Page	No.	Dist.
10			Yes	Page	No.	Dist.
11			Yes	Page	No.	Dist.
12			Yes	Page	No.	Dist.

Application made to

Stenographer *J. D. Green*

Not on any Roll

& Ex. L. C. C. instrumental testimony, etc.

643

Cherokee Freedmen

2166

Muskogee, Indian Territory, February 6, 1904.

A. . McRea,

Attorney for Mary Gunter, et al.,

Muskogee, Indian Territory.

Dear Sir:

In the matter of the application of Mary Gunter, et al., for enrollment as Cherokee Freedmen, you are advised that the Commission's records show that the said Mary Gunter gave her father's name as William French. It appears, however, that she was born several months before her mother's marriage to William French, and the testimony of other witnesses in the case is to the effect that she is not the child of William French.

Before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to who was the father of said Mary Gunter and as to whether or not he was a citizen of the Cherokee Nation and entitled to enrollment as such.

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 Thursday March 3, 1904, and introduce testimony as above requested.

Respectfully,

Commissioner in Charge.

COMMISSIONERS
TAMM DIXIE,
THOMAS B. NEEDLES,
C. H. BRACKINRIDGE,
W. E. STANLEY.

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

KEEP IN REPLY TO THE FOLLOWING

Cherokee Freedmen
R 166

ALLISON L. AYLESWORTH
SECRETARY

Muskogee, Indian Territory, February 6, 1904.

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

Dear Sir:

In the matter of the application of Mary Gunter, et al., for enrollment as Cherokee Freedmen, you are advised that the Commission's records show that the said Mary Gunter gave her father's name as William French. It appears, however, that she was born several months before her mother's marriage to William French, and the testimony of other witnesses in the case is to the effect that she is not the child of William French.

Before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to who was the father of said Mary Gunter and as to whether or not he was a citizen of the Cherokee Nation and entitled to enrollment as such.

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 Thursday March 3, 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.

mk 9

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

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

REFER IN REPLY TO THE FOLLOWING
**Cherokee Freedmen
R 166**

ALLIBON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 7, 1904.

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

Dear Sir:

You are hereby advised that the Commission is in receipt of a letter from Mary Gunter, Cherokee Freedmen R 166, in which she states that, on account of sickness, she was unable to appear before the commission at Muskogee, on March 3rd, and introduce additional testimony in her application for enrollment.

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 Wednesday April 6, 1904, and introduce testimony as heretofore requested. The Cherokee Nation will be permitted to appear on that date and introduce such testimony as it may desire.

Respectfully,

Commissioner in Charge.

Cherokee freedmen
R 166

Muskogee, Indian Territory, March 7, 1904.

Mar. Center,
Lenapah, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of March 3rd, acknowledging receipt of the Commission's notice to you to appear at Muskogee on that date and give further testimony in the matter of your application for enrollment as a Cherokee freedman. It is noted that you state that, on account of sickness, you were unable to appear. You inclosed an affidavit, signed by your mother, as to the identification of your father, and ask to be advised when you may appear and introduce testimony as requested.

In reply you are advised that the Commission cannot accept affidavits as testimony in enrollment cases. Your mother's affidavit is, therefore, herewith returned to you.

You are hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Wednesday April 6, 1904, and introduce testimony in accordance with the Commission's notice to you of February 6th.

Respectfully,

Enc. V-5

Commissioner in Charge.

Cherokee Freedmen
R 186

Muskegee, Indian Territory, March 7, 1904.

A. S. McRea,

Attorney for Mary Gunter,

Muskegee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission is in receipt of a letter from Mary Gunter, Cherokee Freedmen R 186, in which she states that, on account of sickness, she was unable to appear before the Commission at Muskegee, on March 3rd, and introduce additional testimony in her application for enrollment.

The applicant has, therefore, this day been directed to appear before the Commission at its offices in Muskegee, Indian Territory, at nine o'clock A. M., on Wednesday April 6, 1904, and introduce testimony as heretofore requested.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen
R-166

Muskogee, Indian Territory, October, 1, 1904.

Mary Gunter,

Lenapah, Indian Territory.

Dear Madam:

The Commission is in receipt, by reference from the U. S. Indian Agent, of your letter of September 26, inclosing a letter from the Department of the Interior, dated September 23, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in your case. When a decision has been prepared you will be furnished with a copy.

The inclosure is returned herewith.

Respectfully,

(SIGNED) *Jame Blaby.*
Chairman.

Enc. K-6.

Cherokee Freedman
R-166.

Muskogee, Indian Territory, October 11, 1904.

A. S. McRea,
Attorney for Mary Gunter, et al.,
Muskogee, Indian Territory.

Dear sir:

In the matter of the application for the enrollment of Mary Gunter and her minor children as Cherokee Freedmen, you are hereby advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to who was the father of the said Mary Gunter, and as to whether or not he possesses any rights to enrollment as a Cherokee Freedman.

The principle 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., Thursday, November 17, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

James Birby
Chairman.

Register.

COPY

Cherokee Freedman.
R-166.

Muskogee, Indian Territory, October 11, 1904.

Mary Gunter,

Lenapah, Indian Territory.

Dear madam:

In the matter of the application for the enrollment of yourself and your minor children as Cherokee Freedmen, you are hereby advised that before the Commission can render a final decision in this case it will be necessary that further testimony be introduced as to who was your father, and whether he possesses any rights to enrollment as a Cherokee Freedman.

You are, therefore, hereby directed to appear before the Commission at its offices in Muskogee, Indian Territory, at nine o'clock A. M., on Thursday, November 17, 1904, and introduce testimony as above indicated, at which time this case will be taken up for final consideration.

Respectfully,

Register.

Tams Bixby
Chairman.

COPY.

Cherokee Freedman

R-166.

Muskogee, Indian Territory, December 12, 1904.

W. H. Carrington, Attorney for
Mary Gunter, et al.,
Wagoner, Indian Territory.

Dear sir:

There is herewith enclosed a copy of the supplemental testimony taken at Muskogee, Indian Territory on November 18, 1904, in the matter of the application for the enrollment of Mary Gunter, et al., as Cherokee Freedmen, together with a blank receipt which you are requested to fill out, sign and return to the Commission.

Respectfully,

(SIGNED)

James Dixby

Chairman

Encl. 00-27.

COPY.

Cherokee Freedman
R-166.

Muskogee, Indian Territory, December 28, 1904.

Mary Guster,

Lenapah, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of December 12, 1904, relative to your enrollment as a Cherokee Freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been prepared you will be furnished with a copy.

You are further advised that you will not be permitted to make an allotment selection until your citizenship has been finally approved by the Secretary of the Interior. You will, however, be permitted to appear before the Cherokee Land Office at any time you may desire to institute contest proceedings for the protection of such property rights as you may have.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY.

Cherokee Freedman
R-166.

Muskogee, Indian Territory, December 29, 1904.

Mary Gunter,

Lenapah, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of December 12, 1904, relative to your enrollment as a Cherokee Freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been prepared you will be furnished with a copy.

You are further advised that in case any one has filed on land which you claim to be the owner of you will be permitted to appear before the Cherokee Land Office at Tahlequah, Indian Territory, and institute contest proceedings, when the matter will be held pending the final determination of your citizenship.

Respectfully,

(SIGNED) *Tams Bixby.*
Chairman.

COPY

Cherokee Freedmen

R-166.

Muskogee, Indian Territory, March 15, 1905.

W. H. Carrington,

Attorney for Mary Gunter, et al.,

Wagoner, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the testimony taken at Nowata, Indian Territory, on July 2, 1901, in the matter of the application for the enrollment of Mariah French, et al. as citizens of the Cherokee Nation, together with an order of the Commission dated March 3, 1905, making same a part of the record in the matter of the application for the enrollment of Mary Gunter, et al. as Cherokee freedmen.

There is also inclosed a blank form of receipt which you are requested to sign and return to the Commission.

Respectfully,

Incl. S-128.

SIGNED

Jame Bixby.
Chairman.

COPY.

Cherokee Freedmen

R-166.

Muskogee, Indian Territory, April 17, 1905.

Mary Gunter,

Lenapah, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of March 23, 1905, asking to be advised as to the status of your application for enrollment as a Cherokee freedman.

In reply you are advised that the Commission has not yet rendered a decision in this case. When a decision has been rendered you will be furnished with a copy.

Respectfully,

(SIGNED) *Jams Dixby*
Chairman.

COMMISSIONERS:
JAMES BILBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

WM. O. BEALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

866
REFER IN REPLY TO THE FOLLOWING:
Cherokee Freedmen

R-166.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, June 16, 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 16, 1905, rejecting the application for the enrollment of Mary Gunter, 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,

Incl. S-66


Chairman.

Cherokee Freedmen

R-166.

Muskogee, Indian Territory, June 16, 1905.

Mary Gunter,

Lenapah, Indian Territory.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application for the enrollment of yourself, et al., as Cherokee freedmen. There has heretofore been furnished your attorney, W. H. Carrington, Wagoner, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

Incl. S-64.
Register

Chairman.

Cherokee Freedmen

R-166.

Muskogee, Indian Territory, June 16, 1905.

W. H. Carrington,
Attorney for Mary Gunter, et al.,
Wagoner, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application for the enrollment of Mary Gunter, et al., as Cherokee freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

Tame Kirby.

Chairman.

Incl. S-65.

Register

Cherokee Freedmen

R-166.

Muskogee, Indian Territory, June 16, 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 16, 1905, rejecting the application for the enrollment of Mary Gunter, 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,

J. B. ...

Chairman.

Cherokee Freedmen
B-100.

Waskom, Indian Territory, June 10, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application for the enrollment of Mary Gunter, et al., as Cherokee freedmen, including the Commission's decision dated June 16, 1905, reflecting said application.

Respectfully,

Incl. S-67.

Yours truly,

Through the

Commissioner of Indian Affairs.

(3 6 2 7)

7.09-1903

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON JUN 23, 1903.

To the Honorable

Secretary of the Interior.

Sir:

I have the honor to acknowledge the report from the Commission
to the Five Civilized Tribes, dated June 17, 1903, of admission
of the record of the application of the children of Charles Frank
of Cary Center for a roll of the Five Civilized Tribes, Illinois, James,
Joseph and Elizabeth Gardner.

June 17, 1903, the Commission has advised of the
admission of the application.

The record shows that the children of Charles Frank
were admitted to the Five Civilized Tribes, Oklahoma Territory, by one of the
who is not shown to possess any rights as a member of the Five Civilized Tribes. The
other applicants are the children of the said Gardner and possess no
rights to enrollment under the act of May 3, 1902.

The Commission has advised that the children of the said
Frank and Gardner are not entitled to enrollment.

The Commission has also advised that the children of the said
Frank and Gardner are not entitled to enrollment.

I am, Sir, very respectfully,
Your obedient servant,

W. A. RORER,
Assistant Commissioner.

...

REPLY IN ANSWER TO THE FOLLOWING
Cherokee Freedmen

R-166.

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

Muskogee, Indian Territory, November 27, 1905.

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 June 16, 1905, rejecting the application for the enrollment of Mary, William, James, Joseph and Elizabeth Gunter as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 13, 1905.

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

Respectfully,

Incl. S-199


Acting Commissioner.

Cherokee Commission

COPY

R-100.

Muskogee, Indian Territory, November 27, 1905.

Wm. Custer,

Idola, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the Commissioner to the Cherokee Commission, dated June 16, 1905, rejecting the application for the enrollment of yourself and minor children, William, James, Joseph and Elizabeth Custer, as Cherokee by blood, was affirmed by the Secretary of the Interior on November 13, 1905.

Respectfully,

LB

Chas. W. Rogers
Acting Commissioner.

Cherokee freedmen

R-166.

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

Muskogee, Indian Territory, November 27, 1905.

W. H. Carrington,

Attorney for Mary Gunter, et al.,

Wagoner, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application for the enrollment of Mary, William, James, Joseph and Elizabeth Gunter as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 13, 1905.

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

Respectfully,

Incl. S-198


Acting Commissioner.

Cherokee Freedmen

R-166.

Muskogee, Indian Territory, January 22, 1906.

G. E. Bathe,

Coffeyville, Kansas.

Dear Sir:

This office is in receipt of your letter of January 15, referring to the Cherokee freedmen enrollment case of Mary Gunter, et al. You ask to be advised what steps to take in order to secure a rehearing in the case.

You have heretofore been advised that these applicants have been finally denied enrollment as Cherokee freedmen.

In reply you are advised that the action of the Secretary of the Interior in citizenship cases is final. If the applicants have discovered new evidence that is material to their case, and which was not considered, or they can show was not available or that they did not have ample opportunity to introduce the same, when their case was heard before the Commission to the Five Civilized Tribes, they can, if they desire, file with this office a motion to have their case reopened, stating fully the facts which they expect to prove in the event the case is reopened, and have the motion supported by affidavits of the persons whose testimony they expect to introduce if the case is reopened, indicating fully therein the facts to which such witnesses will testify, and the

same will be transmitted, with recommendation, to the Secretary of the Interior for his consideration and action thereupon. They will be required to make proof of service upon the attorneys for the Cherokee nation, of copies of all papers filed.

Respectfully,

IMP

Commissioner.

Muskogee, Indian Territory, March 28, 1906.

Honorable Tams Rixby,
Hotel Raleigh,
Washington, D. C.

Sir:

There is inclosed herewith, prepared for your signature, letter addressed to the Department transmitted petition for re-hearing in the Cherokee freedmen enrollment case of Mary Gunter, et al.

If the letter as prepared meets with your approval, please return, after attaching your signature thereto, one of the ribbon copies in order that a letter press copy may be made of same.

Respectfully,

Incl. S-88

Chief Clerk.

Muskogee, Indian Territory, March 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There are inclosed herewith a petition signed by various parties and affidavits signed by Virginia Little, Mariah French and Henry Murrell which were received with a letter from G. R. Bathe of Coffeyville, Kansas, to be considered as a motion for rehearing in the Cherokee freedmen enrollment case of Mary Gunter.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated June 16, 1905, rejecting the application of Mary Gunter for the enrollment of herself and minor children, William, James, Joseph and Elizabeth Gunter, as Cherokee freedmen, was concurred in by the Indian Office in its letter to the Department of June 23, 1905 (Land 47209-1905), and was, on November 13, 1905 (I.T.D. 7746-1905), duly affirmed by the Department.

It is alleged in the affidavits transmitted that Mary Gunter is the child of one William French, deceased, who, it is alleged in the record of the application for the enrollment of Mary Gunter and her children, was a Cherokee freedman, and Mariah

French, a colored woman and non-citizen of the Cherokee Nation. The affiant Virginia Little avers that she is seventy years of age; that her postoffice is Lenapah, Indian Territory, and that she is the mother of Mariah French, the mother of the applicant Mary Gunter. She further avers that William French and Mariah French were married on, or about, December 25, 1871; that Mary French was born on December 26, 1872, and that William French and Mariah French were lawfully married on August 12, 1873.

Mariah French in her affidavit corroborates the statements of her mother with reference to her marriage to William French and to the birth of her child Mary. She further states that she and William French lived together as husband and wife continuously from December 25, 1871, until they were lawfully married on August 12, 1873, and that they lived together until the death of William French on February 4, 1883.

The affiant Henry Murrell avers that he is fifty-five years of age; that his postoffice is Lenapah, Indian Territory, and that he and William French "were boys together," and that he has known Mariah French about thirty-five or forty years. He further states that he knows Mary Gunter, daughter of said William and Mariah French, and that William French told him "that Mary was his child and that he was her father."

The record of the application for the enrollment of Mary Gunter and her minor children shows that she claimed to be

the child of William French and Mariah French, and that Mariah French only claimed the right to enrollment as a citizen of the Cherokee Nation by reason of her marriage to said William French. Mariah French, in her application for enrollment as a citizen by intermarriage of the Cherokee Nation, first testified that she had no child by the name of Mary French; that all of her children by William French were born subsequent to their marriage, and that she had no child prior to her marriage to him. When confronted by the witnesses, Katie Vann and Nelson Murrell, who testified that Mary Gunter, the daughter of Mariah French by one Markham, was born prior to the marriage of Mariah French to William French, she acknowledged that she had such a child, and that she made no application for Mary's enrollment as a citizen of the Cherokee Nation. When asked the question: "Why don't you apply for her (Mary),?" she answered "Because she wasn't his (William French's child)."

The statement of Katie Vann, Nelson Murrell and Mariah French that Mary Gunter is not the daughter of William French, is corroborated by the fact that the name of Mary Gunter is not borne on any of the tribal rolls of the Cherokee Nation, while the names of James and Emeline French, children of said William French and Mariah French, born since the alleged marriage of their parents, are identified upon the Kern-Clifton roll of freedmen

citizens of the Cherokee Nation.

It is apparent from the affidavits that the evidence sought to be established by the testimony of Virginia Little and Henry Murrell is not newly discovered. There is nothing contained in the petition or affidavits showing that the testimony of these affiants could not be secured at one of the various appointments in the Cherokee Nation of the Commission to the Five Civilized Tribes for the purpose of receiving testimony in connection with applications for enrollment as Cherokee freedmen, or that the applicants did not have ample opportunity to establish their right, if they have any, to enrollment as Cherokee freedmen.

For the reasons herein stated, and for the further reason that G. R. Pathe, who filed the petition and affidavits, has not been admitted to practice before this office, and that no evidence is furnished of copies of the petition and affidavits having been served upon the attorneys for the Cherokee nation, it is respectfully recommended that the same be denied.

Respectfully,

Incl. S-87

Commissioner.

Through the _____

Commissioner of Indian Affairs.

(COPY)

GR

D.C.2220-1907
I.T.D.7746-1905.
15416-1906.

LRS. DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

January 8, 1907.

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

Sir:

March 28, 1906, you transmitted a motion for a rehearing in the matter of the application of Mary Gunter, nee French, for the enrollment of herself and her children as Cherokee freedmen, with the recommendation that said motion for a rehearing be denied.

The Department has carefully considered said motion in connection with the original record in the case, and finds that the principal applicant, Mary Gunter, formerly Harley, nee French, was born December 26, 1872, in the Cherokee Nation, to Mariah Little, who afterwards, on August 12, 1873, married William French, alias William Gillis, an alleged slave of one Mrs. Gillis, and who died in 1882 in the Cherokee Nation.

It is claimed that Mary Gunter, nee French, was the illegitimate daughter of Mariah French by William French, whom she married eight months after the birth of Mary Gunter, and who, it is claimed, acknowledged Mary Gunter, nee French, as his child.

In contradiction of her alleged parentage, there is some evidence tending to show that Mary Gunter, nee French, was the issue of Mariah French by a man named Markham, and Mariah French

herself when applying for the enrollment of her children stated as a reason why she did not include Mary in the application made for the enrollment of her children by William French was "because she wasn't his," meaning William French.

The evidence presented does not satisfactorily show that Mary Gunter, nee French, was the illegitimate daughter of William French and Mariah French, and in view of the lack of such evidence the Department denies said motion for a rehearing and adheres to its decision of November 18, 1905 (I.T.D.7746) denying her application for the enrollment of herself and children as Cherokee freedmen.

You will advise applicant and her agent of this action.

The papers in the case have been sent to the Indian Office for its files.

Respectfully,

Thos. Ryan.

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

5 incs. to Ind. Of.

Cherokee F.
R-166

Muskogee, Indian Territory, January 18, 1907.

Mary Gunter,

Lenapah, Indian Territory.

Dear Madam:

You are hereby advised that a motion for rehearing in the Cherokee freedmen enrollment case of yourself and children, was denied by the Secretary of the Interior, January 8, 1907.

Respectfully,

JMH

Commissioner.

REFER IN REPLY TO THE FOLLOWING:
Cherokee F.
E-166

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

Muskogee, Indian Territory, January 18, 1907.

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

Dear Sir:

You are hereby advised that a motion for a rehearing of the Cherokee freedmen enrollment case of Mary Genter, et al., was denied by the Secretary of the Interior, January 8, 1907.

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

Respectfully,


Encl. E-57
JMI

Commissioner.

Cherokee Freedmen
R 166

Muskogee, Indian Territory, March 2, 1907

G. R. Bathe,

Coffeyville, Indian Territory.

Dear Sir:

In reply to your letter of February 5, 1907, in further reference to the right to enrollment as a Cherokee freedman of Mary Gunter, you are advised the records of this office show that on November 13, 1905, the application for the enrollment of Mary Gunter and her children as Cherokee freedmen was denied by the Secretary of the Interior.

The records further show that on January 8, 1907 a motion for rehearing in said case, filed on behalf of applicants, was denied by the Department.

Respectfully,

Commissioner

Cherokee Freedmen
R 166

Muskogee, Indian Territory, March 16, 1907

G. R. Bathe,
Coffeyville, Kansas

Dear Sir:

This office is in receipt of your letter of February 5, relative to the right to enrollment as a Cherokee Freedman, of Mary Gunter.

In reply you are advised that the application for the enrollment of Mary Gunter and her children as Cherokee freedmen was denied by the Secretary of the Interior November 13, 1905. In this connection there is quoted for your information the following provision of the Act of Congress approved April 26, 1906 (34 Stat., 137):

"That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date."

Respectfully,

Commissioner

COPY.

Muskogee, Indian Territory, December 12, 19

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

Gentlemen:

There is herewith enclosed copies of supplemental proceedings had in the following Cherokee Freedman Enrollment Cases on the date indicated.

November 15, 1904.

Howard Bushyhead, Cherokee Freedman D-980.

Jacksie Ann Markham, et al., Cherokee Freedmen R-346.

November 17, 1904.

Martha Washington, Cherokee Freedman R-343.

November 18, 1904.

Elisa A. Arnold, Cherokee Freedman D-74.

Rachael Graves, Cherokee Freedman D-1131.

John Lynch, Cherokee Freedman D-386.

Mary Gunter, et al., Cherokee Freedmen R-166.

George Amos Mayfield, et al., Cherokee Freedmen R-5.

November 19, 1904.

Daniel Roach, et al., Cherokee Freedmen 40.

November 21, 1904.

Louis Rogers, et al., Cherokee Freedmen R-37.

Helvina Williams, et al., Cherokee Freedmen D-1073.

Calvin Coins, et al., Cherokee Freedmen R-179.

November 22, 1904.

Charlotte Potts, et al., Cherokee Freedmen R-338.

November 23, 1904.

Elisa Robinson, Cherokee Freedman D-161.

Nancy Fairfield, et al., Cherokee Freedmen R-326.

November 17, 1904.

Chaley Rowland, et al., Cherokee Freedmen R-335.

Respectfully,

Encl. OG 19.

Tame Dixby.
Chairman.

EXHIBIT N. P. 11558

CHEROKEE FREEMAN

116

Mr. Charles, et al.

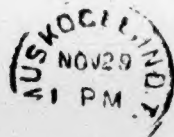
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Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



W. ...

Carover, India Territory.

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