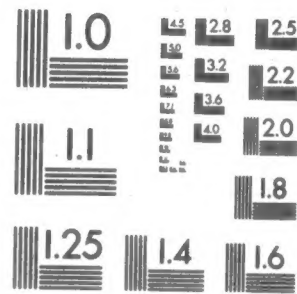
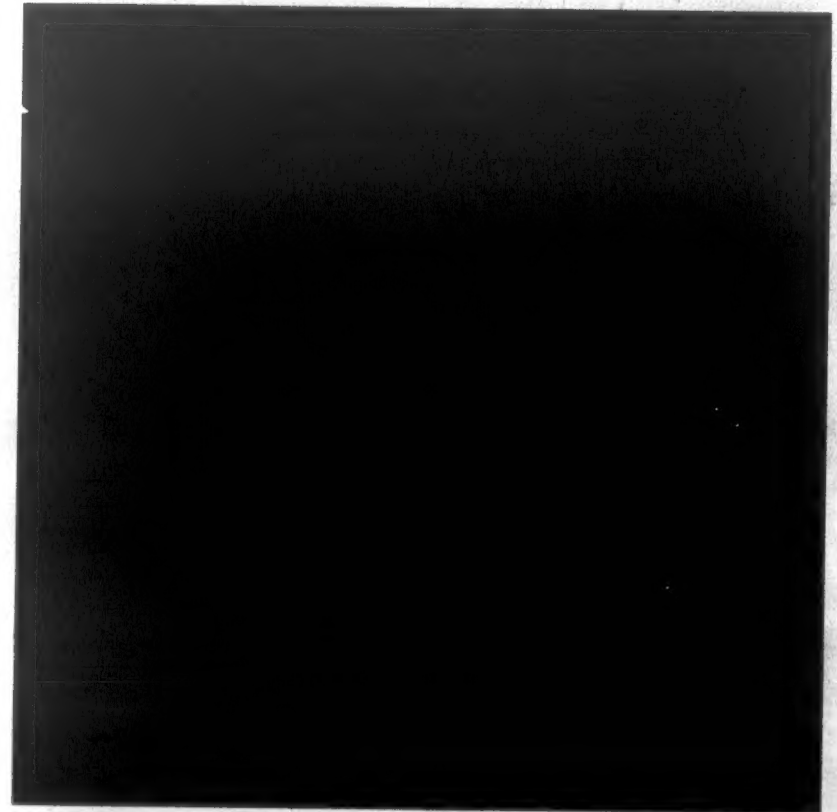
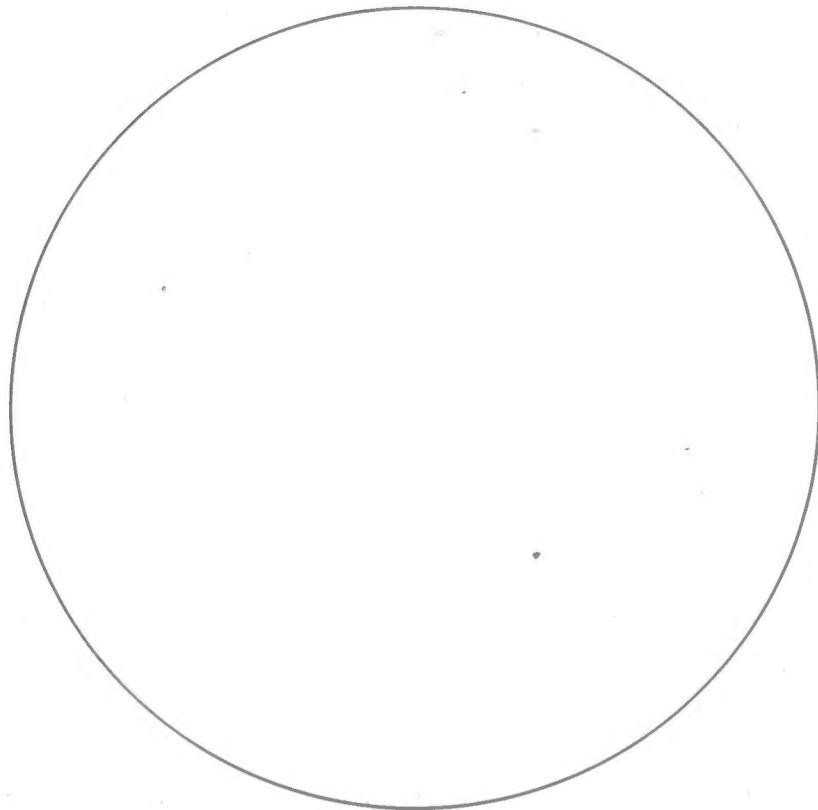
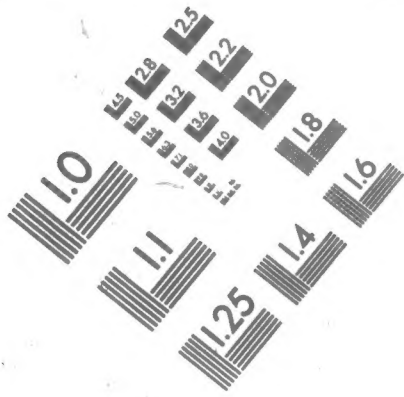
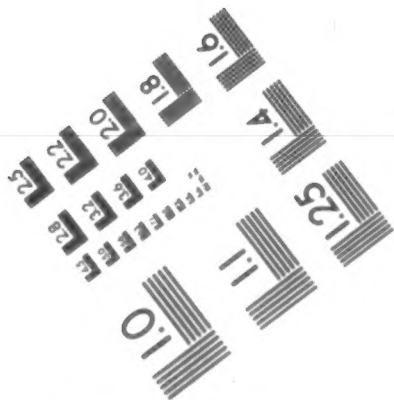


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES
1898 - 1914

ROLL 366

CHEROKEE FREEHOLDEN R217 - R252

THE NATIONAL ARCHIVES
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Cher. Fr. R. 217

Cher. Fr. R. 217

Department of the Interior
Commission to the Five Civilized Tribes
Fort Gibson, I.T. April 24th, 1901

In the matter of the application of Josh Starr for enrollment as a Cherokee Freedman; he being sworn by Commissioner Needles testified as follows:

- Q What is your name? A. Josh starr
Q How old are you? A. 48
Q What is your post office address? A. Fort Gibson
Q What district do you live in? A. Tahlequah.
Q Do you apply for enrollment as a Cherokee Freedman? A. Yes sir
Q Have you ever applied to be enrolled as a Freedman of any other Nation? A. No sir.
Q Have you ever been recognized by the Cherokee Tribal authorities as a Freedman? A. Well about half way
Q Is your name on the rolls of the Cherokee Nation? A. Only the Wallace roll?
Q Who do you want to have enrolled besides yourself? A. Just myself
Q You say your name is not on any of the rolls except the Wallace roll? A. That is all.
Q Did you draw strip money? A. No sir
Q What is your father's name? A. Phill Mayes
Q Is he living? A. No sir
Q What is your mother's name? A. Barbara E. Starr
Q Is she living? A. Yes sir
Q Is she recognized as a Cherokee Freedman? A. Yes sir
Q Where were you born? A. In Flint district
Q Were you born a slave? A. Yes sir.
Q Who was your owner? A. Cale starr
Q Is he living? A. No sir
Q Where were you at the beginning of the war between the United States and the Confederacy? A. In Flint District
Q Where were you at the close of the war? A. In the Choctaw Nation
Q Had you been taken out during the war? A. Yes sir
Q How long did you stay there? A. About three years
Q When did you return to the Cherokee Nation? A. In the fall of '66
Q Have you been living here ever since? A. Yes sir
Q Why is your name not on the roll of 1880? A. The reason that my name is not there is this: I had it put there, Judge Hicks took my name and when they were going to enroll it Eff Adair he said that we had been sold during the war and we hadn't been sold at all, and they taken my name off the roll again.
Q The reason that they would not enroll you then was because they had information that you had been sold to a non-citizen owner during the war? A. Yes sir, that is it.
Q Had you been sold? A. No sir I never was sold.
Q And you say that you came back here in '66? A. Yes sir
Q Never have been outside at all? A. Oh yes sir I was in Fort Smith some, on time I was there at court and staid there four weeks.
Q Were you there as a defendant? A. No sir as a witness.
By James Davenport, Cherokee representative:
Q You say your family belonged to Cale Starr? A. I did, my mother belonged to Zeak starr
Q Who came back with you to the Cherokee Nation when you came after the war? A. Charles starr
Q Who else came with you?--where was Hickory Starr? A. In Flint.
Q He knew you before the war didn't he? A. Yes sir.
Q He would know when you came wouldn't he? A. I don't know
Q Where did you come to in the Cherokee Nation after the war?
A To Flint.

Josh Starr 2

JEFF RUSSELL, sworn as a witness by Com'r Needles, testified as follows:

- Q What is your name? A. Jeff Russell
Q How old are you? A. 76
Q What is your post office address? A. Melvin
Q In what district do you live? A. Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation? A. No sir
Q You dont claim citizenship? A. Only by marriage
Q Do you know Josh starr? A. Yes sir.
Q How long have you known him? A. Ever since the winter of '66
Q Where did you see him? A. Near Evansville in Flint district,
and then in 1867 I staid all night with him
Q Have you known him ever since? A. Yes sir
Q Do you know if he was a slave? A. I think he was

By the Cherokee nation's attorney.

- Q Hadn't known him before the war had you? A. No sir, I knew his mother
Q His mother was a slave of Cale Starr's? A. Yes sir.
Q And they all went south during the war? A. Yes sir.
Q Do you know with whom they came back after the war? A. I think one of the Starr's came back with them, think it was Charles Starr.
Q Is the the Charles starr that lived on Sallisaw? A. I don't know but he is the one that High Sheriff at Tahlequah
Q He is the one that lived on Sallisaw and then afterwards became High Sheriff at Tahlequah? A. Yes sir.
Q You heard they came back with him? A. Yes sir
Q Not positive are you as to what time they came back in '66?
A No sir, it was in the winter.
Q It was in the winter of '66 was it? What time in the winter?
A A while before Christmas
Q And you say you saw them near Evansville the first time?
A Yes sir.
Q Was Charles Starr there then? A. I don't know I didn't see all the crowd.
Q Where have they been living ever since that time? A. Part of the time they lived right this side of where I first got acquainted with him.
Q The Cale Starr that you understand was his owner was a near relative of Hickery and Keek Starr was he not? A. Yes sir.

By the Cherokee Nation's atty. of the applicant.

- Q Didn't you and your mother make a crop on the Kiamitia in the Choctaw Nation--your mother was Aunt Barbara wasn't she? A. Yes sir that was my mother
Q Well didn't you and she make a crop down there after the war closed? A. Yes sir we did
Q Do you remember what year it was? A. '66.

CLARK GRIMMET, sworn by Com'r Needles as a witness testified as follows:

- Q What is your name? A. Clark Grimmet
Q How old are you? A. 48
Q What is your post office address? A. Fort Gibson.
Q Are you a Cherokee Freedman? A. Yes sir.
Q Recognized as such by the Cherokee nation? A. Yes sir
Q Do you know Josh starr? A. Yes sir.
Q Do you know where he was in 1866? A. No sir, I dont know where he was in 1866.

Josh Starr -3

- Q Did you know him before the war? A. I know him time of the war
Q When did you first see him after the war? A. Seen him at
Tahlequah the first time that I seen him after the war.
Q When was that? A. In June of 1867
Q Was that the first time that you saw him after the war? A. Yes
sir.
Q Do you know if he was taken out during the war? A. I don't know

The Wallace Roll of the Cherokee Nation examined and the name
of the applicant identified thereon as follows;
Page 125, No. 2632, Josh Mayes, Tahlequah district.

By Com'r Needles,-

Josh Starr applies for the enrollment of himself as a
Cherokee Freedman his name is not found on any of the rolls
of the Cherokee Nation in the possession of the Commission
except the Wallace Roll. By reason of the fact this his name
is not on any of the other rolls in the possession of the
Commission, and from the un satisfactory testimony as to
his citizenship, although he makes satisfactory proof as
to residence, the said Josh Starr will be listed for en-
rollment as a Cherokee Freedman on what is known as a
doubtful card for the further consideration of the Com-
mission.

The 1880, 1896 Kerns -Clifton rolls of the Cherokee Nation
examined and the names of the applicant not found thereon.

Chas. von Weise sworn states that as stenographer to the Com-
mission to the Five Civilized Tribes he reported in full all the pro-
ceedings in the above cause and that the foregoing is a full, true
and correct transcript of his stenographic notes thereof.

(Signed) Chas von Weise

Subscribed and sworn to before me this the 25th of April, 1901; at
Fort Gibson, I.T.

(Signed)

T. B. Needles

I, Finis M. Nicholas, as stenographer to the Commission to the Five
Civilized Tribes on oath states that the foregoing is a true and
perfect copy of the original testimony as the same appears of record
in the files of the Commission.

(Signed) Finis M. Nicholas.

Subscribed and sworn to before me this December 8, 1902

(Signed) B. C. Jones

Notary Public.

(S E A L)

Lucy M. Dowman, being first duly sworn, states that as stenographer
to the Commissioner to the five Civilized Tribes she made the above
and foregoing copy, and that same is a full true and correct copy
of the record now on file with this office.

Lucy M. Dowman

Subscribed and sworn to before me this 25th day of January, 1903

Chas E. Hebert
Notary Public

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

F. D. #163.

F. D. #164.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 30th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
BARBARA E. STARR, F.-D.#164, and JOSH STARR, F.-D.#163, as Cherokee
Freedmen:

Cherokee Nation present by its Attorney, Applicant Josh
Starr present in person, and proof of notice to Barbara
E. Starr, as to the taking of testimony, filed.

G. W. BUGGINGTON, being sworn and examined by Commissioner T.B.
Needles, testified as follows:

- Q What is your name? A G. W. Buffington.
Q What is your age, Mr. Buffington? A I am 51.
Q What is your post office address? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.

BY J. S. DAVENPORT, Cherokee Representative:

- Q Where were you living at the breaking out of the war, Mr. Buf-
fington? A I was living on Sallisaw, near the Sallisaw Station.
Q Do you know a colored woman that is known as Barbara Starr?
A Yes, sir.
Q Do you know where she went during the war, or whether she left
the Cherokee Nation or not? A She went to Red River with my mother
Q Do you know when she came back to the Cherokee Nation?
A Came back in the Fall of '67, October or November, November though
I guess.
Q She was a slave before the war? A Yes, sir.
Q And she went south with your grand mother? A Yes, sir.

BY COMMISSIONER NEEDLES:

- Q Whom did she belong to? A My grand mother, Starr.
Q You are satisfied that she didn't return until the Fall of '67?
A Yes, sir.
Q Has she been living here ever since? A Yes, sir.

BY J. S. DAVENPORT:

- Q You know who brought her back? A Yes, sir; Charley Starr brought
her back.

JAMES STARR, being sworn and examined by Commissioner
T. B. Needles, testified as follows:

- Q What is your name? A James Starr.
Q What is your post office address? A Grove.
Q What district do you live in? A Delaware.
Q What is your age, Mr. Starr? A I am 68 years old.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q By blood? A Yes, sir.

BY J. S. DAVENPORT:

- Q Where did you live at the breaking out of the Civil War?
Q I lived in Flint District.

- Q Do you know Barbara Starr, a colored woman? A Yes, sir.
Q She was a slave of whom? A My mother.
Q Do you know whether or not she left the Cherokee Nation during the war? A She went South with us.
Q Now, when did she come back, do you know, Mr. Starr? A Fall of '67.
Q Did you know who brought her back? A Charley Starr brought her back.
Q When did you return to the Cherokee Nation? A '66.
Q Is there any circumstances with reference to her coming back makes you remember when it was? A We left there and come back to the Nation and then we sent after her.
Q She come back in the Fall of '67? A Yes, sir.

BY COMMISSIONER NEEDLES:

- Q Is Charley Starr living? A Yes, sir.
Q You are positive that Barbara Starr did not come back to the Cherokee Nation until the Fall of '67? A Yes, sir.
Q How old was she? A She is a good deal older than I am, she must be up about 80.
Q She was of age and grown woman when she come back?
A Yes, sir, and had children.

G. W. BUFFINGTON, re-called, testified as follows:
EXAMINATION BY HOSH STARR, one of the Applicants in this case:

- Q What I wanted to ask you, did them Fisher boys run a horse race there in 1867? A No, they run in 1868.
Q That is the time Zeke Starr claims he got here, in 1868, and I was here a little over a year before he come? A Yes, you were here a year before the Fisher boys run the race; they run the race in the Summer of 1868 and this party come in the Winter of '67.
Q What year was it when your uncle Cale come here? A Come in 1866.
Q He come in the Spring and I come in the Fall? A No, he come in the Winter and you come in the Fall; the winter of '66 and we all come across from the Choctaw Nation over there and raised a crop on Grand River and you were out on Red River then; the first crop we made in the Choctaw Nation in 1866 on the Choctaw side, and then in the Fall of '66, or winter rather, moved into the Cherokee Nation and in 1867 made a crop there and in the Fall after the crop was made I went out south there and brought Aunt Barbara back, and the next year is when the horse race was made.
Q Your uncle Cale, what year was it he left over there in?
A I reckon is; he left in Christmas; it was before 1865 we left there in; I mean it was in the winter of '65 or Spring of '66. I think though it was in '65 before Christmas. I was in Texas, Rush County, until October or November, November I guess, '65 and come back; I never seen any of the folks until we moved back to Sandbey. They moved up there about Christmas time, it was in '65.
Q He moved away from you and you promised to come in the Spring and me and my brother came in the Summer time and Charley Starr was going to school over in Texas and he settled all the beard bill and we come on here and helped pull corn and he always stated to me that was in the Fall of '66? A The crop you helped gather was up there in Flint. The crop he raised in '66 was raised at Sandbey in the Choctaw Nation and we sold that crop and didn't gather it and moved across the River and raised a crop there and that is the crop you helped to gather in '66. I remember Charley Starr went to school over there in Texas after Cale left there and come back in the winter, that was '66 when he come back; he never come back until about February, '67. He stayed over there a year after uncle Cale left there.

- Q Do you know when Smith came back? A No, I don't.
Q He came back and we got here before he did and he claims he came in in time and there is old man Gett we came before he did and he claims he came in the Fall of '66; he brought some colored folks with him and there never was any disputes about them and they was put on the rolls and they drewed the first time that was paid out.
A I don't know anything about them.

COMMISSIONER NEEDLES to Jehh Starr:

- Q Did you come back with your mother? A Yes, sir.
Q Did you come before your mother? A I came here and got the team and went back after them.
Q How long before you came back here and the time before you moved her up? A We came here and stayed three weeks and went back, and he told us to hurry with the team he wanted to pull his cern.

G. W. BUFFINGTON, re-called, testified as follows:
BY COMMISSIONER NEEDLES:

- Q Was Tobe (Starr) in the Choctaw Nation in 1866? A Yes, sir.
Q But he didn't come into the Cherokee Nation until 1867?
A No, sir.
Q He came to the Cherokee Nation from the Choctaw Nation in 1867?
A Yes, sir.
Q And came there in 1866? A Yes, sir.

JAMES STARR, re-called, testified as follows:
BY JOSH STARR, one of the Applicants:

- Q When my brother rid that horse of yourn and went back over in the Choctaw Nation and broke that horse of yourn, wasn't that in the fall of '66; do you recollect that serrel horse and he left a saddle over there and went back after it and after Christmas I made a crop there? A I don't know anything about that.

BY COMMISSIONER NEEDLES:

- Q Where was Josh in 1866? A In the Choctaw Nation.
Q Your recollection then is that he didn't come here to the Cherokee Nation until the Fall of 1867? A Yes, sir.
Q Did Josh come with his mother? A Yes, sir, come to my house and stayed all night.
Q That is as they were coming back? A Yes, sir.

BY J. S. DAVENPORT:

- Q Do you know anything about Tobe Starr? A Yes, sir, he belonged to me; he was of the same mother, he left me in '63 at Fert Smith and I never saw that fellow until day before yesterday.

BY COMMISSIONER NEEDLES:

- Q You don't know when he came back to the Cherokee Nation?
A No, sir, he went ahead and told me a whole heap of things that makes me believe it is the same man.

BY J. S. DAVENPORT:

- Did his mother belong to you? A Yes, sir, his mother belonged to my mother and he was mine individually.
Q Do you know whether he left the Cherokee Nation during the war?
A Yes, sir; his mother went North.
Q And you never heard of him until day before yesterday? A No, sir.

Supl. - F.D. #183

164--4.

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

J. O. Ressen

Subscribed and sworn to before me this 30th day of April, 1901.

W. McKinstry

Commissioner.

P. D-163.

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

In the matter of the application of Josh Starr for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-163.

Cherokee Nation appears by W. W. Hastings.

COMMISSION: The Cherokee Nation makes satisfactory proof of service on the said Josh Starr that it would on the 23rd day of May, 1902, introduce testimony tending to disprove his right to be enrolled as a Cherokee Freedman. The applicant has this day, to wit the 23rd day of May, 1902, been called and fails to respond either in person or by attorney.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation of date 1871, as shown from a book taken from the records of the Executive Department entitled "Docket of Doubtful Cases for Cherokee Citizenship Tried in 1871," and from Flint District, as follows:

"No. 153, Josh Starr.
Decided against claimant June 16, 1871."

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

Arthur G. Croninger

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

W. W. Hastings

J. H. Kester
Notary Public.

To be filed with Cher. Freed. D 1127

F.D. 163

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

In the matter of the application of Josh Starr for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D 163

Cherokee Nation appears by W. W. Hastings.

COMMISSION: The Cherokee Nation makes satisfactory proof of service on the said Josh Starr that it would on the 23rd day of May, 1902, introduce testimony tending to disprove his right to be enrolled as a Cherokee Freedman. The applicant has this day, to-wit the 23rd day of May, 1902, been called and failed to respond either in person or by attorney.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation of date 1871, as shown from a book taken from the records of the Executive Department entitled "Docket of Doubtful Cases for Cherokee Citizenship Tried in 1871," and from Flint District as follows:

"No. 153, Josh Starr.
Decided against claimant June 16, 1871."

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

(Signed) Arthur G. Croninger

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

(Signed) F. G. Reuter
Notary Public

Finis M. Nicholas, as stenographer to the Commission to the Five Civilized Tribes, on oath states that the foregoing is a true and perfect copy of the original testimony as the same appears of record in the files of the Commission.

(Signed) FINIS M. NICHOLAS

To be filed with Cher. Proc. D 1127

F. D.-163-----2 .

Subscribed and sworn to before me this December 8, 1902.

(S E A L)

(Signed)

B. C. JONES

Lucy M. Bowman being duly sworn, states that as stenographer to the Commissioner to the five Civilized Tribes she made the above and foregoing copy and that same is a full true and correct copy of the record now on file with this office.

Lucy M. Bowman

Subscribed and sworn to before me this January 25, 1906

Chas. F. Helton
Notary Public.

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FILED
MAR 11 1905
COMMISSION TO FIVE TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, Indian Territory, March 6, 1905.

In the matter of the application for the enrollment of Millie White et al. as Cherokee Freedmen, consolidating the applications of:

Millie White -----Cherokee Freedman-R-317,
Jim H. White -----Cherokee Freedman-R-320,
Harry White -----Cherokee Freedman-R-321,
Annie Thomas -----Cherokee Freedman-R- 23,
Yancy Vincent -----Cherokee Freedman-D-1022.

---000---

On February 10, 1905, Neal & London, attorneys for the applicants, and Bell, Hastings & Davenport, attorneys for the Cherokee Nation, were notified that the matter of the application for the enrollment of Millie White et al. would be taken up for hearing on March 6, 1905, at 9:00 o'clock A.M..

On this, the 6th. day of March, 1905, the applicants appear not, either in person or by attorney, and the Cherokee Nation, represented by William W. Hastings, No request for continuance has been received from the applicants or their attorneys.

Ben White, being first duly sworn, testified as follows:

- Q. What is your name? A. Ben White.
Q. What is your post office address? A. Rowland, Indian Territory.
Q. What is your age? A. I will be 47 the first of June.
Q. Do you live in the Cherokee Nation? A. Yes sir.
Q. Do you know Yancy Vincent? A. Yes sir.
Q. Where does he live? A. He lives in the Cherokee Nation.
Q. How far from you? A. He lives a little over a mile from me.
Q. Do you know Millie White? A. Yes sir.
Q. Is she a colored woman? A. Yes sir.
Q. How far does she live from you? A. I guess she lives about two miles or more.
Q. What relation are Millie White and Yancy Vincent? A. Brother and sister.
Q. Which is the eldest? A. Millie.
Q. How long have you known Millie White? A. Ever since I was a little bitty fellow--ever since I could remember anybody.
Q. Where did you know her? A. In North Alabama.
Q. How long have you known Yancy Vincent? A. We were just little boys directly after the surrender. I have known him ever since we were little bitty fellows.
Q. Were you a slave? A. Yes sir.
Q. To whom did you belong? A. Droway Vincent.
Q. Where did you live? A. In North Alabama.
Q. Near what town? A. Seven miles east of Tusculuma and two miles west of Leighton.

- Q. Who did Millie White and Yancy Vincent belong to? A. I always knowed that they belonged to the same man that I belonged to.
- Q. When you could first recollect they were living there? A. Yes sir.
- Q. When you knew them were they living there? A. Yes sir, and they went by the name of Vincent.
- Q. How long did they continue to live there in North Alabama? A. They lived there up to '81.
- Q. How long did you live there? A. Till-'81.
- Q. Where did you go to then? A. After I left Alabama?
- Q. Yes? A. I come to Arkansas.
- Q. What place in Arkansas? A. Pine Bluff.
- Q. Did you know Commissioner Breckinridge? A. Yes sir.
- Q. Did you and Millie White and Yancy Vincent move there together from Alabama? A. I come in August, Yancy come in November, and Millie at Christmas in '81.
- Q. How long did you stay at Pine Bluff? A. I come to the Cherokee Nation in 1893.
- Q. Which came first, you or Millie White and Yancy Vincent? A. I come on the train and brought Millie with me. Yancy come through the country.
- Q. Had Millie married? A. Yes sir.
- Q. Where did she marry? A. In North Alabama.
- Q. She was married when she came to Pine Bluff? A. Yes sir.
- Q. Where did Yancy marry? A. In Arkansas, near Pine Bluff.
- Q. Was Yancy ever married more than once? A. Yes sir.
- Q. Was he married the first time at Pine Bluff? A. No sir, he was married in North Alabama.
- Q. What became of his first wife? A. She died after they come to Arkansas, down there about Wabeeska.
- Q. And he married the second time at Pine Bluff, Arkansas? A. Yes sir.
- Q. Did you live in the town of Pine Bluff? A. No sir, I lived six miles in the country.
- Q. Where did these people live? A. When they first stopped they were on the Trulock place near Wabeeska, and then they went from there to the Cherokee Nation.
- Q. How did you brought Millie along on the train? A. Yes sir.
- Q. Did her husband come along? A. He come through the country.
- Q. What was her husband's name? A. Gib White.
- Q. Was she ever married but the one time? A. No sir.
- Q. Do you know Millie White's children? A. Yes sir.
- Q. Do you know one by the name of Jim H. White? A. Yes sir.
- Q. Is he married? A. Yes sir.
- Q. Do you know his wife's name? A. Sarah.
- Q. Has he any children? A. Yes sir.
- Q. How many? A. I think he has got about four.
- Q. Do you know their names? A. No sir, they are small. They all have nicknames, and I don't know them.
- Q. Do you know any of the others of Millie White's children? A. Yes sir.
- Q. What are their names? A. I know Harry.
- Q. Where was Harry born? A. In North Alabama.
- Q. Do you know where Jim H. was born? A. In North Alabama.
- Q. Have they a younger child named Viola? A. Yes sir.
- Q. Where was she born? A. In North Alabama.
- Q. All three of these children were born in North Alabama? A. Yes sir, and one named Annie, too.
- Q. Have they got another one by the name of Annie? A. Yes sir, and one by the name of Ruthie.

- Q. Where is Annie living? A. She is staying on Mr. Payne's place.
- Q. Who did she marry? A. Bill Thomas.
- Q. Is he a Freedman? A. Yes sir.
- Q. He married Annie White? A. Yes sir.
- Q. They were married down here in the Cherokee Nation? A. Yes sir.
- Q. Where was Annie Thomas born? A. In Alabama.
- Q. Did you say that you brought Millie White with you on the train when you came in '93 from Pine Bluff, Arkansas? A. Yes sir, I come with her.
- Q. Had she ever been in the Cherokee Nation before? A. Not that I know of.
- Q. They never claimed then that they belonged here? A. No sir, not as I heard.
- Q. They never claimed then to be citizens of the Cherokee Nation? A. If they did I didn't hear them.
- Q. When did Yancy Vincent come to the Cherokee Nation? A. In '93, in August.
- Q. Was it before or after you came? A. After. I came in February.
- Q. Where did he leave when he came here? A. Down there about a place they call----down below Wabeeska?
- Q. How far from Pine Bluff? A. I don't know how far it is. He worked down there in some shingle mills.
- Q. Has Yancy Vincent a family? A. Yes sir.
- Q. You say he married his second wife at Pine Bluff? A. Yes sir.
- Q. Did he have any children by his first wife? A. Yes sir.
- Q. What are their names? A. Lish, Matilda, and William Yancy.
- Q. Did he have a child by his first wife named William Yancy? A. Yes sir.
- Q. Where is he? A. He died. He and his mother both died down there.
- Q. Has he any children by his last wife? A. Yes sir.
- Q. Do you know their names? A. No sir, I don't know them--- I mean I don't know their names. He has three or four there. They are small. I have got the name of one of them right on my tongue, but I can't call it.
- Q. Is one named Colvest? A. Col--- that is it. I do not know about any but Col, but he is going to school with my children.

COMMISSION:

- Q. How old do you say you are? A. According to the way my age is given to me, I will be 47 the first of June of this year.
- Q. Who was the mother of Millie White? A. Her mother was named Charlotte.
- Q. Did you come with Millie White and Yancy Vincent from Alabama to Arkansas? A. I did not come with them, but they come to Arkansas in the same year.
- Q. Who came first? A. Me. I got ~~there~~ first.
- Q. When did you come? A. In '91.
- Q. Did you know Millie White and Yancy Vincent all the time from the war up to the time you came to Arkansas? A. I knew them ever since directly after the surrender.
- Q. Did you know them continuously? A. Yes sir.
- Q. How near did you live to them? A. Sometimes on the same place, and sometimes just be moved off to other places, like people do.
- Q. Could they have gone away for about a year at the close of

- the war and you not know anything about it? A. Yes sir.
- Q. Could they have gone away for more than a year and you not know it? A. They might have gone for two years.
- Q. Did they ever tell you that they had been to the Cherokee Nation prior to 1861? A. No sir.
- Q. Did you meet them often? A. Yes sir, excusing the two years I have spoke about. At that time I was up on the Tennessee river.
- Q. You visited at their houses? A. No sir, but I saw them at church.
- Q. Did you ever take any meals at their houses? A. No sir.
- Q. You never heard them say anything about being in the Cherokee Nation? A. No sir.
- Q. Did you ever live in Argenter? A. No sir.
- Q. Did you ever live in Little Rock? A. No Sir.
- Q. Are you an applicant before this Commission as a Freedman? A. No sir, I am a state man.
- Q. Have you ever made any application before this Commission? A. No sir.
- Q. When did you first find out that Millie White and her relatives had made application as Cherokee Freedmen? A. Let me see--- I do not know. I couldn't tell just exactly when, but I have been hearing it a good while.
- Q. About when did you hear it first? A. It has been two or three years, I reckon.
- Q. Did you tell anyone at the time you heard this that these people were living in Alabama at the time of the war? A. No sir, nobody never asked ~~me~~ me about it.
- Q. When were you first asked to testify in this case? A. I believe last year.
- Q. Who asked you? A. I believe Mr. Frank Morgan asked me if I knewed them in Alabama, and I told him --yes, I knewed them.
- Q. Have you ever had any trouble with any of these applicants? A. No sir.
- Q. Are you good friends? A. Yes sir.
- Q. How near do you live to them? A. I live about a mile from Yancy --- it may be a few steps over a mile, but we call it a mile.
- Q. Did you ever talk to Yancy about this case? A. No sir.
- Q. Did you ever talk to Millie White about it? A. No sir.

Mr. Hastings:

- Q. You are sure you are not mistaken? A. No sir, I know these people.
- Q. You understand do you that you are under oath? A. Yes sir.
- Q. You swear positively that you know of your own knowledge that from about two years after the war up to 1861 these people lived in Alabama? A. Yes sir, excusing the two years that I was up on the Tennessee river.
- Q. Then, with the exception of two years after the war up to 1861 you know that these people lived in Alabama? A. Yes sir.
- Q. They might have been in the Cherokee Nation these two years after the war? A. They might have been but I never heard of it.

COMMISSION:

- Q. Where were you when you can first remember? A. I was living there with Vincent.

- Q. With your old master? A. Yes sir.
- Q. Where was Millie White at that time? A. She was on the place. I was his servant-- to wait on him, and Millie was on the place.
- Q. Where was Yancy Vincent? A. He was on the place, too.
- Q. Was Millie White married when you can first remember? A. Yes sir, they said that she was married.
- Q. Did you go away from there a year or two after the war? A. A. I left and went up on the Tennessee river and stayed two years.
- Q. How far from where you had been living? A. About 13 miles.
- Q. When you come back were these people still living there? A. I didn't see Yancy, but I saw Millie.
- Q. How long after you come back? A. About six months. You know a boy running around, like me, nobody could keep him at home. But I saw Yancy about six months after that.
- Q. Had the war closed when you left there? A. Oh! yes sir, that was after the surrender.
- Q. How long after the surrender was it that you went up on the Tennessee river? A. I went up there in '70.
- Q. Then up to '70 from your very earliest recollection Millie White and Yancy Vincent were there on old man Vincent's place? A. Yes sir.
- Q. You said that they belonged to the man to whom you belonged? A. Yes sir, I always heard that they belonged to Vincent.
- Q. They went by the name of Vincent? A. Yes sir.
- Q. What was their mother's name? A. Charlotte.
- Q. What name did she go by when you can first remember? A. Vincent.
- Q. Did she belong to the same party? A. Yes sir. I have always heard so.
- Q. She was living there when you can first remember? A. Yes sir.
- Q. What was her name --- was she married --- this Charlotte? A. No sir, she didn't have no husband. She was sold from her man and he was sent to Tennessee.
- Q. Did Charlotte ever come to this country? A. No sir, she died in Jefferson County, Arkansas, in '93.
- Q. Did she come out there with Millie White and Yancy Vincent in '81? A. Yes sir.
- Q. She never was here, then? A. I never heard it mentioned that she ever was here.
- Q. You never heard it claimed that she was? A. No sir, I never heard Cherokee Nation named among them, and I never heard them claim to be Cherokees at all.
- Q. They have always been known as the slaves of this man Vincent, to whom they belonged? A. Yes sir.
- Q. You do not know how old you were when you can first remember, but you have known them ever since you could know anything? A. Yes sir. I do not know just exactly how old I am, for I take it from what the othgave me and count it the best I can.
- Q. You say you belonged to Vincent? A. Yes sir.
- Q. In Alabama? A. Yes sir.
- Q. What was he --- a white man? A. Yes sir.
- Q. Did you know a man called Ben Johnson in Alabama? A. No sir.
- Q. Millie White says that she was the slave of Annie Johnson, the wife of Ben Johnson, and that Annie Johnson was a Cherokee. Is that true? A. I didn't know this fellow Johnson.
- Q. Did a man by the name of Johnson ever own any slaves there, that you know of? A. Not that I know of. I never heard it at all.
- Q. If Millie White had been the slave of a man called Ben Johnson

- would you have known it? A. I expect so, for I know who they say she did belong to.
 Q. Did you know her throughout the war? A. No sir, I was too little. About the second year after the surrender I commenced knowing people, just like children do. I was born in time of the war.
 Q. Do you swear that Millie White was the slave of a man called Vincent? A. I have always heard that, and she went by that name.
 Q. Was Millie White living on the place of this man Vincent during the war? A. Yes sir, when I came to know her.

WITNESS EXAMINED.

W. J. Davis, being duly sworn, testified as follows:

- Q. What is your name? A. W. J. Davis.
 Q. What is your age? A. I am 52.
 Q. You have been sworn? A. Yes sir.
 Q. What is your post office address? A. Rowland, I.T.
 Q. Do you know Millie White? A. Yes sir.
 Q. Do you know her husband, Gib White? A. Yes sir.
 Q. Do you know Yancy Vincent? A. Yes sir.
 Q. When and where did you first know Millie White and her husband Gib White? A. I knew them in Jefferson County, Arkansas, at Pine Bluff.
 Q. When did you know them down there? A. I got acquainted with them in 1890.
 Q. What is your business? A. Well, I farm a little, and preachs some.
 Q. Were you preaching down there in Arkansas? A. Yes sir.
 Q. Were they members of your church? A. I was a licensed preacher at that time, but sometimes I preached at the church of which Gib White was a deacon.
 Q. Where were they living then? A. On Jim Truleck's place.
 Q. Did you know his family? A. Yes sir.
 Q. Do you know the names of any of his children? A. He has a son named Jim, one named Harry, a girl named Ammie, and I forget the other girl's name. I know four of his children.
 Q. Do you know Ruthie? A. Yes sir. Ruthie is a older girl than Ammie.
 Q. Do you know Viola? A. Yes sir, she is next to the baby.
 Q. Were they living with their father and mother in 1890, in Arkansas? A. Yes sir, they were there. I met them in Sunday school many a time.
 Q. Who came to the Cherokee Nation first, you or them? A. I come first. I come to the Cherokee Nation in 1880, the fall of 1890, and I left them on Jim Truleck's place. I come here to Muskogee and preached, then went to Vias and they called me as their pastor, and after that I went back to Pine Bluff to move my wife here and I told them the Cherokee Nation was a nice place. I taught Sunday school that day, and from my talk they found out that I had been in the Cherokee Nation and after Sunday school I was talking to several of them about this country, and Gib White said he believed he would move out here. While I was talking to them I told them I had been called pastor at Vias.
 Q. Was Millie and Gib White among those you told about the Cherokee Nation? A. Yes sir, they were on the ground.

- Q. Did they know before of the Cherokee Nation? A. If they did I don't know it.
- Q. Did they claim at that time to have ever been here? A. No sir.
- Q. Did you, after that time, come to the Cherokee Nation? A. Yes sir, I come back in '91.
- Q. When did you first see them up here after that? A. I seed them in the Cherokee Nation in '93.
- Q. Do you know how long they had been here when you first saw them --- did they say anything about when they came? A. Yes sir, the first time I met up with them after they come, I went over to Fort Smith, and I had the pleasure of meeting up with Gib White and he said to me "I am glad to see you. I am living in the Cherokee Nation now, I come week before last."
- Q. That was in '93? A. Yes sir.
- Q. Did you know Millie White's mother? A. Yes sir.
- Q. Do you know her brother, Yancy Vincent---did you know him in Arkansas? A. Yes sir, I seed him there, but me a being a preacher and him a sinner, I didn't know him very well.
- Q. About when did you see him up here? A. I think it was in 1895 or 1896. I think Gib was here two or three years before I saw Yancy.
- Q. Did you ever hear them say in Arkansas where they were from-- to whom they had belonged? A. No sir, I never heard them say anything about it.

COMMISSION :

- Q. The first time you got acquainted with Millie White was in 1890? A. Yes sir.
- Q. You know nothing of their history prior to that time? A. No sir.
- Q. Where did you say you met them in Arkansas? A. On Jim Trulock's place, near Pine Bluff.
- Q. Do you know Sam White of Van Buren? A. I know one Sam White. He is a baptist preacher.
- Q. How old a man is this Sam White? A. I don't know, sir. He is enough older than me. I think he is about 60 or 70 years old.
- Q. Are you an applicant here as a Cherokee Freedman? A. My wife is, but I am not.
- Q. What is your wife's name? A. Julia. She was a Johnson before I married her.

WITNESS RECUSED.

Lewis Johnson, being duly sworn, testified as follows:

MR. HASTINGS:

- Q. What is your name? A. Lewis Johnson.
- Q. What is your age? A. About 53.
- Q. What is your post office address? A. It has been Bengé, but it is Rowland now.
- Q. Are you a Cherokee Freedman? A. Yes sir.
- Q. That is in the vicinity of Fort Smith? A. Yes sir.
- Q. How long have you lived in that vicinity? A. I have lived there all my life.
- Q. How far do you live from Fort Smith? A. About four miles west.
- Q. That is known as the Fort Smith Bottom? A. Yes sir.

- Q. To whom did you belong before the war? A. Ben Johnson.
- Q. Where did Ben Johnson live? A. Just this side of the river, just this side of Fort Smith.
- Q. Were you living there with him when the war came up? A. Yes sir.
- Q. Do you know Millie and Gib White? A. Yes sir.
- Q. Do you know Yancy Vincent? A. Yes sir.
- Q. Do you know their families? A. Yes sir.
- Q. Do you know Jim White, the son of Gib White? A. Yes sir.
- Q. Is he married? A. Yes sir.
- Q. Do you know Harry White? A. Yes sir.
- Q. Is he also a son of Millie and Gib White? A. Yes sir.
- Q. Is Yancy Vincent a man of a family? A. Yes sir.
- Q. How far do these people live from you --- do they live in the same neighborhood? A. Yes sir. Vincent lives about a half or three quarters of a mile from me.
- Q. How far does White live from you? A. I think they call it about five miles.
- Q. How long have you known Millie White and Yancy Vincent and their families? A. I have known Gib White ever since about '93 or '94.
- Q. Do you know where he came from there? A. No sir, I don't know where he come from. He said he come from the states.
- Q. When did you get acquainted first with Yancy Vincent? A. I guess it was about 1895.
- Q. Do you know where he came from? A. He said the same thing--- that he come from the states.
- Q. From what state? A. He said "down in the states".
- Q. Did you ever know their mother? A. No sir.
- Q. You never knew Charlotte? A. No sir.
- Q. Did you ever know Millie before 1893 or 4? A. No sir.
- Q. Did you ever know Yancy Vincent before 1895? A. No sir.
- Q. Did they or their mother ever belong to Ben Johnson? A. No sir, not that I know of.
- Q. Did you ever hear of Charlotte belonging to Ben Johnson? A. No sir.
- Q. Did you ever see either of them at Ben Johnson's place prior to the war? A. No sir.
- Q. Did you ever hear of Ben Johnson hiring out a slave over in the state of Alabama? A. No sir.
- Q. Did you ever hear of him hiring out Charlotte, the mother of Millie and Yancy, to a man named Curd Vincent in the state of Alabama? A. No sir.
- Q. Did Ben Johnson own a slave at the beginning of the war by the name of Charlotte? A. No sir.
- Q. Did he own one by the name of Yancy? A. No sir.
- Q. Did he own one by the name of Millie? A. No sir.
- Q. You never knew Gib White and his wife before 1893? A. No sir.
- Q. And you never knew Yancy Vincent before 1895? A. No sir.
- Q. Did you know all the colored people in the bend of the river? A. Yes sir, I know all that live there.
- Q. Prior to that time it was more or less thinly settled? A. Yes sir.
- Q. You have lived there before the war and after the war continuously, all the time? A. Yes sir.
- Q. And you never saw Millie White before 1893 and Yancy Vincent before 1895? A. No sir.
- Q. What was your mother's name? A. Mary.
- Q. Did your mother ever have a sister by the name of Charlotte? A. I never heard of it.
- Q. How old did you say you are? A. About 53.

- Q. Do you remember your mother? A. Yes sir.
Q. Was she living when the war came up? A. Yes sir.
Q. When did she die? A. Since the war.
Q. Was she living at Ben Johnson's? A. Yes sir.

COMMISSION:

- Q? You said you were the slave of Ben Johnson --- was he a Cherokee Indian? A. Yes sir.
Q. Are you a Cherokee Freedman? A. Yes sir.
Q. On the final roll? A. Yes sir.
Q. Have you filed? A. Yes sir.
Q. Got your deed yet? A. No sir.
Q. When did you file? A. I think it was somewhere along about the 24th or 25th. of August.
Q. How many slaves did Ben Johnson have when the war broke out?
A. I don't know how many.
Q. Have not you some idea how many? A. A. No sir.
Q. Did he have a large number or just a few? A. He had a large number.
Q. Did you know any of them personally? A. Yes sir, I knowed every darky he had.
Q. Do you know whether Johnson hired out any of them about the beginning of the war? A. No sir, he didn't that I know of.
Q. Was he in the habit of hiring slaves out? A. Well, there was one woman there by the name of Big Mary. He hired her out in fort Smith, and she is the onliest one that he hired out that I knowed of.
Q. How far was that from his home? A. Just right across the river.
Q. Do you know Annie Thomas? A. Yes sir.
Q. What is her husband's name? A. Bill
Q. What is his mother's name? A. Carrie West, now.

WITNESS EXCUSED.

Ben White recalled.

Mr. Hastings:

- Q. You were subpoenaed up here as a witness? A. Yes sir.

WITNESS EXCUSED.

Sam White, being duly sworn, testified as follows:

WAL & LONDON:

- Q. What is your name? A. Sam White.
Q. How old are you? A. 78 last Saturday.
Q. Where did you live shortly before the outbreak of the war?
A. My home was in Newton County, Missouri, but I was living in Van Buren. I come there in 1844.
Q. Are you acquainted with Millie White? A. Yes sir, I have met her. She was a small girl though, when I saw her.
Q. Do you mean when you first saw her? A. Yes sir.
Q. Were you acquainted with her mother? A. Yes sir. I was very well acquainted with her mother.
Q. What was her mother's name---who did her mother belong to?

- A. Mr. Johnson.
- Q. Did she belong to Mr. Johnson? A. She belonged to the Johnson family--she belonged to Mrs. Johnson.
- Q. Were you acquainted with the mother of Millie White? A. Yes sir.
- Q. When did you first know her? A. I think the first time I saw her was --- the first time that I remember of seeing her was in '55.
- Q. What was Millie White's mother's name? A. Charlotte. I believe it was in '55 the first time I saw her.
- Q. It was some time before the war? A. Yes sir. A good while before the war.
- Q. At that time, you say she was the slave of the Johnsons? A. She belonged to the K Johnson family, and I learned that she belonged to Mrs. Johnson.
- Q. Do you know where she was at the outbreak of the war of the Rebellion?? A. She was around home, I reckon.
- Q. Do you know anything about the circumstances of her going to Alabama? A. Yes sir.
- Q. What do you know about it? A. I must tell you in my own way. Before the war you know the negroes that belonged to the different owners who could were permitted to preach to the colored people. I was preaching to the colored people at Mr. Johnson's, in other words, I mean to say, that Mr. Johnson had me to preach to his slaves just before he was going away with some of them, he had me to go over and preach to the Starr negroes.
- Q. Well, you went over there and preached? A. Yes sir, that was about the time she was going to leave to go to Alabama.
- Q. If at that time you had any conversation with the master or mistress of of Charlotte about her removal to Alabama, tell us about it. A. I didn't have any conversation with Mr. Johnson about it at all. Mrs. Johnson said Charlotte was her favorite negro. She had come by her from her mother's estate and she didn't want to part with her. There was some sort of a debt that Mr. Johnson wanted Charlotte to go for so as to liquidate that debt. Mrs. Johnson wouldn't sign the bill of sale, so Mr. Johnson hired Charlotte to this man to liquidate the debt some way or other, and I was in there preaching and Mrs. Johnson wanted me to console Charlotte by letting her know that she would come back home again. So she went away under those circumstances, and that is all I heard Mrs. Johnson say about it.
- Q. Did you see the man, Vincent, who was to take her away? A. I did not. Soon after that time these people get away to Alabama-- that is, I mean to say in other words, I was told that they went away to Alabama. I never saw Charlotte any more for several years.
- Q. Did you see her any more before the war? A. No sir, I didn't.
- Q. After the war when did you first see this woman---Millie White --- under what circumstances? A. The first time that I saw Millie after that was at Fort Gibson. I will have to tell it in my own way so you can get at it. I was detailed as a recruiting officer in the army, and there were a good many colored people at Fort Gibson, and I went down to their camp hunting up names, and I found Willie down there. To use her language, she told me she was just on her return to her home.
- Q. Do you mean Millie, or the mother of this Willie? A. I do not mean Millie, but Charlotte Johnson.
- Q. When was that? A. That was in '65 I think.
- Q. Did you see --- you say you saw her in Fort Gibson in '65?

- Did you see her the next year? A. Yes sir. In '66 we organized a church down at what is commonly known as Jacktown. In the Cherokee Nation? A. Yes sir.
- Q. Is Fort Gibson in the Cherokee Nation? A. Yes sir, I suppose so.
- Q. About when did you organize that church? A. I think, as well as I can remember, that it was in August of '66.
- Q. State whether or not at that time, as pastor of that church, Charlotte Johnson, the mother of Millie White, joined your church? A. She did.
- Q. You think it was in August, '66? A. Yes sir, I think so.
- Q. After that time how long did you know Millie? A. I didn't say Millie. I just preached there that year and until about the middle of '67, then I went to Pine Bluff.
- Q. After then how long was it until you renewed your acquaintance with Millie White---- I mean Charlotte Johnson? A. Well, I don't know.
- Q. Are you sure of the fact that this Millie White, the applicant herein, and the woman that came with you this morning, is the daughter of Charlotte Johnson? A. Yes sir.
- Q. Are you acquainted with her brother, Yancy Vincent? A. Yes sir, I have seen Yancy, but to say to know him, I couldn't.
- Q. Did Charlotte have any children when she came back after the war? A. Yes sir, she had a good sized little girl.
- Q. Did she have any other children? A. She had a little boy with her, but he has growed out of my knowledge.
- Q. You do not know whether that boy is Yancy Vincent or not? A. I just know what they say about it.

MR. HASTINGS:

- Q. Where do these people live now? A. Down here in the Cherokee Nation somewhere.
- Q. Have you been to their places? A. No sir.
- Q. Did you ever see them living in the Cherokee Nation? A. Yes sir.
- Q. When? A. Well, it has been ---- I don't know exactly how many years ago. They used to live right above Mr. Stoneroad's
- Q. How long ago now? A. 8 or 10 years ago.
- Q. Did you ever see any of these applicants living in the Cherokee Nation prior to 8 or 10 years ago? A. Yes sir, I saw their mother.
- Q. Where? A. She lived there up above or up on Garrison Creek.
- Q. When? A. They lived up there in '72 ---'71 or 2.
- Q. Who lived up on Garrison's Creek? A. Millie White's mother
- Q. Charlotte Johnson? A. Yes sir.
- Q. How far is that from Fort Smith? A. It is about 7 or 8 or 10 miles.
- Q. Was Millie White living with her mother then? A. I don't know whether she was living with her mother or not.
- Q. What was Charlotte Johnson's husband named in '72? A. Well now, I don't know whether she had a husband or not.
- Q. Were you at her house then? A. Yes sir.
- Q. Where did she live in '72? A. I don't know if I could tell you exactly where she lived except you know where old man Jack Campbell lived? She lived about three miles from there.
- QQ. What direction? A. South or southeast.
- Q. Was that down the creek? A. No sir, it was in this direction.
- Q. That would have been on the south side of the river, wouldn't it? A. No sir. It was on the north side of the river.

- Q. You do not know whether she had any family living there with her or not at that time? A. She had a boy there.
- Q. What was his name? A. She called him Yancy.
- Q. And you saw Yancy there living with her in '72? A. Yes sir.
- Q. When did you see her next after '72? A. Q. I didn't see her any more.
- Q. When did you next see Millie White? A. I don't remember seeing her any more to know her until a few days ago.
- Q. What kind of a house did they live in? A. A little log house. It was on a man's place by the name of McKibben. McKibben was running the farm.
- Q. Did McKibben own the farm? A. I don't know whether he owned it or had it leased.
- Q. How far was this cabin from the river? A. I expect it was a mile or two.
- Q. Did you ever see this Charlotte in Pine Bluff? A. No sir.
- Q. Did you ever see Millie White there? A. No sir.
- Q. Did you ever see Yancy there? A. No sir.
- Q. Did you ever live in Pine Bluff? A. I have been there a while, but it was never my home.
- Q. What was Ben Johnson's wife's name? A. I couldn't tell you.
- Q. Did Ben Johnson have any children? A. Yes sir.
- Q. What were their names? A. He had one son named Ben, and two more boys, but I couldn't call their names.
- Q. What kind of a house did Ben Johnson live in? A. A double log house.
- Q. Did this slave belong to Ben Johnson's wife? A. That is what I understood. That is what Mrs. Johnson told me.
- Q. But you never saw her at Ben Johnson's home after '55? A. No sir.
- Q. Did you know that she was living in Tuskumba, Alabama? A. No sir.
- Q. Are you a Cherokee Freedman? A. No sir.
- Q. How old was Millie in 1855? A. I do not know, sir.
- Q. About how big was she-- was she born? A. Yes sir, she was born.
- Q. How large was she? A. She was a small girl.
- Q. How old was she? A. I couldn't tell you. To look at her, she looked like she was 6 or 7 years old.
- Q. How old was Yancy in '55? A. I never saw Yancy---When I first saw him he was about 5 or 6 years old.
- Q. Where were they when you first saw him? A. In a tent at Fort Gibson.
- Q. Where were they? A. Down in what was known as the counter-bine camp.
- Q. Was Millie married at that time? A. Not that I know of.
- Q. Was her husband there? A. She wasn't married that I know of.
- Q. How long were they there? A. Not long.
- Q. One day? A. Longer than that.
- Q. Was the war over? A. In '65? Yes sir.
- Q. When did you see them next? A. In '72.
- Q. Where did you see them then? A. They were down at the church --- I mean, that is to say, Charlotte was at church.
- Q. You never saw Millie? Nor Yancy? A. I never saw Millie --- I had saw Yancy I reckon, but I never saw Millie from the time that she come down with her mother to church till I went to Pine Bluff and back.
- Q. Did you see her in Pine Bluff? A. No sir.
- Q. When did you come back from Pine Bluff? A. In '74.
- Q. Then where did you see her in '74? A. In Jacktown.

- Q. Was she living there? A. I dont know. She was there at church.
- Q. Did you see her frequently after that? A. No sir, for I quit preaching there. The next time I saw her she was in Van Buren.
- Q. Was she living there? A. No sir, she was on a visit.
- Q. When you saw them up here at Fort Gibson, how did they say they ever got back from Alabama? A. They said that Mr. Vincent sent them back.
- Q. Did Ben Johnson have anyeother slaves? A. Yes sir.
- Q. Name some of them? A. Well, he had -- that is --- I mean to say that Mrs. Johnson had two more slaves.
- Q. What were their names? A. Mariah and Rebecca.
- Q. Were they the only slaves about the place? A. They are all I saw.
- Q. Did Ben have any slaves? A. I don't know.
- Q. Then you only saw Mariah, Rebecca and Charlotte there the last time? A. Yes sir.
- Q. You preached there? A. Not at the house but once.
- Q. You didn't see any other negroes? A. I saw some more, but I didn't know whether they belonged to Mr. Johnson or not.
- Q. You do not know who they belonged to? A. No sir, all I know is what Mrs. Johnson told me.
- Q. That was in '55? A. Yes sir. She told me just before they left home. That was in '55 I think, but I am not so sure about it.
- Q. What year did you say it was? A. '54 or '55, just before the war commenced.
- Q. How many years before the war? A. It must have been 10 or 11 years before the war.
- Q. That is your best judgment? A. Yes sir.
- Q. How many years after the war was it till you saw them back here again? What I want to learn is this---how long after the war was it that you saw Charlotte, Millie and Yancy? A. I saw them during the war.
- Q. I want to know how long after the war? A. I saw them in '66---they were down here at Jacktown.
- Q. What time in '66? Do you mean to swear on the stand that you know these people did belong to Ben Johnson's wife, and that you saw them here in the Cherokee Nation in '66? A. I mean to say that.
- Q. You are a slave yourself? A. Yes sir.
- Q. You are a preacher? A. Yes sir.
- Q. When did you first see Millie White's husband? A. I don't know that I ever saw Millie White's husband.
- Q. Has she got any children? A. Who?
- Q. Millie White? A. I don't know.
- Q. When did you first see Millie White after '66 in the Cherokee Nation? A. I saw her, as I remember, about the time that we were carrying on a revival at Jacktown, in August.
- Q. Where did you next see her? A. I think I next saw her in Van Buren.
- Q. Did you ever see any of her children? A. If I did I didn't know it.
- Q. Did you ever see her husband? A. I do not know if I have ever saw her husband.
- Q. Do you know her husband's name? A. No sir.
- Q. Do you know where Yancy Vincent was married? A. No sir.
- Q. You do not know that he was married in Alabama? A. No sir.
- Q. You didn't know that his wife died at Pine Bluff? A. No sir.
- Q. How long has Yancy been living in the Cherokee Nation? A. I don't know.

- Q. When did you see him in his house in the Cherokee Nation? A. I never saw Yancy Vincent keeping house anywhere.
- Q. Were you ever at Millie White's house? A. No sir.
- Q. Where did Charlotte die? A. Up there in the Nation some where.
- Q. On whose place? A. I don't know.
- Q. Don't you know that she died at Pine Bluff, Arkansas? A. No sir, I don't.
- Q. Will you swear that she did not die at Pine Bluff, Arkansas? A. I will swear that if she did I don't know it.
- Q. Where did you ever see her living in the Cherokee Nation after the war? A. She was up here on Garrison Creek.
- Q. That is three miles southeast of the Jack Campbell place? A. Yes sir.
- Q. You do not know Mrs. Johnson's name? A. No sir.
- Q. And you do not know any of the slaves except those you mentioned? A. No sir.
- Q. Who was Charlotte Johnson living with when you saw her there? A. I don't know who she was living with. She was living in a cabin there, and I come by and stopped. I was working at that time for Mr. McKibben.
- Q. You did not see her children then? A. No sir, I just stopped there. I was working for Mr. McKibben.
- Q. You didn't see any man about the place? A. I don't think I did.
- Q. Did she die right there? A. I don't know.
- Q. You do not know whether she had any husband or not? A. No sir.
- Q. How old was this Charlotte Johnson when you saw her before the war? A. She was a grown woman.
- Q. Do you think she was 20 years old? A. I suppose she was.
- Q. What is your best judgment? A. I suppose her to be about 20 years old.
- Q. Yancy was not born then? A. I reckon not.
- Q. What is your post office address? A. Van Buren, Arkansas.

COMMISSION:

- Q. You say you first saw Charlotte Johnson about the year '55? A. Yes sir.
- Q. When did you next see her? A. I saw her again ---the first time I saw her was in '55, and then I saw her again just about the time or a little before she left home.
- Q. She left the Cherokee Nation about '55, didn't she? A. Yes sir.
- Q. How soon after that did you see her? A. It was in --- it must have been '55.
- Q. Where did you see her at that time? A. At Fort Gibson.
- Q. When did you next see her? A. It was at Jacktown. I think it was probably in the same year or the year following-- in '56
- Q. Where did you next see her? A. I saw her tolerably frequently then till I left there, and then I never have seen her any more.
- Q. Do you know whether she is living or not? A. No sir.
- Q. When was the first time you saw Millie White? A. I saw her with her mother in '55.
- Q. And then they went to Alabama in that year, didn't they? A. A. That was my understanding.
- Q. Then when did you next see Millie? A. With her mother at Fort Gibson.
- Q. Then where next? A. With her mother at Jacktown in '55 or '56.

- Q. When did you next see her? A. I saw her in Van Buren, I think it was in '67.
- Q. Where did you see her after that? A. I have not seen Millie any more until here about, probably, a year ago.
- Q. From 1867 up to 1904 you have never seen her again? A. No sir.
- Q. Do you know whther this Millie White, that is an applicant here, is the same Millie that you knew in 1867? A. I don't know, only she claims she is the same Millie.
- Q. You do not know whether she is the same one? A. I wouldn't swear that she was the same one, for she was a little girl the then.
- Q. You saw her in 1867 in Van Buren, Arkansas, and then you never saw her again until 1904? A. Yes sir, that is correct
- Q. You think you can not be mistaken about her being the same one? A. I do not say that I could not be mistaken.
- Q. Do you know the name of the man to whom she was transferred in 1855? A. Yes sir, Mr. Vincent.
- Q. What was his first name? A. I don't know his first name. I always heard them call him Mr. Vincent. I want to understand you--- did you say Millie or Millie's mother?
- Q. I said Millie, but I meant her mother, Charlotte. You stated just now in your examination in chief that you opened a church in Fort Gibson in 1866? A. No sir, not in Fort Gibson.
- Q. You stated that Millie joined the church? A. I said Millie's mother joined the church.
- Q. Where? A. At Jacktown.
- Q. Have you got any record of that at all? A. I think I have
- Q. Have you a list of all of the communicants in the church at that time? A. I have the list of most of them.
- Q. Have you it with you? A. No, part of it is at home, and part of it was destroyed by an overflow.
- Q. Does the part that was destroyed refer to 1866? A. No sir. The roll have got descroyrd---the roll of membership.
- Q. Then you have no record of it at all? A. Yes sir, I have a record of the organization.
- Q. Have you a list of the members of the organization? A. I told you just now that that got destroyed by an overflow.
- Q. When was the overflow? A. Last year.
- Q. Did you have it in your possession last year? A. Yes sir.
- Q. Do you know the names of all the members of your congregation at that time? A. No sir.
- Q. How did you remember specially the name of Charlotte? A. It was because I had some talk with Charlotte.
- Q. How many of the members of your congregation, at the time Charlotte joined the church, do you remember now? A. Jack Campbell, Jack Campbell's wife, Sarah, Millie Starr, George Benton, Martha Steel, Morgan Ellison, Isom Thomas, Bell Vaughn, and Mary Haney.
- Q. How many were there in the congregation? A. 10 or 12.
- Q. Are those people, whose names you mentioned, living? A. I do not think any of the Campbell family are living. I don't know whether any of the Starr negroes are living.
- Q. Are any of those that you mentioned living? A. Yes sir.
- Q. Who are they? A. Isom Thomas is living.
- Q. Where is he living? A. At Newport, Arkansas.
- Q. Is he a Cherokee Freedman? A. No sir I reckon not.
- Q. All of those were members at the same time that Charlotte was? A. Yes sir.
- Q. That was in '66? A. Yes sir.
- Q. Are you positive about that? A. Yes sir.
- Q. Can you fix the month? A. I am not right positive, but I think it was the latter part of August or the first of September.

Q. At that time Charlotte was a member of your church? A. Yes sir.

MR. HASTINGS:

Q. Where was this church? A. At Jacktown.
Q. Where did they live? A. They lived about two or two and a half miles from the Stoneroad place.
Q. What direction? A. It was northwest from the Stoneroad place.
Q. On whose place did they live? A. Jack Campbell's place.
Q. I believe you have just answered the Commission that you never saw either Millie or Charlotte after 1867 until you saw Millie last year. That is the truth is it? A. I think it is. I do not remember seeing her since I saw her in Van Buren in '67.
Q. You testified awhile ago that you saw Charlotte in 1872, didn't you? A. I might have seen her then.
Q. But you told the Commission that you had not seen her since '67? A. I told him I didn't think I had.

COMMISSION:

Q. How old are you? A. I was 78 years old last Saturday.
Q. Can you read and write? A. Yes sir.
Q. Can you read and write well? A. Sufficient for the people to understand it.
Q. Can you write a letter? A. Yes sir.
Q. What is your business? A. Farming and preaching.
Q. How much farm have you? A. 40 acres.
Q. In cultivation? A. Yes sir.
Q. Does it belong to you? A. Yes sir.
Q. Do you remember any of the Johnsons having a slave by the name of Lewis? A. I do not know. He might have had.
Q. How many of the slaves of Ben Johnson did you know? A. A. Not any of them hardly. The only way that I knew any of the slaves of Mr. Johnson -----
Q. Do you remember a slave by the name of Lewis Johnson? A. I do not. I have heard of him, but I don't know him.
Q. Do you know that man (indicating Lewis Johnson)? A. I have saw him.
Q. Did you ever see him on Ben Johnson's place? A. I do not know that I ever have.

COMMISSION TO LEWIS JOHNSON:

Q. Do you remember that man? A. I have saw him, but I don't know him.
Q. Do you remember the time that Charlotte Johnson was sent to Alabama? A. No sir.

MR. HASTINGS TO LEWIS JOHNSON:

Q. Did this man ever preach on Ben Johnson's place or at Jacktown after the war? A. I don't know.
Q. Did Charlotte Johnson, the mother of Millie White, live there on Jack Campbell's place after the war? A. I don't know. There was one Charlotte Johnson that belonged to Anderson Johnson, but she was a little girl.
Q. Was she a little girl after the war? A. She wasn't grown.
Q. What became of her? A. She is down there now.
Q. Is she living yet? A. Yes sir.
Q. Did she ever marry? A. Yes sir.

- Q. What was her husband's name? A. She was married to a man by the name of Burden.
- Q. Was there any Charlotte Johnson who was a slave before the war, and who was grown, who lived in that country at all? A. Not that I know of.
- Q. Could there have been a slave of Ben Johnson by the name of Charlotte and you not know her? A. I think not.
- Q. Where did Ben Johnson live? A. In Sequoyah District, this side of Fort Smith.
- Q. Did Ben Johnson or his wife own a slave by the name of Charlotte when the war come up? A. I never knew it.
- Q. Did you ever hear of them hiring out a slave to a man by the name of Vincent, in Alabama?
(Neal & London object to the question, because it is hearsay testimony)
(Objection noted)
- A. No sir.

Neal & London, not being present when Lewis Johnson was first examined, heard his testimony read, and now cross examines him.

NEAL & LONDON:

- Q. Was Ben Johnson a Cherokee? A. No sir, he was a white man and his wife a Cherokee.
- Q. What was her name? A. They called her Annie.
- Q. You say you never knew Charlotte Johnson, the slave of Annie Johnson? A. No sir.
- Q. Were you a house servant or a field nigger? A. I worked around the house.
- Q. How old were you? A. I don't know exactly how old I was.
- Q. You are 53 now? A. Somewhere along about that.
- Q. You would be 9 years old when the war broke out, wouldn't you? Just a little boy like that (measures as high as the table)?
A. I was bigger than that.
- Q. You said you are 53, and that would make you only 9 years old then. Do you mean to testify that you know all of Johnson's niggers, both the house servants and the field hands? How many did he have? A. Yes sir, I knew them all, but I couldn't tell you how many there were. I couldn't count them.
- Q. You mean to say that at 9 years of age --- could you read and write at that time? A. No sir.
- Q. Can you read and write now? A. No sir.
- Q. You mean to say that at that time you knew all of those darkies? A. Yes sir.
- Q. You say you never heard of a slave belonging to Annie Johnson named Charlotte? A. Yes sir.
- Q. Who was this little girl named Charlotte Johnson? A. That was Anderson Johnson's slave.
- Q. In 1855 --- six years before the war broke out --- when you were three years old --- do you know whether or not Ben Johnson and Annie Johnson hired, to a man by the name of Vincent, a slave by the name of Charlotte? A. In 1855?
- Q. Yes, just 4 or 5 years before the war? A. He never hired nobody.
- Q. You are certain of that, are you? A. Yes sir.
- Q. You know that if he had hired one out at that time you would have known it? A. Yes sir.
- Q. Can you tell us of something that happened when you were 3 years old? A. I don't know just how old I was.

- Q. Tell us something that happened when you were three years old
A. I said I was somewhere about 53 years old. I don't know exactly how old I am. I am just about like I told you.
- Q. Then, at three years of age you are willing to testify that Ben and Annie Johnson did not hire a slave by the name of Charlotte to a man by the name of Vincent? A. I didn't say I was three years old.
- Q. You mean to say that if they had a slave by the name of Charlotte that they hired to a man by the name of Vincent, you do not know it---that it was before you could remember?
A. I mean to say that Johnson didn't hire any slave by that name since I can remember.
- Q. About how old can you first remember to have known things?
A. I can remember before the war.
- Q. You remember that you went south; that you got ready to go; and that you were delayed about a month before starting --- you remember that it was a week or ten days, or maybe a month before you got started? A. I couldn't remember just how long it was, but I remember fixing.
- Q. Don't you remember that they waited two or three months to hear from Alabama--- to get this Charlotte back? A. No sir, I don't remember anything like it.
- Q. You do remember, though, when you were three years old, that there was no slave by the name of Charlotte? A. I didn't say I was three years old. I don't know just how old I was. I was a pretty good size boy.
- Q. Are you an applicant for enrollment? A. I am enrolled.
- Q. You do not know the names of any of the slaves that belonged to your former master---You do not remember Charlotte Johnson?

(Mr. Hastings --- I am going to interfere with your asking a double cross question. Ask them one at a time and have them answered.) A. Mr. Neal---I am just giving you some of your own medicine)

- Q. You do not remember the names of any of the slaves that belonged to your former master? A. Yes sir.
- Q. Well, name one or two of them? A. Mose Johnson, Aaren Johnson.
- Q. You mean to testify with reference to Charlotte that you do not remember a slave of that name that belonged to your master?
A. Not since I can remember.
- Q. You do not remember what happened before you can remember? A. Not before I was born.
- Q. Could you remember a thing that happened when you were 3 or 4 or 5 years old? A. Yes sir, I can remember when I was 5 years old, I am satisfied.

COMMISSION:

- Q. Were you born the slave of Ben Johnson? A. Yes sir.
- Q. Do you know whether they ever had a slave by the name of Charlotte? A. I do not know.
- Q. As far as your recollection goes, did they have one of that name? A. No sir.
- Q. You do not know just how old you are? A. Not exactly.
- Q. You are somewhere between 50 and 60? A. Yes sir, somewhere along there.

MR. NEAL:

- Q. You say that this man White did not organize a church at

- Q. Jacktown? A. I told you that he didn't as I knows of.
Q. You do not mean to say that there was no church organized, but that you didn't know of it? A. Yes sir.

WITNESS EXCUSED.

Ben White recalled for cross examination by NEAL & LONDON.

- Q. Did you know Millie White's mother? A. Yes sir.
Q. What was her name? A. Charlotte Vincent.
Q. Did you know Millie and her mother before the war? A. I was small in the time of the war.
Q. You remember them directly after the surrender? A. Yes sir.
Q. How long after the surrender? A. Maybe a couple of years after the surrender I moved down into the valley and found them down there..
Q. You say there were about two years after the war that you do not know where they were-- whether they were there or not. That would be the latter part of '65 or '66? A. Yes sir, in '70 and '71 I went up on the Tennessee river.
Q. In '70 and '71 you were about how old? A. We had no learning, you know, but I think I was about 13 years old.
Q. You say about two years after the war you moved down into the Valley? A. Yes sir. In passing back and forwards, being sent by my owners, I would see them.
Q. When the war broke out you were about three years old, were you not-- you said awhile ago you was 4? A. Yes sir.
Q. When you moved down into the valley, and remember these darkies, you must have been about 7 or 8 years old? A. About 7 I think.
Q. You have known these darkies well since that time have you? A. Yes sir.
Q. Yancy, and his mother and sister, Millie White? A. Yes sir.
Q. Do not you remember this ---let me see if you remember anything about the real facts in the case. Do you remember a nigger named Gib White? A. Yes sir.
Q. Gib was Millie White's husband? A. Yes sir.
Q. Gib White, in about 1880 or '81--- sometime about then, don't you know that Gib White came to the Territory and married Millie and took her back to Alabama, and that is where you saw them, and then you came out here with them? A. They had great big children in 1881.

MR. HASTINGS:

- Q. Where did Charlotte Vincent die? A. She died down in Jefferson County, Arkansas, near Pine Bluff.
Q. You have known her and Millie White ever since you have known anybody? A. Yes sir.
Q. And you knew her up to the time of her death? A. Yes sir.
Q. You say Gib and Millie White were married in Alabama? A. Yes sir.
Q. And their children were born in Alabama? A. Excusing the one that was born in Arkansas. Jim, Harry, Ruthie, Annie, Viela, and then there was another one, I didn't know her name.
Q. Where was Yancy married? A. He first married in Alabama.
Q. Where did his first wife die? A. In Jefferson County, Arkansas, near Wabesaka.
Q. Did he marry then the second time? A. Yes sir.
Q. And you came here in '83? A. Yes sir.

WITNESS EXCUSED.

Frank M. Morgan, being duly sworn, testified as follows:

NEAL & LONDON:

- Q. What is your name? A. Frank M. Morgan?
Q. What is your post office address? A. Fort Smith, Arkansas.
Q. Do you know the applicants, Millie White and Yancy Vincent and their descendants? A. Yes sir, I know the most of them.
Q. Did any of them at any time live upon your property? A. Yes sir.
Q. In the Cherokee Nation? A. Yes sir.
Q. When was that and who were they? A. Yancy Vincent rented a piece of land on my place in 1896, and old Gib White and Aunt Millie lived there in 1897 or '98--- maybe it was '99.
Q. Did you know any of them prior to that time? A. I knew Gib White when he come into the Nation. He stopped there on Dr. Bell's place, adjoining mine.
Q. What year? A. In '94 or '95.
Q. Did you ever know any of these applicants prior to 1890? A. No sir.
Q. You are a Cherokee by blood? A. Yes sir.
Q. You are on the final roll? A. Yes sir.
Q. Do you live in the Cherokee Nation? A. I live in Fort Smith, and farm in the Cherokee Nation.

MR. HASTINGS:

- Q. How long have you lived in that vicinity? A. Since 1887.
Q. You are well acquainted there? A. Yes sir.
Q. Own a farm in Fort Smith bottom? A. Yes sir.
Q. Never knew any of them prior to 1893? A. No sir.
Q. Do you know where they came from there? A. They said they came from Arkansas. Vincent said he had been making shingles down in Arkansas.
Q. They brought their families with them there? A. Yes sir.
Q. You never knew them before the war? A. No sir.
Q. Never knew them before 1893? A. No sir.
Q. Did they claim to be citizens? A. They didn't claim it to me. I did not know it until a few years ago I heard they were trying to get on the Freedman roll.

MR. NEAL:

- Q. You did not know them until along about 1894 to 1896? A. No sir.
Q. Gib White is not an applicant for citizenship? A. No, but his wife is.
Q. What did you say about seeing them about 1894? A. They were on Dr. Bell's place then.
Q. You live in Fort Smith? A. Yes sir.

WITNESS EXCUSED.

CASE CLOSED.

10 days will be allowed the attorneys for filing briefs in this case.

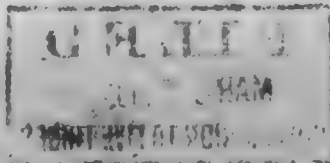
Eula Jeanes Branson, being first duly sworn, states that, as stenographer to the Commission to the Five Civilized Tribes, she reported the proceedings had in the above entitled cause on the 8th day of March, 1905, and that the above and foregoing is a full and complete transcript of her stenographic notes taken in said cause on said date.

Eula Jeanes Branson

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

Myron D. White

Notary Public.



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

877
DH

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

Josh Starr,.....Cherokee Freedmen D 163
Barbara E. Starr,.....Cherokee Freedmen D 164

D E C I S I O N.

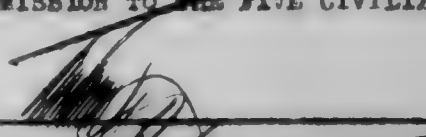
The record in this case shows that on April 24, 1901, Josh Starr appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself and his mother, Barbara E. Starr, as Cherokee Freedmen. Further proceedings were had in the matter of said application at Fort Gibson, Indian Territory, on April 30, 1901.


The evidence further shows that at the beginning of the rebellion, and up to the time of their emancipation, the said Barbara E. Starr and Josh Starr were slaves in the Cherokee Nation, owned by Cherokee citizens; that they were taken out of the Cherokee Nation during the rebellion, and that they did not return to said Nation until after January 19, 1867.

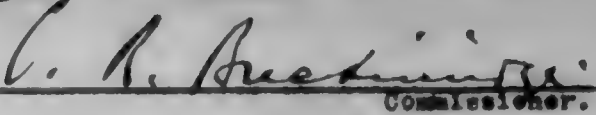
The names of the applicants are not found on the 1880 authenticated roll of the Cherokee Nation.

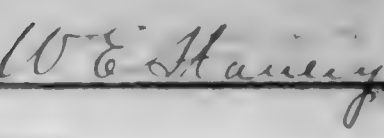
It is, therefore, the opinion of this Commission that the application of Josh Starr for the enrollment of himself and his mother, Barbara E. Starr, as Cherokee Freedmen, should be denied under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 1 - 1903

United States of America,
Indian Territory,
Northern District. SS

Nelson Lowrey of lawful age being first duly sworn on oath deposes and says that on the 17 day of May A. D. 1902 he mailed a registered letter to Josh Starr - at Ft Gibson I. T. and that inclosed in said registered envelope was a notice, a true copy of which is hereto attached and he attaches hereto the registry receipt from the post Master at Muskogee I. T. and also he receipt on the 26 day of May A. D. 1902 the registry return receipt sign by the said Josh Starr showing that the notice was duly received; which said Registry return receipt is hereto attached.

Nelson Lowrey

Subscribed and sworn to before me this 26th day of May 1902.

Josh Starr
Notary Public.

3rd Term.

My Commission expires May 22nd 1904.

COPY

Cherokee F.D-163.

Muskogee, Indian Territory, July 13, 1903.

Louis T. Brown,
Attorney for Josh Starr,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting, among others, the application of Josh Starr for the enrollment of himself 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 the Commission is informed of the same.

Respectfully,

T. P. Hood
Commissioner in Charge.

Enc. D-83

Register.

COPY

Cherokee F.D-165-4

Muskogee, Indian Territory, July 13, 1903.

Josh Starr,

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 your mother, Barbara E. Starr, as a Cherokee freedman, together with a copy of the Commission's decision dated July 1, 1903, rejecting your application for the enrollment of yourself and your mother as Cherokee freedmen. There has heretofore been forwarded your agent, Louis T. Brown, Vinita, Indian Territory, a copy of the record of proceedings had in your application for yourself 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,

T. B. Needles.

Commissioner in Charge.

Enc. II-82

Register.

COPY.

Cherokee F.D-163-4

Muskogee, Indian Territory, July 13, 1903.

V. 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 1, 1903, rejecting the application of Josh Starr for the enrollment of himself and his mother, Barbara E. Starr, 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,

T. D. Needles.

Commissioner in Charge.

Enc. D-84

COPY.

Cherokee F.D-163-4

Muskogee, Indian Territory, July 15, 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 Josh Starr for the enrollment of himself and his mother, Barbara H. Starr, as Cherokee freedmen, together with the Commission's decision dated July 1, 1903, rejecting said application.

Respectfully,

I. I. Meddico
Commissioner in Charge

Through the
Commissioner of Indian Affairs.

Enc. D-85

Refer in reply to
the following:
Land
44,283-1903.

Copy.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

Washington, Oct. 22, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from the Commission to the Five Civilized Tribes, dated July 13, 1903, transmitting the record relative to the application of Josh Starr for the enrollment of himself and his mother, Barbara E. Starr, as Cherokee freedmen.

July 1, 1903, the commission held that these applicants were not entitled to enrollment.

The record shows that Cale Starr prior to the commencement of the Rebellion owned Josh Starr and that Barbara E. Starr was owned by Zeek Starr. They were owned by citizens of the Cherokee Nation. Their names do not appear on the 1880 roll.

From the record it does not appear that these applicants returned to the Cherokee Nation within the time limit fixed by the treaty of 1866. It appears that they did not return until the fall of 1867. The approval of the commission's decision adverse to them is therefore recommended.

Very respectfully,

W. A. Jones,

Commissioner.

(G.A.W.) P.

D.C.32643-1903.

DEPARTMENT OF THE INTERIOR.

KAJ.

Washington.

ITD. 7576-1903.

November 19, 1903.

L.R.S.

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

Gentlemen:

July 13, 1903, you transmitted the record in the matter of the application for enrollment of Josh Starr and his mother, Barbara E. Starr, as Cherokee freedmen.

The record shows that these applicants were slaves of citizens of the Cherokee Nation at the commencement of the rebellion, and that they resided therein at that time; that they were taken out of the Cherokee Nation during the war, and that they did not return to the nation within six months after the promulgation of the treaty of July 19, 1866, or February 11, 1867, but did return to the nation sometime in the autumn of 1867; and that their names are not found on the 1880 authenticated roll of said nation. You held July 1, 1903, that under the provisions of section 21 of the act of June 28, 1898 (30 Stat., 495), the application should be denied.

Reporting October 22, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

By le ter to you, dated May 11, 1900 (ITD.1586-1900), the Department construed that part of said section 21 which relates to the enrollment of Cherokee freedmen. In view of the facts in this case as above stated, it is considered that your decision denying the application is in accord with said letter of May 11, 1900, and it is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-163.

Muskogee, Indian Territory, December 2, 1903.

Josh Starr,

Fort Gibson, 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 November 19, 1903.

Respectfully,

Chairman.

Cherokee Freedmen
D-163 & D-164.

Muskegee, Indian Territory, December 2, 1903.

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 Josh Starr and Barbara E. Starr as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 19, 1903.

Respectfully,

Chairman.

Cherokee Freedmen
D-163.

Muskegee, Indian Territory, December 2, 1903.

Louis T. Brown,

Agent for Josh Starr,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated July 1, 1903, rejecting, among others, the application of Josh Starr for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 19, 1903.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen

B-217.

Muskogee, Indian Territory, April 8, 1905.

Joshua Starr,

Fort Gibson, Indian Territory.

Dear Sir:

The Commission is in receipt, by reference from the Secretary of the Interior, of your letter of March 20, 1905, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission's decision, rejecting the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 19, 1905.

Respectfully,

SIGNED: *James Bisby.*
Chairman.

COPY

COPY.

Cherokee Freedmen

R 217.

Muskogee, Indian Territory, May 9, 1905.

Joshua Starr,

Fort Gibson, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of April 17, 1905, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission's decision, rejecting the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 19, 1903. You are further advised that this Commission is now without authority to take further action in this case.

Respectfully,

SIGNED *T. B. Needles.*
Commissioner in Charge.

COPY

NOTICE!

In the matter of the application of Josh Starr for enrollment as a Cherokee Freedman.

Case No. 263

To Josh Starr

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson

Indian Territory, on the following dates, to-wit: April 28th and 29th

A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this 26th day of Apr 1901.

E. R. R. R.
W. W. Hastings
Geo. S. R. R. R.

Attorneys for the Cherokee Nation.

United States of America, }
Indian Territory. }
Northern District. }

I do solemnly swear that I delivered a true copy of the within notice to Josh Starr
on the 29th day of April A. D. 1901.

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

John Parks
Notary Public
marsh for the Cherokee Nation

NO. 163

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

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

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

Subscribed and sworn to before me this

Notary Public.

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

Attorney for Applicant

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

Agent for Applicant

NOTICE.

In ~~the~~ matter of the application of John Starr.
for enrollment as Cherokee citizens:

To John Starr, Fort Gibson, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May, 23, 1902......, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May, 17, 1902.

No. 163.

W. H. Bell
Wm. D. Hastings
J. D. Davenport

Attorneys for the Cherokee Nation.

3. 10 10 3

DEPARTMENT OF THE ARMY
COMPTON ENGINEERING
RECEIVED
Apr 22 '90

HBES.

[Handwritten signature]

MANAGER

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

APR 24 1901

Date _____
Post Office St. Hudson St.
District Gahleguash

1. Name Josh Starr Age 48
Owner's name Caleb Starr Citizenship _____
Year Wallas Page 125 No. 2633 District Gahleguash

Parents:
Father Phil Mayes Citizenship _____
Mother Barbara Starr Citizenship _____

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

Parents:
Father ~~Douglas~~ Citizenship _____
Mother _____ Citizenship _____

Names of Children:

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

~~Douglas~~

Application made by Ms. Stenographer Chas. J. Miller
On Wallas roll as Josh Mayes.

X Ref.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JUN 19 1902

[Handwritten signature]

Washoe, D. C. June 11, 1827.

Received from the Commission to the Five Civilized Tribes one copy of the testimony in the
matter of the application of *John Star*.

for enrollment as *Freedman*; of the Cherokee Nation.

Cherokee *F. L.* No. 163.

Louis Brown,

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Josh Starr,
Ft. Gibson, I.T.
Cherokee F-D-163
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

**CHEROKEE
FREEDMEN**

R- 217

JOSH STARR

REFUSED

ACTION APPROVED BY
SECRETARY OF INTERIOR.

NOV. 19, 1903

SEE CHER. FR. R&J. #218

217

Cher. Fr. R. 218

Cher. Fr. R. 218

A. J. H.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 25 1901

[Handwritten signature]

A. J. H. CHAIRMAN

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 24th 1901.

In the matter of the application of Josh Starr for the enrollment of his mother BARBARA E. STARR, as a Cherokee Freedman; He being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Josh Starr.
Q How old are you? A. 48.
Q What is your post office address? A. Fort Gibson.
Q In what district do you live in? A. Tahlequah.
Q For whom do you apply for enrollment at this time? A. My mother.
Q What is her name? A. Barbara E. Starr.
Q How old is she? A. 88.
Q What is the reason that she is not here to make application for her self? A. She is old and helpless almost.
Q Because of her extreme age and bodily infirmities she is unable to appear in person? A Yes sir.
Q Is her name on any of the rolls of the Cherokee Nation? A. Only the Wallace Roll.
Q Was she a slave? A. Yes sir.
Q Who did your mother belong to before the war? A. To Zeek Starr.
Q Was he a Cherokee citizen? A. Yes sir.
Q Was she taken out of the Cherokee Nation during the war? A. Yes sir.
Q Where was she taken to? A. The Choctaw Nation.
Q When did she come back? A. In 1866.
Q Has she been living in the Cherokee Nation ever since that time? A. Yes sir, she has always lived with me, and is living with me yet.
Q

By James Davenport for the Cherokee Nation.

- Q When did your mother come back to the Cherokee Nation? A. She came with me in 1866.
Q Has she lived here ever since? A. Yes sir.
Q You say she belonged to Zeek Starr? A. Yes sir.
Q Was Ellis Buffington living in the Cherokee Nation where you came to?
A Yes sir, but he didnt get back until 1866.
Q Hickory Starr was living there was he? A. Yes sir.
Q He came back before you did? A. Yes sir.
Q He was there when you got back? A. Yes sir.

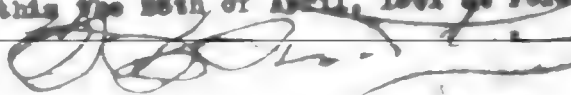
Wallace Roll of the Cherokee Nation examined and the name of the applicant's mother identified thereon as as follows:
Page 125, No. 2653, Barbara Starr, Tahlequah district.

The 1880, 1886 and Kerne-Clifton rolls of the Cherokee Nation examined and the name of the applicant's mother not found thereon.

By Com'r Needles, - Josh Starr applies for the enrollment of his mother Barbara E. Starr, and gives satisfactory reasons why she is not here in person; her name is not found on any of the rolls of the Cherokee Nation in the possession of the Commission except the Wallace Roll on which roll she is found. By reason of the unsatisfactory proof as to her citizenship, though her residence has been satisfactorily established, she will be listed as a Cherokee Freedman on what is known as a doubtful card for the consideration of the Commission.

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

Subscribed and sworn to before me this 25th of April, 1901 at Fort Gibson, I. T.

Chas. von Weise


Commissioner.

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

F. D. #163.

F. D. #164.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 30th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
BARBARA E. STARR, F.-D.#164, and JOHN STARR, F.#D.#163, as Cherokee
Freedmen:

Cherokee Nation present by its Attorney, Applicant John
Starr present in person, and proof of notice to Barbara E.
Starr as to the taking of testimony filed.

G. W. BUFFINGTON, being sworn and examined by Commissioner T.B.
Needles, testified as follows:

- Q What is your name? A G. W. Buffington.
Q What is your age, Mr. Buffington? A I am 51.
Q What is your post office address? A Tahlequah.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.

BY J. S. DAVENPORT, Cherokee Representative:

- Q Where were you living at the breaking out of the war, Mr. Buf-
fington? A I was living on Sallisaw, near the Sallisaw Station.
Q Do you know a colored woman that is known as Barbara Starr?
A Yes, sir.
Q Do you know where she went during the war, or whether she left
the Cherokee Nation or not? A She went to Red River with my
mother.
Q Do you know when she came back to the Cherokee Nation? A Came
back in the Fall of '67, October or November, November though, I
guess.
Q She was a slave before the war? A Yes, sir.
Q And she went south with you grand mother? A Yes, sir.

BY COMMISSIONER NEEDLES:

- Q Whom did she belong to? A My grand mother, Starr.
Q You are satisfied that she didn't return until the Fall of '67?
A Yes, sir.
Q Has she been living here ever since? A Yes, sir.

BY J. S. DAVENPORT:

- Q You know who brought her back? A Yes, sir; Charley Starr brought
her back.

JAMES STARR, being sworn and examined by Commissioner T.B.
Needles, testified as follows:

- Q What is your name? A James Starr.
Q What is your post office address? A Grove.
Q What district do you live in? A Delaware.
Q What is your age, Mr. Starr? A I am 68 years old.
Q Are you a recognized citizen of the Cherokee Nation?
A Yes, sir.
Q By blood? A Yes, sir.

BY J. S. DAVENPORT:

- Q Where did you live at the breaking out of the Civil War?
A I lived in Flint District.

- Q Do you know Barbara Starr a colored woman? A Yes, sir.
Q She was a slave of whom? A My mother.
Q Do you know whether or not she left the Cherokee Nation during the war? A She went South with us.
Q How, when did she come back, do you know, Mr. Starr? A Fall of '67.
Q Did you know who brought her back? A ~~Exhibit~~ Charley Starr brought her back.
Q When did you return to the Cherokee Nation? A '66.
Q Is there any circumstances with reference to her coming back makes you remember when it was? A We left there and came back to the Nation and then we sent after her.
Q She come back in the Fall of '67? A Yes, sir.

BY COMMISSIONER NEEDLES:

- Q Is Charley Starr living? A Yes, sir.
Q You are positive that Barbara Starr did not come back to the Cherokee Nation until the Fall of '67? A Yes, sir.
Q How old was she? A She is a good deal older than I am, she must be up about 80.
Q She was of age and grown woman when she came back?
A Yes, sir, and had children.

G. W. BUFFINGTON, re-called, testified as follows:
EXAMINATION BY JOSH STARR, one of the Applicants in this case:

- Q What I wanted to ask you, did them Fisher boys run a horse race there in 1867? A No, they run in 1868.
Q That is the time Zeke Starr claims he got here, in 1868, and I was here a little over a year before he came? A Yes, you were here a year before the Fisher boys run the race; they run the race in the Summer of 1868 and this party come in the Winter of '67.
Q What year was it when your uncle Gale came here? A Come in 1868.
Q He come in the Spring and I come in the Fall? A No, he come in the Winter and you come in the Fall; ~~the~~ the winter of '66 and we all come across from the Choctaw Nation over there and raised a crop on Grand River and you were out on Red River then; the first crop we made in the Choctaw Nation in 1866 on the Choctaw side, and then in the fall of '66, or winter rather, moved into the Cherokee Nation and in 1867 made a crop there and in the Fall after the crop was made I went out south there and brought Aunt Barbara back, and the next year is when the horse race was made.
Q Your uncle Gale, what year was it he left over there in?
A I reckon in; he left in Christmas; it was before 1868 we left there in; I mean it was in the winter of '65 or Spring of '66. I think though it was in '65 before Christmas. I was in Texas, Rush Country, until October or November, November I guess, '64 and came back; I never seen any of the folks until we moved back to Sandbey. They moved up there about Christmas time, it was in '65.
Q He moved away from you and you promised to come in the Spring and me and my brother come in the Summer time and Charley Starr was going to school over in Texas and he settled all the board bill and we come on here and helped pull corn and he always staid to me that was in the fall of '66? A The crop you helped gather was up there in Flint. The crop he raised in '66 was raised at Sandbey in the Choctaw Nation and we said that crop and didn't gather it and moved across the River and raised a crop there and that is the crop you helped to gather in '64. I remember Charley Starr went to school over there in Texas after Gale left there and come back in the winter, that was '66 when he come back; he never come back until about February, '67. He stayed over there a year after uncle Gale left there.

Q Do you know when Smith came back? A No, I don't.
Q He came back and we got here before he did and he claims he came in in time and there is old man Gatt we came before he did and he claims he came in the Fall of '66; he brought some colored folks with him and there never was any disputes about them and they was put on the rolls and they drawed the first time that was paid out.
A I don't know anything about them.

COMMISSIONER NEEDLES to Josh Starr:

Q Did you come back with your mother? A Yes, sir.
Q Did you come before your mother? A I come here and get the team and went back after them.
Q How long before you come back here and the time before you moved her up? A We come here and stayed three weeks and went back, and he told us to hurry with the team he wanted to pull his corn.

G. W. BUFFINTON, re-called, testified as follows:
BY COMMISSIONER NEEDLES:

Q Was Tebe (Starr) in the Choctaw Nation in 1866? A Yes, sir.
Q But he didn't come into the Cherokee Nation until 1867?
A No, sir.
Q He came to the Cherokee Nation from the Choctaw Nation in 1867?
A Yes, sir.
Q and come there in 1866? A Yes, sir.

JAMES STARR, re-called, testified as follows:
BY JOSH STARR, one of the Applicants:

Q When my brother rid that horse of yours and went back over in the Choctaw Nation and broke that horse of yours, wasn't that in the fall of '66; do you recollect that serrel horse and he left a saddle over there and went back after it and after Christmas I made a crop there? A I don't know anything about that.

BY COMMISSIONER NEEDLES:

Q Where was Josh in 1866? A In the Choctaw Nation.
Q Your recollection then is that he didn't come here to the Cherokee Nation until the Fall of 1867? A Yes, sir.
Q Did Josh come with his mother? A Yes, sir, come to my house and stayed all night.
Q That is as they were coming back? A Yes, sir.

BY J. S. DAVENPORT:

Q Do you know anything about Tebe Starr? A Yes, sir, he belonged to me; he was of the same mother, he left me in '63 at Fort Smith and I never saw that fellow until day before yesterday.

BY COMMISSIONER NEEDLES:

Q You don't know when he come back to the Cherokee Nation?
A No, sir, he went ahead and told me a whole heap of things that makes me believe it is the same man.
BY J. S. DAVENPORT:

Q Did his mother belong to you? A Yes, sir, his mother belonged to my mother and he was mine individually.
Q Do you know whether he left the Cherokee Nation during the war?
A Yes, sir; his mother went North.
Q and you never heard of him until day before yesterday?
A No, sir.

Supl. - D. #164
164. --4.

J. O. Rosen, 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. Rosen

Subscribed and sworn to before me this 30th day of April, 1901.

[Signature]

Commissioner.

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

In the matter of the application of Barbara E. Starr for
enrollment as a Cherokee freedman.

SUPPLEMENTAL TO D-184.

Cherokee Nation represented by W. W. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the said Barbara E. Starr that it would on the 23rd day of May, 1902, at the office of the Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, introduce testimony tending to disprove her right to be enrolled as a citizen of the Cherokee Nation. The applicant has this day, to wit the 23rd day of May, 1902, been called and fails to respond either in person or by attorney.

MR. HASTINGS: The Cherokee Nation offers in evidence a decision of the Supreme Court of the Cherokee Nation, as shown from a book taken from the records of the Executive Department of the Cherokee Nation entitled "Booklet of Doubtful Cases for Cherokee Citizenship tried in 1871," as follows:

"Wint District, No. 152. Barbara Starr and family.
Decided against claimant June 18, 1871."

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

Arthur G. Croninger

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

Seal!

J. R. Hunter
Notary Public.

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

BR

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

Josh Starr,.....Cherokee Freedmen D 163
Barbara E. Starr,.....Cherokee Freedmen D 164

DECISION.

The record in this case shows that on April 24, 1901, Josh Starr appeared before the Commission at Fort Gibson, Indian Territory, and made application for the enrollment of himself and his mother, Barbara E. Starr, as Cherokee Freedmen. Further proceedings were had in the matter of said application at Fort Gibson, Indian Territory, on April 30, 1901.

The evidence further shows that at the beginning of the rebellion, and up to the time of their emancipation, the said Barbara E. Starr and Josh Starr were slaves in the Cherokee Nation, owned by Cherokee citizens; that they were taken out of the Cherokee Nation during the rebellion, and that they did not return to said Nation until after January 19, 1867.

The names of the applicants are not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application of Josh Starr for the enrollment of himself and his mother, Barbara E. Starr, 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.

(SIGNED).

W. E. Stanley.

Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 1 - 1903

United States of America,
Indian Territory,
Northern District. SS

Nelson Lowrey of lawful age being first duly sworn on oath deposes and says that on the 17th day of May A. D. 1902 he mailed a registered letter to Barbara Starr at Fort Gibson I. T. and that inclosed in said registered envelope was a notice, a true copy of which is hereto attached and he attaches hereto the registry receipt from the post Master at Muskogee I. T. and also he receipt on the 26th day of May A. D. 1902 the registry return receipt sign by the said Barbara Starr showing that the notice was duly received; which said Registry return receipt is hereto attached.

Nelson Lowrey

Subscribed and sworn to before me this 26th day of May 1902.

J. C. Starr
Notary Public.

3rd Term.

My Commission expires May 22nd 1904.

COPY

Cherokee T.D-123-4

Muskogee, Indian Territory, July 12, 1903.

Josh Starr,

Fert 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 your mother, Barbara E. Starr, as a Cherokee freedman, together with a copy of the Commission's decision dated July 1, 1903, rejecting your application for the enrollment of yourself and your mother as Cherokee freedmen. There has heretofore been forwarded your agent, Louis F. Brown, Vinita, Indian Territory, a copy of the record of proceedings had in your application for yourself 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,

T. B. Needles.

Commissioner in Charge.

Enc. 2-02

Register.

COPY.

Cherokee F.D-143-4

Muskogee, Indian Territory, July 13, 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 1, 1903, rejecting the application of Josh Starr for the enrollment of himself and his mother, Barbara E. Starr, 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,

T. B. Meade
Commissioner in Charge.

Enc. D-64

COPY.

Cherokee F.D-163-4

Muskogee, Indian Territory, July 13, 1903.

The Honorable

the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the matter of the application of Josh Starr for the enrollment of himself and his mother, Barbara E. Starr, as Cherokee freedmen, together with the Commission's decision dated July 1, 1903, rejecting said application.

Respectfully,

J. E. Needles,
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-85

Refer in reply to
the following:
Land
44,263-1903.

Copy.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs.

Washington, Oct. 22, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from the Commission to the Five Civilized Tribes, dated July 13, 1903, transmitting the record relative to the application of Josh Starr for the enrollment of himself and his mother, Barbara E. Starr, as Cherokee freedmen.

July 1, 1903, the commission held that these applicants were not entitled to enrollment.

The record shows that Cale Starr prior to the commencement of the Rebellion owned Josh Starr and that Barbara E. Starr was owned by Zeek Starr. They were owned by citizens of the Cherokee Nation. Their names do not appear on the 1880 roll.

From the record it does not appear that these applicants returned to the Cherokee Nation within the time limit fixed by the treaty of 1866. It appears that they did not return until the fall of 1867. The approval of the commission's decision adverse to them is therefore recommended.

Very respectfully,

V. A. Jones,

Commissioner.

(C.A.W.) E.

D.C. 32643-1903.

DEPARTMENT OF THE INTERIOR.

RAV.

Washington.

ITD. 7576-1903.

November 19, 1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

July 13, 1903, you transmitted the record in the matter of the application for enrollment of Josh Starr and his mother, Barbara E. Starr, as Cherokee freedmen.

The record shows that these applicants were slaves of citizens of the Cherokee Nation at the commencement of the rebellion, and that they resided therein at that time; that they were taken out of the Cherokee Nation during the war, and that they did not return to the nation within six months after the promulgation of the treaty of July 19, 1866, or February 11, 1867, but did return to the nation sometime in the autumn of 1867, and that their names are not found on the 1880 authenticated roll of said nation. You held July 1, 1903, that under the provisions of section 21 of the act of June 25, 1898 (30 Stat., 496), the application should be denied.

Reporting October 22, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

By le ter to you, dated May 11, 1900 (ITD.1586-1900), the Department construed that part of said section 21 which relates to the enrollment of Cherokee freedmen. In view of the facts in this case as above stated, it is considered that your decision denying the application is in accord with said letter of May 11, 1900, and it is hereby affirmed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-164.

Muskogee, Indian Territory, December 8, 1903.

Josh Starr,

Fort Gibson, 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 your mother, Barbara E. Starr, as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 19, 1903.

Respectfully,

Chairman.

Cherokee Freedmen
D-163 & D-164.

Muskogee, Indian Territory, December 2, 1903.

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 Josh Starr and Barbara E. Starr as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 19, 1903.

Respectfully,

Chairman.

3. 70. 107

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE SEVEN TRIBES.

FILED
APR 21 1901

[Faint handwritten notes and signatures]

CHEROKEE FREEDMEN.

Date APR 24 1901
Post Office *St. Gibson St.*
District *Tahlequah*

1. Name _____
Owner's name _____
Year _____ Page _____ No. _____ District _____ Age _____
Citizenship _____
Parents: *Robert Star*
Father _____ Citizenship _____
Mother _____ Citizenship _____

2. Name of wife *Barbara C. Starr* Age *88*
Owner's name *Ezekiel Starr* Citizenship *Cherokee*
Year *Wallace* Page *125* No. *2633* District *Tahlequah*
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 *Josh Starr (son)* Scribe *Chas. M. Weise*

On Wallace roll as Barbara Starr

X Ref

NOTICE!

In the matter of the application of Barbara E. Starr for enrollment as a Cherokee Freedman.

Case No. D 164

To Barbara E. Starr

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fert Gibson

Indian Territory, on the following dates, to-wit: See April 29th and 30th

..... A. D. 1901, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

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

26th day of Apr. 1901.

R. B. Bell
J. W. Hastings
Jas S. Davenport

Attorneys for the Cherokee Nation.

United States of America, }
Indian Territory, }
Northern District. }

s s

I do solemnly swear that I delivered a true copy of the within notice to Barbara E. Starr
on the 26th day of April A. D. 1901.

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

Notary Public.

Marked for the Cherokee Nation

NO. 164

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

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

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

Subscribed and sworn to before me this

Notary Public

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

Attorney for Applicant

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

Agent for Applicant

NOTICE.

In the Matter of the application of Barbara Starr.
for enrollment as Cherokee citizens :

To Barbara Starr, Fort Gibson, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May, 25, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May 17, 1902.

No. 164.

L. B. Bell
W. M. Hastings
Jas. Davenport
Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Barbara E. Starr,

Ft. Gibson, I.T.
Cherokee F-D-164
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

CHEROKEE
FREEDMEN

R-218

BARBARA E. STARR

REFUSED

ACTION APPROVED BY
SECRETARY OF INTERIOR.

NOV. 19, 1903

SEE CHER. FR. REJ. #217

218

Cher. Fr. R. 219

Cher. Fr. R. 219

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., May 6, 1901.

In the matter of the application of Gibson S. White for the enrollment of **NAPOLÉON GIBSON**, as a Cherokee Freedman; being sworn and examined by Commissioner Breckinridge, he testified as follows:

- Q Give me your full name? A Gibson S. White.
Q How old are you? A 57.
Q For whom do you make application? A Napoleon Gibson.
Q For no one else? A No sir.
Q Do you apply for him as being a Cherokee Freedman? A Yes sir.
Q What is your post-office? A Vinita.

Com'r: The applicant presents duly authenticated power of attorney from Napoleon Gibson, a Cherokee Freedman, and a resident of Cooweescoowee District, authorizing him to act in the premises. This is filed herewith.

- Q How old is this Napoleon Gibson? A I think he is about 35 years old.
Q What is Napoleon Gibson's post-office? A He is in the penitentiary right now.
Q Where? A At Leavenworth.
Q Where is his home in the Cherokee Nation? A Hayden.
Q In what District is Hayden? A That's in Cooweescoowee I think.
Com'r: The power of attorney shows it is Cooweescoowee.
Q When was Napoleon Gibson sent to prison? A Last January I believe.
Q For how long a period was he sent to prison? A 5 years.
Q How long has he lived in the Cherokee Nation prior to going to prison? A All his life; born here.
Q Is he a duly recognized citizen of the Cherokee Nation?
A Yes sir.
Q Give me the name of his father? A Lewis Gibson.
Q Is he dead? A I think he is living in Coffeyville, Kansas.
Q Still alive? A Yes sir.
Q Give me the name of Napoleon Gibson's mother? A Mary Gibson.
Q Is his mother is dead; I don't know.
Q Is it reported that she died recently of smallpox? A I don't know, sir.
Q You state that Napoleon Gibson has lived in the Cherokee Nation all his life down to the time of going to prison? A Yes sir, he was born here, and lived here.

1890 authenticated roll of citizens of the Cherokee Nation examined and Napoleon Gibson not found.

1890 census roll of citizens of the Cherokee Nation examined and Napoleon Gibson not found.

Kanawha-Clifton pay roll of citizens of the Cherokee Nation examined and Napoleon Gibson identified as follows:
page 102 #2545 Napoleon Gibson, Cooweescoowee District.

Walkers Roll, page 115 #2545 Napoleon B. Gibson, (No dist)

- Q You have authority to examine these rolls? A Yes sir.

Com'r to roll of citizens of the Cherokee Nation? A Yes.

Who is he? A Lewis, William and Rosemary Gibson.

1890 authenticated roll of citizens of the Cherokee Nation examined for Mary Gibson, and was not found.

Gideon S. White for Napoleon Gibson--2--

Q Have you any evidence showing this man's right after the treaty of '66? A No sir, all I know I know the man and I know he was sent to the penitentiary, and the judge told him he ought to appoint somebody a attorney to look after his interests, and he gave me power of attorney, and I wrote down to my son to see him at the jail, and he sent me this here.

Q Where was this man Napoleon Gibson convicted? A At Yinita, last fall, at Judge Gill's court.

GEORGE W. VAHN, being sworn and examined by Commissioner Frank-
linridge, testified as follows:

Q Give your full name? A George West Vahn.

Q How old are you? A I guess I must be 51, I was 30 years old in 1880.

Q What is your post-office? A Lenapeh.

Q How long have you lived in the Cherokee Nation? A All my life except in '63, I went to Kansas, and came back in '66.

Q Do you know Napoleon Gibson, for whom application has been made?

A Yes sir, I have known him ever since he was a little boy.

Q Where was he born? A He was born on Snow Creek, I think.

Q Did you know his mother, Mary Gibson? A Yes sir, I knowed his father better than I did his mother.

Q What is his father's name? A Posey Gibson.

Q Any other name besides Posey? A I got it wrong.

Q Well, correct yourself? A His grandfather was named Posey, and his father was named Jim Gibson.

Q Did he have any other name besides Jim? A We used to call him Jim Childers.

Q Who is Lewis Gibson? A That's Napoleon's father.

Q That's what I am asking you, who was Napoleon's father, I want to know the name of Napoleon's father? A Posey Gibson.

No sir, Lewis Gibson was his father, and Posey was his father's father.

Q I asked you who Napoleon's father was? A That's Lewis.

Q What is the name of Napoleon's mother? A She was named Mariah.

Q Was Mariah the wife of Lewis? A That's the wife of Lewis.

Q Is Mariah dead? A I just heard that she was dead with the small-pox; I never saw it.

Q Where is she said to have died? A On Snow Creek, Coowascoowas District.

Q Lewis Gibson is still living isn't he? A I ain't seen him lately, but they say he is living.

Q Napoleon Gibson's father, Lewis, is said to be still living?

A Yes sir.

Q Where is he understood to be living at this time? A Snow Creek.

Q Not living in Coffeyville, Kansas? A No sir, not as I know of.

Q Is Coffeyville, Kansas, near by to Snow Creek? A Yes sir, that's the post-office.

Q Do you know when the father and mother of Napoleon Gibson were married? A No sir, I don't.

Q You were not present when they were married? A No sir.

Q When did you first know them a husband and wife? A In '74 first time I knowed them.

Q Did you ever know the mother of Napoleon Gibson until you met her in '74 as the wife of Lewis? A No sir, I didn't know the woman at all until then.

Q How old a man is Lewis Gibson? A He must be 45 years old I guess; I don't know.

Q How old a man were you would you take Napoleon to be now? A Oh about 32 or 33 I reckon.

Q Well then Lewis must be a good deal over 45, his father? A (No reply.)

Q But you don't know exactly? A No, I don't know.

Q How long have you known this man Lewis Gibson? A I knowed Lewis before the war.

Q Was he a slave before the war? A Belonged to Levi Whildore.

Q Were in the Cherokee Nation? A Yes sir. Charley Campbell could tell you more about them than me.

Q Where were you during the war? A I was part of the time in Gib-

Gideon S. White for Napoleon Gibson--3--

son and part of the time in Kansas.

Q Where was Lewis Gibson during the war? A Well now I don't know; last time I saw him before the war was about '62, he was living on the prairie in Saline District.

Q And then how long after the war was it until you saw him? A Never saw him until '74.

Examined by Cherokee Representative, W.W. Hastings:

Q When did you go up to Coconino, Ariz District? A To live you mean? '74.

Commissioner Mackinridge: Applicant applies for the enrollment of one Napoleon Gibson, from whom he files a duly authenticated power of attorney; Napoleon Gibson is identified on the Wallace roll and on the Kerns-Clifton roll, but not upon the roll of 1880, nor the census roll of 1896; neither his father or mother are identified on the roll of 1880; this man is said to have lived in the Cherokee Nation all his life until sent to the penitentiary at Leavenworth, Kansas, where he has recently entered upon a term of imprisonment for five years; he will now be listed upon a doubtful card, and it is desired that further evidence be introduced showing his rights under the treaty of 1866.

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 7th day of May, 1901.

Chas. Mackinridge

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 20, 1901.

In the matter of the application of Lewis Gibson for enrollment as a Cherokee Freedman.

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

LEWIS GIBSON, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Lewis Gibson.
- Q What is your age? A I can't tell my age.
- Q About how old?
- A I don't have any idea; well I may be 59 or somewhere along there, or maybe older.
- Q What is your postoffice? A Coffeyville.
- Q What district do you live in? A Coowee-coowee.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Who do you want to enroll besides yourself? A Just myself.
- Q Your name on the roll of 1880? A No, sir, I don't think it is.
- Q Is your name on any of the rolls of the Cherokee Nation? A On the Wallace and Clifton roll.
- Q Did you ever apply to the Cherokee Council to be placed on the roll of 1880, the Cherokee authorities? A No more than I have been to the census taking.
- The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The 1898 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
- The Kern-Clifton roll examined and the applicant identified thereon, page 102, No. 2544, Cooweescoowee district, Louis Gibson.
- The Wallace roll examined and the applicant identified thereon, page 115, No. 2421, district not given.
- Mr. Mellette: Lewis, were you a slave in the Cherokee Nation at the beginning of the war? A Yes, sir.
- Q Where did you live? A On Grand River.
- Q Who was your master? A Levi Childers.
- Q Was he a citizen of the Cherokee Nation? A No, sir.
- Q What was he? A They said he was a white man, I don't know, I belonged to Sarah Childers, his wife.
- Q His wife was a Cherokee? A Yes, sir.
- Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
- Q Where did you go? A Fort Scott.
- Q Kansas? A Yes, sir.
- Q Did you return to the Cherokee Nation? A Yes, sir.
- Q When did you come back? A In '66.
- Q Who did you come back with? A Came back with my father, my father brought me back, I guess, I was blind and could't travel alone.
- Q What was your father's name? A Possey Gibson.
- Q What size were you at that time? A I was grown, I can't tell just what size.
- Q Do you know where they brought you to? A Yes, sir, brought me to Snow Creek, Cherokee Nation.
- Q Where have you lived since that time? A Still living there yet.
- Q Living right on Snow Creek? A Yes, sir, same place.
- Q How long has your father been dead? A I can't say exactly, I know he died, I don't know exactly, I am not able to tell.
- Q Was your father a slave also? A No, sir, he was a free man, he lived amongst the Cherokees, came from Georgia with the Cherokees and lived there among them all the time.
- Q You were a slave? A Yes, sir, he had my mother for a wife.

- Q What was your mother's name? A Caroline.
- Q Caroline Gibson? A Caroline Childers, she was known by, I think her name is on the 1880 roll by Charles.
- Q Charles? A Caroline Charles.
- Mr. Hastings: Did you come back with your mother? A No, sir, came back with my father.
- Q Have you been married? A Yes, sir.
- Q Where were you married? A I was married in Kansas.
- Q What was your wife's name? A Mary, she wasn't any Cherokee slave.
- Q What was her maiden name? A I don't know her maiden name.
- Q Do't you know her name when you married her, Mary what?
- A Why Carbin I guess was her name.
- Q You married after the war? A Yes, sir.
- Q Were you born blind? A No, sir, my eyes got put out.
- Q Before or after the war? A Before the war.
- Q The time you married in Kansas your first marriage? A Yes, sir.
- Q You have any children by that marriage? A Yes, sir.
- Q What was the oldest one's name? A Napoleon.
- Q What was the next one? A William.
- Q And the next one? A Rosanna.
- Q The next one? A Posey.
- Q How much older than Rosanna is William? A Why I can't tell that, I am not a very good hand to count, I can't say how much older.
- Q You think he is more than two years older? A Yes, I expect he is.
- Q You think more than three? A Well sir, I can't say that, to tell the truth I don't know, I can't count and I can't tell that.
- Q How much older is Napoleon than Rosa? A Napoleon, I can't tell you, Napoleon I think is about thirty years old.
- Q He is your oldest child? A Yes, sir.
- Q Napoleon born in Kansas? A No, sir.
- Q You were not in the army before you were blind? A No, sir.
- Q Was your father? A No, sir, I had a brother was younger.
- Q Your father marry again in Kansas? A No, sir.
- Q Do you know what year Posey was born in? A No, sir.
- Q Know what year William? A No, sir, I can't tell you, I have got it in my bible, and I can't remember to keep it in my mind.
- Q You know what year Napoleon was born? A No, sir.
- Q Can't tell what year none of them was born? A No, sir, I can't remember that.
- Q Know what year the Kern-Clifton Commission sat and when they had such a time taking testimony? A No, sir, I don't think I can remember, I can't keep time in my head.
- Q You are not good at dates? A No, sir.
- Q Know what date this is? A Well no, sir, I don't remember what date this is.
- Q Did you come back in the spring or fall? A In the fall.
- Q Was it late in the fall or the early fall, about what time in the fall did you come, do you know? A Well I don't know, it was along in the latter part of the fall I think though.
- Q What part of the Territory did you come to? A I came to Snow Creek.
- Q About how far from the mouth of Snow Creek? A Why I am living now I guess about a quarter or a half a mile from the mouth of it.
- Q Is that the place you located? A Yes, sir.
- Q When you first came there? A I located just on the other side of the Creek, I am living on the west side now.
- Q You located right there on the same place? A Yes, sir, right on Snow Creek.
- Q On what side did you say you first located? A On the west side.
- Q Right on the bank of the creek? A Yes, sir.

Q Did you make a field over there? A No, sir, I didn't put in any field, my father had a field over there.

Q You located with your father? A Yes, sir.

Q Anyone else come along with you except your father and you?

A There was other folks along but of course I can't say who they were, there was some other wagons.

Q Do you remember any of them? A I remember Joe Ross was along. I wasn't acquainted with the other folks much, and of course I don't know.

Q Nelson Murrell wasn't along? A Yes, sir, I think he was.

Q You remember that now? A Yes, sir.

Q You remember coming through any town coming down here? A No, sir, I can't tell what we came through.

Q You didn't hear them talking about any town or place? A No, sir.

Q What was the nearest town to you when you first located up there at Snow Creek? A There wasn't any town.

Q Well, the nearest trading point? A There was no place we went and traded, I don't know of any place there was to trade when we came there.

Q Well, who had located up in that country before you?

A No one as I know of.

Q Did you ever hear of Alex Corner up in there? A No, sir.

Q Any Delawares living up there when you came? A No, sir, was nobody living on Snow Creek.

Q Nobody living on Snow Creek when you came there? A No, sir, none at all; there was one family, Caroline Adair, Amos Adair and Caroline, they were the only people I know anything about being there when we were there.

Q That was in the fall of '66? A Yes, sir.

Q Anybody else you can think of? A No, sir.

Q Never know anyone else to be in there? A No, sir.

Q Did you know Adam Beatty? A Yes, sir, I got acquainted with him kinder since we came there.

Q He wasn't living there? A No, sir.

Q You know William Nobles? A No, sir.

Q Well you have been living there ever since, have you? A Yes, sir. ~~XXXXX~~ Q Never went back to Kansas? A No, sir, haven't went anywhere since I have been there.

Q Where did you get something to eat that first year? A My father brought his provisions with him.

Q Where did you first see Hammer Brown? A On Grand River.

Q How long after the war? A Well I never saw him after the war, but I knew him before the war, he was around the place where I lived.

Q He is just to prove your ownership then? A Yes, sir.

Mr. Mellette: What is the name of the son that is here with you?

A Posky.

Q Where was he born? A On Snow Creek.

HAMMER BROWN, being duly sworn by Commissioner Headlee, testified as follows:

Mr. Mellette: What is your name? A Hammer Brown.

Q Where do you live now? A Goodness knows.

Q Do you know the applicant, Lewis Ross? A Yes, sir.

Q How long have you known him? A Known him from a youth up to the present.

Q Do you know where he lived before and during the early part of the war? A In Saline, on Grand River.

Q Who was his mistress? A Sarah Childers.
 Q Was she a Cherokee? A Yes, sir.
 Q Do you know where he was during the war? A No, sir, I don't.
 Q You don't know anything about when he came back here after the war? A No, sir, don't know anything about that.
 Mr. Hastings: Where did you live before the war? A Lived in Saline.
 Q How far from him? A About two miles.
 Q He was living there when the war came up, was he? A Yes, sir.

NELSON MURRELL, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Nelson Murrell.
 Q What is your age? A 77.
 Q Where do you live? A Cooweescoowee.
 Q Do you know the applicant, Lewis Gibson? A Yes, sir.
 Q Did you know his father, Posey Gibson?
 Q Do you know when he returned to the Cherokee Nation after the war? A Yes, sir.
 Q When? A Fall of '66.
 Q How do you know he returned then? A He came with me.
 Q Was his father along? A Yes, sir.
 Q Where did they locate? A Snow Creek, Cooweescoowee.
 Q Where has he lived since that time? A Right on the same place where he returned to, nearabout the same neighborhood.
 Mr. Hastings: Did he come with you when you first came back?
 A No, sir.
 Q When was the first time you came here after the war? A I came here in February, 1875.
 Q The Osages were living up there then? A Yes, sir.

Commissioner: Lewis Gibson applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he is identified upon the Kern-Clifton roll and the Wallace roll according to page and number of the rolls as indicated in the testimony. He avers that he was a slave of one Sarah Childers. He was taken out of the Nation during the war, and returned in the year 1866. He makes satisfactory proof as to residence. Lewis Gibson 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 the premises.

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

Sworn to and subscribed before me this the 1st of August, 1891.

Bruce C. Jones

Wm. H. ...
 Notary Public

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

FILED

RECORDED
NOV 10 1891
U.S. DEPT. OF INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
WASHINGTON, D.C.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES,
WASHINGTON, D.C., HAS THE HONOR TO ACKNOWLEDGE THE RECEIPT OF YOUR LETTER OF THE 10TH INSTANT.

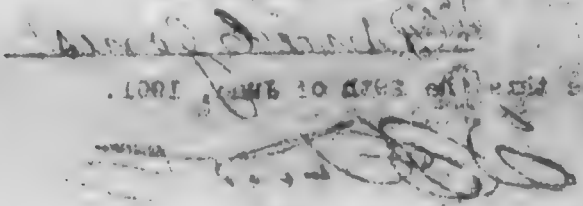
YOUR LETTER IS UNDER CONSIDERATION.

Yours letter of the 10th inst. bearing date of the 10th inst. has been received by the Commission.
The Commission has the honor to acknowledge the receipt of your letter of the 10th inst. and to inform you that the same has been forwarded to the proper authorities for their consideration.
The Commission has the honor to acknowledge the receipt of your letter of the 10th inst. and to inform you that the same has been forwarded to the proper authorities for their consideration.

10/10/91

The Commission has the honor to acknowledge the receipt of your letter of the 10th inst. and to inform you that the same has been forwarded to the proper authorities for their consideration.
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Respectfully,
The Commission to the Five Civilized Tribes



Witness my hand and the seal of the Commission at Washington, D.C., this 10th day of November, 1891.

Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 21, 1901.

In the matter of the application of Napoleon Gibson for enrollment as a Cherokee Freedmen.

Supplemental testimony.

Lewis Gibson, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Lewis Gibson.
- Q Who do you desire to enroll? A Napoleon Gibson, my son.
- Q How old is Napoleon? A 58 years of age.
- Q What is Napoleon Gibson's father's name? A Lewis Gibson.
- Q What is his mother's name? A Mary Gibson.
- Q Is Napoleon Gibson married? A He has been, but he isn't now.
- Q Has he any children? A No, sir, no children.
- Q Why isn't he here himself? A He is in Muskogee.

Commissioner: It appears from the records of this Commission that the said Napoleon Gibson was listed for enrollment on D card 185, having been enrolled by Gideon S. White, United States Deputy Marshal, and the records show that he is now at Fort Leavenworth, Kansas, in the United States Prison. It is averred that the said Napoleon Gibson is the child of Lewis Gibson, who has been listed for enrollment on D card 774, and the testimony taken in the matter of the enrollment of said Lewis Gibson will be made part of the record in the case of the applicant, Napoleon Gibson, who has been enrolled on D card 185, and a copy of said testimony will be filed with D card 185.

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 21st of June, 1901.

[Signature]

Commissioner.

File with C. F. D-195.

R.

C. F. D-774.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 5, 1908.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application of LEWIS GIBSON for the enrollment of himself as a
Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant.
J. S. Davenport, attorney for Cherokee Nation.

AMELIA WINSHIP, being first duly sworn, and being examined,
testified as follows:

MR. DAVENPORT: What is your name? A Amelia Winship.

Q Where do you live? A Near Harding, Bourbon County, Kansas.

Q How long have you lived in Bourbon County, Kansas?

A I have lived there ever since February of 1880, with the exception
of the period I went away. I was gone about nine years.

Q What period was it you were away?

A I was away from 1875, the spring of 1875, until the fall of 1884.

Q Where were you living at the close of the war, near what place in
Kansas? A Right where we are living now.

Q What is the name of the post office?

A At the beginning of the war it was Mapleton.

Q At the close, the same place? A Same place.

Q After the war closed, or during the time of the war did you get
acquainted with a colored family of the name of Gibson? A Yes, sir.

Q Do you remember the names of any of them?

A I remember an old gentleman was there first.

Q What was his name? A Posey Gibson.

Q Do you know whether or not he had a family?

A Yes, sir, and I know it this way. He had a son, but I had
never heard of it until I had lived there a certain length of time,
and I heard tell that he went to Fort Scott, and found his son
lying on the streets of Fort Scott, and that he brought his son
home.

Q Do you know the name of the son? A Lewis.

Q Ever see him yourself? A Yes, sir.

Q Any defect about him, any affliction?

A Yes, sir, he was blind, and he had fits, they said.

Q After his father brought him down to Mapleton, how long did he
remain there, if you know?

A I guess I have got a right to look at the record—

MR. MELLETTE: Is that a memorandum made at that time?

A It is the births of my children that I got up.

Q Was it made in 1888, is that a copy of the record?

A That is a copy of my children, drawn out of my children, of their
record.

MR. MELLETTE: I object to the reference to it, because it is
not the original record.

WITNESS: All I know, I only seen this Lewis Gibson led around by a
boy that was a white boy, he looked to be. Posey Gibson raised this
boy.

MR. DAVENPORT: Do you know his name? A Only that his name was
Henry. And that is all the family that he had until he found this
blind boy in Fort Scott. This Henry then led Lewis about the house.

Then after he come, we heard that Lewis was married.

Q When was it that you learned that?

A I can't say, but I think it was in 1869.

And in the next year I know that Lewis' wife washed for me, in September of 1869.

Q How do you know that?

A I know it was because it was my son's birthday. The 14th of August, the 14th of August, 1869, this woman washed for me when he was about a month old. I remembered that I got the dinner that day, and they had a child along, and this blind man was along, and he had to take care of it, and it cried so it nearly worried me to death.

Q Do you remember the name of the child? A It was Napoleon.

Q Was you and Mr. Winship married at that time? A No, sir.

Q What was your name at that time? A Pitman.

Q When, after the time that Lewis' wife washed for you, and Lewis was there with him, with the child Napoleon, did they leave, as near as you can fix it?

A They were there in Christmas or New Years of 1871, because I had a niece that was born February 16th, 1871.

Q Were they there at that time?

A Yes, sir, because when I went home my husband was killing hogs and he gave the heads and everything that way to Lewis' wife, because they were pretty near starvation.

Q About how far did they live from you from the time you got acquainted with them until they left there?

A I don't know exactly where Lewis was when he was married, but it was not right close. Might have been two miles and a half maybe, but when I began to know them they lived just a quarter of a mile from us. I seen them passing on the road, but I had never had any chance to know them, they didn't live near me, and I never had anything to do with them.

Q Do you know whether or not they had more than one child before they left there?

A No, sir, the child was Napoleon.

MR. MELLETTTE: When was it that you knew Napoleon?

A September, 1869.

Q How old was he at that time?

A I could not say just about how old. Might have been five or six months old.

Q Now I want you to read me everything you have got down there, begin right at the first.

A James Henry Pitman, born January 8, 1864; Riley Edward Pitman, born December 6, 1865;

Julia Estella Pitman, born October 5, 1867; William Benson Pitman, born August 14, 1869; Anna Clementine Pitman, born July 22, 1871;

Mark Antony Pitman, born July 26, 1873; Nanny Beatty Pitman, born July 21, 1876; Stella Caroline Pitman, born May 18, 1878; Mattie Maria Pitman, born November 16, 1880; Julia Emily Frances Pitman, born November 21, 1882; Mary Hall Pitman, born March 31, 1883.

Emily F. Pitman, married Winship July 4, 1884. Mr. William Phillips came to Kansas from North Carolina 1872, March. I made a mistake there. He came in March—Eliza Josephine E., born November 14, 1870.

Q Why did you put that there?

A Because that is the day my niece was born.

Q Have you got the record of it at home? A Yes, sir.

Q Where is it? A In the bible.

Q What is it doing there? A She was my niece.

Q Born at your house? A No, sir.

Q Did she have a father and mother? A Yes, sir.

Q What did you put it down in the Bible for?

A Because the 16th day of February was a rather noted day.

Q Why did you put it down in the Bible? A Because I wanted to.

Q Where is that Bible? A At home on my table.

Q Do you put all your relations, the births and marriages of all your relations down in that Bible?

A No, sir, because I wanted, I recollected about my son Benson, I recollect that he was just six months and two days older than she was, and when I want to remember that woman, I remember about my husband killing hogs, and remember about them not having enough to eat.

Q You remember 34 or 35 years ago your husband was killing hogs?

A Yes, sir.

Q What day was it that hog killing scrape took place? Do you have to look at your books to find out? Or find out from your memory?

A It was in 1870, because I will tell you, of course if he had killed hogs in February that would be after Christmas?

Q Certainly, that is self-evident. What next? Keep your eye off the book. I want to know all you remember about him killing the hogs.

Q I remember that I went home, and he was killing hogs there. I remember that he was doing that, and I remember that the boy was squalling himself to death, and that he was six months old--

Q When was that? A In 1870.

Q You stated that you put down the record of the birth of your niece, in order that you could remember how old your son was?

A No, I didn't say that.

Q Why, you just did it?

A No, because we were killing hogs and I thought I would give them something to eat on that day.

Q I am talking about the record of the birth of your niece. Now why did you put that in your Bible?

A Why would a person put anything in the Bible except because they wanted to?

Q You stated that it was so that you could remember the birth of your own son, and stated that he was six months older or six months younger than your niece.

A She was born on the 16th day of February, and he in August. I have got a good many things to remember the 16th day of February by.

Q When did you move to Kansas?

A We moved to Kansas from Illinois in the fall of 1869.

Q You are certain of that? A Yes, sir.

Q How old are you? A Sixty.

Q Did you remember seeing this man Gibson when you first moved there?

A No, sir, I did not.

Q What year did you first see Lewis Gibson?

A I would not say positively I saw him until 1864.

Q Did you see him in 1864? A Yes, sir.

Q How do you know? A I seen him at Posey Gibson's.

Q What makes you remember him? A I remember Posey Gibson and his wife.

Q What makes you remember that you saw them in 1864?

A In 1864 the women in our neighborhood pieced a quilt for the Methodist preacher, and my mother went around and solicited blocks, and she cut up the blocks, and our names was to be written on them, and I wrote the names on with indelible ink, and I said, this colored woman's block is the best block, That was in 1864.

Q When did you first think about the quilting blocks?

A That was in 1864.

Q When did you next think about it?

A I thought about it when this man asked me about Mrs. Gibson.

Q When were you first talked to with a view to making you a witness in this case? A I guess it was on Tuesday of last week.

Q How many years ago was it that happened, since 1864?

A Thirty-eight years, I think.

Q When you were spoken to about Mrs. Gibson, that made you remember about that quilt patch in 1864?

A He didn't tell me that he wanted me for a witness, or I would not have told what I know. He just met me in the road and asked me

if I knew a man by the name of Posey Gibson, and I said yes. And he asked me if I was acquainted with his wife, and I said I was, and he asked me what his wife's name was, and I told him, Martha.

Q You remembered that back 35 years?

A I remembered it just as vividly, that we placed the quilt for the Methodist preacher's wife, and she was the only colored woman in the lot.

Q Is this your husband out here?

A That is my husband now.

Q Where was he living in 1866?

A Lived about where we live now. He was a soldier in the army. He was not there when these colored folks came to Kansas. He was in the army. Myself and my husband lived right there.

Q You have been married twice? A Yes, sir.

Q When did you marry your present husband?

A On the 4th day of July, eight years ago.

Q What year? A I think it was 1894. I don't remember dates very well.

Q Where was your present husband living in 1870?

A Right where we live now.

Q You were not married to him then? A No, sir.

Q He was living at the same place? A Yes, sir.

WILLIAM H. WINSHIP, being first duly sworn, and being examined, testified as follows:

MR. DAVENPORT: What is your name? A William H. Winship.

Q Where do you live? A In Bourbon County, Kansas.

Q What is your postoffice? A Harding.

Q How long have you lived in Bourbon County, Kansas?

A Ever since 1857.

Q Where were you at the close of the war?

A I was in the war in the first place. I didn't live there since 1857, because I was in the war for about three years.

Q When the war closed? A I was discharged in 1865.

Q Where did you go then, Kansas? A Yes, sir.

Q You are the husband of Mrs. Winship, who has just testified in this case? A Yes, sir.

Q After the close of the war, what point did you return to in Kansas?

A I came back to Harding. Stayed there for a month or two and then moved to Mound City.

Q When you returned from the war to Harding, did you know a family of colored people by the name of Gibson?

A I didn't at the time, but I moved back in the spring of 1866 and got acquainted with them.

Q What were their first names, if you know?

A Lewis Gibson and Posey Gibson.

Q Which was the older of the two? A Posey.

Q Do you know what relation, if any, they were?

A I didn't know, as far as that is concerned, then, but subsequently that Lewis was his son.

Q That is the understanding? A Yes, sir.

Q When was this that you got acquainted with these people?

A In 1866.

Q Do you know whether or not they were living in the country at that time? A Yes, sir, within about a mile and a half of where I lived.

Q Where did you live when you first saw them?

A Right in the vicinity there. I don't know but about at the same place.

Q What, if any defect, had Lewis Gibson? A He was blind.

Q Do you know whether or not he married in that country?

A Yes, sir, he married.

Q After you got acquainted with them, did you know of them working for you? A Yes, I had Lewis Gibson help me some.

Q When was it that Lewis Gibson helped you?

A I think it was about January, 1868.

Q What was he doing? A Hauling fodder.

Q Did you have anyone else, if you remember, helping you?

A A colored man by the name of George (George?) Vanh.

Q You say that was in 1868? A Yes, sir.

Q Do you know whether or not Lewis Gibson had any children?

A I could not tell you, but I understood that he had.

Q Ever see any children claimed to be his?

A No, sir, never was at his house, but then I understood that he had a child.

Q Have you ever seen them since they left that section of country?

A No, sir.

Q When did they leave there? A I could not tell. Posey Gibson moved away and left him, I think a year some saying that he worked for me.

Q The spring of 1868? A Yes, sir. And this colored man, this Lewis Gibson, stayed there, him and his wife, that fall and winter, and then Posey Gibson came back.

Q You don't remember when they left after that? A No, sir.

MR. MELLETT: When was it Lewis Gibson hauled fodder for you? A In the spring of 1868, along about January, to clear off the corn ground for plowing.

Q When was your attention first called to him?

A He hauled fodder in the spring of 1868.

Q When were you first asked about this matter?

A It has been just this last Monday, I believe, a gentleman came up from here.

Q You had not thought very much about him from 1868 to this time?

A No, sir.

Q Do you remember back that he hauled fodder for you in 1868?

A Yes, sir.

Q Can you remember everybody that worked for you thirty-four years ago? A No, I don't know that I do. There was a colored man by the name of Elip, but I could not tell their given names.

Q What kind of a team did Lewis Gibson have when he was hauling that fodder? What kind of a team? A He had a span of blacks.

Q How long ago has that been? A I could not tell you, as near as I can figure out it was in 1868, about 34 years.

Q Who drove those? A George Vanh drove them.

Q And Lewis Gibson? A He threw the fodder up on the wagon to George, and George loaded the fodder.

Q Lewis was blind? A Yes, sir.

Q He could load the fodder all right?

A He could load better than most of the men that have got eyes.

Q You can remember back absolutely 34 years? A Yes.

Q You would not swear that it was in 1868? A Yes, sir.

Q Why? A Because I came back in 1866, and Jim Jackson worked for me in 1866, then this in 1867, and Lewis hauled my fodder for me and some some of the feeding in 1868.

Q You remember it this long? A Yes, sir.

Q For many years did you see Lewis after that?

A I could not tell you.

Q Often? A Not very often, no, sir.

Q Where was Lewis in 1867?

A He was living, I don't know whether it was on Mr. Wilson's place, but it was either Mr. Wilson's place or adjoining his place, about a mile or a mile and a half.

Q How do you know? A Because I seen him.

Q That time in 1868? A I could not tell you.

Q Where did you see him in 1868? A At Posey Gibson's.

Q After you got acquainted with them, did you know of them working for you? A Yes, I had Lewis Gibson help me some.

Q When was that that Lewis Gibson helped you?

A I think it was along about January, 1868.

Q What was he doing? A Hauling fodder.

Q Did you have anyone else, if you remember, helping you?

A A colored man by the name of George (George?) Vann.

Q You say that was in 1868? A Yes, sir.

Q Do you know whether or not Lewis Gibson had any children?

A I could not tell you, but I understood that he had.

Q Ever see any children claimed to be his?

A No, sir, never was at his house, but then I understood that he had a child.

Q Have you ever seen them since they left that section of country?

A No, sir.

Q When did they leave there? A I could not tell. Possey Gibson moved away and left him, I think a year or so during that he worked for me.

Q The spring of 1868? A Yes, sir. And this colored man, this Lewis Gibson, stayed there, him and his wife, that fall and winter, and then Possey Gibson come back.

Q You don't remember when they left after that? A No, sir.

MR. BELLETTE: When was it Lewis Gibson hauled fodder for you?

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A He hauled fodder in the spring of 1868.

Q When were you first asked about this matter?

A It has been just this last Monday, I believe, a gentleman came up from here.

Q You had not thought very much about him from 1868 to this time?

A No, sir.

Q Do you remember back that he hauled fodder for you in 1868?

A Yes, sir.

Q Can you remember everybody that worked for you thirty-four years ago? A No, I don't know that I do. There was a colored man by the name of Elip, but I could not tell their given names.

Q That kind of a team did Lewis Gibson have when he was hauling that fodder? What kind of a team? A He had a span of blacks.

Q How long ago has that been? A I could not tell you, as near as I can figure out it was in 1868, about 34 years.

Q Who drove them? A George Vann drove them.

Q And Lewis Gibson? A He threw the fodder up on the wagon to George, and George loaded the fodder.

Q Lewis was blind? A Yes, sir.

Q He could load the fodder all right?

A He could load better than most of the men that have got eyes.

Q You can remember back absolutely 34 years? A Yes.

Q You would not swear that it was in 1868? A Yes, sir.

Q Why? A Because I come back in 1865, and Jim Jackson farmed for me in 1866, then this in 1867, and Lewis hauled my fodder for me and done some of the farming in 1868.

Q You remember it this long? A Yes, sir.

Q How many times did you see Lewis after that?

A I could not tell you.

Q Often? A Not very often, no, sir.

Q Where was Lewis in 1867?

A He was living, I don't know whether it was on Mr. Wilson's place, but it was either Mr. Wilson's place or adjoining his place west, about a mile or a mile and a half.

Q How do you know? A Because I seen him.

Q That time in 1867? A I could not tell you.

Q Where did you see him in 1867? A At Possey Gibson's.

Q What were you doing there? A I could not tell you, what I was doing there, I don't remember what I was doing there.

Q Did Lewis Gibson come down to the Indian Territory in 1882?

A No, sir.

Q How do you know he did not?

A Because I never missed him from there.

Q Did you watch him all the time? A No, sir.

Q Can you remember back now that he was not absent?

A I don't think that he was.

Q Can you swear that he was not?

A He might have been absent for two or three weeks for all I know, but he was not absent very long, if he was at all.

Q He could have been absent for two or three weeks without you knowing anything about it.

A Yes, he could.

MR. DAVENPORT: We offer in evidence the judgment of the Commission on Citizenship for the years 1880-1884, inclusive, page 116.

The judgment above referred to is as follows:

Office Commission on
Citizenship, Tahlequah
C. N., September 24th, 1881.

J. N. Bryan &
C. R. Taylor, } Atty for Claimants.

No. 110.

Pose Gibson,
Anaretta Gibson,
vs
Cherokee Nation. } Petition for Citizenship.

Submitted by Plaintiff Oct. 1st, 1881.

Continued by the Cherokee Nation Oct. 3rd, 1881.

Continued by Commission till Sept. Term, Feb. 3rd, 1882.
Submitted by the Solicitor September 20th, 1882.

And now on this the 28th day of September, A. D. 1882, this case coming on final hearing and all the evidence produced in the case on both sides being carefully read and duly considered by the Commission, it was adjudged by the Commission on Citizenship that the claimant Pose Gibson and Anaretta Gibson, are not Cherokees by blood, and that said claimants being colored person who were free and residing in the Cherokee Nation at the commencement of the War of Rebellion, and who, being absent from the limits of said Nation at the ratification of the treaty of 1866, failed to return thereto within six months from the 19th day of July, 1866, are not entitled to the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that their claim therefore should be and the same is hereby rejected.

Thos. Tohee, Pres. of Commission,
Alex Wolfe, Commissioner,
T. F. Thompson, Commissioner, Dismissing.

D. W. C. Duncan,
Clark of Com.

Transcript furnished claimant Sept. 26th, 1882.
D. W. C. Duncan,
Clark of Commission.

MR. WELLS: I object to the admission of the record.

BY COMMISSION: The record offered is a record of the Cherokee Nation which was delivered to the Commission in November, 1900, at Tahlequah, Indian Territory, and is now in the possession of the Commission.

The testimony will be filed with and made a part of the record in the following Cherokee Freedman cases:

D-788, D-195, D-807, D-1091, and in the case at bar.

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

Wm. Hutchinson.

Arthur G. Craninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and complete copy of the original transcript.

Arthur G. Craninger

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

J. R. Rutter
Notary Public.

7. D. 415.

To be filed with C. F. D. 186, Napoleon Gibson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, T. T. May 16, 1902.

In the matter of the application of Josh Vann et al for enrollment as Cherokee Freedmen.

SUPPLEMENTAL TO D-415.

APPEARANCES:

Hellebrand & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MARGARET PERKINS, being first duly sworn, testified as follows:

- MR. HASTINGS: What is your name? A Margaret Perkins.
- Q What is your postoffice, Mrs. Perkins? A Mapleton, Kansas.
- Q You testified once before in this case? A Yes, sir.
- Q Did you know Charley Peet? A Yes, sir.
- Q Did you know Susan Peet? A Yes, sir.
- Q After Charley Peet's wife died, did you know whether he married again or not? A Well, yes, sir, I know he was living with another woman.
- Q Well did you know her name? A Her name was Sukie Vann.
- Q Sukie Vann? A Yes, sir, I knew her and her mother and brother.
- Q Was that before or after the death of his other wife? A Yes, sir, after the death of Susan, after Susan was dead.
- Q When did his first wife die? A She died in '67.
- Q '67, and afterwards you knew he was living with Susan Vann, Sukie Vann? A Yes, sir, with Sukie Vann.
- Q Did Sukie Vann have any children that you know of? A Yes, sir, she had three, two was with her, and one lived at Posey Gibson's, her oldest.
- Q What was his name? A His name was Josh, light colored boy, good big boy.
- Q Well how do you know who Josh's father was or said to be? A Yes, sir, said to be, said, yes, sir. His mother's young master, Cull Vann, was said.
- Q Claimed his young master, Cull Vann, was his father? A Yes, sir.
- Q About what time did they leave that country? A Left anyway '68 or '70.
- Q After his marriage to her? A After, yes, sir.
- MR. SMITH: Now are you talking about Charley Peet? A Yes, sir, Charley Peet.
- Q Well do you know whether or not he was a married man any time after you got acquainted with him when you first knew him? A No, sir, he was a young man for quite a bit.
- Q Well did he marry while he was there where you lived? A Yes, sir, he married right there in the neighborhood.
- Q Who did he marry? A Married Susan Ross, a girl that lived right there by us, too, on our place.
- Q When did she die? A She died '67.
- Q What makes you think it was in '67? A From the age of my daughter. Well one thing that makes me think it was, in '66 my husband bought a school quarter of land, and then the Peet leased the land for three years, it was in October, '66, and they leased

it for three years, and during the winter they put up a double log house and moved there in the spring, and the summer of '67 this woman she had the consumption, and she was there off and on till along-oh, several times she was there.

Q When did he marry her? A He married her in about '64, must have married her about '64, they came there in about '62, and must have been about '64 or '5 that he married her.

Q Well who was this woman that you say he lived with after Susan died? A Her name was Sukie Vann, she was the daughter of Lottie Vann, and after she came to that country she lived around here he lived with a man by the name of Gilbert Vann, and those other two children, the first child that she had, she had three children, the first one the same name as the others, wasn't full brothers you know she lived with this Gilbert Vann of the same name you know: her mother's name was Lottie Vann, she had a brother by the name of Dick Vann.

Q Now when did you say that these people left there? A They left there either in '68 or '9, I don't know which, for they leased the ground for three years, and they left there - well about - well, after she died, oh then would take this woman occasionally on trips to Ottawa, and he was with his mother, old dame Millie Pee, and Aunt Millie used to want something for him to take her to Ottawa, well he would drop her out and take this other woman and lived with her. I remember it being reported that he lived with that other woman.

Q Well how long would he be gone when he would go away? A Why there was a colony of colored folks at Ottawa that they visited back and forth, sometimes stayed longer than other times. He used to go off and leave Susan that way sometimes. His first woman you know he would go up there occasionally and come back.

Q Of course you didn't know where he went? A Oh no I don't know where he went to, except what I heard. Well they said he went, because his mother and his sister, had they would go back and forth, and they would come back, and "well, we have been gone to Ottawa," they seemed to have business there or visit or something, it wasn't really a visit of course, they couldn't have, but there was some business that they was back and forth with.

Q Well would they sometimes be gone a good while or not? A Oh no, not a good while, never went - you know he would make several trips in the spring or summer you know, he would never spend very long of the time; why he couldn't make two or three trips I know when he-

Q Well about how long would you say? A Oh I would say he stayed sometimes a few weeks and sometimes a month and a half or two something like that.

Q Well now what makes you think it was in '66 that your husband bought the lease of land? A Well, the reason it was school land sales, and the school land sales was the 15th of October, 1866; and we have the deed of it, I have the numbers of land, '66; I know it for we bought the school quarter, and then that was the date that it was to be sold, the school section.

Q Well do you remember all this time or have you had to go back and look that up? A I didn't have to go back to look it up for I have the deeds yet.

Q The deed? A The deed to the school quarter.

Q Where is that deed? A I haven't it with me.

Q But the deed at home? A Yes, sir, I have the deed at home.

Q That was the 15th of October, 1868? A '66, October.
Q Well now how long after that was it before it was leased? A Well I presume the first, the same week that the sale was made, for you see the colored men lived around there, and all wanted homes.
Q I don't know anything about it. How long - you say you presume it was in the same week; do you actually know when the lease was made of your own knowledge to be able to swear to it? A Oh, yes, I could swear to it; it was the same week, I could swear to it.
Q Same week? A Same week, because it was talked of before, before he purchased, before my husband purchased the school quarter. He told them after he bought it he would let them build on it and lease it to them you know, and they went to work and put up a couple log house, and they was there that fall and winter getting it put up before they got moved in it.
Q Now who was that who moved in? A Why Charley Pee and Ann Pee, his sister's husband his name was Tom Jackson, Tom Jackson and his wife, Charley Pee and his wife, and Uncle Ben Pee was the ones that worked and built the house and moved there.
Q Now this is the second time you have been here, isn't it? A Yes, sir.
Q Second time you have testified in this case? A Yes, sir, I think I testified, yes, sir, I testified in this case before.
Q Well when you was here before did you know as much about this as you do now? A Yes, sir, I testified just as far as I was called on to and didn't any further.
MR. HASTINGS: You came in here and went back very soon? A Yes, sir, went back the same day.
Mr. Davenport examined you before in this matter? A Yes, sir.

J. M. PERKINS, being first duly sworn testified as follows:

MR. HASTINGS: What is your name? A J. M. Perkins.
Q Are you the husband of Mrs. Perkins who just left the stand? A Yes, sir.
Q You have been down here before as a witness in the case of Susan Vann or Susan Pee and her son Josh Vann? A Yes, sir.
Q Did you know Charley Pee? A Yes, sir.
Q Did you know his first wife? A His first wife was Susan Ross.
Q And is she living or dead? A Sir?
Q Is she living or dead? A She died in '67.
Q Did you know whether he lived with any other woman since that time as his wife, Charley Pee? A Well he went to live with Susan Vann.
Q Vann? A Sukie Vann.
Q Sukie Vann? A Yes, sir.
Q Was he living up there at the time? A Yes, sir.
Q Did she have any children that you know of, this Sukie Vann? A She had, as well as I can remember she had three children.
Q Three children? A Yes, sir, three.
Q Did she have any by the name of Josh? A Yes, sir, that was her understanding that was her oldest one, Josh.
Q Did you ever hear of Josh's father, who was reputed to be his father? A Yes, sir.
Q That a fellow Vann, that was what I understood, was Cull or Culler Vann, that's what they called him.
Q How long did you know them there after he went to living with Sukie Vann? A Well -
Q About what time did they leave that country? A He left there some time in '60, either, sometime in '66.

Posey Gibson and Charley Pee and the old man Pee all moved in here somewhere about Chotopa in '68, that was my understanding, that's where they went to.

Q You know them until they left up there? A Oh, yes, sir, I knew them myself, I worked for them and worked with them.

Q How near did they live to you? A Well they were just about, they was about four miles.

Q You knew Posey Gibson, too, did you? A Oh, yes, sir.

This Josh Vann, son of Sukis, lived most of the time with Posey Gibson. You see after she left her first man that she lived with there, was Gilbert Vann, well after he either died or separated, I think he died, that was Gilbert Vann, she lived with Gilbert Vann, her first man there, well then she went to live with her mother, lived up the river from us in what was called the Hobson settlement, then she went to live with her mother that was down the river from us east you know about four miles down the river, well then this boy, Culler Vann, or not Culler Vann but Josh Vann, the boy, lived with Posey Gibson.

Q Right there in the same neighborhood? A Yes, sir, right in the same neighborhood; well they were about a mile apart, about a mile apart I think. I think he lived there as much as three or four years with Posey Gibson.

Q And you say Posey Gibson never left there till '68? He never left until up in '68, they all left there about the same time, they all left there about the same time.

MR. SMITH: Why, Mr. Perkins, did you get a lease, but some school land up there? A No, that was my wife's first husband.

Q It was? A Yes, sir, I knew about the date, I was living right there when the deal was made mind you.

Q When was that? A Well, that was in, I can't give you the numbers of the land.

Q No, the date I am asking about? A Oh, that was in '66.

Q What time? A In '66, October I think, about the 15th, that was; I bought some school land about the same time, about '66.

Q Well now after that school land was bought how long did these people the Pees that you are talking about, ever live on that school land that he bought? A Well I don't know; there was a man by the name of Jackson that had married one of these Pees lived on that school land, and I don't remember that Charley Pee ever lived on that school land, if he did I don't remember; he lived in the same neighborhood.

Q Where were you living? A I was living in Mapleton all this time.

Q How far from that school land? A About four miles.

Q Well how long after the school land was sold there before this man Jackson went to live on the school land? A Well now I think that he - I think that Jackson lived there about, I think about a year, a little over a year.

Q Little over a year? A Yes, sir.

Q Well was he living on it at the time he left to go away from that country? A Jackson?

Q Yes, sir? A Yes, sir.

Q He and the Pees all went together did they, or how was it? A No, sir, Jackson and the Pees didn't come together.

Q When did Jackson go? A Well now I always understood that Jackson went to Humboldt, but I ain't sure.

Q Well when? A About, well about '67 or '8, some places along there, and then he was on the school land about a year, I believe

in '68.

Q When did you think he went on the school land? A Well he went on the school land - well that school land was purchased in October, '66, and then he put up buildings, and he went onto it, and I don't think he was on there more than a year.

Q How long was it after it was bought in '66 before he went on it?

A I think, I don't remember the exact days, but he built on it and put up some cabins, double log cabins.

Q Was it the same year that it was bought? A Yes, sir, the same year, in '67 - no, in '66. Well it was that next winter that he built on it, he went; but you see he bought it in October, '66.

Q It was that following winter that he went onto it? A Yes, sir.

Q And nobody went on it but Jackson? A Well I never of anyone living on there now, that school land but Jackson, that is any of the colored people; I never knew the Pees lived on it. Chanley lived right in the neighborhood, he lived there.

MR. HASTINGS: How far? A Well within a half a mile of that school land.

Q Do you know whether it was on the school land or not that he lived? A Well I don't, but I don't think that he lived on it, but I ain't sure but they was on that now; I can't be positive about that. My woman knows whether they was, but he lived right in that neighborhood now, you know for me just to say positive, for them buildings was all gone after that, after they left those cabins there.

Q Well she would know more about that than you would, wouldn't she?

A Yes, sir.

Q When were you married to her? A We was married in '68.

Q A number of years after that? A Yes, sir.

Q You wasn't living with her at that time? A We all lived in the same neighborhood, had known one another.

COMMISSION: This testimony will be filed with and made a part of the record in the following Freedmen cases: D-412, R-24, D-666, D-707, D-725, and D-413, the case at bar.

Arthur G. Croninger, being first duly sworn, states that he is stenographer to the Commission to the Five Civilized Tribes and has 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 22nd day of May, 1908.

(Seal)

(Signed) P. G. Reuter,

Notary Public

I, Notary J. Evans, a Notary Public for the State of California, do hereby certify that the above and foregoing is a true and perfect copy of the original now on file with the Commission of the General Land Office by me.

John Evans

Subscribed and sworn to before me this 25th day of May, 1907.

John Evans
Notary Public

8195

P

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 3 1902

NOTICE

Subscribed and sworn to before me this 28th day of June, 1902.

[Handwritten signature]

A true and correct transcript of the proceedings before me in the case of the Five Civilized Tribes, as shown by the records of the Commission to the Five Civilized Tribes, and that the same are hereby certified to be correct and true.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 21, 1892.

In the matter of the application of Napoleon Gibson for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-195.

APPEARANCES:

Gideon S. White, Vinita, I.T., for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence the following judgment of the Court of Commission commonly known as the Teehee Court rendered on the 28th day of September, 1882, in the case of Posey Gibson and Amoretta Gibson versus the Cherokee Nation as found of record on page 116 of a book entitled Docket and decisions of Commission on Citizenship 1880 to 1884:

*Office Commission on
Citizenship Tahlequah
C. N. September 24th 1881.

J. M. Bryan &)
G. H. Taylor) Atty for Claimants.

No. 110. Pose Gibson)
Amaretta Gibson)
vs)
Cherokee Nation.)
Petition for Citizenship.

Submitted by Plaintiff Oct. 1st, 1881.
Continued by the Cherokee Nation.

Oct. 3rd, 1881.

Continuance by Commission till Sept. Term, Feb. 3rd, 1882.
Submitted by the Solicitor September 20th, 1882.

And now on the 28th day of September, A. D. 1882, this case coming on final hearing and all the evidence produced in the case on both sides being carefully read and duly considered by the Commission, it was adjudged by the Commission on Citizenship that the Claimants Posey Gibson and Amaretta Gibson are not Cherokees by blood, and that said Claimants being colored person who were free and residing in the Cherokee Nation at the commencement of the war of Rebellion, and who being absent from the limits of said Nation at the ratification of the treaty of 1866, failed to return thereto within "six months from the 18th day of July, 1866," are not entitled to the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that their claim therefor should be, and the same is hereby rejected.

Thos. Teehee, Pres. of Commission.
Alex Wolfe, Commissioner.
T. F. Thompson, Commission, Dissenting.

D. W. C. Dunson,
Clerk of COM.

Transcript furnished claimants Sept. 28th 1882.

D. W. C. Dunson,
Clerk of Commission."

The Cherokee Nation also asks that the testimony of Mr. and Mrs. J.M. Perkins, taken on the 18th day of May in the case of Joshua Vann, D-415, be made a part of the record in this case.

COMMISSION: The request of the Nation will be complied with and the testimony filed.

Order of the Court, being first and last, states that as
concerning the conduct of the late [Name] [Name], mentioned
in full the proceedings in the [Name] case, and that the following is
a true and complete transcript of the [Name] [Name] [Name].

Arthur Croninger

Subscribed and sworn to before me this 20th day of June, 1921.

R. R. [Name]

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

12-2-92
[Signature]

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

Lewis Gibson,.....	Cherokee Freedmen	D 774
Napoleon Gibson,.....	"	D 195
Posey Gibson,.....	"	D 786
William Gibson,.....	"	D 807

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 Lewis Gibson for himself; by Gideon S. White for Napoleon Gibson, who at the date of this application was confined in the penitentiary; by Posey Gibson for himself and by William Gibson for himself. Copies of the testimony taken at Muskogee, Indian Territory, on May 16, 1902, in the matter of the application of Joseph Vann are made a part of the record herein.

The evidence shows that the applicant Lewis Gibson was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of said Nation during the rebellion and did not return thereto until after January 19, 1867. The other applicants herein are the children of said Lewis Gibson. Napoleon Gibson first came to the Cherokee Nation with his father some time subsequent to January 19, 1867, and Posey and William Gibson were born since that time. The applicants Napoleon, Posey and William Gibson, having been born since the commencement of the rebellion, take no rights as Cherokee Freedmen, except such as they may have acquired through their father.

It further appears that none of the names of said applicants are found on the 1860 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Lewis Gibson, Napoleon Gibson, Pansy Gibson and William Gibson as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stat., 492), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby
CHAIRMAN.

(SIGNED) T. B. Needles
Commissioner.

(SIGNED) C. R. Breckinridge
Commissioner.

(SIGNED) W. H. Stanley
Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 10 1903

25

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

ALLISON L. AYLESWORTH,
SECRETARY.

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

REFER IN REPLY TO THE FOLLOWING 0.7.-9.100

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 7, 1908.

Glenn S. White,
 Vinita, Indian Territory.

Dear Sir:

There is enclosed you herewith copy of testimony taken May 21, 1908, in the matter of the application for enrollment as a Cherokee Freedman of Napoleon Gibson, in which case you appear of record as attorney for applicant.

Please sign and return to the Commission enclosed receipt for testimony.

Yours truly,

 Allison L. Aylesworth, Secretary

Enclosure C - 1.

Cherokee F.D-195

Muskogee, Indian Territory, March 27, 1903.

P. G. Reuter,

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

Dear Sir:

In accordance with the request contained in your letter of March 21, there is herewith enclosed to you the power of attorney given by Napoleon Gibson, authorizing Gibson S. White to select an allotment of land for him in the Cherokee Nation.

Respectfully,

Chairman.

Enc. M-271

COPY.

Cherokee Freedmen
D-195.

Muskogee, Indian Territory, July 24, 1903.

Gideon S. White,
Vinita, 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 Lewis Gibson, et al., rejecting, among others, your application for the enrollment of Napoleon Gibson 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. C. C. C.
Commissioner in Charge.

Register.
Enc. H-80.

COPY

Cherokee Freedmen
D-774, D-105, D-708
& D-807.

Muskogee, Indian Territory, July 24, 1908.

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 20, 1908, in the consolidated case of Lewis Gibson, et al., rejecting the applications for the enrollment of Lewis, Napoleon, Perry and William Gibson, 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. 2-24.

COPY.

Cherokee Freedmen
B-774, B-195,
B-786, B-897.

Muskogee, Indian Territory, July 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated case of Lewis Gibson, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of Lewis, Napoleon, Percy and William Gibson as Cherokee Freedmen.

Respectfully,

I. B. Needles

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. N-88.

Copy.

Refer in reply to
the following:
Land
47863-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, August 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Lewis Gibson for the enrollment of himself; the application of Gideon S. White for the enrollment of Napoleon Gibson who at the date of this application was confined in the penitentiary; the application of Posey Gibson for the enrollment of himself; and the application of William Gibson for the enrollment of himself, all as Cherokee freedmen.

On July 10, 1903, the commission rendered a decision in this case finding that the evidence shows that the applicant Lewis Gibson was a slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of said nation during the rebellion and did not return thereto until after January 19, 1867; that the other applicants herein are the children of said Lewis Gibson; that Napoleon Gibson first came to the Cherokee Nation with his father some time subsequent to January 19, 1867, and that Posey and William Gibson were born since that time; that the applicants Napoleon, Posey

and William Gibson having been born since the rebellion have no rights as Cherokee citizens except those that they may acquire through their father; that it appears that none of the names of said applicants are found on the 1880 authenticated roll, and the commission is therefore of the opinion that the applications for the enrollment of these parties as Cherokee freedmen shall be denied under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495).

The office has examined the record evidence in this case and finds that the said Lewis Gibson testifies on page 2 of said record that his mother was Caroline Childers and that he thinks her name is on the 1880 roll as Caroline Charles. The office does not find any other testimony in the record relative to this claim of the said Lewis Gibson ~~does~~ does the Commission state whether or not said claim is true.

Article 9 of the treaty with the Cherokee Nation of 1866 provides in part "they further agree that all freedmen who have been liberated by voluntary act of their former owners or by law as well as by free colored persons who were in the country at the commencement of the rebellion and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees. "

The office considers that this provision of said treaty clothed the said Lewis Gibson with the right to enrollment as a Cherokee freedman if as a matter of fact his mother's name was on

¹⁸⁶⁷
said roll as is claimed by him in his testimony. As the office has no copy of said roll it is unable to determine this question and recommends that the same be submitted to the commission for determination.

A review of the testimony submitted in the record satisfies the office that these applicants are not entitled to enrollment as Cherokee freedmen by reason of the said Lewis Gibson having returned to the Cherokee Nation prior to February 11, 1867 and unless they should be entitled to enrollment as descendants of the said Caroline Charles or Caroline Childers, the office considers that their application should be refused by the Department and as decided by the commission in its said decision.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

W.C.B.(E.)

Refer in reply to
the following:
Land
67,508-1903.

Copy.

Department of the Interior.

Office of Indian Affairs,

Washington, Nov. 9, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a communication from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, dated October 16, 1903, acknowledging receipt of departmental letter of September 21, 1903, -- I.T.D. 6188 -- relative to the application of Lewis Gibson, et al., for enrollment as Cherokee freedmen, and further reporting as to whether or not the name of the mother of said Gibson, to wit., Caroline Childers, is on the 1880 roll, and the legal effect of the same when considered in connection with article 9 of the treaty of 1866.

As the office has heretofore submitted an opinion relative to this matter, it is not deemed necessary at this time to add anything to the report herewith enclosed.

Very respectfully,

W. A. Jones,

Commissioner.

(W.C.B.)).

D .C.32644-1903.

DEPARTMENT OF THE INTERIOR.
Washington.

J.P.
WHR.

ITD 6188-1903.
8060-1903.

November 19, 1903.

L.R.S.

The Commission

to the Five Civilized Tribes,
Muskogee, Indian Territory.

gentlemen:

In the Cherokee freedmen enrollment case consolidating the applications of Lewis Gibson, Napoleon Gibson, Posey Gibson and William Gibson, you found in your decision of July 10, 1903, that the principal applicant, Lewis Gibson, was a slave of the Cherokee citizens at the commencement of the civil war, and that he was taken out of said Nation during said war, and did not return there until after the time fixed in the treaty of 1866; that the other applicants are the children of said Lewis Gibson; that Napoleon Gibson first came to the Cherokee Nation with his father sometime subsequent to January 19, 1867, and that Posey and William Gibson were born since that time.

You held that these children having been born since the commencement of the civil war take no rights as Cherokee freedmen except such as they may have acquired through their father.

You stated that none of the names of the applicants are found on the 1880 authenticated Cherokee roll, and accordingly held that none of the applicants were entitled to enrollment and should be

denied under the provisions of section 21 of the act of June 28, 1898 (30 Stats., 495).

Reporting in the matter August 11, 1903, the Acting Commissioner of Indian Affairs stated that as it appeared possible from the testimony that the name of the mother of Lewis Gibson was upon the 1880 roll as Caroline Childers or Caroline Charles, in view of the fact that article 9 of the treaty of 1866 provided that all freedmen whom had been liberated by voluntary act of their former owners, or by law, who were in the Cherokee country at the commencement of the rebellion "and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees," that said Lewis Gibson was clothed with the right to enrollment as a Cherokee freedman if as a matter of fact his mother's name was on the 1880 roll of the Cherokee Nation. He, however, stated that a review of the testimony submitted satisfied him that these applicants are not entitled to enrollment as freedmen by reason of said Lewis Gibson having returned to the Cherokee Nation prior to February 11, 1867, and unless they should be entitled to enrollment as descendants of said Caroline Childers or Caroline Charles, he expresses the opinion that their applications should be refused by the Department and as decided by your Commission.

On September 21, 1903, the Department requested you to report whether the name of Caroline Childers or Caroline Charles appeared upon the 1880 roll, and on October 16, 1903, you reported that the

name of Caroline Charles appears upon the 1880 roll of the Cherokee Nation as a Cherokee freedman, and that her name appears upon a schedule of Cherokee freedmen which was approved by the Department on December 23, 1902; that, however, there is no evidence in her case which would identify her as the mother of the principal applicant, Lewis Gibson. You call attention to the fact that Lewis Gibson was born prior to the commencement of the civil war, being fifty-nine years of age at the time of his application, and you express the opinion that he would not be entitled to enrollment even if his mother's name is identified upon the 1880 roll.

The Department concurs in this conclusion, and finding no other reason to disturb your decision it is hereby affirmed.

A copy each of the Commissioner's letters of August 11, and November 9, 1903, are inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, December 2, 1903.

Gideon S. White,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, the application for the enrollment of Napoleon Gibson as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 19, 1903.

Respectfully,

Chairman.

Muskogee, Indian Territory, December 2, 1903.

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 William Gibson et al., rejecting the applications for the enrollment of William, Percy, Napoleon and Lewis Gibson as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 19, 1903.

Respectfully,

Chairman.

Mustogee Indian Territory, April 1885

RECEIVED OF THE COMMISSION TO THE FIVE CIVILIZED TRIBES

one copy of the testimony in Napoleon Gibson

Thomas Foreman
RECORDS FOR APPLICANTS

Cherokee Freedmen

R-220.

Muskogee, Indian Territory, February 20, 1906.

J. J. Pulger,

Vinita, Indian Territory.

Dear Sir:

As requested in your letter of February 16, there is inclosed herewith a copy of the record of proceedings had in the Cherokee freedmen enrollment cases of Lewis Gibson, et al.

You are advised that there is no extra copy of the Commission's decision among the records in these cases, and your request for a copy thereof cannot be complied with.

Respectfully,

Incl. 8-33

Acting Commissioner.

COPIES IN COPY TO THE FOLLOWING:

Cherokee Freedman
R. 219

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

Muskogee, Indian Territory, May 26, 1906.

Napoleon Gibson,
Port Leavenworth, Kas.

Dear Sir:

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

Respectfully,

W. O. Beall

Commissioner.

MP

Cherokee Freedmen
No. 400, et al.

Muskogee, Indian Territory, May 20, 1906

Hell, Hastings & Inceworte,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by attorneys for applicants in the Cherokee freedmen enrollment cases of Joseph Brown and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were denied by the Department in said letter.

Respectfully,

LHS

Commissioner

Cherokee Freedmen
400 et al.

Mustang, Indian Territory, May 2, 1906

Bliss & Bulger,

Attorneys for Joseph Brown, et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by you, in the Cherokee Freedmen enrollment cases of Joseph Brown, and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were dismissed by the Department in said letter.

Respectfully,

LMB

Commissioner

Encl. B-63

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

MAY 6 1901



ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date May 6, 1901
Post Office St. Lawrence with Kas. Prison
District 000

1. Name Napoleon Gibson Age 35
Owner's name _____ Citizenship _____
Year 1846 Page 102 No. 2549 District 000

Parents:
Father Lewis Gibson - living Citizenship _____
Mother Mary " dead Citizenship _____

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

Parents:
Father Doubtful Citizenship _____
Mother _____ Citizenship _____

Names of Children:

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

Doubtful

Application made by Lideon S. White Stenographer W. P. Green

On Wallace roll P. 115-2422 Napoleon B. Gibson

~~22951~~

R219.

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

FILED

MAR 3 1903

[Handwritten signature]

CHAIRMAN

Dep

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

CHEROKEE ENROLLMENT OFFICE.

I. I. I. I. T. MAR 2- 1903 A. D. 190

To the Clerk in charge of the Cherokee Land Office:

This is to certify that the names of the following persons :

Card Number.	NAME.	Relationship to Person First Named.	Age.
✓ 85.195	✓ Napoleon Gibson		36
<p>Represented by Gideon S. White, attorney in fact under power of attorney from Napoleon Gibson; power of attorney is on file in Citizenship case.</p> <p style="text-align: center;">D. Nestor</p>			

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

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

THE COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Handwritten Signature]

Enrollment Clerk.

[Handwritten Signature]

CHAIRMAN

Chairman.

[Handwritten Initials]

NOTICE!

IN THE MATTER OF The application of Napoleon Gibson
for enrollment as a Cherokee Freedman:

Case No. F. D. 195

To Napoleon Gibson or G. S. White, Agt.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, on the following dates, to-wit: Oct. 2d 1890 A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

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

SEP 10 1901
day of

1901.

L. B. Bell

Attorneys for the Cherokee Nation.

AFFIDAVIT.

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

Gibson

In the matter of the application of *Napoleon*
for enrollment as a Cherokee Freedman.

No. F. D. *195*

Henry Pack, of lawful age, being duly sworn on
oath states that on the *10*- day of *Sept*, A. D., 1901, he registered
to *W. White* *in applicant* whose postoffice is *Vinita*
Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at *Gibson* Indian Territory;
and that on the *12th* day of *Sept*, 1901, he received the return
card which is hereto attached, signed by the said *W. White*, showing
that he had received said notice.

Henry Pack

Subscribed and sworn to before me on this the *12* day of *Sept* A. D. 1901.

J. C. [Signature]
Notary Public.

FEB 28 1902

I hereby accept
Deed in
L. B. Smith

FILED

FEB 28 1902

10

F. D. / 190

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

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

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

Marshal for the Cherokee Nation.

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

Attorney for applicant.

UNITED STATES OF AMERICA; }
INDIAN TERRITORY, } S. S.
NORTHERN DISTRICT. }

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

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

NOTICE!

IN THE MATTER OF the application of Napoleon Gibson,
for enrollment as Cherokee Freedmen:
Case No. F. D. 195
To Napoleon Gibson or to G. S. White, his Agent:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, T. T. Indian Territory, on March 3rd, 1902., at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 26, 1902.

L B Bell

N. W. Hastings
Jas. Davenport

Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

**Mr. Napoleon Gibson,
Ft. Leavenworth, Kas.
U.S. Prison.**

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

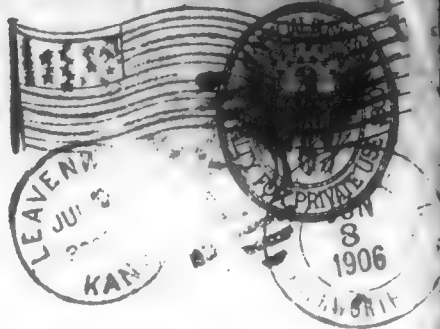
**Cherokee F-D-195
Register.**

Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

219

*Not at
U.S. Penitentiary*



Napoleon Gibson,

~~Leavenworth, Kansas.~~

U.S.P.

Napoleon Gibson

REFUSED

ACT. C BY SECRETARY OF THE INTERIOR:

NOV 19 1903

See also No. 220 221 222

Cher. Fr. R. 220

Cher. Fr. R. 220

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ADMISSION TO THE NATIONAL MONUMENT

FF E 10 11
AUG 2 1901

[Faint handwritten text]

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 20, 1901.

In the matter of the application of Lewis Gibson for enrollment as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

LEWIS GIBSON, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Lewis Gibson.

Q What is your age? A I can't tell my age.

Q About how old?

A I don't have any idea; well I may be 39 or somewhere along there, or maybe older.

Q What is your postoffice? A Coffeyville.

Q What district do you live in? A Cooweescookee.

Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.

Q Who do you want to enroll besides yourself? A Just myself.

Q Your name on the roll of 1880? A No, sir, I don't think it is.

Q Is your name on any of the rolls of the Cherokee Nation? A On the Wallace and Clifton roll.

Q Did you ever apply to the Cherokee Council to be placed on the roll of 1880, the Cherokee authorities? A No more than I have been to the census taking.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon, Page 102, No. 2544, Cooweescookee district, Louis Gibson.

The Wallace roll examined and the applicant identified thereon, page 115, No. 2471, district not given.

Mr. Mellette: Lewis, were you a slave in the Cherokee Nation at the beginning of the war? A Yes, sir.

Q Where did you live? A On Grand River.

Q Who was your master? A Levi Childers.

Q Was he a citizen of the Cherokee Nation? A No, sir.

Q What was he? A They said he was a white man, I don't know, I belonged to Sarah Childers, his wife.

Q His wife was a Cherokee? A Yes, sir.

Q Did you go out of the Cherokee Nation during the war? A Yes, sir.

Q Where did you go? A Fort Scott.

Q Kansas? A Yes, sir.

Q Did you return to the Cherokee Nation? A Yes, sir.

Q When did you come back? A In '66.

Q Who did you come back with? A Came back with my father, my father brought me back, I guess, I was blind and couldn't travel alone.

Q What was your father's name? A Fussy Gibson.

Q What size were you at that time? A I was grown, I can't tell just that size.

Q Do you know where they brought you to? A Yes, sir, brought me to Snow Creek, Cherokee Nation.

Q Where have you lived since that time? A Still living there yet.

Q Living right on Snow Creek? A Yes, sir, same place.

Q How long has your father been dead? A I can't say exactly, I know he died, I don't know exactly, I can get able to tell.

Q Was your father a slave also? A No, sir, he was a free man, he lived amongst the Cherokees, came from Georgia with the Cherokees and lived there among them all the time.

Q You were a slave? A Yes, sir, he had my mother for a wife.

- Q What was your mother's name? A Caroline.
- Q Caroline Gibson? A Caroline Childers, she was known by, I think her name is on the 1880 roll by Charles.
- Q Charles? A Caroline Charles.
- Mr. Hastings: Did you come back with your mother? A No, sir, came back with my father.
- Q Have you been married? A Yes, sir.
- Q Where were you married? A I was married in Kansas.
- Q What was your wife's name? A Mary, she wasn't any Cherokee slave.
- Q What was her maiden name? A I don't know her maiden name.
- Q Do't you know her name when you married her, Mary what?
- A Why Carbin I guess was her name.
- Q You married after the war? A Yes, sir.
- Q Were you born blind? A No, sir, my eyes got put out.
- Q Before or after the war? A Before the war.
- Q The time you married in Kansas your first marriage? A Yes, sir.
- Q You have any children by that marriage? A Yes, sir.
- Q What was the oldest one's name? A Napoleon.
- Q What was the next one? A William.
- Q And the next one? A Rosanna.
- Q The next one? A Posey.
- Q How much older than Rosanna is William? A Why I can't tell that, I am not a very good hand to count, I can't say how much older.
- Q You think he is more than two years older? A Yes, I expect he is.
- Q You think more than three? A Well sir, I can't say that, to tell the truth I don't know, I can't count and I can't tell that.
- Q How much older is Napoleon than Rosa? A Napoleon, I an't tell you, Napoleon I think is about thirty years old.
- Q He is your oldest child? A Yes, sir.
- Q Napoleon born in Kansas? A No, sir.
- Q You were not in the army before you were blind? A No, sir.
- Q Was your father? A No, sir, I had a brother was younger.
- Q Your father marry again in Kansas? A No, sir.
- Q Do you know what year Posey was born in? A No, sir.
- Q Know what year William? A No, sir, I can't tell you, I have got it in my bible, and I can't remember to keep it in my mind.
- Q You know what year Napoleon was born? A No, sir.
- Q Can't tell what year none of them was born? A No, sir, I can't remember that.
- Q Know what year the Kern-Clifton Commission sat and when they had such a time taking testimony? A No, sir, I don't think I can remember, I can't keep time in my head.
- Q You are not good at dates? A No, sir.
- Q Know what date this is? A Well no, sir, I don't remember what date this is.
- Q Did you come back in the spring or fall? A In the fall.
- Q Was it late in the fall or the early fall, about what time in the fall did you come, do you know? A Well I don't know, it was along in the latter part of the fall I think though.
- Q What part of the Territory did you come to? A I came to Snow Creek.
- Q About how far from the mouth of Snow Creek? A Why I am living now I guess about a quarter or a half a mile from the mouth of it.
- Q Is that the place you located? A Yes, sir.
- Q When you first came there? A I located just on the other side of the Creek, I am living on the west side now.
- Q You located right there on the same place? A Yes, sir, right on Snow Creek.
- Q On what side did you say you first located? A On the west side.
- Q Right on the bank of the creek? A Yes, sir.

Q Did you make a field over there? A No, sir, I didn't put in any field, my father had a field over there.

Q You located with your father? A Yes, sir.

Q Anyone else come along with you except your father and you? A There was other folks along but of course I can't say who they were, there was some other wagons.

Q Do you remember any of them? A I remember Joe Ross was along I wasn't acquainted with the other folks much, and of course I don't know.

Q Nelson Murrell wasn't along? A Yes, sir, I think he was.

Q You remember that now? A Yes, sir.

Q You remember coming through any town coming down here? A No, sir, I can't tell what we came through

Q You didn't hear them talking about any town or place? A No, sir.

Q What was the nearest town to you when you first located up there at Snow Creek? A There wasn't any town.

Q Well, the nearest trading point? A There was no place we went and traded, I don't know of any place there was to trade when we came there.

Q Well, who had located up in that country before you?

A No one as I know of.

Q Did you ever hear of Alex Conner up in there? A No, sir.

Q Any Delawares living up there when you came? A No, sir, was nobody living on Snow Creek.

Q Nobody living on Snow Creek when you came there? A No, sir, none at all: there was one family, Caroline Adair, Amos Adair and Caroline, they were the only People I know anything about being there when we were there.

Q That was in the fall of '66? A Yes, sir.

Q Anybody else you can think of? A No, sir.

Q Never knew anyone else to be in there? A No, sir.

Q Did you know Adam Beatty? A Yes, sir, I got acquainted with him kinder since we came there.

Q He wasn't living there? A No, sir.

Q You know William Nobles? A No, sir.

Q Well you have been living there ever since, have you? A Yes, sir
~~xxxxx~~ Q Never went back to Kansas? A No, sir, haven't went anywhere since I have been there.

Q Where did you get something to eat that first year? A My father brought his provisions with him.

Q Where did you first see Hammer Brown? A On Grand River.

Q How long after the war? A Well I never saw him after the war, but I knew him before the war, he was around the place where I lived.

Q He is just to prove your ownership then? A Yes, sir.

Mr. Mellette: What is the name of the son that is here with you?

A Fesby.

Q Where was he born? A On Snow Creek.

HAMMER BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Hammer Brown.

Q Where do you live now? A Cooweescoowee.

Q Do you know the applicant, Lewis Ross? A Yes, sir.

Q How long have you known him? A Known him from a youth up to the present.

Q Do you know where he lived before and during the early part of the war? A In Saline, on Grand River.

Q Who was his mistress? A Sarah Childers.
 Q Was she a Cherokee? A Yes, sir.
 Q Do you know where he was during the war? A No, sir, I don't.
 Q You don't know anything about when he came back here after the war? A No, sir, don't know anything about that.
 Mr. Hastings: Where did you live before the war? A Lived in Saline.
 Q How far from him? A About two miles.
 Q He was living there when the war came up, was he? A Yes, sir.

NELSON MURRELL, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Nelson Murrell.
 Q What is your age? A 77.
 Q Where do you live? A Cooweescoowee.
 Q Do you know the applicant, Lewis Gibson? A Yes, sir.
 Q Did you know his father, Posey Gibson?
 Q Do you know when he returned to the Cherokee Nation after the war? A Yes, sir.
 Q When? A Fall of '66.
 Q How do you know he returned then? A He came with me.
 Q Was his father along? A Yes, sir.
 Q Where did they locate? A Snow Creek, Cooweescoowee.
 Q Where has he lived since that time? A Right on the same place where he returned to, nearabout the same neighborhood.
 Mr. Hastings: Did he come with you when you first came back?
 A No, sir.
 Q When was the first time you came here after the war? A I came here in February, 1875.
 Q The Osages were living up there then? A Yes, sir.

Commissioner: Lewis Gibson applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he is identified upon the Kern-Clifton roll and the Wallace roll according to page and number of the rolls as indicated in the testimony. He avers that he was a slave of one Sarah Childers. He was taken out of the Nation during the war, and returned in the year 1866. He makes satisfactory proof as to residence. Lewis Gibson 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 the premises.

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 abovecase, and the foregoing is a true and complete transcript of his stenographic notes thereof.

Sworn to and subscribed before me this the 1st of August, 1901.

Bruce G. Jones
 Notary Public.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
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ACTING CHAIRMAN

R.

C. F. D-774.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., April 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of LEWIS GIBSON for the enrollment of himself as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant.
J. S. Davenport, attorney for Cherokee Nation.

AMELIA WINSHIP, being first duly sworn, and being examined, testified as follows:

MR. DAVENPORT: What is your name? A Amelia Winship.

Q Where do you live? A Near Hard ng, Bourbon County, Kansas.

Q How long have you lived in Bourbon County, Kansas?

A I have lived there ever since February of 1860, with the exception of the period I went away. I was gone about nine years.

Q What period was it you were away?

A I was away from 1875, the spring of 1875, until the fall of 1884.

Q Where were you living at the close of the war, near what place in Kansas? A Right where we are living now.

Q What is the name of the post office?

A At the beginning of the war, it was Mapleton.

Q At the close, the same place? A Same place.

Q After the war closed, or during the time of the war did you get acquainted with a colored family of the name of Gibson? A Yes sir.

Q Do you remember the names of any of them?

A I remember an old gentleman was there first?

Q What was his name? A Posey Gibson.

Q Do you know whether or not he had a family?

A Yes sir, and I know it is way. He had a son, but I had never heard of it until I had lived there a certain length of time, and I heard tell that he went to Fort Scott, and found his son lying on the streets of Fort Scott, and that he brought his son home.

Q Do you know the name of the son? A Lewis.

Q Ever see him yourself? A Yes sir.

Q Any defect about him, any affliction?

A Yes sir, he was blind, and he had fits, they said.

Q After his father brought him down to Mapleton, how long did he remain there, if you knew?

A I guess I have got a right to look at the record--

MR. MELLETTE: Is that a memorandum made at that time?

A It is the births of my children that I got up.

Q Was it made in 1866, is that a copy of the record.

A That is a copy of my children, drawn out of my children of their record.

MR. MELLETTE: I object to the reference to it, because it is not the original record.

WITNESS: All I know, I only seen this Lewis Gibson led around by a boy that was a white boy, he looked to be. Posey Gibson raised this boy.

MR. DAVENPORT: Do you know his name? A Only that his name was Henry. And that is all the family that he had until he found this blind boy in Fort Scott. This Henry often led Lewis about the house then after he came, we heard that Lewis was married.

Q When was it that you learned that?

A I can't say, but I think it was in 1860.

And in the next year I know that Lewis' wife washed for me, in September of 1869.

Q How do you know that?

A I knew it was because it was my son's birthday. The 14th of August, the 14th of August, 1869, ~~this~~ This woman washed for me when he was about a month old. I remembered that I got the dinner that day, and they had a child along, and this blind man was along, and he had to take care of it, and it cried so it nearly worried me to death.

Q Do you remember the name of the child? A It was Napoleon.

Q Was you and Mr. Winship married at that time? A No sir.

Q What was your name at that time? A Pitman.

Q When, after the time that Lewis' wife washed for you, and Lewis was there with him, with the child Napoleon, did they leave, as near as you can fix it?

A They were there in Christmas or New Years of 1871, because I had a niece that was born February 16th, 1871.

Q Were they there at that time?

A Yes sir, because when I went home my husband was killing hogs and he gave the heads and everything that way to Lewis' wife because they were pretty near starvation.

Q About how far did they live from you from the time you got acquainted with them until they left there?

A I don't know exactly where Lewis was when he was married, but it was not right close. Might have been two miles and half maybe, but when I began to know them they lived just a quarter of a mile from us. I seen them passing on the road, but I had never had any chance to know them, they didn't live near me, and I never had anything to do with them.

Q Do you know whether or not they had more than one child before they left there?

A No sir, the child was Napoleon.

MR. MELLETT: When was it that you know Napoleon?

A September, 1869.

Q How old was he at that time?

A I could not say just about how old. Might have been five or six months old.

Q Now I want you to read me everything you have got down there, begin right at the first.

A. James Henry Pitman, born January 6, 1864; Riley Edward Pitman, born December 6, 1865;

Julia Estelle Pitman, born October 5, 1867; William Benson Pitman, born August 14, 1869; Anna Clementine Pitman, born July 22, 1871;

Mark Antony Pitman, born July 26, 1873; Nanny Beatty Pitman, born July 21, 1876; Stella Caroline Pitman, born May 18, 1878; Mattie Maria Pitman, born November 16, 1880, Julia Emily Frances Pitman, born November 21, 1882; Mary Hall Pitman, born March 31, 1863.

Emily F. Pitman, married Winship July 4, 1894. Mr. William Phillips came to Kansas from North Carolina 1872, March. I made a mistake there. He came in March-- Eliza Josephine E., born November 14, 1870.

Q Why did you put that there?

A Because that is the day my niece was born.

Q Have you got the record of it athena? A Yes sir.

Q Where is it? A In the Bible.

Q What is it doing there? A She was my niece.

Q Born at your house? A No sir.

Q Did she have a father and mother? A Yes sir.

Q What did you put it down in the Bible for?

A Because the 16th day of February was a rather noted day.

Q Why did you put it down in the Bible? A Because I wanted to.

Q Where is that Bible? A At home on my table.

Q Do you put all your relations, the births and marriages of all your relations down in that Bible?

A No sir, because I wanted, I recollected about my son Benson, I recollect that he was just six months and two days older than she

was, and when I want to remember that woman, I remember about my husband killing hogs, and remember about them not having enough to eat.

Q You remember 34 or 35 years ago your husband was killing hogs?

A Yes sir.

Q What day was it that hog killing scrape took place? Do you have to look at your books to find out? Or find out from your memory?

A It was in 1870, because I will tell you, of course if he had killed hogs in February that would be after Christmas?

Q Certainly, that is self-evident? What next? Keep your eye off the book. I want to know ~~ix~~ all you remember about him killing the hogs.

A I remember that I went home, and he was killing hogs there. I remember that he was doing that, and I remember that the boy was squalling himself to death, and that he was six months old--

Q When was that? A In 1870/

Q You stated that you put down the record of the birth of your niece, in order that you could remember how old your son was?

A No, I didn't say that.

Q Why, you just did it?

A No, because we were killing hogs, and I thought I would give them something to eat on that day.

Q I am talking about the record of the birth of your niece. Now why did you put that in your Bible?

A Why would a person put anything in the Bible except because they wanted to?

Q You stated that it was so that you could remember the birth of your own son, and stated that he was six months older or six months younger than your niece.

A She was born on the 16th day of February, and he in August. I have got a good many things to remember the 16th day of February by.

Q When did you move to Kansas?

A We moved to Kansas from Illinois in the fall of 1859.

Q You are certain of that? A Yes sir.

Q How old are you? A Sixty.

Q Did you remember seeing this man Gibson when you first moved there?

A No sir, I did not.

Q What year did you first see Lewis Gibson?

A I would not say positively I saw him until 1864?

Q Did you see him in 1864? A Yes sir.

Q How do you know? A I seen him at Possey Gibson's.

Q What makes you remember him? A I remember Possey Gibson and his wife.

Q What makes you remember that you saw them in 1864?

A In 1864 the women in our neighborhood pieced a quilt for the Methodist preacher, and my mother went around and solicited blocks, and she cut up the blocks, and our names was to be written on them, and I wrote the names on with indelible ink, and I said, this colored woman's block is the best block. That was in 1864.

Q When did you first think about the quilting blocks?

A That was in 1864.

Q When did you next think about it?

A I thought about it when this man asked me about Mrs. Gibson.

Q When were you first talked to with a view to making you a witness in this case? A I guess it was on Tuesday of last week.

Q How many years ago was it that happened, since 1864?

A Thirty-eight years, I think.

Q When you were spoken to about Mrs. Gibson, that made you remember about that quilt patch in 1864.

A He didn't tell me that he wanted me for a witness., or I would not have told what I knew. He just met me in the road and asked me if I knew a man by the name of Possey Gibson, and I said yes. And he asked me if I was acquainted with his wife, and I said I was., and he asked me what his wife's name was, and I told him, Martha.

Q You remembered that back 38 years?
 A I remembered it just as vividly, that we pieced the quilt for the Methodist preacher's wife, and she was the only colored woman in the lot.
 Q Is this your husband out here?
 A That is my husband now.
 Q Where was he living in 1864?
 A Lived about where we live now. He was a soldier in the army. He was not there hen these colored felks came to Kansas. He was in the army. Myself and myx husband lived right there.
 Q You have been married twice? A Yes sir.
 Q When did you marry your present husband?
 A On the 4th day of July, eight years ago.
 Q What year? A I think it was 1894. I don't remember dates very well.
 Q Where was your present husband living in 1870?
 A Right where we live now.
 Q You were not married to him then? A No sir.
 Q He was living at the same place? A Yes sir.

WILLIAM H. WINSHIP, being first duly sworn, and being examined, testified as follows:

MR. DAVENPORT: What is your name? A William H. Winship.
 Q Where do you live? A In Bourbon County, Kansas.
 Q What is your postoffice? A Harding.
 Q How long have you lived in Bourbon County, Kansas?
 A Ever since 1857.
 Q Where were you at the close of the war?
 A I was in the war in the first place. I didn't live there since 1857, because I was in the war for about three years.
 Q When the war closed? A I was discharged in 1865.
 Q Where did you go then, Kansas? A Yes sir.
 Q You are the husband of Mrs. Winship, who has just testified in this case? A Yes sir.
 Q After the close of the war, what point did you return to in Kansas?
 A I came back to Harding. Stayed there for a month or two and then moved to Mound City.
 Q When you returned from the war to Harding, did you know a family of colored people by the name of Gibson?
 A I didn't at the time, but I moved back in the spring of 1866 and got acquainted with them.
 Q What were their first names, if you know?
 A Lewis Gibson and Pesey Gibson.
 Q Which was the elder of the two? A Pesey.
 Q Do you know what relation, if any, they were?
 A I didn't know, as far as that is concerned, then, but subsequently that Lewis was his son.
 Q That is the understanding? A Yes sir.
 Q When was this that you got acquainted with these people?
 A In 1866.
 Q Do you know whether or not they were living in the country at that time? A Yes sir, within about a mile and a half of where I lived.
 Q Where did you live when you first saw them?
 A Right in the vicinity there, I don't know but about at the same place.
 Q What, if any defect, had Lewis Gibson? A He was blind.
 Q Do you know whether or not he married in that country?
 A Yes sir he married.
 Q After you got acquainted with them, did you know of them working for you? A Yes, I had Lewis Gibson help me some.
 Q When was that that Lewis Gibson helped you?
 A I think it was along about January 1868.
 Q What was he doing? A Hauling fodder.

Q Did you have anyone else, if you remember, helping you?
 A A colored man by the name of George Vann.
 Q You say that was in 1868? A Yes sir.
 Q Do you know whether or not Lewis Gibson had any children?
 A I could not tell you, but I understood that he had.
 Q Ever see any children claimed to be his?
 A No sir, never was at his house., but then I understood that he had a child.
 Q Have you ever seen them since they left that section of country?
 A No sir.
 Q When did they leave there? A I could not tell. Posey Gibson moved away and left him, I think a year or so before that he worked for me.
 Q The spring of 1868? A Yes sir. And this colored man, this Lewis Gibson, stayed there, him and his wife, that fall and winter, and then Posey Gibson came back.
 Q You don't remember when they left after that? A No sir.

MR. MELLETT: When was it Lewis Gibson hauled fodder for you?

A In the spring of 1868, along about January, to clear off the corn ground for plowing.

Q When was your attention first called to him?

A He hauled fodder in the spring of 1868.

Q When were you first asked about this matter?

A It has been just this last Monday, I believe, a gentleman came up from here.

Q You had not thought very much about him from 1868 to this time?

A No sir.

Q Do you remember back that he hauled fodder for you in 1868?

A Yes sir.

Q Can you remember everybody that worked for you thirty-four years ago? A No, I don't know that I do. There was a colored man by the name of Blip, but I could not tell their given names.

Q What kind of a team did Lewis Gibson have when he was hauling that fodder? What kind of a team? A He had a span of blacks.

Q How long ago has that been? A I could not tell you, as near as I can figure out it was in 1868, about 34 years.

Q Who drove them? A George Vann drove them.

Q And Lewis Gibson? A He threw the fodder up on the wagon to George, and George loaded the fodder.

Q Lewis was blind? A Yes sir.

Q He could lead the fodder all right?

A He could lead better than most of the men that have got eyes.

Q You can remember back absolutely 34 years? A Yes.

Q You would not swear that it was 1868? A Yes sir.

Q Why? A Because I came back in 1865, and Jim Jackson farmed for me in 1866, then this in 1867, and Lewis hauled my fodder for me and done some of the farming in 1868.

Q You remember it this long? A Yes sir.

Q How many times did you see Lewis after that?

A I could not tell you.

Q Often? A Not very often, no sir.

Q Where was Lewis in 1866?

A He was living, I don't know whether it was on Mr. Wilson's place, but it was either Mr. Wilson's place or adjoining his place west, about a mile or a mile and a half.

Q How do you know? A Because I see him.

Q What time in 1866? A I could not tell you.

Q Where did you see him in 1866? A At Posey Gibson's.

Q What were you doing there? A I could not tell you what I was doing there, I don't remember what I was doing there.

Q Did Lewis Gibson come down to the Indian Territory in 1866?

A No sir.

Q How do you know he did not?

A Because I never missed him from there.

Q Did you watch him all the time? A No sir.
 Q Can you remember back now that he was absent? not absent?
 A I don't think that he was.
 Q Can you swear that he was not?
 A He might have been absent for two or three weeks for all I know, but he was not absent very long, if he was at all.
 Q He could have been absent for two or three weeks without you knowing anything about it.
 A Yes, he could.

MR. DAVENPORT: We offer in evidence the judgment of the Commission on Citizenship for the years 1880-1884, inclusive, page 116

The judgment above referred to is as follows:

Office Commission on
 Citizenship, Tahlequah
 C. N., September 24th, 1881.

J. M. Bryan & }
 C. H. Taylor, } Atty for Claimants.

No. 116.

Pose Gibson
 Amantta Gibson,
 vs.
 Cherokee Nation.

} Petition for Citizenship.

Submitted by Plaintiff Oct. 1st, 1881.

Continued by the Cherokee Nation Oct. 3rd, 1881.

Continued by Commission till Sept^r Term, Feb. 3rd, 1882.
 Submitted by the Solicitor September 20th, 1882.

And now on this the 26th day of September, A. D. 1882, this case coming on final hearing and all the evidence produced in the case on both sides being carefully read and duly considered by the Commission, it was adjudged by the Commission on Citizenship that the claimant Pose Gibson and Amantta Gibson, are not Cherokees by blood, and that said claimants being colored persons who were free and residing in the Cherokee Nation at the commencement of the War of Rebellion, and who, being absent from the limits of said nation at the ratification of the treaty of 1866, failed to return thereto within "six months from the 19th day of July, 1866," are not entitled to the rights and privileges of Cherokee Citizenship within the Cherokee Nation, and that their claim therefore should be and the same is hereby rejected.

Thos. Jones, Pres. of Commission.
 Alex Wolfe, Commissioner.
 T. F. Thompson, Commissioner, Dissenting.

D. W. C. Duncanson, }
 Clerk of Com.

Transcript furnished claimant Sept. 26th, 1882.

D. W. C. Duncanson,
 Clerk of Commission.

MR. MILLER: I object to the admission of the record.

BY COMMISSIONER: The record offered is a record of the Cherokee Nation which was delivered to the Commission in November, 1900, at Tahlequah, Indian Territory, and is now in the possession of the Commission.

The testimony will be filed with and made a part of the record
in the following Cherokee Freedman cases:
D-786, D-196, D-807, D-1091, and in the case at bar.

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

Wm Hutchinson

RECORDED
INDEXED
APR 8 1891

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of FERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mallette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitnire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 486, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Louis Gibson, D 774;

By W. W. Hastings:

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

Commission:

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

Mr. Smith:

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

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

W. W. Hastings:

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

The Commission:

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

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

(Signed) E. G. Rothenberger.

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

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

(SEAL)

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

H. C. Bagwell

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

P. G. Reuter
Notary Public.

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

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

Lewis Gibson,.....	Cherokee Freedmen	D 774
Napoleon Gibson,.....	"	D 195
Posey Gibson,.....	"	D 786
William Gibson,.....	"	D 807

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 Lewis Gibson for himself; by Gideon S. White for Napoleon Gibson, who at the date of this application was confined in the penitentiary; by Posey Gibson for himself and by William Gibson for himself. Copies of the testimony taken at Muskegee, Indian Territory, on May 16, 1902, in the matter of the application of Joseph Vann are made a part of the record herein.

The evidence shows that the applicant Lewis Gibson was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of said Nation during the rebellion and did not return thereto until after January 19, 1867. The other applicants herein are the children of said Lewis Gibson. Napoleon Gibson first came to the Cherokee Nation with his father some time subsequent to January 19, 1867, and Posey and William Gibson were born since that time. The applicants Napoleon, Posey and William Gibson, having been born since the commencement of the rebellion, take no rights as Cherokee Freedmen, except such as they may have acquired through their father.

It further appears that none of the names of said applicants are found on the 1855 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Lewis Gibson, Napoleon Gibson, Posey Gibson and William Gibson as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 496), and it is so ordered.

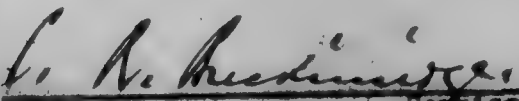
COMMISSION TO THE FIVE CIVILIZED TRIBES.




Chairman.



Commissioner.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 10 1903

DEPARTMENT OF THE ARMY
COMMISSION TO THE ARMY

OFFICE OF THE
SECRETARY

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.

Muskogee, Indian Territory, AUG 26 1901, 1901.

Received of the Commission to the Five Civilized
Tribes one copy of the testimony in the matter of the
application of Quinn Wilson for en-
rollment as Cherokee Freedman.

Melville Smith

Cher. Cherokee Freedman # 10774

COPY.

Cherokee Freedmen
B-774.

Muskegee, Indian Territory, July 24, 1903.

Lewis Gibson,
Coffeyville, Kansas.

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 Lewis Gibson, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorneys, Yellette & Smith, 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, 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. ...

Commissioner in Charge.

Register.

Enc. B-774

Cherokee Freedman
D-774.

Muskogee, Indian Territory, July 24, 1903.

Mollette & Smith,

Attorneys for Lewis Gibson,

Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of supplemental testimony in the consolidated case of Lewis Gibson, et al., together with a copy of the Commission's decision, dated July 10, 1903, rejecting, among others, the application for the enrollment of Lewis Gibson as a Cherokee Freedman. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

T. D. Needles.

Commissioner in Charge.

Register.

Enc. N-83.

Cherokee Freedmen
D-774, D-195, D-786
& D-807.

Muskogee, Indian Territory, July 24, 1903.

U. 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, in the consolidated case of Lewis Gibson, et al., rejecting the applications for the enrollment of Lewis, Napoleon, Percy and William Gibson, 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. H-34.

COPY.

Cherokee Freedmen
B-774, B-198,
B-784, B-807.

Muskogee, Indian Territory, July 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated case of Lewis Gibson, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of Lewis, Napoleon, Posey and William Gibson as Cherokee Freedmen.

Respectfully,

L. D. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. 2-55.

Copy.

Refer in reply to
the following:
Land
47863-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, August 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Lewis Gibson for the enrollment of himself; the application of Gideon S. White for the enrollment of Napoleon Gibson who at the date of this application was confined in the penitentiary; the application of Posey Gibson for the enrollment of himself; and the application of William Gibson for the enrollment of himself, all as Cherokee freedmen.

On July 10, 1903, the commission rendered a decision in this case finding that the evidence shows that the applicant Lewis Gibson was a slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of said nation during the rebellion and did not return thereto until after January 19, 1867; that the other applicants herein are the children of said Lewis Gibson; that Napoleon Gibson first came to the Cherokee Nation with his father some time subsequent to January 19, 1867, and that Posey and William Gibson were born since that time; that the applicants Napoleon, Posey

and William Gibson having been born since the rebellion have no rights as Cherokee citizens except those that they may acquire through their father; that it appears that none of the names of said applicants are found on the 1880 authenticated roll, and the commission is therefore of the opinion that the applications for the enrollment of the se parties as Cherokee freedmen shall be denied under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 495).

The office has examined the record evidence in this case and finds that the said Lewis Gibson testifies on page 2 of said record that his mother was Caroline Childers and that he thinks her name is on the 1880 roll as Caroline Charles. The office does not find any other testimony in the record relative to this claim of the said Lewis Gibson ^{now} does the Commission state whether or not said claim is true.

Article 9 of the treaty with the Cherokee Nation of 1866 provides in part "they further agree that all freedmen who have been liberated by voluntary act of their former owners or by law as well as by free colored persons who were in the country at the commencement of the rebellion and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherekees. "

The office considers that this provision of said treaty clothed the said Lewis Gibson with the right to enrollment as a Cherokee freedman if as a matter of fact his mother's name was on

¹⁸⁸⁰ said roll as is claimed by him in his testimony. As the office has no copy of said roll it is unable to determine this question and recommends that the same be submitted to the commission for determination.

A review of the testimony submitted in the record satisfies the office that these applicants are not entitled to enrollment as Cherokee freedmen by reason of the said Lewis Gibson having returned to the Cherokee Nation prior to February 11, 1867 and unless they should be entitled to enrollment as descendants of the said Caroline Charles or Caroline Childers, the office considers that their application should be refused by the Department and as decided by the commission in its said decision.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

W.C.B.(E.)

JP.
CIR.

D C No .26740.

ITD 6188-1903.

IRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 21, 1903.

The Commission

to the Five Civilized Tribes.

Gentlemen:

Referring to your letter of July 24, 1903, submitting the Cherokee freedman case of Lewis Gibson et al., it is requested that you inform the Department whether the name of Caroline Childers or Caroline Charles appears on the 1880 Cherokee roll, as the Acting Commissioner of Indian Affairs, reporting in the matter August 11, 1903, states that Lewis Gibson testified on page 2 of the record in the case that his mother was Caroline Childers, and that he thinks her name is on the 1880 roll as Caroline Charles; that he does not find any other testimony in the record relative to this claim of said Lewis Gibson, nor does your Commission state whether or not said claim is true; that considering the provisions of article 9 of the treaty of 1866, he concludes that Lewis Gibson is entitled to enrollment as a Cherokee freedman if his mother's name was on the 1880 roll.

An immediate report is requested.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

JP.
CMR.

D C No .26746.

ITD 6188-1903.

IRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 21, 1903.

The Commission

to the Five Civilized Tribes.

Gentlemen:

Referring to your letter of July 24, 1903, submitting the Cherokee freedman case of Lewis Gibson et al., it is requested that you inform the Department whether the name of Caroline Childers or Caroline Charles appears on the 1880 Cherokee roll, as the Acting Commissioner of Indian Affairs, reporting in the matter August 11, 1903, states that Lewis Gibson testified on page 2 of the record in the case that his mother was Caroline Childers, and that he thinks her name is on the 1880 roll as Caroline Charles; that he does not find any other testimony in the record relative to this claim of said Lewis Gibson, nor does your Commission state whether or not said claim is true; that considering the provisions of article 9 of the treaty of 1866, he concludes that Lewis Gibson is entitled to enrollment as a Cherokee freedman if his mother's name was on the 1880 roll.

An immediate report is requested.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary

JP.
CMR.

D C No .26746.

ITD 6188-1903.

LRS.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 21, 1903.

The Commission

to the Five Civilized Tribes.

Gentlemen:

Referring to your letter of July 24, 1903, submitting the Cherokee freedman case of Lewis Gibson et al., it is requested that you inform the Department whether the name of Caroline Childers or Caroline Charles appears on the 1880 Cherokee roll, as the Acting Commissioner of Indian Affairs, reporting in the matter August 11, 1903, states that Lewis Gibson testified on page 2 of the record in the case that his mother was Caroline Childers, and that he thinks her name is on the 1880 roll as Caroline Charles; that he does not find any other testimony in the record relative to this claim of said Lewis Gibson, nor does your Commission state whether or not said claim is true; that considering the provisions of article 9 of the treaty of 1866, he concludes that Lewis Gibson is entitled to enrollment as a Cherokee freedman if his mother's name was on the 1880 roll.

An immediate report is requested.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary

Cherokee Freedmen
D-774

Muskegee, Indian Territory, October 16, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of the Department's letter of September 21, 1903 (I.T.D.6188-1903), in the matter of the application of Lewis Gibson, et al., for enrollment as Cherokee Freedmen (Cherokee F D 774), the Commission's decision in which case, rejecting the applicants, was forwarded to the Department on July 24, 1903. It is stated that the Commissioner of Indian Affairs, reporting to the Department in this case says, that Lewis Gibson testified that his mother's name was Caroline Childers and that he thinks her name is on the 1860 roll as Caroline Charles, but that there is no evidence in proof of this assertion of the applicant; that considering the provision of article nine of the treaty of 1866, Lewis Gibson is entitled to enrollment as a Cherokee Freedman if his mother's name is on the 1860 roll. The Commission is requested to make an immediate report.

In reply the Commission desires to report that the name of Caroline Charles appears upon the 1860 authenticated roll of the Cherokee Nation, Sequoyah District, opposite No. 357, as a Cherokee

Freedman; that on April 10, 1901, application was made to the Commission for her enrollment as a Cherokee Freedman, her age being given at that time as "about 80 years;" that she was listed for enrollment on Cherokee Freedmen Card No. 349, and that her name appears in a schedule of Cherokee Freedmen opposite No. 918, which schedule was approved by the Department on December 23, 1902. There is no evidence in her case, however, which would identify her as the mother of the applicant, Lewis Gibson.

Attention is called to the fact that the applicant, Lewis Gibson, was born prior to the commencement of the rebellion, being 59 years of age at the time of his application, and in the opinion of the Commission would not be entitled to enrollment even though his mother's name is identified upon the 1880 roll.

If farther testimony is desired as to the enrollment of the applicant's mother, Caroline Charles, or Childers, it is requested that this case be remanded with instructions.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Refer in reply to
the following:
Land
67,508-1903.

Copy.

Department of the Interior.

Office of Indian Affairs,

Washington, Nov. 9, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a communication from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, dated October 16, 1903, acknowledging receipt of departmental letter of September 21, 1903, -- I.T.D. 6188 -- relative to the application of Lewis Gibson, et al., for enrollment as Cherokee freedmen, and further reporting as to whether or not the name of the mother of said Gibson, to wit., Caroline Childers, is on the 1880 roll, and the legal effect of the same when considered in connection with article 9 of the treaty of 1866.

As the office has heretofore submitted an opinion relative to this matter, it is not deemed necessary at this time to add anything to the report herewith enclosed.

Very respectfully,

W. A. Jones,

Commissioner.

(W.C.B.)).

D .C.32644-1903.

DEPARTMENT OF THE INTERIOR.
Washington.

J.P.
WHR.

ITD 6188-1903.
8060-1903.

November 19, 1903.

L.R.S.

The Commission

to the Five Civilized Tribes,
Muskogee, Indian Territory.

gentlemen:

In the Cherokee freedmen enrollment case consolidating the applications of Lewis Gibson, Napoleon Gibson, Posey Gibson and William Gibson, you found in your decision of July 10, 1903, that the principal applicant, Lewis Gibson, was a slave of the Cherokee citizens at the commencement of the civil war, and that he was taken out of said Nation during said war, and did not return there until after the time fixed in the treaty of 1866; that the other applicants are the children of said Lewis Gibson; that Napoleon Gibson first came to the Cherokee Nation with his father sometime subsequent to January 19, 1867, and that Posey and William Gibson were born since that time

You held that these children having been born since the commencement of the civil war take no rights as Cherokee freedmen except such as they may have acquired through their father.

You stated that none of the names of the applicants are found on the 1880 authenticated Cherokee roll, and accordingly held that none of the applicants were entitled to enrollment and should be

denied under the provisions of section 21 of the act of June 28, 1898 (30 Stats., 495).

Reporting in the matter August 11, 1903, the Acting Commissioner of Indian Affairs stated that as it appeared possible from the testimony that the name of the mother of Lewis Gibson was upon the 1880 roll as Caroline Childers or Caroline Charles, in view of the fact that article 9 of the treaty of 1866 provided that all freedmen whom had been liberated by voluntary act of their former owners, or by law, who were in the Cherokee country at the commencement of the rebellion "and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees," that said Lewis Gibson was clothed with the right to enrollment as a Cherokee freedman if as a matter of fact his mother's name was on the 1880 roll of the Cherokee Nation. He, however, stated that a review of the testimony submitted satisfied him that these applicants are not entitled to enrollment as freedmen by reason of said Lewis Gibson having returned to the Cherokee Nation prior to February 11, 1867, and unless they should be entitled to enrollment as descendants of said Caroline Childers or Caroline Charles, he expresses the opinion that their applications should be refused by the Department and as decided by your Commission.

On September 21, 1903, the Department requested you to report whether the name of Caroline Childers or Caroline Charles appeared upon the 1880 roll, and on October 16, 1903, you reported that the

name of Caroline Charles appears upon the 1880 roll of the Cherokee Nation as a Cherokee freedman, and that her name appears upon a schedule of Cherokee freedmen which was approved by the Department on December 23, 1902; that, however, there is no evidence in her case which would identify her as the mother of the principal applicant, Lewis Gibson. You call attention to the fact that Lewis Gibson was born prior to the commencement of the civil war, being fifty-nine years of age at the time of his application, and you express the opinion that he would not be entitled to enrollment even if his mother's name is identified upon the 1880 roll.

The Department concurs in this conclusion, and finding no other reason to disturb your decision it is hereby affirmed.

A copy each of the Commissioner's letters of August 11, and November 9, 1903, are inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, December 2, 1903.

Lewis Gibson,
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 19, 1903.

Respectfully;

Chairman.

Muskogee, Indian Territory, December 2, 1903.

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 William Gibson et al., rejecting the applications for the enrollment of William, Posey, Napoleon and Lewis Gibson as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 19, 1903.

Respectfully,

Chairman.

Muskogee, Indian Territory, December 2, 1903.

Edgar Smith,

Attorney for Lewis Gibson,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, the application of Lewis Gibson for the enrollment of himself as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 19, 1903.

Respectfully,

Chairman.

Cherokee Freedmen

R-220.

Muskegee, Indian Territory, February 20, 1906.

J. J. Bulger,

Vinita, Indian Territory.

Dear Sir:

As requested in your letter of February 16, there is inclosed herewith a copy of the record of proceedings had in the Cherokee freedmen enrollment cases of Lewis Gibson, et al.

You are advised that there is no extra copy of the Commission's decision among the records in these cases, and your request for a copy thereof cannot be complied with.

Respectfully,

Incl. 8-33

Acting Commissioner.

710774

10

D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

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

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

Marshal for the Cherokee Nation.

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

day of ^{SEP 25} 190
Mellott & Smith
Attorney for applicant.

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

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

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

~~DEPARTMENT OF THE INTERIOR~~

COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
SEP 25 1901

[Signature]
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Lewis Gibson
for enrollment as Cherokee citizens:
Case No. D 774

To ~~Lewis Gibson or Mellette & Smith~~ his Attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 24th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 21 1901

L. B. Bell
M. W. Hastings
Attorneys for the Cherokee Nation.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
APR 2 1902

Handwritten signature or initials

F. D. 77

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

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

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

Marshal for the Cherokee Nation.

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

2 day of *April* 190*7*
Melleto Smith

Attorney for applicant.

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

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

on the day of A. D. 190

Subscribed and sworn to before me this

Notary Public.

NOTICE!

IN THE MATTER OF the application of Mr. Lewis Gibson,
for enrollment as Cherokee Freedmen:

Case No. F. D. 774

To Mr. Lewis Gibson,

O. Mellette & Smith Atty

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, T. T. Indian Territory, on April, 3rd, 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this March, 25, 1902.

L B Bell

*Jas. M. Hastings
Jas. S. Davenport*

Attorneys for the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 20 1901

[Handwritten signature]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 19, 1901
Post Office Coffeyville, Kas.
District 180

1. Name Lewis Gibson
Age 59
Owner's name Sarah Childers
Citizenship Cherokee
Year K. R. Page 102 No. 2544 District 180

Parents:
Father Percy Gibson - dead
Citizenship Freeman
Mother Sarah Childers
Citizenship Cherokee Freedman

2. Name of wife
Owner's name
Citizenship
Year Page No. District
Parents:
Father
Citizenship
Mother

~~Account~~

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

Application made by No. 1 Stenographer B. Jones

1 On K. R. roll as Lewis Gibson
1 "Wallace" Page 115 - 2421 - 2

Represented by Mellette and Smith, Trusts, S.F.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Lewis Gibson,

Coffeyville, Kansas.

Cherokee F-D-774

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

**CHEROKEE
FREEDMEN**

R-219

LEWIS GIBSON

REFUSED

ACTION APPROVED BY
SECRETARY OF INTERIOR.

NOV. 19, 1903

SEE CHER. FR. #R219-221-222

200

Cher. Fr. R. 221

Cher. Fr. R. 221

EX-100
JUL 23 1901
RECEIVED
COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON

- Q. He was living there when the war came up, was he? A. Yes, sir.
- Q. Nelson Merrell, who has solemnly sworn by Commissioner Heddes, testified as follows:
- Mr. Hallett: What is your name? A. Nelson Merrell.
- Q. What is your age? A. 77.
- Q. Where do you live? A. Coon Creek.
- Q. Do you know the applicant, Lewis Gibson? A. Yes, sir.
- Q. Did you know his father, Posey Gibson? A. Yes, sir.
- Q. Do you know when he returned to the Cherokee Nation after the war? A. Yes, sir.
- Q. When? A. Fall of '66.
- Q. How do you know he returned then? A. He came with me.
- Q. Was his father along? A. Yes, sir.
- Q. Where did they locate? A. Snow Creek, Coon Creek.
- Q. Where has he lived since that time? A. Right on the same place where he returned to, near about the same neighborhood.
- Mr. Hastings: Did he come with you when you first came back? A. No, sir.
- Q. When was the first time you came here after the war? A. I came here in February, 1875.
- Q. The Onagas were living up there then? A. Yes, sir.

Commissioner: Lewis Gibson applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he is identified upon the Kem-Clinton roll and the Wallace roll according to page and number of the rolls as indicated in the testimony. He avers that he was the sale of one Sarah Childers, he was taken out of the nation during the war, and returned near 1865. He was the first to return to his residence. Lewis Gibson 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 the premises.

U.S. AMERICAN INDIAN BUREAU

To be filed with case of Posey Gibson, C. F. #786.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 20, 1901.

In the matter of the application of Lewis Gibson for enrollment as a Cherokee Freedman.

Appearances:
Mellette & Smith, Attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

LEWIS GIBSON, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Lewis Gibson.
Q What is your age? A I can't tell my age.
Q About how old? A I don't have any idea; well I may be 59 or somewhere along there, or maybe older.
Q What is your post office? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Your name on the roll of 1880? A No, sir, I don't think it is.
Q Is your name on any of the rolls of the Cherokee Nation? A On the Wallace and Clifton roll.
Q Did you ever apply to the Cherokee Council to be placed on the roll of 1880, the Cherokee authorities? A No more than I have been to the census taking.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined and the applicant identified thereon, page 102, No. 2544, Cooweescoowee district, Louis Gibson.

The Wallace roll examined and the applicant identified thereon, page 115, No. 2421, District not given.

- Mr. Mellette: Lewis, were you a slave in the Cherokee Nation at the beginning of the war? A Yes, sir.
Q Where did you live? A On Grand river.
Q Who was your master? A Levi Childers.
Q Was he a citizen of the Cherokee Nation? A No, sir.
Q What was he? A They said he was a white man, I don't know, I belonged to Sarah Childers, his wife.
Q His wife was a Cherokee? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where did you go? A Fort Scott.
Q Kansas? A Yes, sir.
Q Did you return to the Cherokee Nation? A Yes, sir.
Q When did you come back? A In '66.
Q Who did you come back with? A Came back with my father, my father brought me back, I guess, I was blind and couldn't travel alone.
Q What was your father's name? A Posey Gibson.
Q What size were you at that time? A I was grown, I can't tell just what size.
Q How do you know where they brought you to? A Yes, sir, brought me to Snow Creek, Cherokee Nation.
Q Where have you lived since that time? A Still living there yet.
Q Living right on Snow Creek? A Yes, sir, same place.
Q How long has your father been dead? A I can't say exactly, I know he died, I don't know exactly, I am not able to tell.
Q Was your father a slave also? A No, sir, he was a free man, he lived amongst the Cherokees, came from Georgia with the Cherokees and lived there among them all the time.
Q You were a slave? A Yes, sir, he had my mother for a wife.

- Q What was your mother's name? A Caroline.
- Q Caroline Gibson? A Carolina Childers, she was known by, I think her name is on the 1880 roll by Charles.
- Q Charles? A Caroline Charles.
- By Mr Hastings: Did you come back with your mother?
- A No, sir, came back with my father.
- Q Have you been married? A Yes, sir.
- Q Where were you married? A I was married in Kansas.
- Q What was your wife's name? A Mary, she wasn't any Cherokee slave.
- Q What was her maiden name? A I don't know her maiden name.
- Q Don't you know her name when you married her, Mary what?
- A Why Carbin I guess was her name.
- Q You married after the war? A Yes, sir.
- Q Were you born blind? A No, sir, my eyes got put out.
- Q Before or after the war? A Before the war.
- Q The time you married in Kansas your first marriage? A Yes, sir.
- Q You have any children by that marriage? A Yes, sir.
- Q What was the oldest one's name? A Napoleon.
- Q What was the next one? A William.
- Q And the next one? A Rosanna.
- Q The next one? A Posey.
- Q How much older than Rosanna is William? A Why I can't tell that, I am not a very good hand to count, I can't say how much older.
- Q You think he is more than two years older? A Yes, I expect he is.
- Q You think more than three? A Well, sir, I can't say that, to tell the truth I don't know, I can't count and I can't tell that.
- Q How much older is Napoleon than Rose? A Napoleon, I can't tell you, Napoleon I think is about thirty years old.
- Q He is your oldest child? A Yes, sir.
- Q Napoleon born in Kansas? A No, sir.
- Q You were not in the army before you were blind? A No, sir.
- Q Was your father? A No, sir, I had a brother was younger.
- Q Your father marry again in Kansas? A No, sir.
- Q Do you know what year Posey was born in? A No, sir.
- Q What year William? A No, sir, I can't tell you, I have got it in my bible, and I can't remember to keep it in my mind.
- Q You know what year Napoleon was born? A No, sir.
- Q Know what year Wallace paid the money? A No, sir, I can't remember that.
- Q Know what year the Kern-Clifton Commission sat and when they such a time taking testimony? A No, sir, I don't think I can remember, I can't keep time in my head.
- Q You are not good at dates? A No, sir.
- Q Know what date this is? A Well now, sir, I don't remember what date this is.
- Q Did you come back in the spring or fall? A In the fall.
- Q Was it late in the fall or the early fall, about what time in the fall did you come, do you know? A Well I don't know, it was along in the latter part of the fall I think though.
- Q What part of the Territory did you come to? A I came to Snow Creek:
- Q About how far from the mouth of Snow Creek? A Why I am living now I guess about a quarter or a half a mile from the mouth of it.
- Q Is that the place you located? Yes, sir.
- Q When you first came there? A I located just on the other side of the Creek, I am living on the west side now.
- Q You located right there on the same place? A Yes, sir, right on Snow Creek.
- Q On what side did you say you first located? A On the west side.
- Q Right on the bank of the creek? A Yes, sir.
- Q Did you make a field over there? A No, sir, I didn't put in any field, my father had a field over there.
- Q You located with your father? A Yes, sir.

Q Anyone else come along with you except your father and you?
 A There was other folks along but of course I can't say who they were, there was some other wagons.
 Q Do you remember any of them? A I remember Joe Ross was along, I wasn't acquainted with the other folks much, and of course I don't know.
 Q Nelson Murrell wasn't along? A Yes, sir, I think he was.
 Q You remember that now? A Yes, sir.
 Q You remember coming yhrughany town coming down here?
 A No, sir, I can't t ell hat we came through.
 Q You didn't hear them t alk ing about any town or place?
 A No, sir.
 Q What was the nearest town to you when you first located up there at Snow Creek? A There wasn't any town.
 Q Well, the nearest trading point? A There was no place we went and traded, I don't know of an place there was to trade when we came there.
 Q Well, who had located up in that country before you?
 A No one as I know of.
 Q Did you ever hear of Alex Conner up there? A No, sir.
 Q Any Delawares living up there when you came? A No, sir, was nobody living on Snow Creek.
 Q Nobody living on Snow Creek when you came there? A No, sir, none at all; there was one family, Caroline Adair, Amos Adair and Caroline, they were the only people I know anything about being there wh n we were there.
 Q That was in the fall of '65? A Yes, sir.
 Q Anybody else you can think of? A No, sir.
 Q Nefer knew anyone else to be in there? A No, sir.
 Q Did you know Adam Beatty? A Yes sir, I got acquaint ed with him kinder since we came there.
 Q He wasn't living there? A No, sir.
 Q You know William Nobles? A No, sir.
 Q Well you have been living there ever since, have you? A Yes, sir.
 Q Never went back to Kansas? A No, sir, haven't went anywhere since I have been there.
 Q Where did you got something to eat that first year?
 A My father brought his provisions with him.
 Q Where did you first see Hammer Brown? A On Grand river.
 Q How long after the war? A Well I never saw him after the war, but I knew him before the war, he was around the place where I lived.
 Q He is just to prove your ownership then? A Yes, sir.
 Q Mr. Mellette: What is the name of the son that is here with you? A Possey.
 Q Where was he born? A On Snow Creek.

HAMMER BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Hammer Brown.
 Q Where do you live now? A Cooweescoowee.
 Q Do you know the applicant, Lewis Reed? A Yes, sir.
 Q How long have you known him? A Known him from a youth up to the present.
 Q Do you know where he lived before and during the early part of the war? A In Galine, on Grand river.
 Q Who was his mistress? A Sarah Childers.
 Q Was she a Cherokee? A Yes, sir.
 Q Do you know where he was during the war? A No, sir, I don't.
 Q You don't know anything about when he came back here after the war? A No, sir, don't know an thing about that.
Mr. Hastings: Where did you live before the war?
 A Lived in Galine.
 Q How far from you? A About two miles.

Q He was living there when the war came up, was he? A Yes, sir.

NELSON MURRELL, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hallett: What is your name? A Nelson Murrell.

Q What is your age? A 77.

Q Where do you live? A Cooweescoowee.

Q Do you know the applicant, Lewis Gibson? A Yes, sir.

Q Did you know his father, Posey Gibson? A Yes, sir.

Q Do you know when he returned to the Cherokee Nation after the war? A Yes, sir.

Q When? A Fall of '66.

Q How do you know he returned then? A He came with me.

Q Was his father along? A Yes, sir.

Q Where did they locate? A Snow Creek, cooweescoowee.

Q Where has he lived since that time? A Right on the same place where he returned to, nearabout the same neighborhood.

Mr. Hastings: Did he come with you when you first came back? A No, sir.

Q When was the first time you came here after the war? A I came here in February, 1875.

Q The Osages were living up there then? A Yes, sir.

Commissioner: Lewis Gibson applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he is identified upon the Kem-Clifton roll and the Wallace roll according to page and number of the rolls as indicated in the testimony. He avers that he was the sale of one Sarah Childers. He was taken out of the nation during the war, and returned in the year 1866. He makes satisfactory proof as to residence: Lewis Gibson 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 the premises.

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

Subscribed and sworn to before me this 26th of June, 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 correctly made the foregoing copy and that same is a true and complete copy of the original transcript in the above case.

Subscribed and sworn to before me this August 24th, 1901.

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 20th, 1901.

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

- Q What is your name? A Posey Gibson.
Q How old are you? A 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 I suppose so.
Q Who do you want to enroll besides yourself? A No one but myself.
Q What is your father's name? A Lewis Gibson.
Q What is your mother's name? A Mary Gibson.
Q Is Lewis Gibson living? A Yes, sir.
Q How is Mary, is she living? A No, sir, she is dead.
Q Is your name on the roll of 1880? A I don't think it is.
Q Did you draw what is known as strip money? A I drew the Wallace money.

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

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 115, #2425, Posey Gibson, no district given.

- Q Where were you born? A On Short Creek.
Q Where Nation? A Yes, sir.
Q Lived here all your life? A Yes, sir.

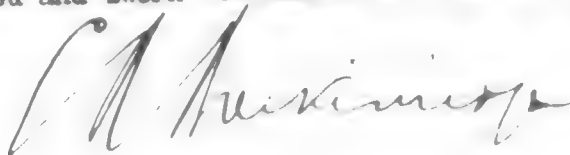
COM'R NEEDLES: Posey Gibson applies for the enrollment of herself. She cannot be identified upon the authenticated roll of 1880 or census roll of 1896, or Kern-Clifton roll, but is identified upon the Wallace Roll. He avers that he was born and raised in the Cherokee Nation and is a son of Lewis Gibson who was listed for enrollment on doubtful card #774, and the testimony taken in said case will be made part of the record in the case at bar and a copy thereof filed herewith. He will be duly listed for enrollment as a Cherokee Freedman upon a doubtful card and will be notified of the action of the Commission in the premises.

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

J. O. Rosson

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



Commissioner.

File with C. F. D-786.

R.

C. F. D-774.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 3, 1908.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of LEWIS GIBSON for the enrollment of himself as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant.
J. S. Davenport, attorney for Cherokee Nation.

AMELIA WINSHIP, being first duly sworn, and being examined, testified as follows:

MR. DAVENPORT: What is your name? A Amelia Winship.
Q Where do you live? A Near Harding, Bourbon County, Kansas.
Q How long have you lived in Bourbon County, Kansas?
A I have lived there ever since February of 1860, with the exception of the period I went away. I was gone about nine years.
Q What period was it you were away?
A I was away from 1875, the spring of 1875, until the fall of 1884.
Q Where were you living at the close of the war, near what place in Kansas? A Right where we are living now.
Q What is the name of the post office?
A At the beginning of the war it was Mapleton.
Q At the close, the same place? A Same place.
Q After the war closed, or during the time of the war did you get acquainted with a colored family of the name of Gibson? A Yes, sir.
Q Do you remember the names of any of them?
A I remember an old gentleman was there first.
Q What was his name? A Posey Gibson.
Q Do you know whether or not he had a family?
A Yes, sir, and I know it this way. He had a son, but I had never heard of it until I had lived there a certain length of time, and I heard tell that he went to Fort Scott, and found his son lying on the streets of Fort Scott, and that he brought his son home.
Q Do you know the name of the son? A Lewis.
Q Ever see him yourself? A Yes, sir.
Q Any defect about him, any affliction?
A Yes, sir, he was blind, and he had fits, they said.
Q After his father brought him down to Mapleton, how long did he remain there, if you know?
A I guess I have got a right to look at the record—
MR. MELLETT: Is that a memorandum made at that time?
A It is the births of my children that I got up.
Q Was it made in 1866, is that a copy of the record?
A That is a copy of my children, drawn out of my children, of their record.
MR. MELLETT: I object to the reference to it, because it is not the original record.

WITNESS: All I knew, I only seen this Lewis Gibson led around by a boy that was a white boy, he looked to be. Posey Gibson raised this boy.

MR. DAVENPORT: Do you know his name? A Only that his name was Henry. And that is all the family that he had until he found this blind boy in Fort Scott. This Henry often led Lewis about the house.

Then after he came, we heard that Lewis was married.

Q When was it that you learned that?

A I can't say, but I think it was in 1868.

And in the next year I know that Lewis' wife washed for me, in September of 1869.

Q How do you know that?

A I know it was because it was my son's birthday. The 14th of August, the 14th of August, 1869, this woman washed for me when he was about a month old. I remembered that I got the dinner that day, and they had a child along, and this blind man was along, and he had to take care of it, and it cried so it nearly worried me to death.

Q Do you remember the name of the child? A It was Napoleon.

Q Was you and Mr. Winship married at that time? A No, sir.

Q What was your name at that time? A Pitman.

Q When, after the time that Lewis' wife washed for you, and Lewis was there with him, with the child Napoleon, did they leave, as near as you can fix it?

A They were there in Christmas or New Years of 1871, because I had a niece that was born February 16th, 1871.

Q Were they there at that time?

A Yes, sir, because when I went home my husband was killing hogs and he gave the heads and everything that way to Lewis' wife, because they were pretty near starvation.

Q About how far did they live from you from the time you got acquainted with them until they left there?

A I don't know exactly where Lewis was when he was married, but it was not right close. Might have been two miles and a half maybe, but when I began to know them they lived just a quarter of a mile from us. I seen them passing on the road, but I had never had any chance to know them, they didn't live near me, and I never had anything to do with them.

Q Do you know whether or not they had more than one child before they left there?

A No, sir, the child was Napoleon.

MR. MELLETT: When was it that you knew Napoleon?

A September, 1869.

Q How old was he at that time?

A I could not say just about how old. Might have been five or six months old.

Q Now I want you to read me everything you have got down there, begin right at the first.

A James Henry Pitman, born January 8, 1864; Riley Edward Pitman, born December 6, 1865;

Julia Estella Pitman, born October 6, 1867; William Benson Pitman, born August 14, 1869; Anna Clementine Pitman, born July 28, 1871;

Mark Antony Pitman, born July 28, 1873; Fanny Beatty Pitman, born July 21, 1876; Stella Caroline Pitman, born May 18, 1878; Nettie

Maria Pitman, born November 18, 1880; Julia Emily Frances Pitman, born November 21, 1882; Mary Hall Pitman, born March 31, 1885.

Emily F. Pitman, married Winship July 4, 1894. Mr. William Phillips came to Kansas from North Carolina 1878, March. I made a mistake there. He came in March—Eliza Josephine E., born November 14, 1870.

Q Why did you put that there?

A Because that is the day my niece was born.

Q Have you got the record of it at home? A Yes, sir.

Q Where is it? A In the Bible.

Q What is it doing there? A She was my niece.

Q Born at your house? A No, sir.

Q Did she have a father and mother? A Yes, sir.

Q What did you put it down in the Bible for?

A Because the 16th day of February was a rather noted day.

Q Why did you put it down in the Bible? A Because I wanted to.

Q Where is that Bible? A At home on my table.

Q Do you put all your relations, the births and marriages of all your relations down in that Bible?

A No, sir, because I wanted, I recollected about my son Benson, I recollect that he was just six months and two days older than she was, and when I want to remember that woman, I remember about my husband killing hogs, and remember about them not having enough to eat.

Q You remember 34 or 35 years ago your husband was killing hogs?

A Yes, sir.

Q What day was it that hog killing scrape took place? Do you have to look at your books to find out? Or find out from your memory?

A It was in 1870, because I will tell you, of course if he had killed hogs in February that would be after Christmas?

Q Certainly, that is self-evident. What next? Keep your eye off the book. I want to know all you remember about him killing the hogs.

Q I remember that I went home, and he was killing hogs there. I remember that he was doing that, and I remember that the boy was squalling himself to death, and that he was six months old—

Q When was that? A In 1870.

Q You stated that you put down the record of the birth of your niece, in order that you could remember how old your son was?

A No, I didn't say that.

Q Why, you just did it?

A No, because we were killing hogs and I thought I would give them something to eat on that day.

Q I am talking about the record of the birth of your niece. Now why did you put that in your Bible?

A Why would a person put anything in the Bible except because they wanted to?

Q You stated that it was so that you could remember the birth of your own son, and stated that he was six months older or six months younger than your niece.

A She was born on the 16th day of February, and he in August. I have got a good many things to remember the 16th day of February by.

Q When did you move to Kansas?

A We moved to Kansas from Illinois in the fall of 1859.

Q You are certain of that? A Yes, sir.

Q How old are you? A Sixty.

Q Did you remember seeing this man Gibson when you first moved there?

A No, sir, I did not.

Q What year did you first see Lewis Gibson?

A I would not say positively I saw him until 1864.

Q Did you see him in 1864? A Yes, sir.

Q How do you know? A I seen him at Posey Gibson's.

Q What makes you remember him? A I remember Posey Gibson and his wife.

Q What makes you remember that you saw them in 1864?

A In 1864 the women in our neighborhood pieced a quilt for the Methodist preacher, and my mother went around and solicited blocks and she cut up the blocks, and our names was to be written on them, and I wrote the names on with indelible ink, and I said, this colored woman's block is the best block. That was in 1864.

Q When did you first think about the quilting blocks?

A That was in 1864.

Q When did you next think about it?

A I thought about it when this man asked me about Mrs. Gibson.

Q When were you first talked to with a view to making you a witness in this case? A I guess it was on Tuesday of last week.

Q How many years ago was it that happened, since 1864?

A Thirty-eight years, I think.

Q When you were spoken to about Mrs. Gibson, that made you remember about that quilt patch in 1864?

A He didn't tell me that he wanted me for a witness, or I would not have told what I know. He just met me in the road and asked me

if I knew a man by the name of Posey Gibson, and I said yes. And he asked me if I was acquainted with his wife, and I said I was, and he asked me what his wife's name was, and I told him, Martha.

Q You remembered that back 38 years?

A I remembered it just as vividly, that he pieced the quilt for the Methodist preacher's wife, and she was the only colored woman in the lot.

Q Is this your husband out here?

A That is my husband now.

Q Where was he living in 1866?

A Lived about where we live now. He was a soldier in the army. He was not there when these colored folks came to Kansas. He was in the army. Myself and my husband lived right there.

Q You have been married twice? A Yes, sir.

Q When did you marry your present husband?

A On the 4th day of July, eight years ago.

Q What year? A I think it was 1894. I don't remember dates very well.

Q Where was your present husband living in 1870?

A Right where we live now.

Q You were not married to him then? A No, sir.

Q He was living at the same place? A Yes, sir.

WILLIAM H. WINSHIP, being first duly sworn, and being examined, testified as follows:

MR. DAVENPORT: What is your name? A William H. Winship.

Q Where do you live? A In Bourbon County, Kansas.

Q What is your postoffice? A Harding.

Q How long have you lived in Bourbon County, Kansas?

A Ever since 1857.

Q Where were you at the close of the war?

A I was in the war in the first place. I didn't live there since 1857, because I was in the war for about three years.

Q When the war closed? A I was discharged in 1865.

Q Where did you go then, Kansas? A Yes, sir.

Q You are the husband of Mrs. Winship, who has just testified in this case? A Yes, sir.

Q After the close of the war, what point did you return to in Kansas?

A I came back to Harding. Stayed there for a month or two and then moved to Mound City.

Q When you returned from the war to Harding, did you know a family of colored people by the name of Gibson?

A I didn't at the time, but I moved back in the spring of 1866 and got acquainted with them.

Q What were their first names, if you know?

A Lewis Gibson and Posey Gibson.

Q Which was the older of the two? A Posey.

Q Do you know what relation, if any, they were?

A I didn't know, as far as that is concerned, then, but subsequently that Lewis was his son.

Q That is the understanding? A Yes, sir.

Q When was this that you got acquainted with these people?

A In 1866.

Q Do you know whether or not they were living in the country at that time? A Yes, sir, within about a mile and a half of where I lived.

Q Where did you live when you first saw them?

A Right in the vicinity there. I don't know but about at the same place.

Q What, if any descent, had Lewis Gibson? A He was blind.

Q Do you know whether or not he married in that country?

A Yes, sir, he married.

Q After you got acquainted with them, did you know of them working for you? A Yes, I had Lewis Gibson help me some.

Q What was that that Lewis Gibson helped you?

A I think it was along about January, 1868.

Q What was he doing? A Hauling fodder.

Q Did you have anyone else, if you remember, helping you?

A A colored man by the name of George (George?) Vann.

Q You say that was in 1868? A Yes, sir.

Q Do you know whether or not Lewis Gibson had any children?

A I could not tell you, but I understood that he had.

Q Ever see any children claimed to be his?

A No, sir, never was at his house, but then I understood that he had a child.

Q Have you ever seen them since they left that section of country?

A No, sir.

Q When did they leave there? A I could not tell. Posey Gibson moved away and left him, I think a year some spring that he worked for me.

Q The spring of 1868? A Yes, sir. And this colored man, this Lewis Gibson, stayed there, him and his wife, that fall and winter, and then Posey Gibson came back.

Q You don't remember when they left after that? A No, sir.

MR. BELLETTE: When was it Lewis Gibson hauled fodder for you?

A In the spring of 1868, along about January, to clear off the corn ground for plowing.

Q When was your attention first called to him?

A He hauled fodder in the spring of 1868.

Q When were you first asked about this matter?

A It has been just this last Monday, I believe, a gentleman came up from here.

Q You had not thought very much about him from 1868 to this time?

A No, sir.

Q Do you remember back that he hauled fodder for you in 1868?

A Yes, sir.

Q Can you remember everybody that worked for you thirty-four years ago? A No, I don't know that I do. There was a colored man by the name of Elip, but I could not tell their given names.

Q What kind of a team did Lewis Gibson have when he was hauling that fodder? What kind of a team? A He had a span of blacks.

Q How long ago has that been? A I could not tell you, as near as I can figure out it was in 1868, about 34 years.

Q Who drove them? A George Vann drove them.

Q And Lewis Gibson? A He threw the fodder up on the wagon to George, and George loaded the fodder.

Q Lewis was blind? A Yes, sir.

Q He could load the fodder all right?

A He could load better than most of the men that have got eyes.

Q You can remember back absolutely 34 years? A Yes.

Q You would not swear that it was in 1868? A Yes, sir.

Q Why? A Because I came back in 1865, and Jim Jackson farmed for me in 1866, then this in 1867, and Lewis hauled my fodder for me and done some of the farming in 1868.

Q You remember it this long? A Yes, sir.

Q For many times did you see Lewis after that?

A I could not tell you.

Q Often? A Not very often, no, sir.

Q There was Lewis in 1866?

Q He was living, I don't know whether it was on Mr. Wilson's place, but it was either Mr. Wilson's place or adjoining his place west, about a mile or a mile and a half.

Q How do you know? A Because I seen him.

Q That time in 1866? A I could not tell you.

Q Where did you see him in 1866? A At Peary Gibson's.

Q What were you doing there? A I could not tell you, what I was doing there, I don't remember what I was doing there.

Q Did Lewis Gibson come down to the Indian Territory in 1868?

A No, sir.

Q How do you know he did not?

A Because I never missed him from there.

Q Did you watch him all the time? A No, sir.

Q Can you remember back now that he was not absent?

A I don't think that he was.

Q Can you swear that he was not?

A He might have been absent for two or three weeks for all I know, but he was not absent very long, if he was at all.

Q He could have been absent for two or three weeks without you knowing anything about it.

A Yes, he could.

MR. DAVENPORT: We offer in evidence the judgment of the Commission on Citizenship for the years 1880-1884, inclusive, page 116.

The judgment above referred to is as follows:

Office Commission on
Citizenship, Tahlequah
C. N., September 24th, 1881.

J. M. Bryan &
O. H. Taylor, } Atty for Claimants.

No. 110.

Pose Gibson
Amaretta Gibson,
vs
Cherokee Nation. } Petition for Citizenship.

Submitted by Plaintiff Oct. 1st, 1881.

Continued by the Cherokee Nation Oct. 3rd, 1881.

Continued by Commission till Sept. Term, Feb. 3rd, 1882.
Submitted by the solicitor September 20th, 1882.

And now on this the 26th day of September, A. D. 1882, this case coming on final hearing and all the evidence produced in the case on both sides being carefully read and duly considered by the Commission, it was adjudged by the Commission on Citizenship that the claimant Pose Gibson and Amaretta Gibson, are not Cherokees by blood, and that said claimants being colored persons who were free and residing in the Cherokee Nation at the commencement of the War of Rebellion, and who, being absent from the limits of said Nation at the ratification of the treaty of 1866, failed to return thereto within six months from the 18th day of July, 1866, are not entitled to the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that their claim therefore should be and the same is hereby rejected.

Thos. Talbot, Pres. of Commission.
Alex. Wolfe, Commissioner.
T. F. Thompson, Commissioner, Dismissing.

D. W. C. Dunsen,
Clark of Com. }

Transcript furnished claimant Sept. 20th, 1882.

D. W. C. Dunsen,
Clark of Commission.

MR. KELLEY: I object to the admission of the record.

BY COMMISSION: The record offered is a record of the Cherokee Nation which was delivered to the Commission in November, 1900, at Tahlequah, Indian Territory, and is now in the possession of the Commission.

The testimony will be filed with and made a part of the record in the following Cherokee Freedman cases:

D-786, D-195, D-807, D-1091, and in the case at bar.

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

Wm. Hutchinson.

Arthur G. Groninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and complete copy of the original transcript.

Arthur G. Groninger

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

J. J. Renter
Notary Public.

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

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

Lewis Gibson,.....	Cherokee Freedmen	D 774
Napoleon Gibson,.....	"	D 195
Posey Gibson,.....	"	D 786
William Gibson,.....	"	D 807

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 Lewis Gibson for himself; by Gideon S. White for Napoleon Gibson, who at the date of this application was confined in the penitentiary; by Posey Gibson for himself and by William Gibson for himself. Copies of the testimony taken at Muskegee, Indian Territory, on May 16, 1902, in the matter of the application of Joseph Vann are made a part of the record herein.

The evidence shows that the applicant Lewis Gibson was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of said Nation during the rebellion and did not return thereto until after January 19, 1867. The other applicants herein are the children of said Lewis Gibson. Napoleon Gibson first came to the Cherokee Nation with his father some time subsequent to January 19, 1867, and Posey and William Gibson were born since that time. The applicants Napoleon, Posey and William Gibson, having been born since the commencement of the rebellion, take no rights as Cherokee Freedmen, except such as they may have acquired through their father.

It further appears that none of the names of said applicants are found on the 1880 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Lewis Gibson, Napoleon Gibson, Posey Gibson and William Gibson as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stat., p. 494), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED). *Tams Bixby.*

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Dated at Muskogee, Indian Territory,

this JUL 10 1898

COPY.

Cherokee Freedman
D-786.

Muskogee, Indian Territory, July 24, 1903.

Posey Gibson,
Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the consolidated case of Lewis Gibson, et al., together with a copy of the Commission's decision, 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,

T. B. Needles,

Commissioner in Charge.

Register.

Enc. 1-11.

COPY.

Cherokee Freedmen
D-774, D-125, D-786
& D-887.

Mustagee, Indian Territory, July 26, 1908.

V. E. 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, 1908, in the consolidated case of Lewis Gibson, et al., rejecting the applications for the enrollment of Lewis, Napoleon, Percy and William Gibson, 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.

Sincerely,

T. B. Hodges.

Commissioner in Charge.

Enc. 2-24.

COPY

Cherokee Freedmen
B-774, B-125,
B-786, B-887.

Madame, Indian Territory, July 21, 1908.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated case of Lewis Gibson, et al., together with the Commission's decision, dated July 10, 1908, rejecting the applications for the enrollment of Lewis, Napoleon, Fanny and William Gibson as Cherokee Freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. B-88.

Copy.

Refer in reply to
the following:

Land
47863-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, August 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Lewis Gibson for the enrollment of himself; the application of Gideon S. White for the enrollment of Napoleon Gibson who at the date of this application was confined in the penitentiary; the application of Posey Gibson for the enrollment of himself; and the application of William Gibson for the enrollment of himself, all as Cherokee freedmen.

On July 10, 1903, the commission rendered a decision in this case finding that the evidence shows that the applicant Lewis Gibson was a slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of said nation during the rebellion and did not return thereto until after January 19, 1867; that the other applicants herein are the children of said Lewis Gibson; that Napoleon Gibson first came to the Cherokee Nation with his father some time subsequent to January 19, 1867, and that Posey and William Gibson were born since that time; that the applicants Napoleon, Posey

and William Gibson having been born since the rebellion have no rights as Cherokee citizens except those that they may acquire through their father; that it appears that none of the names of said applicants are found on the 1880 authenticated roll, and the commission is therefore of the opinion that the applications for the enrollment of the se parties as Cherokee freedmen shall be denied under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 496).

The office has examined the record evidence in this case and finds that the said Lewis Gibson testifies on page 2 of said record that his mother was Caroline Childers and that he thinks her name is on the 1880 roll as Caroline Charles. The office does not find any other testimony in the record relative to this claim of the said Lewis Gibson ^{or} does the Commission state whether or not said claim is true.

Article 9 of the treaty with the Cherokee Nation of 1866 provides in part "they further agree that all freedmen who have been liberated by voluntary act of their former owners or by law as well as by free colored persons who were in the country at the commencement of the rebellion and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees."

The office considers that this provision of said treaty clothed the said Lewis Gibson with the right to enrollment as a Cherokee freedman if as a matter of fact his mother's name was on

¹⁸⁸⁰
~~said~~ roll as is claimed by him in his testimony. As the office has no copy of said roll it is unable to determine this question and recommends that the same be submitted to the commission for determination.

A review of the testimony submitted in the record satisfies the office that these applicants are not entitled to enrollment as Cherokee freedmen by reason of the said Lewis Gibben having returned to the Cherokee Nation prior to February 11, 1867 and unless they should be entitled to enrollment as descendants of the said Caroline Charles or Caroline Childers, the office considers that their application should be refused by the Department and as decided by the commission in its said decision.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

W.C.B.(E.)

Refer in reply to
the following:
Land
67,508-1903.

Copy.

Department of the Interior.

Office of Indian Affairs,

Washington, Nov. 9, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a communication from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, dated October 16, 1903, acknowledging receipt of departmental letter of September 21, 1903, -- I.T.D. 6188 -- relative to the application of Lewis Gibson, et al., for enrollment as Cherokee freedmen, and further reporting as to whether or not the name of the mother of said Gibson, to wit., Caroline Childers, is on the 1880 roll, and the legal effect of the same when considered in connection with article 9 of the treaty of 1866.

As the office has heretofore submitted an opinion relative to this matter, it is not deemed necessary at this time to add anything to the report herewith enclosed.

Very respectfully,

W. A. Jones,

Commissioner.

(W.C.B.)).

D. C. 52664-1903.

DEPARTMENT OF THE INTERIOR.
Washington.

J.P.
WHR.

IED 6180-1903.
8060-1903.

November 19, 1903.

L.R.S.

The Commission

to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

In the Cherokee freedmen enrollment case consolidating the applications of Lewis Gibson, Napoleon Gibson, Fossy Gibson and William Gibson, you found in your decision of July 19, 1903, that the principal applicant, Lewis Gibson, was a slave of the Cherokee citizens at the commencement of the civil war, and that he was taken out of said Nation during said war, and did not return there until after the time fixed in the treaty of 1866; that the other applicants are the children of said Lewis Gibson; that Napoleon Gibson first came to the Cherokee Nation with his father sometime subsequent to January 19, 1867, and that Fossy and William Gibson were born since that time.

You held that these children having been born since the commencement of the civil war take no rights as Cherokee freedmen except such as they may have acquired through their father.

You stated that most of the names of the applicants are found on the 1860 authenticated Cherokee roll, and accordingly held that some of the applicants were entitled to enrollment and should be

denied under the provisions of section 21 of the act of June 28, 1898 (30 Stats., 495).

Reporting in the matter August 11, 1903, the Acting Commissioner of Indian Affairs stated that as it appeared possible from the testimony that the name of the mother of Lewis Gibson was upon the 1880 roll as Caroline Childers or Caroline Charles, in view of the fact that article 9 of the treaty of 1866 provided that all freedmen whom had been liberated by voluntary act of their former owners, or by law, who were in the Cherokee country at the commencement of the rebellion "and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees," that said Lewis Gibson was clothed with the right to enrollment as a Cherokee freedman if as a matter of fact his mother's name was on the 1880 roll of the Cherokee Nation. He, however, stated that a review of the testimony submitted satisfied him that these applicants are not entitled to enrollment as freedmen by reason of said Lewis Gibson having returned to the Cherokee Nation prior to February 11, 1867, and unless they should be entitled to enrollment as descendants of said Caroline Childers or Caroline Charles, he expresses the opinion that their applications should be refused by the Department and as decided by your Commission.

On September 21, 1903, the Department requested you to report whether the name of Caroline Childers or Caroline Charles appeared upon the 1880 roll, and on October 16, 1903, you reported that the

name of Caroline Charles appears upon the 1880 roll of the Cherokee Nation as a Cherokee freedman, and that her name appears upon a schedule of Cherokee freedmen which was approved by the Department on December 23, 1902; that, however, there is no evidence in her case which would identify her as the mother of the principal applicant, Lewis Gibson. You call attention to the fact that Lewis Gibson was born prior to the commencement of the civil war, being fifty-nine years of age at the time of his application, and you express the opinion that he would not be entitled to enrollment even if his mother's name is identified upon the 1880 roll.

The Department concurs in this conclusion, and finding no other reason to disturb your decision it is hereby affirmed.

A copy each of the Commissioner's letters of August 11, and November 9, 1903, are inclosed.

Respectfully,

Thos. Ryan.

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, December 2, 1903.

Posey Gibson,

Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 19, 1903.

Respectfully,

Chairman.

Muskogee, Indian Territory, December 2, 1903.

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 William Gibson et al., rejecting the applications for the enrollment of William, Jesse, Napoleon and Lewis Gibson as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 19, 1903.

Respectfully,

Chairman.

B

SP 786

MISSION PAPER SIZE THREE
REPROD
1888

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *April 29, 1901*
Post Office *Coffeyville Kas*
District *Gov*

1. Name *Posy Gibson* Age *23*

Owner's name _____ Citizenship _____

Year *Marriage* Page *115* No. *2425* District *Gov*

Parents: _____

Father *Lewis Gibson living* Citizenship _____

Mother *Mary* " *decd* 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 *ms* Stenographer *J. O. Ross*

XRef. D 774

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

} SS
In the matter of the application of Posay

Gibson

for enrollment as a Cherokee Freedman.

No. F. D. 786

Henry Jack, of lawful age, being duly sworn on oath states that on the 21st day of September, A. D., 1901, he registered

to Posay Gibson whose postoffice is Coffeyville, Ka

~~Indian Territory~~, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory;

and that on the 28th day of September, 1901, he received the return card which is hereto attached, signed by the said Posay Gibson, showing that he had received said notice.

Subscribed and sworn to before me on this the 28th day of Sept, A. D. 1901.

Henry Jack
J. C. Starr
Notary Public.

NOTICE!

IN THE MATTER OF the application of Posey Gibson
for enrollment as Cherokee Freedmen:
Case No. F. D. 786

To Posey Gibson Coffeyville Kans.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 24th 1901 10 OCK A.M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

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

L B Bell

M. W. Hastings
J. S. Sampson

Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Rosey Gibson,
Coffeyville, Kansas.
Cherokee F-D-786
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

**CHEROKEE
FREEDMEN**

R- 221

POSEY GIBSON

REFUSED

ACTION APPROVED BY
SECRETARY OF INTERIOR.

NOV. 19, 1903

SEE CHER. FR. #R219 - 220 -222

Cher. Fr. R. 222

Cher. Fr. R. 222

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 20, 1901.

In the matter of the application of Lewis Gibson for enrollment as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant;
W. W. Hastings, of counsel for Cherokee Nation.

Lewis Gibson, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Lewis Gibson.
Q What is your age? A I can't tell my age.
Q About how old? A I don't have any idea; well I may be 59 or somewhere along there, or maybe older.
Q What is your postoffice? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just myself.
Q Is your name on the roll of 1880? A No, sir, I don't think it is.
Q Is your name on any of the rolls of the Cherokee Nation? A On the Wallace and Clifton roll.
Q Did you ever apply to the Cherokee Council to be placed on the roll of 1880, the Cherokee authorities? A No more than I have been to the census taking.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.
The Kern-Clifton roll examined and the applicant identified thereon, page 102, No. 2544, Cooweescoowee district, Louis Gibson.
The Wallace roll examined and the applicant identified thereon, page 115, No. 2421, district not given.
Mr. Mellette: Lewis, were you a slave in the Cherokee Nation at the beginning of the war? A Yes, sir.
Q Where did you live? A On Grand River.
Q Who was your master? A Levi Childers.
Q Was he a citizen of the Cherokee Nation? A No, sir.
Q What was he? A They said he was a white man, I don't know, I belonged to Sarah Childers, his wife.
Q His wife was a Cherokee? A Yes, sir.
Q Did you go out of the Cherokee Nation during the war? A Yes, sir.
Q Where did you go? A Fort Scott.
Q Kansas? A Yes, sir.
Q Did you return to the Cherokee Nation? A Yes, sir.
Q When did you come back? A In '68.
Q Who did you come back with? A Came back with my father, my father brought me back, I guess, I was blind and couldn't travel alone.
Q What was your father's name? A Posey Gibson.
Q What size were you at that time? A I was grown, I can't tell just what size.
Q Do you know where they brought you to? A Yes, sir, brought me to Snow Creek, Cherokee Nation.
Q Where have you lived since that time? A Still living there yet.
Q Living right on Snow Creek? A Yes, sir, same place.
Q How long has your father been dead? A I can't say exactly, I know he died, I don't know exactly, I am not able to tell.
Q Was your father a slave also? A No, sir, he was a free man.
he lived amongst the Cherokees, came from Georgia with the Cherokees and lived there among them all the time.
Q You were a slave? A Yes, sir, he had my mother for a wife.

- Q What was your mother's name? A Caroline.
- Q Caroline Gibson? A Caroline Childers, she was known by, I think her name is on the 1880 roll by Charles.
- Q Charles? A Caroline Charles.
- Mr. Hastings: Did you come back with your mother? A No, sir, come back with my father.
- Q Have you been married? A Yes, sir.
- Q Where were you married? A I was married in Kansas.
- Q What was your wife's name? A Mary, she wasn't any Cherokee slave.
- Q What was her maiden name? A I don't know her maiden name.
- Q Don't you know her name when you married her, Mary what?
- A Why Carbin I guess was her name.
- Q You married after the war? A Yes, sir.
- Q Were you born blind? A No, sir, my eyes got put out.
- Q Before or after the war? A Before the war.
- Q The time you married in Kansas your first marriage? A Yes, sir.
- Q You have any children by that marriage? A Yes, sir.
- Q What was the oldest one's name? A Napoleon.
- Q What was the next one? A ~~Rae~~ William.
- Q And the next one? A Rosanna.
- Q The next one? A Posey.
- Q How much older than Rosanna is William? A Why I can't tell that, I am not a very good hand to count, I can't say how much older.
- Q You think he is more than two years older? A Yes, I expect he is.
- Q You think more than three? A Well sir, I can't say that, to tell the truth I don't know, I can't count and I can't tell that.
- Q How much older is Napoleon than Rosa? A Napoleon, I can't tell you, Napoleon I think is about thirty years old.
- Q He is your oldest child? A Yes, sir.
- Q Napoleon born in Kansas? A No, sir.
- Q You were not in the army before you were blind? A No, sir.
- Q Was your father? A No, sir, I had a brother was younger.
- Q Your father marry again in Kansas? A No, sir.
- Q Do you know what year Posey was born in? A No, sir.
- Q Know what year William? A No, sir, I can't tell you, I have got it in my bible, and I can't remember to keep it in my mind.
- Q You know what year Napoleon was born? A No, sir.
- Q Know what year Wallace paid the money? A No, sir, I can't remember that.
- Q Know what year the Kern-Clifton Commission sat and when they had such a time taking testimony? A No, sir, I don't think I can remember, I can't keep time in my head.
- Q You are not good at dates? A No, sir.
- Q Know what date this is? A Well no, sir, I don't remember what date this is.
- Q Did you come back in the spring or fall? A In the fall.
- Q Was it late in the fall or the early fall, about what time in the fall did you come, do you know? A Well I don't know, it was along in the latter part of the fall I think though.
- Q What part of the Territory did you come to? A I came to Snow Creek.
- Q About how far from the mouth of Snow Creek? A Why I am living now I guess about a quarter or a half a mile from the mouth of it.
- Q Is that the place you located? A Yes, sir.
- Q When you first came there? A I located just on the other side of the Creek, I am living on the west side now.

Q You located right there on the same place? A Yes, sir, right on Snow Creek.

Q On what side did you say you first located? A On the west side.

Q Right on the bank of the creek? A Yes, sir.

Q Did you make a field over there? A No, sir, I didn't put in any field, my father had a field over there.

Q You located with your father? A Yes, sir.

Q Anyone else come along with you except your father and you? A There was other folks along but of course I can't say who they were, there was some other wagons.

Q Do you remember any of them? A I remember Joe Ross was along, I wasn't acquainted with the other folks much, and of course I don't know.

Q Nelson Murrell wasn't along? A Yes, sir, I think he was.

Q You remember that now? A Yes, sir.

Q You remember coming through any town coming down here? A No, sir, I can't tell what we came through.

Q You didn't hear them talking about any town or place? A No, sir.

Q What was the nearest town to you when you first located up there at Snow Creek? A There wasn't any town.

A Well, the nearest trading point? A There was no place we went and traded, I don't know of any place there was to trade when we came there.

Q Well, who had located up in that country before you?

A No one as I know of.

Q Did you ever hear of Alex Conner up in there? A No, sir.

Q Any Delawares living up there when you came? A No, sir, was nobody living on Snow Creek.

Q Nobody living on Snow Creek when you came there? A No, sir, name at all: there was one family, Caroline Adair, Amos Adair, and Caroline, they were the only people I know anything about being there when we were there.

Q That was in the fall of '68? A Yes, sir.

Q Anybody else you can think of? A No, sir.

Q Never knew anyone else to be in there? A No, sir.

Q Did you know Adam Beatty? A Yes, sir, I got acquainted with him kinder since we came there.

Q He wasn't living there? A No, sir.

Q You know William Nobles? A No, sir.

Q Well, you have been living there ever since, have you? A Yes, sir.

Q Never went back to Kansas? A No, sir, haven't went anywhere since I have been there.

Q Where did you get something to eat that first year? A My father brought his provisions with him.

Q Where did you first see Hammer Brown? A On Grand River.

Q How long after the war? A Well I never saw him after the war, but I knew him before the war, he was around the place where I lived.

Q He is just to prove your ownership then? A Yes sir.

Mr. Mellette: What is the name of the son that is here with you?

A Posey.

Q Where was he born? A On Snow Creek.

HAMMER BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Hammer Brown.

Q Where do you live now? A Cooweescoowee.

Q Do you know the applicant, Lewis Ross? A Yes, sir.

Q How long have you known him? A Known him from a youth up to the present.

Q Do you know where he lived before and during the early part of

the war? A In Saline, on Grand River.
 Q Who was his mistress? A Sarah Childers.
 Q Was she a Cherokee? A Yes, sir.
 Q Do you know where he was during the war? A No, sir, I don't.
 Q You don't know anything about when he came back here after the war? A No, sir, don't know anything about that.
 Mr. Hastings: Where did you live before the war? A Lived in Saline.
 Q How far from him? A About two miles.
 Q He was living there when the war came up, was he? A Yes, sir.

NELSON MURRELL, being duly sworn by Commissioner Needles, testified as follows:

Mr. Mellette: What is your name? A Nelson Murrell.
 Q ~~What is your name?~~ What is your age? A 77.
 Q Where do you live? A Cooweescoowee.
 Q Do you know the applicant, Lewis Gibson? A Yes, sir.
 Q Did you know his father, Posey Gibson? A Yes, sir.
 Q Do you know when he returned to the Cherokee Nation after the war? A Yes, sir.
 Q When? A Fall of '66.
 Q How do you know he returned then? A He came with me.
 Q Was his father along? A Yes, sir.
 Q Where did they locate? A Snow Creek, ~~Cherokee Nation~~ Cooweescoowee.
 Q Where has he lived since that time? A Right on the same place where he returned to, nearabout the same neighborhood.
 Mr. Hastings: Did he come with you when you first came back?
 A No, sir.
 Q When was the first time you came here after the war? A I came here in February, 1875.
 Q The Osages were living up there then? A Yes, sir.

Commissioner: Lewis Gibson applies for the enrollment of himself. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he is identified upon the Kern-Clifton roll and the Wallace roll according to page and number of the rolls as indicated in the testimony. He avers that he was the slave of one Sarah Childers. He was taken out of the Nation during the war, and returned in the year 1866. He makes satisfactory proof as to residence. Lewis Gibson 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 the premises.

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

Bruce C. Jones

Sworn to and subscribed before me this the 21st of August, 1901.

M. D. Green
 Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I.T., June 21, 1901.

In the matter of the application of William Gibson for enrollment as a Cherokee Freedman.

William Gibson, being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A William Gibson.
Q How old are you? A 28 years old.
Q What is your post office address? A Lenapah,
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Not anyone.
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,
Wallace roll.

Q What is your father's name? A Lewis Gibson.
Q Is he living? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q What is your mother's name? A Mary.
Q Is she living? A No, sir, she is dead.
Q You claim your citizenship through your father or mother?
A Through my father.
Q Where were you born? A Cherokee Nation.
Q Lived in the Cherokee Nation all your life? A Yes, sir.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicant not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicant not identified thereon.

The Kern-Clifton roll examined, and the applicant identified thereon, page 102, No. 2846, Cooweescoowee District, as Will Gibson.

Commissioner: William Gibson applies for the enrollment of himself. He is not identified upon the authenticated roll of 1880 or the census roll of 1896. He is identified upon the Kern-Clifton roll. He avers that he is the child of Lewis and Mary Gibson, and his father, Lewis Gibson, through whom he claims citizenship, has been this day listed for enrollment on D card 774, and the testimony taken in the case of the said Lewis Gibson will be made part of the record in the case at bar and a copy thereof filed herewith. Said William Gibson will now be listed for enrollment as a Cherokee freedman upon a doubtful card, having made satisfactory proof as to residence. He will be notified by the commission in due course of mails of their decision on his application.

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 20th of July, 1901.

Bruce C. Jones
[Signature]

Commissioner.

File with C. F. D-807.

R.

C. F. D-774.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of LEWIS GIBSON for the enrollment of himself as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant.
J. S. Davenport, attorney for Cherokee Nation.

AMELIA WINSHIP, being first duly sworn, and being examined, testified as follows:

MR. DAVENPORT: What is your name? A Amelia Winship.

Q Where do you live? A Near Harding, Bourbon County, Kansas.

Q How long have you lived in Bourbon County, Kansas?

A I have lived there ever since February of 1880, with the exception of the period I went away. I was gone about nine years.

Q What period was it you were away?

A I was away from 1875, the spring of 1875, until the fall of 1884.

Q Where were you living at the close of the war, near what place in Kansas? A Right where we are living now.

Q What is the name of the post office?

A At the beginning of the war it was Mapleton.

Q At the close, the same place? A Same place.

Q After the war closed, or during the time of the war did you get acquainted with a colored family of the name of Gibson? A Yes, sir.

Q Do you remember the names of any of them?

A I remember an old gentleman was there first.

Q What was his name? A Posey Gibson.

Q Do you know whether or not he had a family?

A Yes, sir, and I know it this way. He had a son, but I had never heard of it until I had lived there a certain length of time, and I heard tell that he went to Fort Scott, and found his son lying on the streets of Fort Scott, and that he brought his son home.

Q Do you know the name of the son? A Lewis.

Q Ever see him yourself? A Yes, sir.

Q Any defect about him, any affliction?

A Yes, sir, he was blind, and he had fits, they said.

Q After his father brought him down to Mapleton, how long did he remain there, if you know?

A I guess I have got a right to look at the record—

MR. MELLETTE: Is that a memorandum made at that time?

A It is the births of my children that I got up.

Q Was it made in 1886, is that a copy of the record?

A That is a copy of my children, drawn out of my children, of their record.

MR. MELLETTE: I object to the reference to it, because it is not the original record.

WITNESS: All I knew, I only seen this Lewis Gibson led around by a boy that was a white boy, he looked to be. Posey Gibson raised this boy.

MR. DAVENPORT: Do you know his name? A Only that his name was Henry. And that is all the family that he had until he found this blind boy in Fort Scott. This Henry often led Lewis about the house.

Then after he come, we heard that Lewis was married.

Q When was it that you learned that?

A I can't say, but I think it was in 1869.
And in the next year I know that Lewis' wife washed for me, in September of 1869.

Q How do you know that?

A I know it was because it was my son's birthday. The 14th of August, the 14th of August, 1869, this woman washed for me when he was about a month old. I remembered that I got the dinner that day, and they had a child along, and this blind man was along, and he had to take care of it, and it cried so it nearly worried me to death.

Q Do you remember the name of the child? A It was Napoleon.

Q Was you and Mr. Winship married at that time? A No, sir.

Q What was your name at that time? A Pitman.

Q When, after the time that Lewis' wife washed for you, and Lewis was there with him, with the child Napoleon, did they leave, as near as you can fix it?

A They were there in Christmas or New Years of 1871, because I had a niece that was born February 18th, 1871.

Q Were they there at that time?

A Yes, sir, because when I went home my husband was killing hogs and he gave the heads and everything that way to Lewis' wife, because they were pretty near starvation.

Q About how far did they live from you from the time you got acquainted with them until they left there?

A I don't know exactly where Lewis was when he was married, but it was not right close. Might have been two miles and a half maybe, but when I began to know them they lived just a quarter of a mile from us. I seen them passing on the road, but I had never had any chance to know them, they didn't live near me, and I never had anything to do with them.

Q Do you know whether or not they had more than one child before they left there?

A No, sir, the child was Napoleon.

MR. MELLETTTE: When was it that you knew Napoleon?

A September, 1869.

Q How old was he at that time?

A I could not say just about how old. Might have been five or six months old.

Q Now I want you to read me everything you have got down there, begin right at the first.

A James Henry Pitman, born January 6, 1864; Riley Edward Pitman, born December 6, 1865;

Julia Estella Pitman, born October 5, 1867; William Benson Pitman, born August 14, 1869; Anna Clementine Pitman, born July 22, 1871;

Mark Antony Pitman, born July 26, 1873; Fanny Beatty Pitman, born July 21, 1876; Stella Caroline Pitman, born May 18, 1878; Mattie

Maria Pitman, born November 18, 1880; Julia Emily Frances Pitman, born November 21, 1882; Mary Hall Pitman, born March 31, 1865.

Emily F. Pitman, married Winship July 4, 1894. Mr. William Phillips came to Kansas from North Carolina 1872, March. I made a mistake there. He came in March— Eliza Josephine E., born November 14, 1870.

Q Why did you put that there?

A Because that is the day my niece was born.

Q Have you got the record of it at home? A Yes, sir.

Q Where is it? A In the bible.

Q What is it doing there? A She was my niece.

Q Born at your house? A No, sir.

Q Did she have a father and mother? A Yes, sir.

Q What did you put it down in the bible for?

A Because the 18th day of February was a rather noted day.

Q Why did you put it down in the bible? A Because I wanted to.

Q Where is that bible? A At home on my table.

Q Do you put all your relations, the births and marriages of all your relations down in that Bible?

A No, sir, because I wanted, I recollected about my son Benson, I recollect that he was just six months and two days older than she was, and when I want to remember that woman, I remember about my husband killing hogs, and remember about that not having enough to eat.

Q You remember 34 or 35 years ago your husband was killing hogs?

A Yes, sir.

Q What day was it that hog killing scrape took place? Do you have to look at your books to find out? Or find out from your memory?

A It was in 1870, because I will tell you, of course if he had killed hogs in February that would be after Christmas?

Q Certainly, that is self-evident. What next? Keep your eye off the book. I want to know all you remember about him killing the hogs.

Q I remember that I went home, and he was killing hogs there. I remember that he was doing that, and I remember that the boy was squalling himself to death, and that he was six months old—

Q When was that? A In 1870.

Q You stated that you put down the record of the birth of your niece, in order that you could remember how old your son was?

A No, I didn't say that.

Q Why, you just did it?

A No, because we were killing hogs and I thought I would give them something to eat on that day.

Q I am talking about the record of the birth of your niece. Now why did you put that in your Bible?

A Why would a person put anything in the Bible except because they wanted to?

Q You stated that it was so that you could remember the birth of your own son, and stated that he was six months older or six months younger than your niece.

A She was born on the 16th day of February, and he in August. I have got a good many things to remember the 16th day of February by.

Q When did you move to Kansas?

A We moved to Kansas from Illinois in the fall of 1859.

Q You are certain of that? A Yes, sir.

Q How old are you? A Sixty.

Q Did you remember seeing this man Gibson when you first moved there?

A No, sir, I did not.

Q What year did you first see Lewis Gibson?

A I would not say positively I saw him until 1864.

Q Did you see him in 1864? A Yes, sir.

Q How do you know? A I seen him at Posey Gibson's.

Q What makes you remember him? A I remember Posey Gibson and his wife.

Q What makes you remember that you saw them in 1864?

A In 1864 the women in our neighborhood pieced a quilt for the Methodist preacher, and my mother went around and solicited blocks and she cut up the blocks, and our names was to be written on them, and I wrote the names on with indelible ink, and I said, this colored woman's block is the best block. That was in 1864.

Q When did you first think about the quilting blocks?

A That was in 1864.

Q When did you next think about it?

A I thought about it when this man asked me about Mrs. Gibson.

Q When were you first talked to with a view to making you a witness in this case? A I guess it was on Tuesday of last week.

Q How many years ago was it that happened, since 1864?

A Thirty-eight years, I think.

Q When you were spoken to about Mrs. Gibson, that made you remember about that quilt patch in 1864?

A He didn't tell me that he wanted me for a witness, or I would not have told that I know. He just met me in the road and asked me

if I knew a man by the name of Posey Gibson, and I said yes. And he asked me if I was acquainted with his wife, and I said I was, and he asked me what his wife's name was, and I told him, Martha.

Q You remembered that back 38 years?
A I remembered it just as vividly, that we pieced the quilt for the Methodist preacher's wife, and she was the only colored woman in the lot.

Q Is this your husband out here?
A That is my husband now.

Q Where was he living in 1866?
A Lived about where we live now. He was a soldier in the army. He was not there when these colored folks came to Kansas. He was in the army. Myself and my husband lived right there.

Q You have been married to her? A Yes, sir.

Q When did you marry your present husband?
A On the 4th day of July, eight years ago.

Q What year? A I think it was 1894. I don't remember dates very well.

Q Where was your present husband living in 1870?
A Right where we live now.

Q You were not married to him then? A No, sir.

Q He was living at the same place? A Yes, sir.

WILLIAM H. WINSHIP, being first duly sworn, and being examined, testified as follows:

MR. DAVENPORT: What is your name? A William H. Winship.

Q Where do you live? A In Bourbon County, Kansas.

Q What is your postoffice? A Harding.

Q How long have you lived in Bourbon County, Kansas?
A Ever since 1857.

Q Where were you at the close of the war?
A I was in the war in the first place. I didn't live there since 1857, because I was in the war for about three years.

Q When the war closed? A I was discharged in 1865.

Q Where did you go then, Kansas? A Yes, sir.

Q You are the husband of Mrs. Winship, who has just testified in this case? A Yes, sir.

Q After the close of the war, what point did you return to in Kansas?
A I came back to Harding. Stayed there for a month or two and then moved to Mound City.

Q When you returned from the war to Harding, did you know a family of colored people by the name of Gibson?
A I didn't at the time, but I moved back in the spring of 1866 and got acquainted with them.

Q What were their first names, if you know?
A Lewis Gibson and Posey Gibson.

Q Which was the older of the two? A Posey.

Q Do you know what relation, if any, they were?
A I didn't know, as far as that is concerned, then, but subsequently that Lewis was his son.

Q What is the understanding? A Yes, sir.

Q When was this that you got acquainted with these people?
A In 1866.

Q Do you know whether or not they were living in the country at that time? A Yes, sir, within about a mile and a half of where I lived.

Q Where did you live when you first saw them?
A Right in the vicinity there, I don't know just about at the same place.

Q What, is any defect, had Lewis Gibson? A He was blind.

Q Do you know whether or not he married in that country?
A Yes, sir, he married.

Q After you got acquainted with them, did you know of their working for you? A Yes, I had Lewis Gibson help me some.

Q When was that that Lewis Gibson helped you?

A I think it was along about January, 1868.

Q What was he doing? A Hauling fodder.

Q Did you have anyone else, if you remember, helping you?

A A colored man by the name of Croegu (George?) Vann.

Q You say that was in 1868? A Yes, sir.

Q Do you know whether or not Lewis Gibson had any children?

A I could not tell you, but I understood that he had.

Q Ever see any children claimed to be his?

A No, sir, never was at his house, but then I understood that he had a child.

Q Have you ever seen them since they left that section of country?

A No, sir.

Q When did they leave there? A I could not tell. Posey Gibson moved away and left him, I think a year some spring that he worked for me.

Q The spring of 1868? A Yes, sir. And this colored man, this Lewis Gibson, stayed there, him and his wife, that fall and winter, and then Posey Gibson came back.

Q You don't remember when they left after that? A No, sir.

MR. BELLETTE: When was it Lewis Gibson hauled fodder for you?

A In the spring of 1868, along about January, to clear off the corn ground for plowing.

Q When was your attention first called to him?

A He hauled fodder in the spring of 1868.

Q When were you first asked about this matter?

A It has been just this last Monday, I believe, a gentleman came up from here.

Q You had not thought very much about him from 1868 to this time?

A No, sir.

Q Do you remember back that he hauled fodder for you in 1868?

A Yes, sir.

Q Can you remember everybody that worked for you thirty-four years ago? A No, I don't know that I do. There was a colored man by the name of Elip, but I could not tell their given names.

Q What kind of a team did Lewis Gibson have when he was hauling that fodder? What kind of a team? A He had a span of blacks.

Q How long ago has that been? A I could not tell you, as near as I can figure out it was in 1868, about 34 years.

Q Who drove them? A George Vann drove them.

Q And Lewis Gibson? A He threw the fodder up on the wagon to George, and George loaded the fodder.

Q Lewis was blind? A Yes, sir.

Q He could load the fodder all right?

A He could load better than most of the men that have got eyes.

Q You can remember back absolutely 34 years? A Yes.

Q You would not swear that it was in 1868? A Yes, sir.

Q Why? A Because I came back in 1865, and Jim Jackson farmed for me in 1866, then this in 1867, and Lewis hauled my fodder for me and done some of the farming in 1868.

Q You remember it this long? A Yes, sir.

Q How many times did you see Lewis after that?

A I could not tell you.

Q Often? A Not very often, no, sir.

Q There was Lewis in 1866?

Q He was living, I don't know whether it was on Mr. Wilson's place, but it was either Mr. Wilson's place or adjoining his place west, about a mile or a mile and a half.

Q How do you know? A Because I seen him.

Q That time in 1868? A I could not tell you.

Q Where did you see him in 1868? A At Posey Gibson's.

Q What were you going there? A I could not tell you, what I was doing there, I don't remember what I was doing there.

Q Did Lewis Gibson come down to the Indian Territory in 1868?

A No, sir.

Q How do you know he did not?

A Because I never missed him from there.

Q Did you watch him all the time? A No, sir.

Q Can you remember back now that he was not absent?

A I don't think that he was.

Q Can you swear that he was not?

A He might have been absent for two or three weeks for all I know, but it was not absent very long, if he was at all.

Q He could have been absent for two or three weeks without you knowing anything about it.

A Yes, he could.

MR. DAVENPORT: We offer in evidence in judgment of the Commission on Citizenship for the years 1860-1864, inclusive, page 116.

The judgment above referred to is as follows:

Office Commission on
Citizenship, Tahlequah
C. N., September 28th, 1861.

J. M. Bryan &
G. H. Taylor, } Atty for Claimants.

No. 110.

Pose Gibson
Amarretta Gibson,
vs
Cherokee Nation. } Petition for Citizenship.

Submitted by Plaintiff Oct. 1st, 1861.

Continued by the Cherokee Nation Oct. 3rd, 1861.

Continued by Commission till Sept. term, Feb. 3rd, 1862.

Submitted by the Solicitor September 20th, 1862.

And now on this the 28th day of September, A. D. 1862, this case coming on final hearing and all the evidence produced in the case on both sides being carefully read and duly considered by the Commission, it was adjudged by the Commission on Citizenship that the aforesaid Pose Gibson and Amarretta Gibson, are not Cherokees by blood, and that said claimants being colored persons who were free and residing in the Cherokee Nation at the commencement of the War of Rebellion, and who, being absent from the limits of said Nation at the ratification of the treaty of 1862, failed to return thereto within six months from the 10th day of July, 1862, are not entitled to the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that their claims therefor should be and the same is hereby rejected.

Thos. Moore, Pres. of Commission.
Alex Wolfe, Commissioner.
E. I. Thompson, Solicitor, Witness.

D. W. C. Bunch,
Clerk of Com.

Transmitted original claimant Sept. 28th, 1862.

D. W. C. Bunch,
Clerk of Commission.

MR. DAVENPORT: I object to the admission of the evidence.

BY COMMISSION: The record offered is a record of the Cherokee Nation which was delivered to the Commission in November, 1900, at Tahlequah, Indian Territory, and is now in the possession of the Commission.

The testimony will be filed with and made a part of the record in the following Cherokee Freedman cases:

D-788, D-188, D-807, D-1092, and in the case at bar.

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

Wm. Hutchinson.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and complete copy of the original transcript.

Arthur Croninger

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

J. R. Renter
Notary Public.

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

W
B

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

Lewis Gibson,.....	Cherokee Freedmen	D 774
Napoleon Gibson,.....	"	D 198
Posey Gibson,.....	"	D 788
William Gibson,.....	"	D 807

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 Lewis Gibson for himself; by Gideon S. White for Napoleon Gibson, who at the date of this application was confined in the penitentiary; by Posey Gibson for himself and by William Gibson for himself. Copies of the testimony taken at Muskogee, Indian Territory, on May 16, 1902, in the matter of the application of Joseph Vann are made a part of the record herein.

The evidence shows that the applicant Lewis Gibson was the slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of said Nation during the rebellion and did not return thereto until after January 19, 1867. The other applicants herein are the children of said Lewis Gibson. Napoleon Gibson first came to the Cherokee Nation with his father some time subsequent to January 19, 1867, and Posey and William Gibson were born since that time. The applicants Napoleon, Posey and William Gibson, having been born since the commencement of the rebellion, take no rights as Cherokee Freedmen, except such as they may have acquired through their father.

It further appears that none of the names of said applicants are found on the 1860 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Lewis Gibson, Napoleon Gibson, Pacey Gibson and William Gibson as Cherokee Freedmen, should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 20, 1866 (20 Stat., 499), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Bixby

Chairman

(SIGNED)

F. B. Needles

Commissioner

(SIGNED)

C. R. Breckinridge

Commissioner

(SIGNED)

W. E. Stanley

Commissioner

Dated at Muskogee, Indian Territory,
this JUL 10 1866

Cherokee Freedmen
D-807.

Muskogee, Indian Territory, July 24, 1903.

William Gibson,
Lenapah, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the record of proceedings had in the consolidated case of Lewis Gibson, et al., together with a copy of the Commission's decision, 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,

I. D. Needles,

Commissioner in Charge.

Register.

No. 1-82.

COPY.

Cherokee Freedmen
D-774, D-198, D-788
& D-807.

Langhorne, Indian Territory, July 24, 1908.

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, 1908, in the consolidated case of Lewis Gibson, et al., rejecting the applications for the enrollment of Lewis, Napoleon, Percy and William Gibson, 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. E. Needles.

Commissioner in Charge.

Enc. H-34.

COPY.

Cherokee Freedmen
D-774, D-138,
D-784, D-807.

Muskogee, Indian Territory, July 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of proceedings had in the consolidated case of Lewis Gibson, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of Lewis, Napoleon, Percy and William Gibson as Cherokee Freedmen.

Respectfully,

I. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. N-26.

Copy.

Refer in reply to
the following:
Land
47863-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, August 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Lewis Gibson for the enrollment of himself; the application of Gideon S. White for the enrollment of Napoleon Gibson who at the date of this application was confined in the penitentiary; the application of Posey Gibson for the enrollment of himself; and the application of William Gibson for the enrollment of himself, all as Cherokee freedmen.

On July 10, 1903, the commission rendered a decision in this case finding that the evidence shows that the applicant Lewis Gibson was a slave of a Cherokee citizen at the commencement of the rebellion; that he was taken out of said nation during the rebellion and did not return thereto until after January 19, 1867; that the other applicants herein are the children of said Lewis Gibson; that Napoleon Gibson first came to the Cherokee Nation with his father some time subsequent to January 19, 1867, and that Posey and William Gibson were born since that time; that the applicants Napoleon, Posey

and William Gibson having been born since the rebellion have no rights as Cherokee citizens except those that they may acquire through their father; that it appears that none of the names of said applicants are found on the 1880 authenticated roll, and the commission is therefore of the opinion that the applications for the enrollment of the said parties as Cherokee freedmen shall be denied under the provisions of section 21 of the Act of Congress approved June 28, 1898 (30 Stats., 496).

The office has examined the record evidence in this case and finds that the said Lewis Gibson testifies on page 2 of said record that his mother was Caroline Childers and that he thinks her name is on the 1880 roll as Caroline Charles. The office does not find any other testimony in the record relative to this claim of the said Lewis Gibson ^{nor} does the Commission state whether or not said claim is true.

Article 9 of the treaty with the Cherokee Nation of 1866 provides in part "they further agree that all freedmen who have been liberated by voluntary act of their former owners or by law as well as by free colored persons who were in the country at the commencement of the rebellion and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees."

The office considers that this provision of said treaty clothed the said Lewis Gibson with the right to enrollment as a Cherokee freedman if as a matter of fact his mother's name was on

¹⁸⁸⁰ was a roll as is claimed by him in his testimony. As the office has no copy of said roll it is unable to determine this question and recommends that the same be submitted to the commission for determination.

A review of the testimony submitted in the record satisfies the office that these applicants are not entitled to enrollment as Cherokee freedmen by reason of the said Lewis Gibson having returned to the Cherokee Nation prior to February 11, 1867 and unless they should be entitled to enrollment as descendants of the said Caroline Charles or Caroline Childers, the office considers that their application should be refused by the Department and as decided by the commission in its said decision.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

W.C.B.(E.)

Refer in reply to
the following:
Land
67,508-1903.

Copy.

Department of the Interior.

Office of Indian Affairs,

Washington, Nov. 9, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, a communication from T. B. Needles, Esq., Commissioner in charge of the work of the Commission to the Five Civilized Tribes, dated October 16, 1903, acknowledging receipt of departmental letter of September 21, 1903, -- I.Y.D. 6188 -- relative to the application of Lewis Gibson, et al., for enrollment as Cherokee freedmen, and further reporting as to whether or not the name of the mother of said Gibson, to wit., Caroline Childers, is on the 1860 roll, and the legal effect of the same when considered in connection with article 9 of the treaty of 1866.

As the office has heretofore submitted an opinion relative to this matter, it is not deemed necessary at this time to add anything to the report herewith enclosed.

Very respectfully,

V. A. Jones,

Commissioner.

(V.C.B.))..

D .C.32644-1903.

DEPARTMENT OF THE INTERIOR.
Washington.

J.P.
WHR.

ITD 6188-1903.
8060-1903.

November 19, 1903.

L.R.S.

The Commission

to the Five Civilized Tribes,
Muskegee, Indian Territory.

Gentlemen:

In the Cherokee freedmen enrollment case consolidating the applications of Lewis Gibson, Napoleon Gibson, Posey Gibson and William Gibson, you found in your decision of July 10, 1903, that the principal applicant, Lewis Gibson, was a slave of the Cherokee citizens at the commencement of the civil war, and that he was taken out of said Nation during said war, and did not return there until after the time fixed in the treaty of 1866; that the other applicants are the children of said Lewis Gibson; that Napoleon Gibson first came to the Cherokee Nation with his father sometime subsequent to January 19, 1867, and that Posey and William Gibson were born since that time.

You held that these children having been born since the commencement of the civil war take no rights as Cherokee freedmen except such as they may have acquired through their father.

You stated that none of the names of the applicants are found on the 1860 authenticated Cherokee roll, and accordingly held that none of the applicants were entitled to enrollment and should be

denied under the provisions of section 21 of the act of June 26, 1898 (30 Stats., 495).

Reporting in the matter August 11, 1903, the Acting Commissioner of Indian Affairs stated that as it appeared possible from the testimony that the name of the mother of Lewis Gibson was upon the 1880 roll as Caroline Childers or Caroline Charles, in view of the act that article 9 of the treaty of 1866 provided that all freedmen whom had been liberated by voluntary act of their former owners, or by law, who were in the Cherokee country at the commencement of the rebellion "and are now residents therein, or who may return within six months, and their descendants, shall have all the rights of native Cherokees," that said Lewis Gibson was clothed with the right to enrollment as a Cherokee freedman if as a matter of fact his mother's name was on the 1880 roll of the Cherokee Nation. He, however, stated that a review of the testimony submitted satisfied him that these applicants are not entitled to enrollment as freedmen by reason of said Lewis Gibson having returned to the Cherokee Nation prior to February 11, 1867, and unless they should be entitled to enrollment as descendants of said Caroline Childers or Caroline Charles, he expresses the opinion that their applications should be refused by the Department and as decided by your Commission.

On September 21, 1903, the Department requested you to report whether the name of Caroline Childers or Caroline Charles appeared upon the 1880 roll, and on October 16, 1903, you reported that the

name of Caroline Charles appears upon the 1880 roll of the Cherokee Nation as a Cherokee freedman, and that her name appears upon a schedule of Cherokee freedmen which was approved by the Department on December 23, 1902; that, however, there is no evidence in her case which would identify her as the mother of the principal applicant, Lewis Gibson: You call attention to the fact that Lewis Gibson was born prior to the commencement of the civil war, being fifty-nine years of age at the time of his application, and you express the opinion that he would not be entitled to enrollment even if his mother's name is identified upon the 1880 roll.

The Department concurs in this conclusion, and finding no other reason to disturb your decision it is hereby affirmed.

A copy each of the Commissioner's letters of August 11, and November 9, 1905, are inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, December 2, 1903.

William Gibson,

Leopah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on November 19, 1903.

Respectfully,

Chairman.

Muskogee, Indian Territory, December 2, 1903.

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 William Gibson et al., rejecting the applications for the enrollment of William, Percy, Napoleon and Lewis Gibson as Cherokee freedmen, was affirmed by the Secretary of the Interior on November 19, 1903.

Respectfully,

Chairman.

Cherokee Freedmen

R-220.

Muskogee, Indian Territory, February 20, 1906.

J. J. Bulger,

Vinita, Indian Territory.

Dear Sir:

As requested in your letter of February 16, there is inclosed herewith a copy of the record of proceedings had in the Cherokee freedmen enrollment cases of Lewis Gibson, et al.

You are advised that there is no extra copy of the Commission's decision among the records in these cases, and your request for a copy thereof cannot be complied with.

Respectfully,

Incl. 8-33

Acting Commissioner.

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MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date *June 21, 1901*
Post Office *Senapah 29*
District *000*

1. Name *William Gibson* Age *28*
Citizenship

Owner's name
Year *K.C.* Page *102* No. *2346* District *000*

Parents:
Father *Lewis Gibson - living* Citizenship
Mother *May " - dead* Citizenship

2. Name of wife
Owner's name
Age
Citizenship

Year Page No. District

Parents:
Father *[Signature]* Citizenship
Mother *[Signature]* Citizenship

Names of Children:

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

Application made by *Ms. 1* Stenographer *D. C. Jones*

On K.C. roll as Will Gibson

X Ref. 0774

AFFIDAVIT.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

SS

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

No. F. D. 807

Henry Jack, of lawful age, being duly sworn on
oath states that on the 2nd day of September, A. D., 1901, he registered
to William Gibson whose postoffice is Lenapah

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;
and that on the 10th day of October, 1901, he received the return
card which is hereto attached, signed by the said William Gibson showing
that he had received said notice.

Subscribed and sworn to before me on this the 10th day of October A. D. 1901.

J. O. Starr
Notary Public.

NOTICE!

IN THE MATTER OF the application of William Gibson
for enrollment as Cherokee Freedmen:
Case No. F. D. 807

To William Gibson Lenapah I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 24th 1901 at 8 o'clock A.M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

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

L B Bell

M. M. Hastings
J. J. Lawton
Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the 'Five' Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. William Gibson,

Lenapeh, I. T.

Cherokee-F-D-807.

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

**CHEROKEE
FREEDMEN**

R - 200

WILLIAM GIBSON

REFUSED

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

NOV. 19, 1903

SEE CHER. FR. CARDS NOS. R219 - 220 - 221

Cher. Fr. R. 223

Cher. Fr. R. 223

8493

DEPARTMENT OF THE INTERIOR
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DEPARTMENT OF THE INTERIOR
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MOTION

For Review of Decision of
Commission denying the
application for enroll-
ment as Cherokee Freedmen
of

William Todd

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 Todd, et al.

MOTION FOR REVIEW OF DECISION.

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

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

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

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

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

Wherefore we respectfully request that this motion be allowed.

Blue Bell
McGowan
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 1 day of July, 1906.

BELL, HASTINGS & RAVENPORT,
Attorneys for Cherokee Nation.

J. J. [Signature]

8773

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
1917

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Interior	
Department	
1917	

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:

Sam Landrum,
Fearby Landrum,
Jane Landrum,
Albert Landrum,
Annie Landrum,
Janie Landrum,
Goody Landrum,
Eva Landrum,
William Todd.

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.

5. Circumstances over which he had no control took Sam Landrum, the Principal Applicant herein, out of the Nation during the WAR, and kept him out until after Aug. 11, 1866, at which time being a legal resident of the Nation, he was made a citizen thereof. He returned in '66 and made a free and brought his family in '67. 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.

BELL, HASTINGS & DAVENPORT,
Attorneys for Cherokee Nation.

By *James A. Davenport*

In the matter of the application
for the enrollment of
Sam Landrum et al C F D 292
William Todd, C. F. D. 293.
as Cherokee Freedmen.

Motion for Rehearing.

SECTION.

DEPARTMENT OF THE INTERIOR,

James Row the applicants and move that the Department's decision of December 1, 1903 (D C 34120-1903; ITD 8326-1903) be rescinded; that this case in the matter of the application of Sam Landrum et al for enrollment as Cherokee Freedmen, consolidating the applications of

Sam Landrum et al. vs. the Cherokee Nation
William Todd

Cherokee Freedmen D-292, C7 R223
Cherokee Freedmen D-293. C7 R224

NOTICE FOR REHEARING.

STATEMENT OF CASE.

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Sam Landrum, for himself, his wife, Fearbey Landrum, and minor children, Rachel, Jane, Albert, Annie, Hannie, Woody and Eva Landrum, and by William Todd for himself. The evidence further shows to the Commission was found that all of these applicants have been born since the commencement of the war of the rebellion and, with the exception of Fearbey Landrum, are the descendants of one Jane Landrum and, with the exception of William Todd, are also descendants of one Dan Landrum and claim right to enrollment through the said Jane and Dan Landrum.

The Commission further found that "The evidence further shows that the said Jane and Dan Landrum were slaves of Cherokee Citizens at the commencement of the war of the rebellion; that during said war they left the Cherokee Nation and did not return thereto until after January 19, 1867". The primary question in this case is, "Did Dan Landrum and his wife Jane Landrum actually return and establish their residence in the Cherokee Nation on or before February 11, 1867?"

Subscribed and sworn to before me in the name of Lewis T. Brown, Cherokee Freedmen D-84, at Muskogee, Indian Territory, on April 23, 1908, was filed with and made a part of the record in this case. What bearing the testimony in the Brown case would have in this case, we have not been able to discover and it appears to us that it is foreign to the issues in this case.

MOTION.

Comes now the applicants and move that the Departmental decision of December 8, 1903 (D C 34120-1903; ITD 8326-1903) be rescinded; that this case be re-opened and re-considered and that the applicants herein be granted a re-hearing.

In support of this Motion there is attached affidavits of witnesses by whom the applicants expect to prove that Dan Landrum, commonly known as Bony Dan Landrum, and his wife, Jane Landrum, through whom applicants claim the right of enrollment, returned to and established their residence in the Cherokee Nation prior to Feb. 11, 1867.

Applicants also have a number of other witnesses which they expect to use at the Trial on a rehearing of this case and they file the affidavits attached believing that they will be sufficient for the purposes of this motion in order to show that this Motion is made in good faith and not for the purposes of delay.

Starr & Patten
Attorneys for applicants

Affidavit

UNITED STATES OF AMERICA,)
INDIAN TERRITORY (ss.
WESTERN JUDICIAL DISTRICT)

J. C. STARR of lawful age, being duly sworn, on his oath states that this Motion is made in good faith and not for the purpose of delay but in order that justice be done.

J. C. Starr

Subscribed and sworn to before me this 25th day of May, A. D., 1906.

W. C. Patten

Notary Public.

My Commission expires December 16, 1909.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY) ss.
WESTERN JUDICIAL DISTRICT)

On this 24th day of May, A. D., 1906, personally appeared before me, the undersigned, a Notary Public duly commissioned and acting within and for the Western Judicial District of the Indian Territory, J. W. JOHNSTON, of lawful age, who being by me duly sworn according to law, upon his oath deposes and says:-

"My name is J. W. Johnston. My age is Seventy-four years. My Post Office is Garnett, Anderson County, Kansas. I was living in Anderson County, Kansas in the year of 1866 and I knew Roney Dan Landrum. I remember that he was a blacksmith and he went by the name of "The negro blacksmith" in Anderson County, Kansas. I know that he was one of the first Cherokee negroes to leave and left Anderson County Kansas before the Rileys and Wayfields left. He left in 1865 for the Cherokee Nation and then came back to Kansas in the spring of 1866 and took his family and left and I never saw them in Anderson County after the spring of the year of 1866".

I hereby certify that the above statement was made by the affiant under oath, he having been duly sworn that the statement was true.

Given under my hand and seal as such Notary Public at Muskogee, Indian Territory this 24th day of May, A. D., 1906.

(SEAL)

JESSIE PATTEN,
Notary Public.

My commission expires Dec. 16, 1909.

A F F I D A V I T.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY) SS.
WESTERN DISTRICT)

On this day personally appeared before me, the undersigned, a Notary Public within and for the Western District of the Indian Territory, Nelson Moore, who being first duly sworn, upon oath deposes and says:- "My name is Nelson Moore. My age is 53 years and my Post Office is Ketchum, Indian Territory. I was acquainted with Boney Dan Landrum during his lifetime and I know that he came to the Cherokee Nation, Indian Territory, with his family and effects and permanently located therein in the fall of the year of 1866.

NELSON MOORE.

Subscribed and sworn to before me this 25th day of May, A. D., 1906.

(SEAL)

JESSIE PATTEN,
Notary Public.

My Commission expires Dec. 16, 1909.

A F F I D A V I T

UNITED STATES OF AMERICA,)
INDIAN TERRITORY) SS.
WESTERN DISTRICT)

On this day personally appeared before me, the undersigned a Notary Public within and for the Western District of the Indian Territory, Thomas H. Moore, who being first duly sworn, upon oath deposes and says:- "My name is Thomas H. Moore. My age is 55 years and my Post Office is Ketchum, ~~IND~~ Indian Territory. I am acquainted with the applicants, Sam Landrum and Maggie Mayfield, and I knew their father, Tony Dan Landrum in his lifetime. I know that he came to the Cherokee Nation, Indian Territory, in the year of 1865 and that he brought his family and effects to the Cherokee Nation and permanently established his residence therein in the year of 1866.

THOMAS H. MOORE.

Subscribed and sworn to before me this 25th day of May, A. D., 1906.

JESSIE PATTEN,
Notary Public/

(SEAL)

My Commission expires Dec. 16, 1909.

A F F I D A V I T.

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

On this day personally appeared before me, the undersigned, a Notary Public within and for the Northern District of the Indian Territory, Joe Bean, who being first duly sworn, upon oath deposes and says:- My name is Joe Bean. My age is 61 years and My Post Office is Chaffee, Indian Territory. I am acquainted with the applicants, Sam Landrum and Maggie Mayfield, and I knew their father, Bony Dan Landrum, in his lifetime. I know that he came to the Cherokee Nation, Indian Territory, in the year of 1865 and that he brought his family and effects to the Cherokee Nation and permanently established his residence therein in the year of 1866.

his
JOE x BEAN
mark

Witness to Mark.
J. C. STARR.

Subscribed and sworn to before me this 11th day of May, A.D., 1906.

O. A. SMITH,
Notary Public.

(SEAL)
Commission Expires Dec. 4, 1909.

IN THE DEPARTMENT OF THE INTERIOR

WASHINGTON

In the matter of the application for the enrollment of Sam Landrum et al
as Cherokee Freedmen.

Leander Bean of lawful age being duly sworn on his oath deposes and says
"My Name is Leander Bean, my age is Fifty-Six Years and my post office
is Vinita I T. I am acquainted with the applicant Sam Landrum and I
knew his father and mother in their life time. Beny Dan Landrum and
Jane Landrum were living in the Cherokee Nation at the time I came in Octob
ber 1866 and I know they continued to live in the Cherokee Nation until
they both died. Sam Landrum has lived in the Cherokee Nation all of his
life.

Leander Bean,

Subscribed and sworn to before me this 28th day of April 1906.

G. A. Smith,

(C O P Y)

Notary Public.

DEPARTMENT OF THE INTERIOR
WASHINGTON

In the matter of the application for the enrollment of Sam Landrum et al as Cherokee Freedmen.

Tobias Bean of lawful age being duly sworn on his oath deposes and says
~~that~~ "My name is Tobias Bean my age is seventy years and my post office is Ketchum I. T. I am acquainted with the applicant Sam Landrum and I knew his father who was called Bony Dan Landrum; His mother was Jane Landrum. Bony Dan Landrum left Garnett Kansas in 1855 and came to the Cherokee Nation and he came back to Garnett Kansas in the Spring of 1866 and got his family and moved to the Cherokee Nation with them and lived there continuously from that time until his death. Jane Landrum lived in the Cherokee Nation from the year of 1866 until she died. "

Tobias Bean.-----

Subscribed and sworn to before me this 28th day of April 1906.

O. A. Smith,

Notary Public.

Affidavit.

United States of America

Indian Territory

Western District SS.

On This day personally appeared before me the undersigned Notary Public duly commissioned and acting within and for the Western District of the Indian Territory, Simon Lynch, who being first duly sworn on his oath deposes and says:

My Name is Simon Lynch.

My age is Seventy-six years.

My post office is Spavinaw, Indian Territory.

I was acquainted with Boney Dan Landrum and I know that he came to the Cherokee Nation, Indian Territory, and established his residence therein prior to February 11, 1867.

his
SIMON x LYNCH
mark

Subscribed and sworn to before me this 25th day of May, 1906.

(SEAL)

JESSIE PATTEN,
Notary Public.

My Commission expires December 16, 1909.

UNITED STATES OF AMERICA)
NORTHERN JUDICIAL DISTRICT) ss.
INDIAN TERRITORY)

Before me Frank L. Burckhalter a Notary Public in and for said District and Territory came Amy Bean nee Martin of lawful age who being duly sworn deposes and says: I am 48 years of age and I was born and have always lived in the Cherokee Nation all my life. I am on the Authenticated Cherokee roll of 1880 and on the straight roll by the Dawes Commission.

I have known Sam Landrum ever since he was a baby as he was born in the Cherokee Nation. His Mother was named Jane Landrum who was a slave of Lewis Ross, a Cherokee Citizen by blood and his father was Dan Landrum called Bony Dan and he was a slave of Charles Landrum.

His Father came to our home in Ft. Gibson Cherokee Nation, Indian Territory in fall of 1866. I am positive of this date, he was visiting my Father, Mother and family and he always lived ever afterwards in the Cherokee Nation until he died. He was a blacksmith by trade and he afterwards sent for his wife and brought her down and she lived in the Cherokee Nation until her death. She was the slave of Lewis Ross a Cherokee Citizen by blood and I knew her ever since I could remember and I saw her go north during the war.

He came to Ft. Gibson to hunt his sister and he found her there and he built a home afterwards on the West side of Grand River Cherokee Nation as his home.

AMY BEAN

Subscribed and sworn to before me this 10th day of Sept. 1904.

(SEAL)

FRANK L. BURCKHALTER,
Notary Public.

My commission expires Feby 12/ 06.

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES

In the matter of the application for the enrollment of Sam Landrum et al as Cherokee Freedmen, consolidating the applications of Sam Landrum et al., Cherokee freedman D 292 William Todd, Cherokee Freedman D-293.

Amended Motion for Rehearing.

The record in this case shows that applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Sam Landrum, for himself, his wife, Fearby Landrum, and minor children Rachel, Jane, Albert, Annie, Fannie, Woody and Eva Landrum, and by William Todd for himself. The evidence further shows and the Commission so found that all of these applicants have been born since the commencement of the war of the rebellion, and with the exception of Fearby Landrum, are descendants of one Jane Landrum and, with the exception of William Todd, are also descendants of one Dan Landrum and claim right to enrollment through the said Jane and Dan Landrum.

The Commission further found that "The evidence further shows that the said Jane and Dan Landrum were slaves of Cherokee Citizens at the commencement of the war of the rebellion; that during said war they left the Cherokee Nation and did not return thereto until after January 19, 1867."

The Primary question in this case is, "Did Dan Landrum and his wife Jane Landrum actually return and establish their residence in the Cherokee Nation on or before February 11, 1867?"

The testimony taken in the case of Louis T Brown, Cherokee Freedman D 94, at Muskogee Indian Territory, on April 29, 1902, was filed with and made a part of the record in this case-- And without the consent of the applicants in this case and without them having the right of cross-examining said witness in the said Louis T Brown case.

Comes now the applicants and move the Department to rescind its decision of December 8, 1902 (D C 54120-1903; I T D 8326-1903) and to reopen this case and remand it to the Honorable Council over to the

to the Five Civilized Tribes for rehearing and readjudication.

Applicants further move the Department to direct that the Testimony in the Louis T Brown case, filed and made a part of the record in this case, be stricken from the files, for the reason that same was put in this case without applicants consent and without him being afforded an opportunity to cross examine said Witnesses.

In support of this motion applicants call attention to the fact that the Department on April 5, 1906 (D. C. 13104) directed a rehearing in the case of Maggie Mayfield, wife of Charles Mayfield and a full sister of Sam Landrum and that the case of Maggie Mayfield is now being held by the Honorable Commissioner until the Department acts on the motion for rehearing in this case as it is likely that the two cases will be consolidated in the event this motion is granted.

In view of the fact that the Attorney for the Cherokee Nation has taken exceptions to the fact that one of the Attorneys for applicants signed as a witness to some of the affidavits (A small matter we think) and also objected because he said some of our affidavits were alike and called them stereotyped, we had said affidavits re written and attach them hereto in support of this amended motion. We also attach some new affidavits of witnesses we have discovered since the former motion was written. By all of these witnesses applicants expect to prove that Dan Landrum and his wife Jane Landrum returned to the Cherokee Nation and established their residence therein after the rebellion prior to February 11, 1867.

Applicants also have a number of other witnesses, they expect to use at the trial on rehearing and the attached affidavits are filed believing same as sufficient for the purposes of this motion in order to show that this motion is made, based upon newly discovered testimony, and in good faith and not for the purposes of delay. We request that affidavits to the original motion be also considered.

Starr & Patten

Attorneys for applicants.

United States of America,
Indian Territory
Northern District SS

J C Starr of lawful age on oath being duly sworn says that he is one of the attorneys for applicants and that this motion is made, in good faith, not for the purposes of delay but in order that justice might be done.

J C Starr

Subscribed and sworn to before me this 16th day of July 1906

W E Ross,

Notary Public.

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

In the matter of the application for the enrollment of Sam Landrum,
et al., as Cherokee Freedmen.

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

BE IR HUMPHREYS, that on this 15 day of July, 1906,
personally appeared before me, the undersigned, a Notary Public with title
and for the Northern District of the Indian Territory, NELSON MOORE,
of lawful age, to me personally well known, who being by me duly sworn
according to law, upon his oath, deposes and says:

"My name is Nelson Moore. My age is 53 years and my Post Office
is Ketchum, Indian Territory. My name appears upon the 1880 roll and
I have been duly and lawfully enrolled and I have received my allotment
of land in the Cherokee Nation, Indian Territory. I was residing in
the Cherokee Nation, Indian Territory on Grand River in the fall of
1866 and I knew the applicant, Sam Landrum, and I knew his father,
Daniel Landrum, whom we called Honey Dan Landrum. I know of my own
personal knowledge that Daniel Landrum was living in the Cherokee
Nation with his family and effects in the fall of the year of 1866;
that he did, before February 11, 1867, permanently establish a home
side residence in the Cherokee Nation and continued to live in the
Cherokee Nation thereafter until his death. I know that the appli-
cants, Sam Landrum and William Todd, has lived in the Cherokee Nation
all of their lives. I am not of kin to the applicants in this case and
have no interest whatever in this case."

Nelson Moore,

Subscribed and sworn to before me this 15 day of July, 1906.

(Seal.)

My commission expires _____

(Copy)

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

In the matter of the application for the enrollment of Sam Landrum,
et al., as Cherokee Freedmen.

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

BE IT REMEMBERED, that on this 18. day of July, 1906, personally appeared before me, the undersigned, a Notary Public within and for the Northern District of the Indian Territory, THOMAS H. MOORE, of lawful age, who being first duly sworn, according to law, upon his oath deposes and says:-

"My name is Thomas H. Moore. My age is 88 years and my Post Office is Ketchum, Indian Territory. I am duly and lawfully enrolled upon the final rolls of the Cherokee Nation and have received my allotment of land. I am acquainted with the applicants, Sam Landrum and William Todd and I knew their father, Daniel Landrum, during his lifetime. We knew him by the name of Boney Dan. I saw him in the Cherokee Nation in the year of 1865, and I know of my own personal knowledge that he was personally present in the Cherokee Nation with his family and effects in the year of 1866 and that before February 11, 1867 he had in good faith established a bona fide residence in said Cherokee Nation and that he continued to reside in the Cherokee Nation until his death and the applicants, Sam Landrum and William Todd have resided in the Cherokee Nation all of their lives. I am not related to any of the applicants in this case and have no interest whatever in this case."

Thomas H. Moore.

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

J. J. Elston.

NOTARY PUBLIC.

(Seal.)

My commission expires October 7, 1907

(Copy.)

UNITED STATES OF AMERICA,)
STATE OF KANSAS,) SS.
COUNTY OF GARNETT(ANDERSON)

On this ~~13th~~ day of July, 1906, personally appeared before me the undersigned, a Notary Public duly commissioned and acting as such within and for the County and State aforesaid, J. M. Johnston, of lawful age, who being by me duly sworn according to law, upon his oath deposes and says:-

" My name is J. M. Johnston. My age is Seventy four years. My Post Office is Garnett, Anderson County Kansas. I was living in Anderson County Kansas in the year of 1866 and I knew Boney Dan Landrum. I remember that he was a blacksmith and he went by the name of "The negroe blacksmith" in Anderson County, Kansas. I knew that he was one of the first Cherokee negroes to leave, and that he left Anderson County Kansas before the Rileys and Mayfields left. He left in 1865 for the Cherokee Nation and then came back to Kansas in the spring of 1866 and took his family and left and I never saw him or his family in Anderson County after the spring of of the year of 1866".

J. M. Johnston

Subscribed and sworn to before me this ~~13th~~ day of July, 1906.

(Seal)

Allen Mansfield Jr
NOTARY PUBLIC.

My commission expires March 5th 1908.

(Copy)

~~CONFIDENTIAL~~
~~MEMORANDUM FOR THE DIRECTOR~~
~~DEPARTMENT OF THE ARMY~~

~~MEMORANDUM FOR THE DIRECTOR~~
~~DEPARTMENT OF THE ARMY~~
~~WASHINGTON, D.C.~~

~~RE: [REDACTED]~~
~~PERSONNEL [REDACTED]~~
~~ADJUTANT GENERAL [REDACTED]~~
~~ADJUTANT GENERAL [REDACTED]~~
~~ADJUTANT GENERAL [REDACTED]~~

~~1. [REDACTED]~~
~~2. [REDACTED]~~
~~3. [REDACTED]~~
~~4. [REDACTED]~~
~~5. [REDACTED]~~
~~6. [REDACTED]~~
~~7. [REDACTED]~~
~~8. [REDACTED]~~
~~9. [REDACTED]~~
~~10. [REDACTED]~~

~~I have been advised by [REDACTED] that [REDACTED]~~
~~of [REDACTED] and [REDACTED] [REDACTED]~~
~~has been [REDACTED] [REDACTED]~~
~~the [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~

~~I am sure that [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~
~~of [REDACTED] [REDACTED]~~

~~Very truly yours,~~
~~[REDACTED]~~
~~[REDACTED]~~

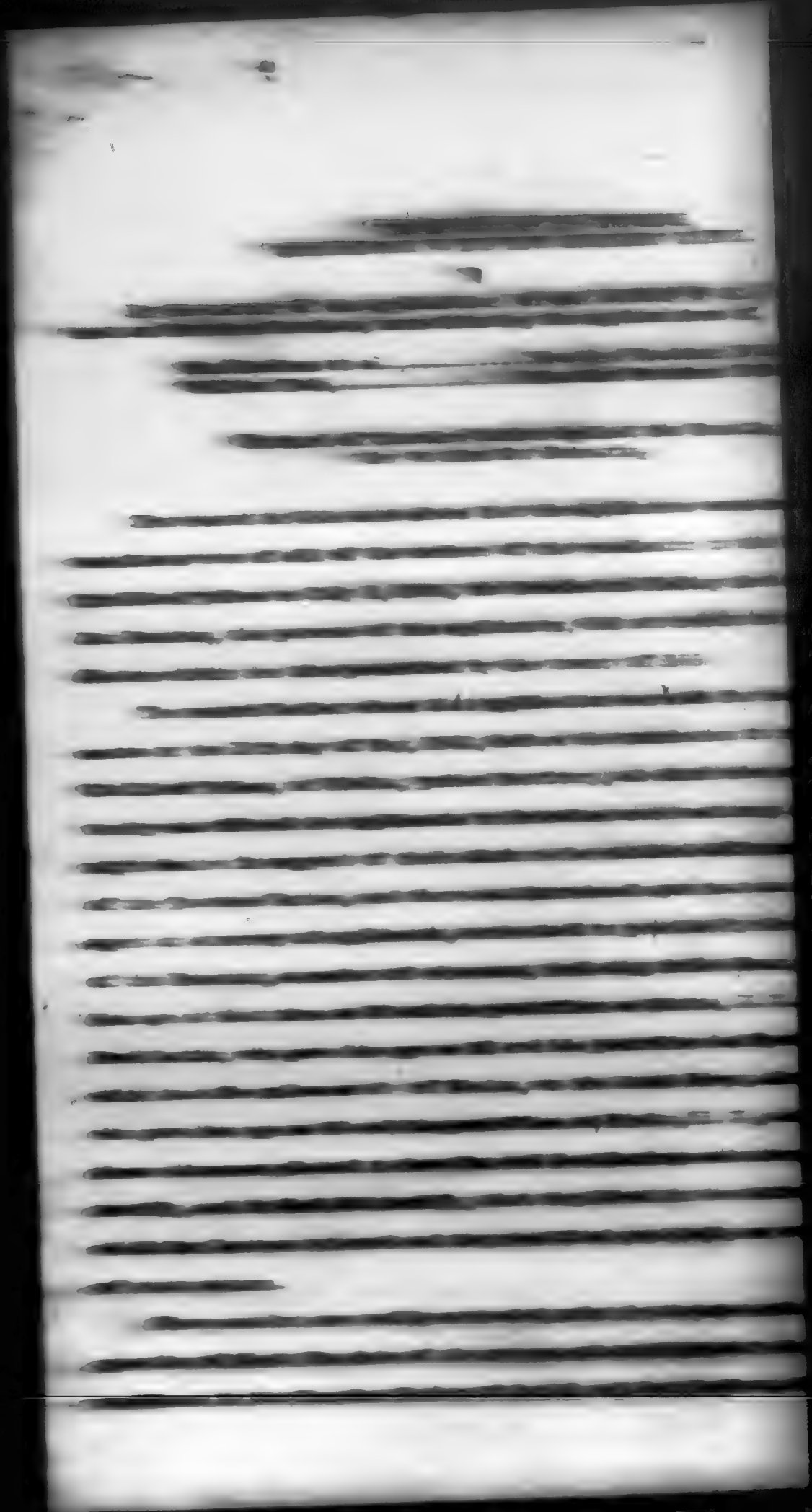
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practice anywhere that would permit the reopening of any case upon newly discovered testimony without giving the names and postoffice addresses and a sufficient description of the witnesses to identify them and the affidavits of the witnesses setting forth in detail what is expected to be proven by them. How can it be said that the applicants desire to reopen upon newly discovered testimony when the testimony is not yet newly discovered? They do not know the names of the witnesses, nor do they know the facts of which they will testify. The Department will see at a glance that the attorneys for applicants could introduce one or two of the witnesses who have signed affidavits attached to the motion and then without any notice to the Cherokee Nation they could search throughout the country for any number of persons who would come down and testify.

In order to entitle a party to a new trial on the ground of newly discovered evidence the affidavit in the case must show: (1) The names of witnesses whose testimony has been discovered and the facts expected to be established by him; (2) Facts and circumstances sufficient to prove that the applicant has used due diligence in preparing his case for trial; (3) That the facts and circumstances newly discovered have come to his knowledge since the trial and are such as if adduced on the trial would have been competent to prove the issue; (4) That the evidence discovered is not cumulative of that previously relied on and will tend to prove material facts which were not put directly in issue on the trial.

The leading case upon this question, passing upon the requisites of a motion for a new trial by the Supreme Court of Arkansas is that of *Burris v. Wise*, 2nd Ark., 33, wherein the Court held:

"The only remaining point to be determined is did the circuit court err in refusing a new trial on the ground of newly discovered evidence on the trial. The doctrine upon this subject is well settled both upon reason and authority and we will now fully state it. In order to entitle a party to a new trial on the ground of newly discovered evidence since the former trial the affidavit in the case must prove; first, the names of the witnesses whose testimony has been discovered and the facts expected to be established by them; second, that the facts and circumstances as proved must show that the applicants has used due diligence in preparing his case for trial; third, that the facts and circumstances newly discovered have come to his knowledge since the determination of the trial and they must be such as if adduced on the trial were competent to prove the issue and would probably have changed the verdict; and fourth, that the evidence discovered is not cumulative of that previously relied on and that it will tend to prove material facts which were not put directly in issue on the former trial.

These principles are well settled by a series of broken decisions which is perfectly conclusive on the point.

Ewing v. Price 3, J. J. Marshall 520; *Daniel v. Daniel*, 2, J. J. Marshall 58; *Wells v. Phelps*, 4 Bibb., 563; *Smith v. Brush et al.* 8 J. R., 84; *Pike v. Evans*, 18 J. R., 210; *The People v. Superior Court of N. Y.*, 10 Wend, 295; *Gardner v. Mitchell*, 6 Pick., 114."

In foot notes 2 and 3 of this decision are collected all of the subsequent decisions of the Supreme court of Arkansas up until the last publication of Volume Two, and in no subsequent decision have the rules hereinabove been varied from.

Now, lets apply this decision to the motion for a new trial in this case. In the first place the names of all of the witnesses are not given, but only a part of them. In the second place the affidavits attached do not purport to give all of the facts expected to be established, but the effect of what the witnesses would testify to, namely, the date of the return of the parents of applicants. In the third place there is no showing in the motion for a new trial, nor in any of the attached affidavits of the issue, or any diligence whatever in the search for this alleged newly discovered evidence, and the applicants have been represented by an agent and five years has elapsed since they introduced their evidence before filing the motion for a new trial, and these witnesses living in the same vicinity and some of the relatives of other witnesses introduced, it must appear that no diligence whatever was used in the search of these witnesses. As to the question of diligence, quoting from the above decision, the court said:

"The appellant's affidavit does not show that he used due diligence to procure their testimony or attendance; secondly, he is not entitled to the benefit of the evidence which he might have discovered before the trial, but which has come to his knowledge since, merely because he made an effort or exertion to procure it before that time."

This motion does not even allege that he made an effort or exertion to procure it. In the fifth place the affidavits clearly show that the evidence if introduced would be cumulative and would only tend to prove facts that were directly put in issue before. Upon this point the court held:

"It wholly fails to establish the position that the newly discovered evidence is not cumulative or that it does not put directly in issue the same facts that were determined by the jury."

In the case of *Ballard v. Yeakee*, 2nd Ark., 48, the Court held that

the affidavit in support of a motion for a new trial on the ground of surprise and newly discovered testimony which wholly fails to show any clear facts or circumstances showing that the party was surprised on the trial or had used due diligence gives no support to the motion.

In 2nd Ark., 346, *Olmstead v. Hill*, the Court held:

"The doctrine in regard to granting new trials upon the ground of newly discovered testimony is fully explained and established in the case of *Robbins v. Fuller*, 2d Ark., 133. Indeed the authorities are so numerous and full upon the point, and the reasons and principles upon which they rest are so obvious and conclusive that it seems almost impossible to overlook the essential requisites that the law requires to entitle a party to a new trial. He must have been guilty of no neglect or laches in preparing his case for trial. It must have been out of his power to procure the newly discovered evidence upon the former trial by due diligence and exertion to obtain it; and he must show to the Court that the newly discovered evidence is material and important by the affidavit of the witnesses or by some other legal means; so that the Court may judge of its materiality and sufficiency; and it must not be cumulative in its character and consequences. It is the duty of the parties to come prepared upon the principal points and new trials would be needless if every additional circumstance bearing upon the facts in litigation were the cause for a new trial."

Again, we invite the attention of the Department to the fact that the motion does not show that the applicants have been diligent or that the newly discovered evidence could not have been procured with diligence long before this case was decided by the Commission to the Five Civilized Tribes on July 1, 1903, and we desire to particularly invite the attention of the Department to the last clause of the above quotation, suggesting that new trials would be needless if every time a new witness were found the judgment previously rendered could be set aside and the case reopened for that testimony. In the case under consideration some of the witnesses on behalf of the Cherokee Nation have died; the testimony was taken five years ago; it is much more difficult now to get witnesses to leave their homes at a busy season, come to Muskogee to testify in these cases than it was five years ago to get them to testify when the commission was making dates in the immediate vicinity wherein the witness lived. We submit that if the Department does not establish certain rules governing motions for new trials that every rejected applicant in the Cherokee Nation can file a motion to reopen and each one of them could get a freedman witness to make an affidavit in support of his motion and the case could be reopened and tried *de novo*.

In the above decision cumulative evidence is defined to be "Cumulative evidence is such as tends to support the fact or issue which was before attempted to be proved upon the trial." The main fact attempted to be proved upon the trial before was the date of the return of the parents of the applicants. In *Bourland v. Mason*, 5th Ark., 256, the Court, after suggesting that due diligence was not shown, held:

"The newly discovered evidence being shown to be cumulative does not authorize a new trial. And so all the authorities laid down the doctrine and the point has been repeatedly so adjudged by this court in a number of cases."

In 5th Ark., 405, the court held that the evidence was cumulative and that therefore the evidence adduced in support of a new trial was inadmissible.

In 10th Ark., 558, the Court lays down the rule what must be embodied in a motion for a new trial and quotes approvingly from the decision hereinabove referred to.

In the case of *Bourland v. Skinner*, 11th Ark., 671, the question of newly discovered evidence is discussed at length by the Court wherein it was held by the Court that a motion for a new trial upon the ground of newly discovered evidence should not be granted unless it is shown by the evidence is material, is not cumulative, and that the party has used due diligence in the preparation of his case. And upon the question of due diligence it was held that it was not sufficient to state in the motion that due diligence was used, but the motion must state was done for or on behalf of the party for whom the motion was made, so that the Court might judge as to whether or not due diligence was used or what diligence was used. This is a very elaborate opinion, quoting a number of authorities in support of it, and it seems to us decides the points exactly contended for by us in resisting this motion for a rehearing, namely, that no diligence whatever was shown and that the testimony would be cumulative.

In 13th Ark., 360, *Pleasant v. The State*, the Court held:

"Without going into the detail of the evidence claimed to be newly discovered or its relevancy, we may say in general terms that such applications are to be received with caution, and this in proportion to the magnitude of the stake involved."

And further on the Court adds:

"No excuse or accident is stated to show that he might not have ascertained it by the exercise of reasonable diligence."

Applying these decisions to the motion under consideration it will be noted since freedmen are permitted to dispose of their surplus allotments that there is considerable "stake involved," and there was not that strong inducement to commit perjury in 1901 when these applications were originally made and the testimony heard.

In 17th Ark., 403, *White v. The State*, the Court held:

"Newly discovered evidence in order to afford the proper grounds for a new trial must possess the following qualifications: 1. It must have been discovered since the trial. 2. It must be such as reasonably diligence on the part of the defendant could not have secured at the former trial. 3. It must be material in its object and not merely cumulative and corroborative of collateral. 4. It must be such as ought to produce on another trial an opposite result on the merits. 5. It must go to the merits and not rest merely on a technical defense."

In 25th Ark., 89, the Court held that a motion for a new trial could not be granted where the evidence sought to be introduced would be cumulative.

In 25th Ark., 334, the Court held:

"The plaintiff wholly failed to make a sufficient showing for a new trial; first, he does not present facts proving that he had used any degree of diligence to procure this evidence."

And in 25th Ark., 360, *Peterson v. Gresham*, the court held:

"It is unnecessary to notice this newly discovered evidence as the defendant simply alleges in his motion that he has used due diligence in the preparation of his case and in procuring evidence before the trial, but states no facts or circumstances to show any diligence whatever.

Due diligence or what constitutes it is to be determined by the Court and not by the party alleging it and the facts and circumstances must be shown that the court may decide whether it has been used or not."

In the case before us not only are no facts and circumstances set forth, but it is not even contended that any diligence was used.

In 28th Ark., 121, the Court held:

"Applications for new trials on the ground of newly discovered evidence are to be received with caution and this in proportion to the magnitude of the offense.....and it is not sufficient for an applicant to state that he did not know of the existence of the testimony in time to have brought it forward on the trial, but it must appear that he could not have ascertained it by reasonable diligence."

In 30th Ark., 724, the Court held:

"No diligence whatever to procure evidence was shown by the defendant on application for a new trial, nor was it accompanied by the

affidavit of a newly discovered witness or any other person. He was not therefore on the ground of newly discovered evidence entitled to a new trial."

In 39th Ark., 514, the Court held in the case of *Murphy v. The State* that the motion for a new trial for newly discovered evidence must show why the testimony was not produced at the trial.

In 52 Ark. 120, the Court held that it was not error to refuse a new trial on the ground of newly discovered evidence where such evidence is cumulative only.

In the case of *Gandler v. Lazarus*, 55 Ark., 312, the Court held:

"Appellant was not entitled to a new trial on the ground of newly discovered evidence. He did not show in his motion and accompanying affidavit that he had discovered any of it if he had that he could not with reasonable diligence have discovered and produced it at the trial."

In 60 Ark., 481, the Court held:

"There was no error in refusing a new trial on the ground of newly discovered evidence as that claimed to have been newly discovered was cumulative of evidence that had been received."

In 84 *Southwestern*, 728, the *St. Louis & Southwestern Railway Co., v. Goodwin*, the Court held:

"Motions for new trial on ground of newly discovered evidence are addressed to the sound discretion of the trial court. They should show that reasonable diligence was used to discover the evidence. In this case affidavits were filed with a motion to the effect that appellant had used due diligence and done all in his power to discover the evidence, but do not state the acts done which affiants denominate reasonable diligence*****the statement that the appellant had used due diligence was the expression of an opinion and was not sufficient to show due or reasonable diligence."

"Neither will a motion be granted for a rehearing because of newly discovered evidence when the newly discovered evidence relates solely to the impeachment of witnesses." 28 Ark., 531; 30 Ark., 723; 36 Ark., 260; 40 Ark., 447; 55 Ark. 324.

In *Cherokee Allotment Contest No. 712*, decided by the Commissioner to the Five Civilized Tribes on June 6, 1906, the Commissioner held:

"The rule is general that a new trial or rehearing will not be granted on a mere showing that new evidence has been discovered. Newly discovered evidence in order to be sufficient must possess the following requisites:

- (a) It must be such as would probably change the result if the new trial is granted.
- (b) It must be discovered since the trial.
- (c) It must be such as could not have been discovered before the trial by the exercise of due diligence.
- (d) It must be material to the issues.
- (e) It must not be merely cumulative to the former evidence.
- (f) It must not be merely impeaching or contradicting the former evidence."

And in support of the holding there was cited the following:

"In motions for rehearing resting on newly discovered evidence it should be shown that said evidence could not be discovered by due diligence and the facts showing such diligence should appear. Moore v. Larney Creek No. 49; 6 L. D. 9; 7 L. D. 136; 10 L. D. 483; 18 L. D. 31; 19 L. D. 543."

This has been our contention throughout this argument resisting this motion for a rehearing, that due diligence must be shown and not alleged, but the applicant must have shown what he has done and let that appear fully in his affidavit, so that the Department could pass upon the question of diligence.

We have heretofore called the attention of the Department to the fact that the Commission sat at different times and places throughout the Cherokee Nation for the purpose of affording convenient opportunity to these applicants to introduce their testimony from time to time, and although the applicants in this case were represented by counsel, and were present at the time the Cherokee Nation introduced testimony and cross-examined these witnesses, they did not see fit to introduce any additional testimony and on May 31, 1902, after due notice having been given to all applicants and the representatives of the Cherokee Nation, all freedmen applications were closed and submitted to the Commission for a decision by the consent of all parties, and so far as this case is concerned it has remained closed now for four years, and we submit that if now, after Cherokee freedmen can dispose of their surplus allotments, they can be permitted to secure negro affidavits like those attached to the motion and secure a rehearing and no diligence has been shown upon cumulative testimony against the established rule of the Department, then all of these cases can be reopened at an enormous expense to the Cherokee Nation and at its very great disadvantage because now after the lapse of five years many of the witnesses who previously testified in citizenship cases are dead, and in this particular case H. S. Landrum, one of the witnesses introduced on behalf of the Cherokee Nation is dead.

We submit from an examination of the testimony in this case that this is not a meritorious case and that the evidence clearly shows that the parents of the applicants did not return to the Cherokee Nation until

1868. The witnesses on behalf of the Cherokee Nation could not be mistaken. Boney Dan Landrum, the father of Sam Landrum, was a blacksmith, worked at Lewis Kell's and he is remembered distinctly by the witnesses who testified on behalf of the Cherokee Nation as having come and lived with a woman by the name of Alse, and even for a while before Jane Landrum came down from Kansas, and even Andy Fry, one of the witnesses for the applicants contradicts all of these affidavits by saying that the wife of Dan Landrum did not come down until the spring or summer of 1867. Amy Bean is a sister of Fred Martin who testified in the case, and the rest of these Beans who sign these attached affidavits are relatives of Arthur Bean who testified in the case, and Andy Fry lived in that vicinity upon Grand River and all lived in the vicinity of these applicants.

We submit therefore that for the reasons hereinabove assigned that the motion for rehearing in this case should not be granted.

Respectfully submitted,

(Signed)

W. W. Hastings

Attorney for the Cherokee Nation.

Ed

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

In the matter of the application of Sam Landrum, et al., as Cherokee Freedmen, consolidating the applications of--

Sam Landrum, et al.,	Cherokee Freedmen D. 292,
William Todd	Cherokee Freedmen D. 293.

REPLY OF APPLICANTS TO PROTEST OF THE CHEROKEE NATION.

Counsel for the Cherokee Nation in his protest against the granting of a Motion for rehearing in this consolidated case, after giving what purports to be the statements of a few of applicants' witnesses, says that "there is but one really contested point in the case and that was a question of fact: the date of the return and establishment of the permanent residence in the Cherokee Nation of Daniel and Jane Landrum, Daniel Landrum being the father of Sam Landrum and the step-father of William Todd, and Jane Landrum being the Mother of both." The Attorney for the Nation says further that "The Cherokee Nation on June 12, 1909 at Chelsea, Indian Territory, introduced B. S. Landrum, J. L. Thompson and Walter A. West, all reputable citizens of the Cherokee Nation who resided in the vicinity to which it was claimed that Daniel Landrum returned immediately after the war, etc."

It is true that these three witnesses testified in this case and we expect to prove that they are citizens by blood of the Cherokee Nation; that their prejudice against these freedmen is so great as to render their statements entirely unworthy of belief. We expect also to show that J. L. Thompson and Walter A. West followed the Commission from place to place in order to testify against the Freedmen and that they became standing witnesses for the Cherokee Nation. That the said Walter A. West filed on the Home place of the said Sam Landrum, which is probably some excuse for his remarkable testimony in this case; that J. L. Thompson is infirm both in body and mind and little credit can be given to his testimony.

Counsel for the Cherokee Nation objects to the affidavit of J. M. Johnston which has not been signed by the said J. M. Johnston and which

he says seems to have been taken from a wholesale affidavit alleged to have been made by the said J. M. Johnston, and since the Nation objects to this affidavit because it was not signed, it affords us much pleasure to hereto attach an affidavit from the said J. M. Johnston which has been properly signed by him before a Notary Public in the State of Kansas.

While we consider this a technical objection to a trivial matter we desire to invite attention to the Law in force in the Indian Territory, to-wit:- Section 2026, Indian Territory Statutes, 1899:- "An affidavit is a written declaration under oath made without notice to the adverse party". The Supreme Court of Arkansas in 23rd Ark., 16, Gill et al., vs. Ward, et al., passed upon this very point thus:- "It is not necessary that an affidavit, prescribed by Section 180, Chap. 29, Goulds Dig., should be signed by the affiant-- the omission to sign it not affecting its validity". "An affidavit as defined by Blackstone is 'A voluntary oath before some Judge or Officer of the Court, to evince the truth of ^{certain} ~~sworn~~ facts', 3 B L, Com., 394. In practice, it is said to be 'An oath or affirmation reduced to writing, sworn or affirmed to before some Officer who has authority to administer it'; Bouv. L. Dic. 79, Title, Affidavit. "It is not necessary for the affiant to sign the affidavit; he must make it; that is, he must swear to the facts stated, and they must be in writing; it is then an affidavit-- and as evidence that it was sworn to by the party, whose oath it purports to be, it must be certified by the Officer before whom it was taken; which certificate is commonly called the jurat and must be signed by such Officer." The Supreme Court of Arkansas in 16 Ark., 347, Mahan vs. Owen, Administrator, again passed upon this point and said "The affidavit to a claim against the estate of a deceased person need not be signed by the Affiant."

While we always prefer to have all of our affidavits signed by the parties, in this particular instance, the affidavit was dictated by the affiant to the Notary Public, who was a stenographer, and his statements carefully taken down in short hand and read over to him and he was sworn that the statements he made were true, and because he was about ready to leave the office at the time said affidavit was made

he did not have time to wait for the same to be transcribed and we have since sent the affidavit to him and had the same duly signed before a Notary Public. We have also had the affidavit Of Joe Bean resigned and attached ^{to our Amended Note} ~~hereto~~, the Nation having raised objection to the mark having been witnessed by J. C. Starr of the Firm of Starr & Patten and while this is an objection to a very small matter, we take pleasure in making the correction.

The Nation takes exceptions to the affidavit of Simon Lynch because, the Nation says he was convicted of larceny and served a term in the Cherokee Penitentiary years ago. We have had the records of the Executive Department of the Cherokee Nation examined and the Department furnishes us a statement that there is no record of any conviction of the said Simon Lynch. We will state, however, that the said Simon Lynch says that at a Cherokee Election a number of the Cherokees tried to force him to vote in the election against his will. He refused to do so and voted according to the dictates of his own conscience, and these parties promptly trumped up some charges against him and had him convicted and sent to the Cherokee Jail at Tahlequah. They charged him with the larceny of a hog from the Chief. He stayed all night in jail and the next morning the Chief heard of Simon Lynch being sent to jail and promptly pardoned him, knowing the facts and knowing that there was nothing but a matter of prejudice in this trumped up matter against Simon Lynch because he did not vote in the election to suit the parties ^{who} ~~he~~ tried to dictate to him. There can be nothing in this objection ~~of~~ the Counsel for the Cherokee Nation.

In the next instance the Counsel for the Nation argues at length against the testimony of Amy Bean and among other things says: "The records will show that she has testified in a great many cases which have been denied by the Commission and affirmed by the Department, which shows that her testimony has uniformly been disregarded, in all of which she of course testified that the applicants returned in 1866," and cites a few instances of cases in which this witness has testified. Among others, he cites F. D. 304, Payton Martin, twice denied by the Commission and twice affirmed by the Department. We desire to invite the Department's attention to this mis-leading statement

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of the Attorney for the Cherokee Nation with reference to Payton Martin. We have never heard of Payton Martin being twice denied by the Commission and twice denied by the Department. We represent Payton Martin and that is certainly news to us and we believe that the time has come when an end ought to be put to the making of such misleading statements. It will be observed that the Honorable Secretary of the Interior on June 20, 1906 remanded the Cherokee Freedmen Enrollment case of Payton Martin, et al., to the Honorable Commissioner to the Five Civilized Tribes for a rehearing; see Departmental letter (D.C. 25968-1906; I.T.D. 6190-1903; 8700-1904). and if, as stated by the Counsel for the Cherokee Nation, the witness, Amy Bean, testified that Payton Martin returned to the Cherokee Nation and established his residence therein prior to February 11, 1867, we believe she told the truth, and we believe that, because a witness testified to one point in a case and the Commission rejected the applicant it is no indication that the testimony of the witness was false; for example, we can name a case wherein Mr. Hastings, Attorney for the Cherokee Nation, testified against an applicant, and following the trial the Commission found that the applicant was entitled to be enrolled. It does not necessarily follow that Mr. Hastings is not worthy of belief because he testified in a case and the Decision of the Commission failed to reject the applicant because he testified against the applicant. We do not believe any such a thing. The point testified to by Mr. Hastings might not have been material in the case. The same rule applies to this Freedmen case. Amy Bean might testify in a case that she saw the Freedmen applicant in the Cherokee Nation in the fall of 1866 and since inspection of the case might show that the applicant was here but that he did not establish his residence here then and the Commission of course would deny the applicant enrollment. Can you then say that Amy Bean's testimony is false? Certainly not. Amy Bean might testify that a Freedmen applicant returned to the Cherokee Nation and established his residence therein and the Commission might deny the applicant the right to be enrolled because the applicant was not the slave of a Cherokee Indian at the commencement of the War of the Rebellion.

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There are you going to say the testimony of Amy Bean is false? Certainly not. We know of instances where it is clearly shown that Freedman came to the Cherokee Nation on horseback in 1866 and remained for some time and went back to the State and did not return probably for months thereafter. Yet, when the witnesses testify that they saw them here in 1866, the witness can testify to the truth, and yet the Commission would reject the applicant because, although he was here and visited around a while he did not establish his residence in good faith in the Cherokee Nation prior to February 11, 1867. A close inspection of these many cases cited by the Counsel for the Cherokee Nation will not bear out his broad statement that the witness should not be believed because she testified in a great number of cases where the Commission and the Department have decided that the applicant was not entitled to be enrolled, and that the Decision of the Commission and the Department in such cases ~~is~~ has a tendency to discredit the witness. We do not believe that these adverse decisions have any tendency whatever to discredit the witness because in many instances it will be found that the applicant was denied upon one material point and the witness was testifying to another material point. In many instances the testimony of the witness is taken in one principal case and there may be fifty or one hundred dependant cases of descendants of the applicant in the principal case, and each of these descendants who are of lawful age has a case of ^{his} their own. The testimony taken in the principal case is copied and a copy filed in each of the dependant cases and according to the statements of the Counsel for the Cherokee Nation, it would appear that the witness testified in a great number of cases whereas in truth and in fact the witness probably testified in one case and then it is charged up with testifying in all of those dependant cases.

We believe that the Counsel for the Cherokee Nation should show specifically in each instance what particular testimony of the witness given in a particular case is untrue and show in that particular instance that the Decision of the Commission and of the Department decided that the material point testified to by the witness was not true. Just the broad statement of the Counsel for the Cherokee Nation in his brief does not make these things true and these statements are mis-

leading both to the Commissioner and to the Department and in each instance he ought to be definite and certain as to the point involved in the case about which the witness testified and the material point on which the Decision of the Commission or the Department is based.

The Counsel for the Cherokee Nation has spent much time and much effort in trying to show that under the laws of Arkansas this Motion for a rehearing should not be granted, but we do not believe that these people should be denied their right to enrollment because perhaps they have not complied with the strict rules of the Courts of Arkansas. We have perhaps not shown as much diligence as we should in this case but in view of the fact that the Department in the case of Thomas Mayfield, et al., remanded for rehearing the application for the enrollment of Maggie Mayfield, who is a sister of Sam Landrum and who claims her right to be enrolled from the same ancestors through whom Sam Landrum claims his right to be enrolled; and as this ~~same~~ case has been remanded and stands ready for trial and is being held by the Honorable Commissioner to the Five Civilized Tribes until the Department shall have acted upon the Motion for a rehearing of Sam Landrum, et al., and William Todd, et al., so that the cases might be consolidated and be tried as one, in the event the Department grants our Motion; and in view of the fact that the Department has already remanded the Maggie Mayfield case, we did not deem it necessary for these applicants to be put to any great expense in preparing their Motion for a rehearing any better than they have so done. These people are poor people and it is a difficult matter for them to procure the means necessary to properly present their case to the Department.

With reference to the letter of the Honorable Secretary of the Interior in remanding the case of Maggie Mayfield, the sister of Sam Landrum, we refer to Departmental letter of April 5, 1906, (D.C. 13104-1906; I.T.D. 8598-1906) which letter was sent direct to the Honorable Commissioner to the Five Civilized Tribes.

We desire to quote from a letter from the Honorable Commissioner to the Five Civilized Tribes to us, as Attorneys for Maggie Mayfield, dated June 13, 1906, in which the Honorable Commissioner says: "In reply

you are advised that no action will be taken in the case of Maggie Mayfield until the Department shall have acted upon the Motion for a rehearing in the case of Sam Landrum, et al., and William Todd, et al., as, in the event of favorable action on the Motion in this case, it would probably be desired to consolidate them with the case of Maggie Mayfield".

We submit that our Motion in view of these circumstances is shown to have been made in good faith; that we have complied with all the requirements necessary; that we have met the objections of the Cherokee Nation on the trivial technicalities of who witnesses our affidavits, etc., and in view of the fact that the Maggie Mayfield case has already been remanded and stands ready for trial; that our Motion should be granted and that this case should be consolidated with the Maggie Mayfield case and be tried as one case.

RESPECTFULLY,

Starr & Patton

ATTORNEYS FOR APPLICANT.

Department of the Interior,
Commission to the Five Civilized Tribes,
vinita, ILL., May 15, 1901.

In the matter of the application of Sam Landrum for the enrollment of himself, wife and seven children as Cherokee citizens; being sworn and examined by Commissioner Needles he testified as follows:

- Joseph Sequichie, appears as applicant's agent:
- Q What is your name? A Sam Landrum.
Q How old are you? A As near as I can get at it about 23 or 4.
Q What is your post-office address? A Spavinaw.
Q What district do you live in? A Saline.
Q You apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes sir.
Q Is your name upon the authenticated roll of 1880? A Not as I know of.
Q On the roll of 1896? A I don't know.
Q On the Kerns-Clifton pay roll? A Yes sir, I drew money.
Q Who do you want to enroll besides yourself? A Myself and wife and seven children.
Q What is the name of your wife? A Fearby.
Q Is her name on the roll of 1880? A No sir. It isn't on the 1880 roll.
Q What is your father's name? A Dan Landrum.
Q Is he living? A No sir.
Q What is your mother's name? A Jane Landrum.
Q Is she living? A No sir.
Q Are their names on the roll of 1880? A No sir, not as I know of.
Q What is your wife's father's name? A I don't know sir.
Q What is her mother's name? A Rachel Martin.
Q She any relation to Harvey Martin? A No sir, not my wife aint.
Q Is Rachel Martin dead? A No sir, she is living.
Q Her name is not on the 1880 roll you say? A No sir, I don't think it is.
Q Is Fearby your first wife? A Yes sir.
Q Are you her first husband? A No sir.
Q What was her first husband's name? A Tom Shelton.
Q Is he living? A I don't know sir, I guess so.
Q Was Fearby ever divorced from Tom Shelton? A Yes sir, he went to the pen I think.
Q Well, but did she ever get a divorce from him? A Not as I know of.
Q Give me the names of your children now? A Rachel.
Q How old is Rachel? A I don't know sir, exactly the age; there is 2 years difference between their ages.
Q Can you start one of them off? A I reckon she is about 14.
Q What is the next one? A Jane.
Q She would be about 12? A Yes sir.
Q Next one? A Albert.
Q He would be 10? A Yes sir.
Q Next one? A Annie.
Q She would be 8, would she? A Yes sir, I reckon.
Q Next one? A Nannie.
Q She would be six; next one? A Woodsey.
Q She would be four would she? A Yes sir, 3.
Q Next one? A Eva.
Q She would be 2, what is the next one? A 1; aint them all?
Q Seven, yes; are these children all alive at this time? A Yes sir.
Q Who is the mother of these children? A Fearby.
Q She is the mother of all of them? A Yes sir.

Examined by Joseph Sequichie, agent for applicant:

- Q Sam when did your father die? A I don't know sir.
Q Did he die before 1880? A I think he did; I don't know when he

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did die; I was quite young when he died.

Q How long since your mother died? A I don't know sir, just to tell you the truth, I don't know how long she has been dead, but 16 or 17 years at least.

Q What was your mother's name? A Jane Landrum.

Q Have you always lived here since you remember, in the Cherokee Nation? A Yes sir, right here.

Examined by Cherokee Representative, L. B. Bell:

Q Was your father, Dan Landrum, commonly known as Boney Dan?
A Yes sir.

Q Where did he die? A He died down on the Grand River.

Q Well, Grand River is 70 or 80 miles long; you might go to the place a little nearer located? A He died about 2 miles down below the Island Ford; I don't know what the name of the farm was.

Q Was it on the river, or just on a Creek close by? A No, on the river like.

Q Was he living down there at that John Martin place on Cabin Creek a mile or so from the river? A I don't know sir, living right close to the Gray place they called it.

Q How old was you when he died? A I don't know sir.

Q You recollect about his dying? A Yes sir.

Q Wasn't you living right on Cabin Creek at the John Martin place when he died? A No sir.

Q What place could it have been if it was close to the Gray place?
A I don't know the name of the Place.

Q When did your father return to the Cherokee Nation? A In '66, they claim; I don't know; I was quite young.

Q You were born when he came, he brought you didn't he? A I don't know sir, whether he did or not.

Q Then you don't know a great deal about your father do you? A No sir, I remember him well enough.

Q You don't recollect anything about the return? A No sir.

Examined by Commissioner Needles:

Q Did you draw what is known as the Cherokee Strip money? A Yes sir.
Q Draw for your wife? A Yes sir.

1880 authorized roll of citizens of the Cherokee Nation examined and applicants not found;

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicants identified thereon as follows:

page 124 #3075 Sam Landrum, Delaware District;
page 124 #3077 Jane Landrum, Delaware District;
page 124 #3078 Albert Landrum, Delaware District;
page 124 #3079 Marie Landrum, Delaware District.

Q You say you drew for your wife, Fearby? A Yes sir, I drew for her; she is on there as Bean; she wasn't with me at all.

Q How did she happen to be on there as Bean? A I don't know how.

Q She any relation to any of the Beans? A Not as I know of at all.

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
page 127 #3176 Fairby Bean, Saline District.

Q Are these children all living that you present here? A Yes sir.
Q Your wife living at this time? A Yes sir.

ARTHUR BEAN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Arthur Bean.

Q What is your age? A 58.

Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.

in part.

Q Your citizenship is contested? A Yes sir.

Q What is your post-office? A Vinita.

Examined by Agent of applicant, Joseph Sequitie:

Q Are, did you know Dan Landrum? A Yes sir.

Q What was the first time you ever knew him; you remember the first time he came back to the Cherokee Nation? A Yes sir.

Q What year was it? A In '66.

Q You know about what year he died? A No sir, I don't know just what year it was.

Q How do you know he came back in '66? A I saw him.

Q Did you come back with him? A No sir, I saw him here in the Cherokee Nation.

Q In '66? A Yes sir.

Q Do you know anything about this Dan Landrum coming down from the north and leaving his family up there, and making a farm down here and then returning backwards afterwards for his family? A That is what they said.

Con'r Needles: Don't ask him leading questions.

Cherokee Rep've Bell: I was going to remark that that was irregular, but maybe Joe don't know any better.

Q Did his family come back with him? A No sir.

Q Do you know how long after he came until his family came? A He came and made a farm and went back and got his family.

Q When did they come? A I guess it was about '67.

Q Whereabouts did he make this place at? A Up on the hill in Delaware District, by his house; I forgot the name of the place where it was used to be before the war.

Q It was in the Cherokee Nation? A Yes sir, there on the river.

Q Did he go after them himself? A send for them? A I think he sent for them.

Q You remember what year he died? A No sir.

Q Was it 20 years ago? A I guess it was 20 years ago as well as I can remember; yes it has been fully all of that, maybe probably longer; it was a good while before the small-pox I think when he died.

Q How many children did they have? A Dan and Jane?

Q Yes sir? A Of Dan's own children I recollect Sam and his wife had some children that wasn't Dan's, before they married; Dan fetched the children all in here. They was his children by marrying this woman.

Q You know whether they lived here continuously since you saw them here until he died? A Yes sir.

Q With his family here? A Yes sir.

Examined by Cherokee Representative, J.B. Bell:

Q What time in '66 did you see Dan first? A I think in the fall I think it was.

Q Whereabouts? A There in the settlement where we was living.

Q Well, that's rather general, you recollect very distinctly seeing him, don't you? A Yes sir.

Q Now recollect just as distinctly the place you saw him at? A I saw him on the river.

Q West of pt. Gibson up about the mouth of Spring Creek? A Up about on Lynch Prairie settlement there where we lived.

Q Where he lived? A Yes sir.

Q Now where is that place up on the hill that he made his farm? A Right up on the hill there where old man Buffington has got the place now.

Q You mean Gus Buffington? A Yes sir.

Q When did he make that place? A Along in '65 or '66, along in '67.

Q He made his little house there in '65 or '66? A No, I made a little tab in '65; '66 he made a place there and then made a house; and made a place and settled it there.

- Q You say he made the place; what did he make first? A He made the house.
- Q When did he make that house? A Along in the fall or winter like of '66.
- Q When did he make the farm? A Next spring following, along during the winter; he cleared up the ground.
- Q That was in '67, now when did he come down here? A In '66.
- Q Dan come with you? A No sir, come short time afterwards.
- Q You got here when? A Along in the last of September or first of October when we got here.
- Q Who come with you? A Tobe, George Vann.
- Q Where did you go? A I went down to Gibson.
- Q You didn't go to Spring Creek? A ~~Xxxxxxxx~~ Yes sir.
- Q Did you return to Kansas with Tobe and them folks? A No sir, I went ~~after~~ they went.
- Q You didn't go to Kansas with them? A No sir.
- Q You went a short time afterwards? A Yes sir.
- Q How long afterwards? A I guess it was about a month afterwards.
- Q Then how long did you stay in Kansas? A After I went there I staid there I guess it was over there just a little while; I went up there and joined the Army and come right back to the Cherokee Nation.
- Q Come back with the army? A Yes sir.
- Q Come back a soldier? A Yes sir.
- Q You didn't move back at all then? A I couldn't move at that time.
- Q That is, you was a soldier and come back a soldier? A Yes sir.
- Q When you went to Spring Creek and lived, you went direct to Spring Creek from that fight they talked about on Horse Creek? A Yes sir.
- Q You went from Spring Creek then to Ft. Gibson? A Yes sir.
- Q You was in here then about two months, and then you went back to Kansas? A Yes sir.
- Q Then you enlisted up there didn't you? A In '66? No sir, I enlisted in the army in Kansas directly after the war, after I went from here.
- Q You was in this Horse Creek fight, and come here with the crowd that was along there? A Yes sir.
- Q You left from there and went right down the Military Road to Spring Creek? A Yes sir.
- Q Well, after that you went over there to Ft. Gibson? A Yes sir.
- Q Well after you had been back here about two months then you went back to Kansas, is that it? A No sir.
- Q When did you go back to Kansas? A I went back, I don't recollect going back at all just being backwards and forwards, passing backwards and forwards to Ft. Gibson, down on the river there.
- Q You came here with Tobe and them? A Yes sir.
- Q You had the fight at Horse Creek? A Yes sir.
- Q Then you came right on from ~~there~~ that fight to Spring Creek and staid a day or two? A Yes sir.
- Q Well, then you went from Spring Creek, after staying two or three weeks, Tobe went back to Kansas? A I don't know that he did.
- Q You have made a lot of statements of facts here that it is impossible that you may be mistaken? A I may be.
- Q You said you went from Spring Creek to Ft. Gibson? A Yes sir.
- Q Then what? A I was in the Cherokee Nation then.
- Q When I understood you to say after Tobe went back to Kansas you went? A No sir, you didn't understand that at all.
- Q Well, where did you go from Ft. Gibson? A I was backwards and forwards up the river to Spring Creek and around in here.
- Q When did you enlist? A It must have been in '62 or '3 I guess; let me tell you how it was: when the Federals come to take us out I went over here and I enlisted; I went up in Kansas and I enlisted in there in the army and staid up there until I was trained to be a soldier, and I was up there so long and then I come back here in the nation and when I was mustered out I was mustered out at Pine Bluff, Arkansas, and come back to Kansas, and come on down in the Nation ~~that~~

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Nation here, and that is the time these boys was attacked at Horse Creek.

Q When was you mustered out? A In '65, I believe.

ARTHUR BEAN, being sworn and examined, sworn by Commissioner Needles, testified as follows:

Examined by Joseph Sequichie, agent for applicant, re-called witness:

Q You know who Dan Landrum belonged to? A Charles Landrum.

Applicant, SAM LANDRUM, re-called, and further examined by Commissioner Needles:

Q Have you got any proof of marriage? A Nothing but witnesses.

FRED MARTIN, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Fred Martin.

Q What is your age? A 43

Q What is your post-office address? A Spavinaw.

Q Are you a recognized citizen of the Cheokee Nation? A Yes sir.

Q Is your name on the authenticated roll of 1880? A No sir.

Q It didn't appear on there, but I went on straight card by proof.

Q Do you know Sam Landrum? A I do.

Q You know his wife, Fearby? A Yes sir.

Q You know whether they were married or not? A Yes sir.

Q How do you know? A I was present, and my father married them.

Q Where was that? A Here in Vinita.

Q When? A I don't remember just how long ago.

Q You know whether Fearby Landrum was ever married before? A Not as I know of.

Q Has Sam and Fearby been living together since that time?

A Yes sir, they are living together now; near neighbors to me.

Q You know his seven children? A Yes sir, I know them when I see them, but I don't know them by name.

Q They are Fearby's children? A Yes sir.

Q You know anything about the citizenship of Fearby? A No sir.

Examined by Cherokee Representative, L.B. Bell:

Q How many children did Fearby have when she married Sam? A I think she had one.

Q Was that Sam's too? A I couldn't say that; you will have to get that from her.

Applicant, SAM LANDRUM, re-called and further examined; by Commissioner Needles:

Q Rachel, you aint applying for her? A I always has enrolled her.

Q Rachel then, as I understand it, is not your child, your own child? A No sir, I raised her.

Q She is Fearby's child? A Yes sir.

Witness, FRED MARTIN, re-called, and further examined; by Cherokee Representative, L.B. Bell:

Q Has it been as much as ten years since they were married? A I disremember just when they were married; you know about when father was sick here at Vinita; that's when they were married, while he was sick.

Examined by Commissioner Needles:

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

ANDY FRYE, being sworn and examined by Commissioner Needles,
testified as follows:

- Q What is your name? A Andy Frye.
Q What is your age? A 66.
Q What is your post-office address? A Vinita.
Q Are you a recognized citizen of the Cherokee nation? A Yes sir.
Q Your name on the authenticated roll of 1880? A Yes sir.

Examined by Joseph Sequichie, applicant's agent.

- Q Did you know Dan Landrum? A Yes sir.
Q Who did he belong to? A He belonged to Charles Landrum I think.
Q Cherokee Indian? A Yes sir.
Q When did Dan Landrum come back to the Cherokee Nation from the North? A He come back in '66.
Q Did his family come back with him? A No sir, he come back in '66 and brought his family in the spring of '67, sent for them; he didn't go.
Q You have always known him to live in the Cherokee Nation continuously from the time you saw him in '66 until he died? A Yes sir.
Q His children, Sam is one of his children? A Yes sir, Sam was born here.

Examined by Cherokee Representative, L.B. Bell:

- Q Andy, where did Dan come in '66? A Come up around right down in the neighborhood there.
Q He come to some particular place first? A He come to my house.
Q What time in '66 was that? A In the fall, it must have been along in November; soon after I come here.
Q How long did he stay here? A He staid here about a week and then went in below; - I don't know where he went to, but he come back.
Q You know what time he went back to Kansas? A No sir, I don't know whether he went back or not; he was here all the time when I saw him; I never seen him away from here only when he went to Gibson.
Q You mean to say he came here in '66 and continued here all the time? A From that time I saw him he was here.
Q Was there any skip of a year or two in which you didn't see him? A No sir, I don't think I ever saw him out of here any year.
Q Where did he live? A He lived in all about everywhere until about the spring of '67; he was working in a shop over there on Cabin Creek.
Q Working in the shop on Cabin Creek in '67? A I think it was '67; it was soon after Mr. Kell moved up--
Q As a matter of fact didn't Mr. Kell come about as quick as you did? A No sir, I think I was here before he was; I don't know how long; Maull was living there when I was living there.
Q You swore you got here on the 3rd day of October? A Yes sir, I come on the 3rd day of October.
Q You didn't come right in there? A No sir.
Q You think Dan was working there at Kell's in the shop in '67? A I think it was in the spring of '67, I wont be certain.
Q You don't know anything about his family? A No sir, not until--
Q Never knew him before the war? A Yes sir.
Q Where did you know him? A I know him all through the country; I knowed him all my life.
Q Who did he belong to when you first knew him? A I don't know who his first owner was exactly, but I think Lewis Ross owned him awhile.
Q About when did Lewis Ross own him? A I couldn't tell about when, but I think Lewis Ross owned him I think he traded him.

By Commissioner Needles:

Sam Landrum et al 7

Q Did you know Sam's wife, Fearby? A I know her since the war, yes sir.

Q Was she a slave? A I don't know, sir. whether she was a Freedman or not.

Q You don't know anything about her? A No sir.

Examined by applicant's agent, Joseph Sequichie:

Q You don't remember about what time when Dan Landrum died?

A No sir.

Q How long ago has it been? A I don't know, but I was at his funeral.

Q Some thing like ten years, or 20 years? A I couldn't say, I never kept no account of the time.

Applicant, SAM LANDRUM, re-called and further examined;
By Commissioner Needles:

Q You say your wife Fearby was married formerly to Tom Shelton?

A Yes sir.

Q You don't know whether they ever got a divorce or not? A I don't know sir.

Com'r Needles: Sam Landrum applies for the enrollment of himself, his wife, Fearby, and seven children, to-wit: Rachel, ~~Rx~~ Jane, Albert, Annie, Nannie, Woodey and Eva; upon examination of the authenticated roll of 1880 his name nor that of his wife is found; he avers that he is a child of Dan and Jane Landrum, and their names are not found upon the authenticated roll of 1880 or the census roll of 1896; he avers that his wife, Fearby, is the daughter of one Rachel Martin; no proof whatever is adduced as to the citizenship of said Fearby Landrum, his wife; applicant avers that she was formerly married to one Tom Shelton, from whom she was never divorced; he and his wife, Fearby and the four elder children, Rachel, Jane, Albert and Annie, are identified upon the Kerns-Clifton pay roll; he presents satisfactory proof of birth of said two younger children, Woodey and Eva, but presents no satisfactory proof as to Nannie, which he will be required to do; by reason of the fact that the names of Sam Landrum and his wife Fearby are not upon the authenticated roll of 1880, and the names of neither their father nor mother are upon said roll, said Sam Landrum and wife Fearby and children enumerated herein will be listed for enrollment as Cherokees Freedmen upon a doubtful card, awaiting the further consideration of the Commission; the child, Rachel the oldest child, applicant avers is the child of his wife Fearby before his marriage; the remaining six children the applicant avers are his children; in order to legitimize the said children it will be necessary for the applicant to make satisfactory proof as to the citizenship of his wife Fearby; no testimony has been given at this time whatever as to the citizenship of his wife, Fearby, although satisfactory proof has been made as to the marriage of Sam Landrum with said Fearby, but no divorce having been granted and no proof of divorce being made, the question arises as to whether the ~~said~~ children's citizenship can be established without the citizenship of the mother of said children being established.

M.D. Green being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly recorded the testimony and proceedings in this case and that the foregoing is a true and complete transcript of his stenographic notes thereof. *M.D. Green*
Subscribed and sworn to before me this May 17, 1901.

M.D. Green

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUN 26 1901



ACTING CHAIRMAN

SUPPLEMENTAL TESTIMONY.

F.-D. 1092.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
JUNE 12th, 1901, CHELSEA, I. T.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
SAM LANDRUM as a Cherokee Freedman:

APPEARANCES:

Messrs Ball and Hastings, Cherokee Representatives.
Applicant present in person and by Agent, Joe R.
Sequichie.

B. S. LANDRUM, being called as a witness on the part of
the Cherokee Nation, being duly sworn by Commissioner T. B.
Needles, testified as follows:

BY MR. HILL:

- Q What is your name? A B. S. Landrum.
Q What is your age? A 45.
Q Post office? A Cleora.
Q Did you go out of this country during the war? A Yes, sir.
Q Where did you go? A Went to the Choctaw Nation.
Q When did you return? A Fall of '66.
Q Where did you locate? A Well, I first stopped on Cabin Creek
at Bill Buffington's house.
Q How long did you stay there? A We didn't stay there long, a
week, two or three weeks, something like that.
Q Well, go ahead? A We moved down on the Martin farm at the
mouth of Big Cabin.
Q How long did you stay there? A We made a crop there that
year.
Q And then moved off that winter? A Yes, sir, we moved up on
the Arsena place that winter, winter of '67.
Q Well, how long did you stay there? A We didn't stay t here
but a short time, probably two months, maybe.
Q Then where did you go? A We moved then on the Kell place on
the old military road.
Q Lewis Kell place? A Yes, sir.
Q Where is that situated? A It is about a mile from the creek
on the north side of the creek on the old military road.
Q Were you acquainted with one Daniel Landrum, or more generally
called Boney Dan? A Yes, sir.
Q Formerly the slave of Charles Landrum? A Yes, sir.
Q Well when did he first come to that Lewis Kell place that you
lived there? A Well, it was in the spring as well as I remember
in the spring of '68. After we moved there first time I saw him.
Q You was living on that place there the latter part of, that is
from the early part of '68 during the year, or most of it, was you?
A Yes, sir, we lived on that place until 1 March, '69.
Q Where did Lewis Kell live at that time? A He lived down on the
Arsena place.
Q You swapped slaves? A Yes, sir.
BY MR. HASTINGS: Where did Boney Dan come from? A I don't know
where he come from.
BY MR. HILL: Did he have any family with him? A No, sir.
Q Did he have any wife while you were there? A Yes, he married
a woman by the name of Alice, she come from the Choctaw Nation.
She belonged to old Lige Kell.
Q Did Alice and you have any children? A I don't think they did.
Q How long did they live together? A They was living there that
summer while we stayed on that place, sometime in the summer his
wife come down there, I don't know where she come from, maybe she

come there.

Q His wife? A Yes, sir.

Q Bring any children? A I think she had one or two; seems like she had one or two.

Q Do you know what her name was? A No, I don't know her name at all.

Q Well, then what become of him? A Well Dan didn't live there I know after that.

Q What did he do with his two wives? A His wife left him he was living with.

Q Well which one? A Also left him.

Q He took his old wife and moved off? A I can't tell how long they stayed there; I think he located down there on the place somewhere.

Q Do you know anything else about him? A No, sir.

BY MR. SEQUICHIE:

Q What time did you come back after the war? A '66, October or November, '66.

Q Where did you come from? A We come from Nails Mill, we lived right close to Nails Mill in the Choctaw Nation.

Q How long after you returned to the Cherokee Nation did you see John Landrum? A Well, it was in the spring of '68, when we moved to the Kall farm.

Q Whereabouts did he stay aft er he came and returned to the Cherokee Nation? A I think he located down there on the creek somewhere.

Q On what Creek? A Cabin Creek.

Q How far was this from this Kall place? A It was not every far, two or three miles.

Q Was that the first time you ever saw him after you returned; who come back first Dan Landrum or yourself? A I don't know anything about that; he may have come back before we did, I don't know; we come back in the fall of '66.

Q You don't know whether Dan Landrum returned before you did or not? A No, sir.

Q Did Dan Landrum have a family when he returned? A If he No, he didn't have any family, he worked in the blacksmith shop there pretty near all su mmer.

Q How long had he stayed there when you saw him? A Why, I don't hardly remember how long he did stay, I think he lived there until the latter part of the summer or fall.

Q Where did he go? A He went down on the Creek somewhere.

Q In the Cherokee Nation? A Yes, sir.

Q You don't remember of him returning north or someplace where he had been before? (No response.)

Q He didn't leave the Cherokee Nation after you knew him? A No, sir.

Q What was his wife's name he married? A Also.

Q How many children did she have during the time they lived together? A I don't think they had any.

Q Do you know anything about ~~any~~ ~~any~~ Landrum when Sam Landrum returned to the Cherokee Nation? A No, sir; I might have seen him when he was a little bitty thing.

BY COM'R HENKILLS:

Q You don't know when Sam returned to the Cherokee Nation?
A I know when Henry Dan's wife returned to the Cherokee Nation.

BY MR. SEQUICHIE:

- Q What year? A '68.
Q What you call Boney Dan's wife, did she return alone or was somebody with her? A I can't say whether there was anybody with her or not.
Q You didn't see her when she returned? A I didn't see her when she returned, I seen her after she come there.
Q Do you know positively just what year she returned from Kansas? A No, sir.
Q Are you positive it was in '68? A I am positive Boney Dan was working in a shop there in '68 and she came there the same summer.
Q Where did she come from? A I don't know, I don't know whether she came from Kansas or not.
Q Come up in that part of the Cherokee Nation? A No, sir.

J. L. THOMPSON, being called as a witness on the part of The Cherokee Nation, being sworn by Commissioner T. B. Needles, testified as follows: BY MR. EKILL:

- Q Give your name, how old are you and where you live. A J. L. Thompson; 12 miles south of Vinita.
Q It is your post office we want to get? A Vinita.
Q How old are you? A 62.
Q Did you go out of the country during the war? A Yes, I went to Texas.
Q When did you return? A I got back to Fort Gibson, December, '67, and I got to Cabin Creek January, 1868, where I live now.
Q Are you acquainted with a man by the name of Lewis Kell? A Yes, sir, well acquainted with him.
Q Where did you locate there? A I lived on what they call the Arsena place.
Q In '68? A '68, Martin's place, where I live now?
Q Did you live on the Arsena place or Martin place in '68? A On the Martin Place.
Q How far was that from this Lewis Kell place? A Oh, not more than two miles.
Q Were you acquainted with one Daniel Landrum, a Freedman? A Yes, sir.
Q Commonly called Boney Dan? A Yes, sir.
Q Who did he belong to? A He belonged to Charles Landrum.
Q Did you know him before the war? A Yes.
Q Who lives on the Lewis place in '68? A Ben Landrum.
Q Did you see Boney Dan Landrum any time after the war? A Never saw him until after I located there in '68.
Q The question is did you see him; I ask you if you saw him any time after the war; just yes or no? A Yes.
Q Where did you see him? A Saw him there at Ben Landrum's, working in a blacksmith shop, the first time I saw him after the war.
Q Did you find anything about when he come there, anything about from him or anything of that sort? A He said he just come there that spring.
Q Did he say where he come from? A Come from Kansas.
Q Did he have any family with him that he brought? A No, he come alone.
Q Do you know anything about his marrying after he come there? A I heard it reported that he was living with a young woman that Ben Landrum had.
Q Well, then, did his wife, his old wife, did any woman come there claiming to be his wife? A Yes, stayed that summer.
Q Do you know whether she had any children with her or not? A Yes, she had one or two children, two children I reckon.
Q You didn't get acquainted with the children; that is, do you know their names? A Yes, sir, the eldest one was a girl named Faggie.

Q What was the other one? A The other was named Will.
Q Did she have any more that you remember? A No, sir.
Q What became of Ben, or do you know? A He died right there not far from where I live.

BY MR. SEQUICKER:

Q Mr. Thompson, what year did you say you returned back to the Cherokee Nation? A I said I come to Fort Gibson in December, '68 and come to Cabin Creek in January '68:
Q Where did you come from to Fort Gibson? A Come from Texas.
Q What time of the year did you get to Fort Gibson in '67?
A Got there in December, '67, about Christmas time.
Q Where did you live after you got to Cabin Creek in '68?
A On the Martin place where I live now.
Q Was it immediately after you settled on the Martin place that you saw Dan Landrum at Ben Landrum's place? A Yes, sir.
Q Did you and Dan Landrum have a conversation? A Yes, sir.
Q Did he voluntarily tell you that he returned from Kansas?
A He told me any of us and all of us that.
Q Now, about this wife of his, who was that he married?
Q Oh, I heard them talking about it, living with that girl a Ben Landrum had there.
Q You just heard them talking about it? A Yes, sir.
Q Do you know personally that they lived together? A No, sir, only just what I heard others say.
Q About how long after that was it that the woman that you say claimed to be his wife returned? A Oh, it may have been two or three months, maybe more than that.
Q After you saw him at Ben Landrum's? A Yes, sir.
Q Well, did they live together after she returned to him?
A Yes, sir lived together until he died. I guess, I never heard of them parting.
Q Do you remember who came with the woman that you said claimed to be his wife from Kansas, do you know who came with her?
A No, sir.
Q Do you know whether the children that was with her returned with her? A Yes, I guess they did, I never saw them until then.
Q Did you see them yourself when they returned? A Yes, sir.
Q This woman, did she tell you that she had just returned?
A She didn't tell me herself, but Dan told me.
Q Is this woman alive? A I don't know whether she is living now or not.
Q Wasn't it a fact that Dan Landrum didn't Dan Landrum go after that and bring them back to the Cherokee Nation? A If he did I never knew about it.
Q You don't know then, that this woman, you don't know whether of your own personal knowledge but what she returned before that time, 1867? A If she did I never heard of it.
Q You never heard of her return before that time? A No, sir.
Q You say you saw two children with her when she returned?
A Yes, sir.
Q Is this one of the boys (Referring to Sam Landrum, the Applicant.)
A I think this boy was born in the Cherokee Nation.
Q You don't know whether of your own personal knowledge when that woman returned to the Cherokee Nation, in '66 or '67? A I wasn't in '66 or '67 either, it was in '68.
Q You know that to be a fact? A Yes, sir, I know it.
Q You saw her when she come there? A Yes, sir.
Q Did she go to Fort Gibson and tell you she was straight from Kansas?
A I told you Dan told me.
Q That is all right about that.

WALTER A WEST, called as a witness on the part of the Cherokee nation, being duly sworn by Commissioner T. B. Needles, testified as follows: BY MR. HASTINGS, of Counsel for Cherokee Nation:

- Q What is your name? A Walter A West.
Q What is your age? A 60 years.
Q Are you a Cherokee citizen by blood? A Yes, sir.
Q What is your post office? A Spavinaw.
Q Did you live in the Cherokee Nation before the war?
A Yes, sir.
Q You have lived in it since the war have you? A Yes, sir.
Q When did you come back to the Cherokee Nation after the war?
A I come back in '66.
Q Where did you live; just go on now and tell your whereabouts for two or three years in there? A Along the old Military road there up and down there, first above Neosho and then down below near Cabin Creek.
Q Where did you live in '67? A Near Cabin Creek.
Q Where did you live in '68? A Near Cabin Creek.
Q How far did you live from Lewis Kell's place in '68? A Right near it, in about three quarters of a mile from it.
Q Did you know a man called Boney Dan Landrum? A Yes, sir.
Q Did you know his son, Sam Landrum? A Yes, sir.
Q Is that the same one you have reference to? A I know him since the war.
Q Did you know him when Boney Dan Landrum come back to the Cherokee Nation after the war? A The first I knew of him it was in the spring of '68, come to Lewis Kell's shop.
Q What kind of a shop? A Blacksmith shop.
Q Did he work there for Lewis Kell? A Yes, sir.
Q Was his wife with him at that time? A No, sir, I think not.
Q Did you know what her name was? A No, sir, I didn't.
Q How long after he came until she come? A I don't know exactly, it was later on.
Q In the same year? A In the same year I think.
Q And you were living in three quarters of a mile of Lewis Kell's place? A Yes, sir.
Q Could he have been there in '67 and you not seen him?
A No, sir, it was a post office for us there and he was blacksmith and he worked in the shop.
Q And that Dan Landrum you are speaking of was the father of the applicant, Sam Landrum? A Yes, sir, claimed to be.
Q Well this man recognized him as his father?
A Yes, sir.

BY MR. SEQUICKER:

- Q What year did you saw you returned to the Cherokee nation?
A '66.
Q Where from? A Red River, Texas?
Q What part of the Cherokee Nation did you settle after you arrived here? A Up on Neosho, I camped a while and then I settled on Cabin Creek.
Q Near Neosho river or Neosho city? A Near the Neosho prairie, on the old Hudson place, if you know anything about it.
Q How long did you stay there? A I stayed there two or three months.
Q And then where did you go to? A I went from there down the road near Lewis Kell's.
Q How long did you live there? A Lived there until the fall of '69, September or somewhere along there.
Q What time of the year was it you saw Dan Landrum at Lewis Kell's shop?

A Spring of 1868, best of my recollection.
Q Do you know what year he came there? A I said '68, didn't I?
Q Where from? A I don't know where I suppose.
Q Don't know where? A No, only what he said himself; he said he come from south I think.
Q Did he say how far south he come? A No, I didn't ask him in particular about that, he said he belonged to the Landrums.
Q You didn't talk to him? A I talked to him before.
Q Did he go into full details? A We never did sit down and have any particular explanation on it, I knew him before the war.
Q Did he tell you he returned from Choctaw Nation, Texas or somewhere? A When I first saw him he said I have just got in.
Q Did he say where he come from? A No, sir.
Q And he didn't tell you whether he come from Texas, Arkansas or Choctaw Nation? A No, sir.
Q Was his wife living with him at the time you knew him? A No, sir..
Q You didn't know his wife? A No.
Q Do you know of him having a wife sometime afterward? A Yes, sir, his wife came later on.
Q Where did she come from? A I think ~~it~~ it was in the fall of the same year.
Q Where did she come from? A I suppose she come from where she had been.
Q You don't know as a matter of fact? A No, sir, not exactly at all.
Q Did she come alone? A I don't know that either.
Q Did you see her when she returned? A I seen her in a few days I heard she returned.
Q Did anybody tell you where she came from? A No, sir, I never asked an ybody where she came from

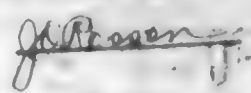
J. L. THOMPSON, witness, recalled:

BY MR. HASTINGS:


Q Your name is J. L. Thompson? A Yes, sir.
Q And you were on the stand a few moments ago? A Yes, sir.
Q Did you know Dan Landrum's wife? A Yes, sir.
Q What was her name? A Her name was Jane.
Q You knew her before the war? A No, I never knew her before the war.
Q That is the same Jane you had reference to in your testimony a while ago? A Yes, sir.

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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 28th day of June, 1901.



Commissioner

Filed with F. D. 292.

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

In the matter of the application of Lewis T. Brown, for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-94.

Applicant appears in his own behalf.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

- MR. DAVENPORT: What is your name? A Simon Scales.
- Q Where do you live Simon? A Live in Fort Scott.
- Q You live in Fort Scott Kansas? A Yes sir.
- Q How long have you lived at Fort Scott Kansas? A Well, near about 32 or 3 years.
- Q Well, did you go to Fort Scott, ~~KANSAS~~ or where was you living at the close of the war? A Texas.
- Q Did you go to Fort Scott Kansas, after the war closed? A Yes sir.
- Q Well after you went to Fort Scott, Kansas, did you ever get acquainted with any colored people up there by the name of Brown?
- A Yes, sir, I did.
- Q What was their names do you remember? A Got acquainted with a ~~man~~ man by the name of Tom Brown, we called him at that time; and then there was a nephew of his, a boy, and a son of his I think, and his wife.
- Q Well, what was his name, did you say? A He had one named, a boy there by the name of Pomp, and one named Tooster.
- Q Did you get acquainted with any of the girls or any woman folks of the family that was around there? A Yes sir.
- Q Do you remember what their names was? A They had one named Mat, they called her, Mat Henderson, and one named Susie, I believe, I think she was.
- Q Now those parties that you have named, you don't know what relation they were to each other, do you? A No, sir, I don't.
- Q You know they were there connected some way, but what relation you don't know? A No, sir, I don't.
- Q Well now, how long after you went there did they remain there, did Pomp Brown remain there, the one you spoke of as being called Pomp?
- A Well I couldn't tell you the exact time that he remained there, but he stayed there awhile, and worked in a barber shop, and I don't know when he left because when I saw him he said he had been living down there at Chanute somewhere, and he come backwards and forth, and he would come over to see me every time he come back. I got a boy and they was about the same age, and he would come over to see mine.
- Q Which left first, he or Mattie Henderson, as you know her? A I think Pomp left first, I know he did.
- Q How long did Mattie Henderson live there in Fort Scott in the neighborhood where you lived? A Well sir, I couldn't tell you how long.
- Q Did she stay there six months after you got acquainted with her, a year or two years? A Yes sir, she lived there about a year or two.
- Q And you went to Fort Scott after the war closed as I understand?
- A Yes sir.
- Q So you ~~was~~ ~~was~~ Mattie Henderson, as you know her, finally went ~~down~~ ~~she~~ ~~did~~ ~~leave~~ ~~there~~? A No, sir, I couldn't tell.

Q Have you ever seen her since she left there? A No, sir, I don't think I have seen her since she left there; I have heard from her, but I don't think I have seen her since she left.

Mr. Brown: What year did you go there to Fort Scott? A I went there in the year of '66 or '67; I think '66.

Q Wasn't it '64 that you went to Fort Scott? A No, I don't think it was.

Q Well, now, in reference to the time that Abraham Lincoln was elected when was it? A It must have been in '66 or '67, somewhere along there, wasn't it?

Q Well, I am asking you? A I never took no account of the time, but I kept account of it some way.

Q You was keeping account of it was you? A Yes sir.

Q Well now, with reference to the time Abraham Lincoln was elected, when was it that you went to Fort Scott? A I went there that fall, sir.

Q Same fall that Abraham Lincoln was elected, didn't you? A Yes, sir.

Q And these people about whom you have testified left Fort Scott about a year or two after you went there, didn't they? A I think they did sir.

MR. DAVENPORT: Simon, did you go to Fort Scott before the war or after the war? A No sir.

Q You went to Fort Scott, Mr. Brown didn't ask you as to Lincoln being elected twice, was it the first time or the last time Lincoln was elected that you went to Fort Scott? A Last time.

Q Where were you living when the war closed? A Texas.

Q Had you ever been to Fort Scott before that time? A No, Sir.

Mr. Brown: Well now you say the second election of Abraham Lincoln, wasn't you in Fort Scott that fall? A As I say I come the fall of the election.

Q The fall of the year when Abraham Lincoln was elected President of the United States for his second term you were in Fort Scott, were you not? A I come to Fort Scott that fall.

Q Now then you say you got acquainted with Tom Brown? A Yes, sir, I think his name was.

Q Who was Tom Brown? A That was a man, the head of a family, Ibbie Brown's husband.

Q What relation was Tom Brown to Pomp Brown? A Well now, I don't know; seemed like to me that Pomp, they told me that he was his uncle, that's what I heard, but I don't know any more than that.

Q Who told you that? A Seem like I heard Pomp call him whole, and Pomp told me I think.

Q Now you say Pomp Brown was about the same age as your boy? A Yes sir, they grew up together.

Q How old is that boy now? A He must be near forty years old I suppose, my oldest boy.

Q Now about how old was-- A I guess he's forty-one or two.

Q That's the same boy that you say was about the same age as Pomp Brown? A Yes, sir, I think; I took him for the same.

Q What year were you born uncle? A Oh, Lord, that's too far back, I couldn't hardly tell you, I could if I go home.--

Q In what year did the war begin? A I don't study any history at all.

Q In what year did the war close? A I don't know; sixty something.

Q In what year was your first child born? A Didn't pay no attention.

Q What year is this? A I don't know; didn't pay any attention to it.

Q In what year were you married? A I don't pay much attention to my such as that.

Q You don't know any thing about years, do you? A No, sir, I don't pay much attention to them.

Q Well now during the time that you say that that Pomp Brown

lived in Fort Scott, Kansas, did he ever to your knowledge make a trip to the Cherokee Nation? A I couldn't tell you sir, whether he did, but I know he was going backwards and forth.

Q Who are speaking about Pomp Brown, not about Tom? A Well, I said Pomp, that's what you asked me, wasn't it?

Q Yes sir, Now did he ever move away from there and tell you or any one in your presence that he was coming to the Cherokee Nation? A I don't know as he did, because he would go backwards and forwards, and come by my house and see me.

Q What part of Fort Scott did you live in? A I lived on the west side of town, west side from Scott.

Q Live in the town or in the country? A Live in town.

Q Well, where was Pomp Brown in November, '66? A I couldn't tell you sir, couldn't tell you nothing about that. I never knowed numbers, and years, but Pomp would come and see me.

Q You don't know of your own personal knowledge that he was there during all this year and a half or two years that you speak of? A Don't know he was there, don't know that two years that I speak of what two years that I spoke of explain it to me and I will answer to the best of my knowledge.

Q Just answer my question, didn't you testify awhile ago that they left there about a year and a half after you went there? A No sir.

Q You didn't swear to that? A No sir. You are positive that you didn't swear to that, just as positive as you are to any thing else you have testified to are you? A Well now you never ask me about two years and a half; if you did I didn't answer it; that's what's the matter. You must explain.

Q Didn't you state in your direct examination that these people about whom you are testifying remained there a year or two after you left? A Never.

Q After you went there? as you say, the same fall that Abraham Lincoln was elected? A I said I didn't know, I say I don't know when they left.

Q You didn't say that then? A I didn't say when they left, no, sir, I didn't say they left; I say I don't know how long they stayed, it might be a year or two; that's what I said; but I didn't say they left.

Q Now when you went to Fort Scott was Mat Henderson married? A Yes, sir, she said she was married.

Q She was married when you went there? A That's what they said she was.

Q You are positive of that? A I am positive they said she was. Well, they were living there together as a man and wife when you went there? A Yes, sir.

Q Well now during all the time that Pomp Brown remained in Fort Scott, Kansas, what did he do? A I think he worked at a barber shop; I don't know what he did do.

Q About how old was he then? A I couldn't tell you his age. Q About how old? A He looked to me like he might be 12, near 12 or 15, nigh as I could guess at now.

Q He was a minor? A Yes sir he was when I saw him.

Q In what year did you say that these people left there? A Well, sir, I don't know; I never said they left; I don't know.

Q Well, I am asking you now? A Well I say I couldn't tell you, the people had gone before I knowed; I lost track of them.

Q You don't know when you lost track of them first? A I didn't pay no attention; I knowed I saw Pomp Brown, he would come back an forth.

CLIFTON T. RUCKER, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Clifton T. Rucker.

Q Where do you live Mr. Rucker? A Fort Scott.

- Q Kansas? A Yes sir.
- Q How long have you lived in Fort Scott Kansas? A Well, in the county, I have lived in the city about since, I have been there the last time about eight years.
- Q How long have you lived in the county in which Fort Scott is located? A 45.
- Q When did you go there to that county, about what year? A In '56, 7th day of October, '56.
- Q Were you living there at the close of the war? A Yes sir.
- Q Was there a town of Fort Scott then? A Yes sir.
- Q After the close of the war did you know a family of colored people by the name of Browns, in or near Fort Scott, Kansas?
- A Yes, sir, in Fort Scott.
- Q Do you remember the names of the family that you know there?
- A Yes to begin with the parties that I first knew, I got acquainted with the one they call Edie Brown, we always called her that.
- Q Well any others of the family? A There was Mattie Brown, afterwards Mattie Henderson, known as Mat Henderson, then there was another one that they called Susie Brown, I believe; and then Pompie Brown, I don't know whether Pompie was—
- Q Boy or girl? A Boy, Pompie. And Toostie Brown, I suppose that's a nickname, I never knowed him by any other name.
- Q Well now, when was it you first got acquainted with that family with reference to the close of the war, before or after?
- A Only by hear say until '68; '68 I knew them personally; the summer of '68.
- Q Where were they living in the summer of '68 when you personally got acquainted with them? A In Fort Scott, down on—near First and Walker street, south of First street.
- Q Was Pomp Brown living there then, the boy that you knew or knew that you knew there? A Yes sir, he was a boy, a young fellow, he resembles this fellow (indicating Lewis T. Brown, the applicant), only he was heavier, stouter built, I remember the boy well enough.
- Q Now you say Mattie married up there, Mr. Rucker? A Henderson said to have married, that was the report.
- Q What did Henderson do? A He was a barber by trade.
- Q Did you know Pomp after he grew up, and was grown or about grown?
- A Well, I knew he was about, I would suppose, about fifteen years old, the last time that I remember, 15 or 16 years old, the last time I saw him I would take him to be that, I knew him in '68 or '69.
- Q You never saw him after that time? A I don't know as I did after '70.
- Q Well when was the last last time that you knew Mattie Henderson or Mattie Brown lived there? A She lived up there till '72 I believe, somewhere along there.
- Q Do you know whether this Aunt Ebie which you speak of, when did she ever move away from there? A Well I was told she did; I don't remember; she used to work at the Wilder House.
- Q What was that, a hotel? A Yes sir, a hotel, known as the Wilder House.
- Q You don't know what relation these parties were to each other do you? A I don't know, I suppose he was old aunt Ebie's son, a great many would call her aunt Ebie, some of them, so Aunt Ebie was that was generally the word that passed.

MR BROWN: Mr. Rucker, how do you fix the date that you first became acquainted with I Pomp, who you say was 14 or 15 years old?

A Well I would judge from appearance that he was at that age, I was around in the family, I had business there as an office in the neighborhood, in that vicinity, with some of the colored folks,

there was papers executed about that time, and I met him on the street and they called him Pompie.

Q Do you remember all of the boys fourteen or fifteen years old that you met thirty-two or three years ago? A Why no, not all of course; I could form an idea.

Q You never knew these people until '68? A No, sir, only by hearsay, I heard that Aunt Ebie—

Q We just want the facts. You never knew of them until '68?

A No, sir.

Q And you say in '72 that Mat Henderson left there? A I couldn't say when she left there.

Q Well, about that time? A That was about the last time that I remember of knowing, meeting her, I would just be in the barber shop there.

Q You don't know where they were in '68 or '7, do you, of your own personal knowledge? A No, sir.

J. E. NEWBURY, being first duly sworn, testified as follows:

MR. DAVENPORT: What's your name? A Newbury.

Q What is your first name Mr. Newbury? A J. E.

Q What is your age Mr. Newbury? A 65

Q Where do you live? A Fort Scott.

Q How long have you lived at Fort Scott, Kansas? A Since '61.

Q Since you have been living at Fort Scott Kansas, did you get acquainted with a colored family by the name of Browns, lived there in Fort Scott? A Yes sir.

Q Do you remember the names of any of the family, Mr. Newbury?

A Why I know Hebie Brown.

Q Well, any of the rest of the family? A Mat, Mary and Susie and Pomp, and old man Tom Brown.

Q Well, now do you know of your own knowledge as to what relation these people were, whether they were father and son or daughter and aunts or uncles? A No, sir.

Q Now you knew Pomp, you say, there, Mr. Newbury? A Yes sir.

Q How long did Pomp remain there after you got acquainted with him, or about how long? A About three or four years.

Q When did you first get acquainted with him? Mr. Newbury, about what year? A In about Sixty—well, I can't tell, about '65 or '6 along there, I knew the boy running around, was a boy, and I knew him as he grew up.

Q Do you know what he followed as he grew up to manhood, or whether he had any profession or calling, or trade? A Why he used to work around the barber shop.

Q Well now you spoke of Mattie, do you know whether she ever married up there or not? A Claimed to be.

Q Do you know what the name of her husband was? A Ed Henderson.

Q What did Henderson do? A He was a barber.

Q Then, if at all, did Henderson ever move away from Fort Scott?

A Yes sir.

Q About when did he leave there, if you remember, about what year?

A About five or six years ago.

Q When did Mattie, the wife of Henderson, leave there or move away from there, if you know, Mr. Newbury? A She moved away anywhere from '73 to '75.

Q Do you know whether or not they kept house there in Fort Scott?

A Yes, sir, they kept house.

Q Did you know the old lady that was in this family, Aunt Ibbie?

A Yes, sir,

Q Do you know whether she worked any place up there for a number of years? A Worked at the old Wilder house for a number of years.

Q After Pomp Brown went away from there did you ever see him?
A Yes sir.

Q Where did you see him? A In Chanute.

Q In Kansas? A Yes sir.

Q About how long after he had left there did you see him?

A I can't place the time that he left there; but I see him in '72 in Chanute, Kansas.

Q What was he doing at that time? A He was running a barber shop.

Q Did you recognize him as being the same man? A Yes sir.

Q Did you have any conversation with him at that time? A Yes, had a long talk.

Q You knew him to be the same Pomp Brown that you had known at Fort Scott? A Yes sir.

Q Have you ever seen Mattie Henderson since she moved away? A I think not sir.

MR. BROWN: In what business are you engaged, Mr. Howbury?

A Hey

Q Yes, sir. At present I am in the real estate business.

Q What business were you in right after the close of the war?

A Restaurant business, hotel business.

Q You don't know whether it was '65, '66, or '7, that you first become acquainted with these people? A Well, I knew Aunt Ibbie in '64 quite well, but I didn't know these children.

Q Aunt Ibbie isn't the one; now we are just talking about Mat Henderson and Pomp Brown? A Well now—

Q You don't know when it was that you first become acquainted with Pomp Brown, do you? A No, but I think it was in '66 or '6

Q How you can't swear where Pomp Brown was every month in those years, can you? A No, sir.

Q There was nothing to attract his being there on your mind was there at that time? A Oh yes, there was something to attract his being there on my mind, because I knew the boy.

Q I mean every month of the year; you didn't keep close watch of him to see him? A No, sir.

Q You don't know where he was in the month of November, '66, do you? A No sir.

Q Now you don't know where Mat Henderson was during that month in that year, do you? A No sir.

Q Of your own personal knowledge? A No, sir. But I never missed that there; she was a barber.

Q She could have been out of town for a month or two months without your knowledge, couldn't she? A No.

Q Now in what portion of the town did these people live? A Which one are you speaking of, Mat Henderson?

Q Mat Henderson. A Well she lived pretty well in the center of the town, run a barber shop.

Q Where did Aunt Ibbie Brown live? A She lived in the old Wilder House, a block and a half away from them.

JACOB RODECKER, being first duly sworn, testified as follows:

Mr. DAVENPORT: What is your name? A Jacob Rodecker.

Q Where do you live? A I live at Fort Scott, Kansas.

Q What is your age? A My age is 61.

Q How long have you lived in Fort Scott, Kansas? A I have been up there thirty-six years. I came there in '66.

Q '66? A Yes, sir.

Q Since you came to Fort Scott, Kansas, did you get acquainted with a colored family by the name of Brown? A I did.

Q Do you remember the older ones' names? A Well, Tom Brown, he was a blacksmith there, and there was one we called Aunt Ibbie, she worked at the hotel there.

Q What hotel did she work at? A At the Wilder House.

Q Well do you remember any of the other ones of the family or the other ones that went by the same name? A Well there was Pomp Brown there, and I believe there was one there, she was married to Henderson, Mat Brown, and then there was one, Toastie, and I didn't know the older— yes, there was Bill Brown there, but I don't know whether he was a son of hers.

Q You don't know what relation any of them were? A I always did suppose that Pomp was the son of Aunt Ibbie; she called him a ~~max~~ boy.

Q And that is the only information you had as to what relation?

A Yes sir.

Q It was just simply from the fact that he was there and —

Mr. Brown: Question objected to as leading.

MR. DAVENPORT: Now you went to Fort Scott in '66 as I understand, Mr. Rodecker? A Yes sir.

Q Well now how long did you continue to know Pomp Brown in the town or near the town of Fort Scott after you went there? A I think I got acquainted with him in '67 and '8, after that he left the town, but he came back occasionally you know. I know during that time he was at the store there; at one time he told me it was Parsons and another time he told me he was at Humbolt.

Q What did he follow after he grew up if you know, Mr. Rodecker?

A Well, I think if I am not mistaken he told me he was a barber. When I first knew him he worked for a stable in Fort Scott.

Q What did Mattie do, if you know, what kind of work did she follow? A Well, when I got there in '66, I believe it was the first shave I had, I went in there at the barber shop she shaved me.

Q Do you know whether or not she married? A Yes, sir, she married Ed Henderson.

Q What was Henderson's trade? A A barber.

Q Well now when did Mattie move away from Fort Scott, Kansas, as near's you can get at it? A I couldn't say positive; I suppose she continued to live there to the best of my knowledge I think five or six years afterwards, that was '72 or around there somewheres.

Q Which went away first she or Pomp? A Pompie went away first.

MR. BROWN: You didn't know Pomp Brown until the years '67 or '8, did you? A '67 I think it was. I ain't positive; I come there and he might have come in the store, but I didn't know Mr. Pomp Brown at that time.

Q Now it's been a long time ago, hasn't it? A Yes sir.

Q And it might have been a little later than that that you first got acquainted with him? A No, I don't hardly think so.

Q You might have got acquainted with him in '66 or earlier; you don't know where he was in November, '68, do you? A No, sir, I can't say positive, I don't know.

Q Nor can you swear positively where any of these people were about whom you are testifying all during that month, can you?

A I can, yes, sir, I can swear positive to some I think.

Q Well now to whom can you swear positively? A Well, I would have her shave me, Mat Henderson, and I'll tell you why. Just let me relate to you about that. They had a way, they had two boys working there, and the only way they could tell, the way they kept their books was merely by marking, they put down a mark like that and it represented a shave, they made another mark up that way that represented a haircut, and then they would make one like that that represented a shave, haircut and shampoo. Well now I went there and figured that up at the end of every week, and that's the reason I know positively. I used to take those papers, and she told me what they represented and I would figure up.

Q Well, now Mr. Rodecker who shaved you in '73? A I couldn't say positive.

Q Who shaved you in '79? A '79, a man by the name of Smith.

Q In '75? A Smith, up to '72 after I got married.

Q Up to '71 or '82? A '72, I started in with Smith, and there was a barber there that worked for Ed Henderson or near them there, and he opened a shop and I went there; that might have been in '71 or it might have been in '70, by the name of Joe Shelby, he opened a barber shop and I went to his place.

Q You are not positive then as to what years different people shaved you, are you? A Oh, I can swear positive that I got shaved in Mr. Henderson's shop three years there from '66 to '69.

Q That is in Mr. Henderson's shop? A Where Mat Henderson worked, yes sir.

Q She worked there every day during those years? A I couldn't say whether she was, but she was there nearly every time I went there to get shaved, two times a week.

Q Did you ever go there when she wasn't there? A I couldn't say positive, but I suppose I have.

Q Do you know how many times you ever went there and she wasn't there? A No, sir.

Q Do you know where she was when she wasn't there? A I couldn't say.

MR. BROWN: The applicant requests testimony introduced on the part of the Cherokee Nation in this case to be stricken from the record for the reason that he is a descendant of the persons whose name appears upon the authenticated roll of 1880 and the decree of the United States Court of Claims under which this Commission is making a roll, as well as the instructions to this Commission on the same, strictly prohibits the introduction of any testimony tending to disprove the citizenship of any person whose name appears upon that roll; and for the further reason that in the years '66, '7, '8, and '9, about which these people have been testifying, Pomp Brown was a minor, and the record of this Commission shows in the matter of the application of his mother, Rose Milton, that she was here in the Cherokee Nation at that time and is upon the authenticated roll of 1880.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-292, D-293, D.-256 and D-94, the case at bar.

CLIFTON T. RUCKER, recalled, further testified:

MR. BROWN: You are the same gentleman that testified in this case just a while ago, are you not? A Yes sir.

Q You have done a good deal of work in the way of getting testimony—

MR. DAVENPORT: I object to that because it is not brought out in any part of the examination in chief in this case, and he has no right to go into it.

COMMISSION: Objection will be noted; answer the question.

MR. BROWN: You have taken a great deal of interest in securing testimony against these people, haven't you? A I don't know whether it would be called a great deal of interest; I have taken it to such an extent that I would give in the names, and what they could find out, and I have endeavored to find the parties that did know.

Q You have went to people and ask them what they knew about this case, haven't you? A Yes, sir, I inquired what they knew.

MR. DAVENPORT: In inquiring of the people what they knew about this matter did you ask any of them to purger themselves, Mr. Rucker? A No, sir.

Q Did you ask any of them to swear that the Browns lived there in '66 when you knew they didn't? A No, sir.

SIMON SCALES, recalled, further testified:

MR. BROWN: Mr. Scales, who first ask you what you knew about Tom Brown and his family? A Mr. Rucker asked me did I know; I told him yes.

Q He is the same Mr. Rucker that testified in this case just now, is he? A Yes sir.

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

Arthur G. Croninger.

Subscribed and sworn to before me this 1st day of May, 1902.

Philip G. Reuter.
Notary Public.

I, Margaret Crutsinger, as stenographer to the Commission to the Five Civilized Tribes do solemnly swear that the above and foregoing is a true and complete copy of the original transcript.

Subscribed and sworn to before me on this 1st day of May, 1902.

Margaret Crutsinger
Philip G. Reuter
Notary Public.

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

JAC
CR

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

Sam Landrum et al.-----Cherokee Freedmen D 292,
William Todd-----Cherokee Freedmen D 293.

DECISION

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Sam Landrum, for himself, his wife, Fearbey Landrum, and minor children, Rachel, Jane, Albert, Annie, Nannie, Woody and Eva Landrum, and by William Todd for himself. The evidence taken in the case of Lewis T. Brown, Cherokee Freedmen D 94, at Muskogee, Indian Territory, on April 29, 1902, is filed with and made a part of the record herein.

The evidence shows that all the applicants herein have been born since the commencement of the war of the rebellion and, with the exception of Fearbey Landrum, are the descendants of one Jane Landrum and, with the exception of William Todd, are also descendants of one Dan Landrum and claim right to enrollment through the said Jane and Dan Landrum.

The evidence further shows that the said Jane and Dan Landrum were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they left the Cherokee Nation and did not return thereto until after January 19, 1867.

There is no evidence showing that any of the ancestors of Fearbey Landrum were slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the war of the rebellion.

Neither the names of said applicants herein nor any of their ancestors are found on the 1850 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sam Landrum, Fearbey Landrum, Rachel

Landrum, Jane Landrum, Albert Landrum, Annie Landrum, Fannie Landrum, Woody Landrum, Eva Landrum and William Todd, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 23, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.

C. R. Beckwith

Commissioner.

W. E. Harshey

Commissioner.

Muskogee, Indian Territory,
this JUL 1 - 1903

COP

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

In the matter of the application for the enrollment of
Sam Landrum and others as Cherokee Freedmen, consolidating the
applications of--

Sam Landrum, et al.;
William Todd
Thomas Hayfield
Charles Hayfield, et al.;
Malinda Martin
Eva Hise

Cherokee Freedmen B-223,
Cherokee Freedmen B-224,
Cherokee Freedmen B-241,
Cherokee Freedmen B-244,
Cherokee Freedmen B-246,
Cherokee Freedmen B-290.

RESUME

THE RECORD IN THIS CASE SHOWS: That applications for
enrollment as Cherokee Freedmen were made to the Commission to the
Five Civilized Tribes by Sam Landrum for himself and minor children
Rachel, Jane, Albert, Annie, Emma, Woody and Eva Landrum; by
William Todd for himself; by Thomas Hayfield for himself; by
Charles Hayfield for himself and wife, Maggie (or Paggie) and their
minor children Thomas, Richard, Lillie, Alice, and James Hayfield;
by Joseph Martin for, among others his wife, Malinda Martin; and
by Eva Hise for herself.

The record further shows that in decisions rendered on
July 1, 1903 and April 20, 1904, the Commission to the Five
Civilized Tribes denied the above named applicants the right to
enrollment as Cherokee freedmen, which decisions were affirmed by
the Department on December 8, 1903 (I.T.D. 2126-1903), and
October 13, 1904 (I.T.D. 2062-1904), respectively; and that there-
after, to-wit, on October 6, 1906 (I.T.D. 2254-12301-1906) and
March 14, 1906 (I.T.D. 2230-1906), on motion of the applicants,
the Department remanded the records in these cases for further
testimony and reevaluation as to the rights of the applicants
therein named to Cherokee Freedmen Citizenship. Further proceedings
in the matter of said applications were had at Muskogee, Indian
Territory on the following dates, namely: April 8 and 12, May
24 and 26 and December 8, 1906.

Subsequent to the remanding in this now consolidated
case the following instrument were filed herewith and made a
part of the record herein: A copy of the testimony of Thomas
Foster and Washington Haskins, taken in the cases of George
B. Duffin, et al., at Muskogee, Indian Territory on July 14, 1904;
certified copy of an agreement binding Thomas and Harvey Foster
to one J. T. Campbell, under date of January 1, 1867, made from

certain probate records of Anderson County, Kansas; and the certificate of Fred H. Rhoden, Register of Deeds, Anderson County, Kansas relative to a certain quit claim deed recorded in his office, the copies of said agreement and deed being marked Exhibits "A" and "B".

The record in this case further shows that the above named applicants neither claim or possess any rights to Cherokee Freedmen Citizenship other than as below indicated, namely: Sam Landrum as the descendant of his parents, Daniel and Jane Landrum, both deceased; William Todd as the descendant of his mother, the said Jane Landrum deceased; Thomas, Charles and Maggie Mayfield by virtue of having complied with the Treaty of 1866; and the other applicants herein as children of the applicants, Sam Landrum and Charles and Maggie Mayfield. Hence, the matters presented for determination in this consolidated case are: Did the above named deceased ancestors of certain applicants herein and the three applicants next below named comply with the provisions of Article 9 of said Treaty of 1866.

The following points are fully established by the evidence, viz: That the said deceased ancestors and the applicants Thomas, Charles and Maggie Mayfield were the slaves of Cherokee citizens at the commencement of the rebellion and removed to Kansas during the progress thereof where they resided until sometime subsequent to its close, when they returned to the Cherokee Nation where said deceased ancestors continuously lived until their death, and the said applicants continuously lived to, and including September 1, 1902. Consequently the only question at issue herein are: Did said deceased ancestors and the three applicants last above named, or either of them, return to the Cherokee Nation after the close of the Civil war and establish their residences therein on or before February 11, 1867, the time limited by the Treaty of 1866, for the return of freedmen to said Nation.

Many witnesses have been introduced by the several parties hereto in support of their respective claims, the testimony of whom is pretty evenly divided, and, as a rule, diametrically opposed on the points at issue.

With reference to those witnesses introduced herein who testified from unaided memory alone, it may be stated that little weight can be given their testimony for the following reasons, to-wit:

"Memory is proverbially treacherous even in regard to very recent dates.

Courts frequently declare that they have no faith in any ones recollection of dates and times, if he has nothing by which he can ascertain them but the mere act of his memory.

Where a person testified purely from memory that he visited another part of the country during a particular season thirty-four years before, the court said it was not to be expected that one even of a very retentive memory could remember within one year or two of the exact date, unless it were associated with some great personal or public event. *Russell v Baptists T. Union 73 Ill., 227 and 241.*

The more remote the date to which a witness testifies, the less inclined is the trier of facts to receive the

statement as absolutely true. This is particularly the case where the witness admits that his memory is faulty as to dates (*Shotwell v Shotwell*, 24 N.J. Eq. 378 and 382), or where the witness had no interest or motive to improve the date upon his memory. And under the latter circumstances minuteness of recollection tends to impair the general credibility of the witness. To secure credit, the witness must be able to associate the date given with some more striking fact." Law notes April 1896, pages nine and ten where many cases will be found cited in support of the foregoing.

Furthermore the points at issue in this case can be satisfactorily settled by the documentary evidence introduced herein and by like evidence found in the record of this office. Consequently the necessity for setting out and attempting to reconcile the conflicting statements of the class of witnesses above referred to, or determine which ones of said class are entitled to the greater credit, does not exist.

Section 12 of the Treaty with the Cherokees dated July 19, 1846, provides, in part, as follows:

"After the ratification of this Treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said (general) council, a census or enumeration of each tribe lawfully resident in said Territory shall be taken under the direction of the Commissioner of Indian Affairs, who for that purpose is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior, and paid by the United States."

Under authority of this provision the Commissioner of Indian Affairs appointed one W. Tompkins to take the census of the Cherokee tribe. In taking this census Mr. Tompkins followed the political division of the Cherokee Nation. The roll made from this census is contained in four substantial, well preserved volumes, the names of the Cherokee citizens at that time appearing in their respective districts, said districts being divided in the four volumes, as follows, to-wit:

Going Banks and Delaware Districts,	Volume 1,
Tallogush and Saline Districts,	Volume 2,
Canadian and Delaware Districts,	Volume 3,
Hint, Sequoyah and Ee-woe-hoe-woe Districts,	Volume 4.

The citizens of the Cherokee Nation were classified by the census taker under four heads, namely: Indians, Whites, Halfbreeds and Colored. In his recapitulation of the census taken Mr. Tompkins found there were 12366 Cherokee citizens residing in their nation divided under the foregoing heads as follows; to-wit: Indians 9260, Whites 47, Halfbreeds 2480, and Colored 1281.

The certificate of the census taker is found on the last page of volume FOUR of the said roll and reads as follows, to-wit.

"I certify that the foregoing is a true and correct census or enumeration of the Cherokee Indians residing in their Nation:-- taken in obedience to your appointment per telegram dated June 10, 1867, and instructions dated July 1, 1867, and in accordance with the provisions of Article 18th, Section 1st, of a Treaty made with the Cherokee Nation dated July 15, 1866.

W. Tompkins,
Special U. S. Commissioner to take Census of Cherokee Indians."

This roll is considered reliable for the reason that the census from which it was made was taken by disinterested parties, for the purpose of ascertaining the number of Cherokee citizens in order that the Cherokee Nation's representation in the General Council created by the Treaty of 1866, might be properly apportioned. Hence, it is not probable that any reason existed for placing on said roll the name of any person not entitled, or excluding therefrom the name of any one entitled to citizenship in the Cherokee Nation. The question as to whether or not those claiming under the Treaty of 1866 had complied with the provisions thereof were, at that time, easily determined, especially so as to the date of return, inasmuch as the census was taken only a few months after the time limited by Article 4 of said Treaty for the return of freedmen claimants had expired.

An examination of the roll, above referred to, fails to show the names of any of either of the following persons thereon, namely: Dan Landrum, deceased, Jane Landrum, deceased, or Rachel Martin, deceased, Fieie Mayfield, deceased, former wife of Thomas Mayfield, Thomas Mayfield, applicants, Charles Mayfield and Maggie Mayfield nee Hess, applicants.

The failure of any of the foregoing names to appear upon the census roll of 1867 creates the presumption that none of the persons named in the preceding paragraph were living in the Cherokee country at that time. This presumption as to the Mayfields is strengthened by the fact that in 1871 the Supreme Court of the Cherokee Nation, commonly known as the "Daniels Court", decided adversely to Thomas Mayfield's claim to Cherokee freedmen citizenship. As to the weight to be given a decree of this court see Departmental ruling of December 14, 1906 (I.T.D. 2752-1906) rendered in the case of Harry Still.

The evidence in this case introduced by the Cherokee Nation shows that the applicant, Charles Mayfield, was living in Kansas as late as 1868, and it was further established that the Mayfield family, composed of the following members, namely: Thomas, Fieie and Charles Mayfield returned to the Cherokee Nation together which naturally must have been sometime subsequent to February 11, 1867, the time limited by the Treaty of 1866, for the return of freedmen to the Cherokee Nation.

No importance can be given the fact that the name of Fieie Mayfield, wife of Thomas Mayfield, appears upon the authenticated tribal roll of 1880 in determining when the Mayfield family removed from Kansas to the Indian Territory for the reason that the Cherokee census takers in 1880 listed the said Fieie

Hayfield for enrollment as a "Native Cherokee" a classification that made the date of her removal to the Cherokee Nation immaterial. That the census takers of 1860 did not overlook the applicant, Thomas Hayfield, is evident from the note found on the roll of 1860 opposite the name of Niece Hayfield, to-wit: "Niece Hayfield is Thomas Hayfield's wife." This notation is conclusive on one point, namely: that the census takers did not intend to classify Niece Hayfield as a Cherokee freedman.

With reference to the evidence herein introduced to establish the date of John G. Gibson's death, it appears conclusive that he died on or about the 25th day of July 1866, and it is equally well established that at the time of his death the Hayfield family were living in Kansas, but as to the length of time that elapsed thereafter before the Hayfield family left Kansas for the Indian Territory, the witnesses differ, and they testify as to periods ranging from two months to two years, which only served to emphasize the fact that "memory is proverbially treacherous," especially so when the person testifying is called upon to testify to an unimportant event that happened forty years before.

With reference to the testimony in this case to the effect that the Hayfield's returned from Kansas to the Cherokee Nation in company with Nathan Duffin and family and Sandy Bean and family, it can be remarked that George B., Joshua and Frank Duffin, and Eliza Keys and Sarah Moss, children of the said Nathan Duffin, and now deceased, members of his family in 1866 and '67 have heretofore been denied the right to Cherokee freedman citizenship on the ground that they did not return to the Cherokee Nation after the war within the time stipulated by the Treaty of 1866 (I.T.B. 4194-4223-1908). As to the return of Sandy Bean and the then members of his family it has scarcely ever been questioned that they failed to return in time. They were denied the right to Cherokee Freedman citizenship by the Daniels Court on June 8, 1871, Docket No. 44, page 34, and by the Chambers Court on August 20, 1878, Docket No. 34, page 31.

In an affidavit made by the said Sandy Bean on August 23, 1878, before Luther Perkins, a Notary Public, in and for the county of Montgomery, State of Kansas, the same being filed with the record in his citizenship case before the Chambers Court, he made among others, the following statements, namely:

"Deponent further says that he and his family continued to reside in the State of Kansas until on or about the second day of September A.D. 1866, and on being informed by James McDaniels, a delegate representing the Cherokee Nation at Washington, D. C., of the rights and privileges extended to late slaves held and owned by the citizens of the Cherokee Nation and also of the time limited for their return under provisions of the 9th Article of a Treaty made and concluded by and between the Government of the United States and the Cherokee Nation on the 19th day of July 1846 (A.D.) and proclaimed by the President of the United States on the 11th day of August A.D. 1846, he, his wife and one child in company with about forty-five other persons of African descent left the State of Kansas for the Cherokee Nation.

Deponent further says that one half of the members of the said company of persons of African descent, as aforementioned, were discharged colored soldiers returning to the

Cherokee Nation and on reaching a point in the Cherokee Nation about twenty miles south of the Northern boundary line of the Cherokee Nation on the 4th day of Sept. A.D. 1866, said company of persons of African descent was met and attacked by an armed band of Southern Cherokee Indians of a superior number, armed with double barrel shot guns, and that the said band of southern Cherokee Indians did kill John W. Vann, late private of Company "G" of the "79th" regiment of United States Colored troops and severely wounded his son, Toby Bean, and during the engagement he and his wife were separated from said Company of persons of African descent as aforesaid and that he and his wife were compelled to return to the State of Kansas.

Deponent further says that he and his wife returned to the State of Kansas not knowing the fate of their sons who were engaged in the said engagement as aforesaid and remained in the State of Kansas until on or about the 1st day of April A.D. 1867, at which time he and his wife made a second return to the Cherokee Nation and made a bonafide settlement on Grand River in the Saline District and Cherokee Nation."

The applicant, Thomas Mayfield, at the same time and before the same Notary also made affidavit corroborating the above statements made by Sandy Bean, and stated further that he (Thomas Mayfield) was a member of this company of negroes that gave battle to the Cherokees in Sept., 1866. This applicant made a second affidavit before the same Notary on August 27, 1876, in support of the claim made by Leander Bean to Cherokee freedmen citizenship wherein he stated that he and the said Leander Bean returned from Kansas to the Cherokee Nation in the same company in the early part of September 1866.

The collision between the returning negroes and the Southern Cherokee Indians, referred to in the affidavits of Sandy Bean, and the applicant, Thomas Mayfield, is now known as the "Horse Creek Fight" and it has been conclusively established that this engagement occurred sometime during the month of September or October 1866.

Arthur Bean, a witness in this case, and who was a member of the Colony of freedmen engaged in the Horse Creek Fight, testifies that his father, Sandy Bean, and family, the Mayfield and Buffin families were not members of this colony, but that they came to the Cherokee Nation sometime later, probably in the winter of 1866 and '67. No attempt was made in the present case to show that the Mayfield's were members of the company of returning freedmen that engaged in the fight on Horse Creek in the Fall of 1866.

With reference to the testimony herein that Thomas Mayfield and family and Jackson Davis and family returned to the Cherokee Nation after the rebellion at the same time, attention is invited to the cases of Jackson Davis and family B-453, 455, and 456, wherein it was held by the Commissioner to the Five Civilized Tribes that Jackson Davis and family did not return to the Cherokee Nation after the rebellion within the time stipulated by the Treaty of 1866, which decision was concurred in by the Commissioner of Indian Affairs, and affirmed by the Department on November 30, 1904 (I.T.D. 17178-1906).

With the exception of the Wallace & Burns-Clifton rolls none of the applicants herein nor any ancestors through whom by any

possibility they might obtain rights to Cherokee freedman citizenship can be identified on any roll of the Cherokee Nation in the custody of this office.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that neither the aforementioned deceased ancestors of certain applicants herein, nor the applicants Thomas, Charles, and Maggie Mayfield returned to the Cherokee Nation after the rebellion and established their residences therein within the time specified in the decree of the Court of Claims rendered on February 3, 1894, in the case of Moses Whitman, trustee--- et al. vs. the Cherokee Nation, et al., for the return of Cherokee Freedmen to said Nation; and that all the other applicants herein were born since the close of the Civil war and possess no right to enrollment as Cherokee freedmen.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section 21 of the Act of Congress approved June 20, 1898 (30 Stats., 495), and Section 3 of the Act of Congress approved April 26, 1904 (34 Stats., 137), Sam Landrum, Rachel Landrum, Jane Landrum, Albert Landrum, Annie Landrum, Bessie Landrum, Woody Landrum and Eva Landrum, William Todd, Thomas Mayfield, Charles Mayfield, Maggie Mayfield, Thomas Mayfield (child of Charles and Maggie Mayfield) Richard Mayfield, Lillie Mayfield, Alice Mayfield and James Mayfield, Malinda Martin and Rosa Blue are not entitled to enrollment as Cherokee freedmen and their applications for enrollment as such are accordingly denied.

Tame Dixon
Commissioner.

Dated at Muskogee, Indian Territory
this Feb. 12 1907.

75-12

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

F I L L E D
OCT 12 1901

[Handwritten signature]
ACTING

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.

Visita. I. J. Oct 12 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Sam Landrum et al for enrollment as
Freedmen of the Cherokee Nation.

No. F. D. 292

A. J. Seaver
Agent for applicants

Cherokee Freedmen
D-294.

Muskogee, Indian Territory, July 11, 1903.

Wm Landrum,

Spavinaw, 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, rejecting, among others, your application for the enrollment of yourself, your wife, Fearbey Landrum, and your seven minor children, Rachel, Jane, Albert, Annie, Fannie, Weedy, Eva Landrum, as Cherokee Freedmen. There has heretofore been furnished your agent, J. R. Sequichie, Chelsea, Indian Territory, a copy of the record of proceedings had in the case, 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,

T. E. Neacles

Commissioner in Charge.

Register.

Eng. Hall.

COPY:

Cher. Fr. D-292.
Cher. Fr. D-293.

Muskogee, Indian Territory, July 11, 1903.

J. R. Sequichie,
Agent for Sam Landrum, et al.,
Chelsea, 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 Sam Landrum, et al., rejecting the application for the enrollment of Sam, Fearboy, Rachel, Jane, Albert, Annie, Nannie, Woody and Eva Landrum and William Todd, 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,

T. B. Needles.

Commissioner in Charge.

Register.
Enc. 1-43.

COPY
Cher. Fr. D-293.

Muskogee, Indian Territory, July 11, 1903.

William Todd,

Adair, 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, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your agent, J. R. Seawichie, Chelsea, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

T. E. Needles

Commissioner in Charge.

Register.

Enc. H-42.

COPY.

Cher. Fr. D-292.
Cher. Fr. D-293.

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 Sam Landrum, et al., rejecting the application for the enrollment of Sam, Fearbey, Rachel, Jans, Albert, Annie, Hattie, Woody and Eva Landrum and William Todd, 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-44.

44258

Ref. No. /

COMMISSION TO THE FIVE CIVILIZED TRIBES

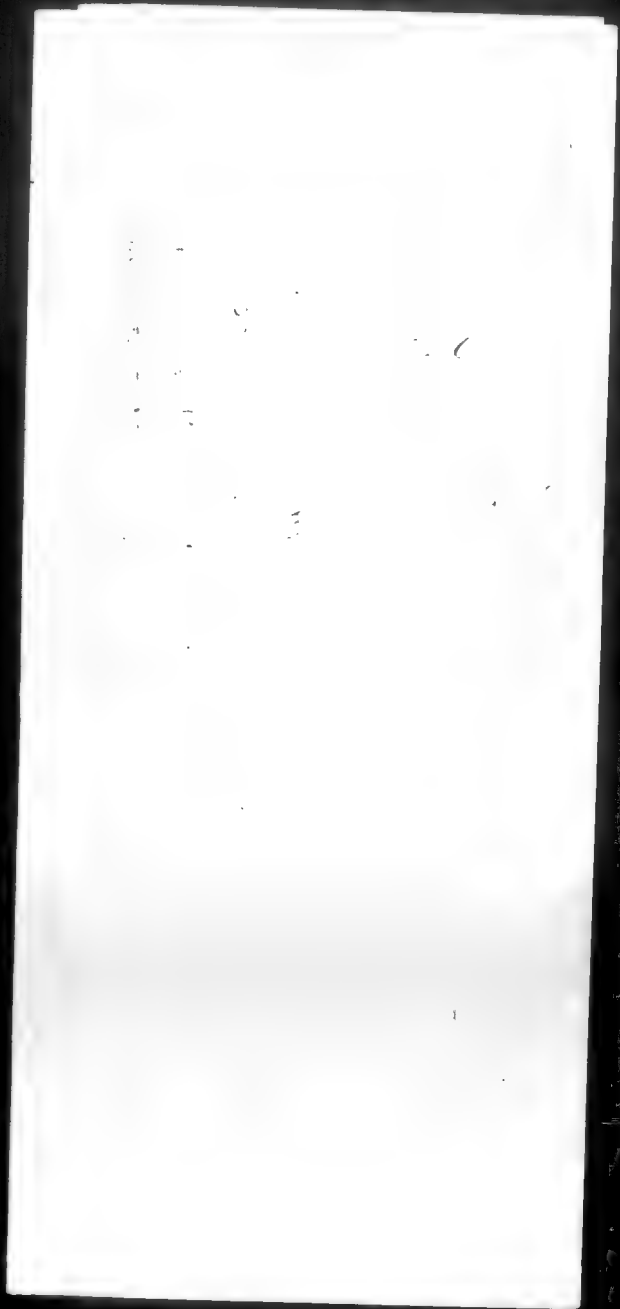
Muskogee, Indian Territory,

July 11, 1903

SUBJECT

Transmitting record in matter
of, application for enrollment
of Sam Landrum, et al., as
Cherokee Freedmen.

No. of inclosures 1.



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

ALLISON L. AVLESWORTH,
SECRETARY

BR

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

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

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedmen
D-292 & D-293.

July 11, 1903


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 Sam Landrum, et al., including the Commission's decision, dated July 1, 1903, rejecting the application for the enrollment of Sam, Fearbey, Rachel, Jane, Albert, Annie, Nannie, Woody and Eva Landrum and William Todd, as Cherokee Freedmen.

Respectfully,


Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. K-45.

Refer in reply to
the following:
Land.
44288-1903.

Copy.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

November 23, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated July 11, 1903, forwarding the record relative to the application of Sam Landrum, et al., for enrollment as Cherokee freedmen. Sam Landrum applies for the enrollment of himself, his wife, Fearbey Landrum, and their minor children, Rachel, Jane, Albert, Annie, Hattie, Woody, and Eva Landrum. William Todd applies for the enrollment of himself.

July 1, 1903, the Commission held that the applicants were not entitled to enrollment. All of the applicants were born since the commencement of the late Civil war, and, with the exception of Fearbey Landrum, are descendants of Jane Landrum. They claim to also, with the exception of William Todd and Fearbey Landrum, to be descendants of Sam Landrum. Jane and Sam Landrum were slaves of Cherokee citizens when the war commenced. They left the Cherokee Nation, and from the record it does not appear that they returned thereto within the time limit fixed by the treaty of 1866. The

record does not show that Fearbey Landrum, or any of her ancestors, were Cherokee slaves or free colored persons residing in the Cherokee Nation at the commencement of the war. The names of none of the applicants appear on the 1880 roll. Fearbey Landrum, it is claimed, is the daughter of Rachel Martin, but the record does not show that Rachel Martin was a slave or free colored person residing in the Cherokee Nation at the commencement of the war. Sam Landrum, his wife, and their four minor children are identified by the Kerns-Clifton roll. Fearbey Landrum appears to have been married to Tam Shelton prior to her marriage to Sam Landrum, and it does not seem that she has ever been divorced from him.

In view of the record in the case it seems that the decision of the Commission adverse to the applicants is correct, and its approval is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

GAV-088

D C 34120-1903.

ITD 8226-1903.

L R S

(Copy)

DEPARTMENT OF THE INTERIOR,
Washington.

WCF

CR

December 8, 1903.

The Commission
to the Five Civilized Tribes.

Gentlemen:

With your letter of July 11, 1903, you transmitted the record of proceedings had in the consolidated case involving the applications for enrollment as Cherokee Freedmen, of Sam Landrum for himself, his wife, Fearbey Landrum, and minor children, Rachel, Jane, Albert, Annie, Hattie, Woody, and Eva Landrum, and of William Todd for himself.

It appears from the evidence that all of the applicants were born subsequent to the commencement of the Civil War, and, with the exception of Fearbey Landrum, are the descendants of Jane Landrum and Dan Landrum; that Fearbey Landrum is the daughter of Rachel Martin.

It does not appear that the names of said applicants, or any of their ancestors, are found on the 1860 authenticated roll of the Cherokee Nation. The evidence shows that Jane Landrum and Dan Landrum were slaves of Cherokee citizens at the commencement of the Civil War, that during said war they left the Cherokee Nation and did not return thereto until about the spring of 1866. The evidence fails to show that any of the ancestors of Fearbey Landrum were

slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the Civil War.

Reporting November 23, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved.

Inasmuch as it appears that Jane Landrum and Ben Landrum did not return to the Cherokee Nation within the six months provided in the treaty of July 19, 1866, and that the evidence fails to show that any of the ancestors of Fearbey Landrum were slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the Civil War, the Department concurs in said recommendation, and your decision dated July 1, 1903, rejecting the applicants, is affirmed.

A copy of the Commissioner's report is inclosed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

CC.

Cherokee Freedmen
D 292.

Muskogee, Indian Territory, December 16, 1903.

Sam Landrum,

Spavinaw, 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, your wife, Yearbey Landrum, and your seven minor children, Rachel, Jane, Albert, Annie, Hannie, Woody and Eva Landrum, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 5, 1903.

Respectfully,

Chairman.

COPY

Cherokee Freedmen
D-292-D-293.

Muskogee, Indian Territory, December 16, 1903.

J. H. Sequichie,

Agent for Sam Landrum et al.,
Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated July 1, 1903, rejecting the applications for the enrollment of Sam, Fearbey, Rachel, Jane, Albert, Annie, Hannie, Woody and Eva Landrum and William Todd, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 5, 1903.

Respectfully,

Tennis

Chairman.

Copy.

Cherokee Freedmen
D-292-D-293.

Muskogee, Indian Territory, December 16, 1903.

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 Sam, Fearbey, Rachel, Jane, Albert, Annie, Nannie, Woody and Eva Landrum and William Todd, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 3, 1903.

Respectfully,

James D. Doby.

Chairman.

ing said decision.

Respectfully,

Cherokee Freedmen
Commissioner in Charge.
R-223.

Encl. 8-204

Muskogee, Indian Territory, August 1, 1904.

Blue & Clover,

Attorneys for Sam Landrum, et al.,

Vinita, Indian Territory.

Gentlemen:

The Commission is in receipt of your letter of July 29, asking for a copy of the record of proceedings had in the application of Sam Landrum, et al., for enrollment as Cherokee freedmen, and inclosing an affidavit from Sam Landrum stating that he is unable to secure the copy of this record heretofore furnished his agent, J. R. Sequichie of Chelsea, Indian Territory.

There is accordingly herewith inclosed a copy of the testimony taken in this case, together with a copy of the Commission's decision of July 1, 1903, rejecting the applicant, and a copy of the Department's letter of December 5, 1903, affirming said decision.

Respectfully,

Encl. 8-204

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.F.

PER.

D.C. 17736

I.T.D. 8326-1903.
8493-1905.
8703- "
8254-1906.

May 7, 1906.

L.R.S.

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

Sir:

Motions for review in the Cherokee freedman cases of Samuel Lanark, et al, and William Todd, et al, filed September 7, 1905, of which you were advised January 18, 1906, are hereby dismissed, in accordance with the action of the Department of May 2, 1906, dismissing a number of similar motions.

The Indian Office has been requested to advise the local attorneys of this action.

Respectfully,

Jeane E. Wilson,

Assistant Secretary.

Cherokee Freedmen
R. 223 and 224.

Muskogee, Indian Territory, May 25, 1906.

Blue and Bluger,

Attorneys for Samuel Landrum et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 7, 1906, in which motion for review of Cherokee Freedmen enrollment case of Samuel Landrum et al., and William Todd, filed September 7, 1905, is denied.

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

Respectfully,

Encl. A-10.
M.A.

Acting Commissioner.

Cherokee Freedmen
R. 223.

Muskogee, Indian Territory, May 25, 1906.

Samuel Landrum,
Spavinaw, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of May 7, 1906, in which the motion filed by your attorneys September 7, 1905 for review of your Cherokee Freedmen enrollment case is denied.

Respectfully,

M.A.

Acting Commissioner.

Cherokee Freedmen
R 223, et al

Muskogee, Indian Territory, August 30, 1906

Starr and Patten,
Attorneys for Sam Landrum et al.
Vinita, Indian Territory.

Gentlemen:

This office is in receipt, on May 29, 1906,
of a motion made by you for a rehearing in the Cherokee
freedmen consolidated case of Sam Landrum, et al. R 223,
et al.

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

(C O P Y)

September 18, 1906.

Starr & Patten,
Attorneys at Law,
Vinita, I. T.

Gentlemen:

I have your letter of September 12, 1906, referring to the fact that you will in a few days furnish a list of witnesses in the Maggie Mayfield case, a retrial of which has been granted, and you also inclose a stipulation to be signed to the effect that the testimony taken in said case may at some future time be filed and made a part of the record in the case of Sam Landrum, et al., and William Todd in the event the motion for a rehearing filed by them is granted by the Secretary of the Interior.

In reply thereto I beg to say that we are resisting the motions filed for a rehearing in each of those cases, and we prefer not to sign any stipulation as to our future action in either of them contingent upon the action of the department until the motions are passed upon.

The stipulations are herewith returned.

Yours very truly,

(SIGNED) W. W. Hastings,
Attorney for the Cherokee Nation.

(COPY)

Vinita I T September 20th 1906.

The Honorable,
The Commissioner to the Five Civilized Tribes,
Muskogee I T.

Dear Sir:

Referring to the Cherokee Freedmen enrollment case of Maggie Mayfield which was remanded by the Department for rehearing in the spring of 1906 the record shows that Maggie Mayfield is a daughter of Jane Ross who went to the Kansas during the Civil War and returned to the Cherokee Nation from Garnett Kansas.

This Jane Ross, as we understand it, afterwards became Jane Landrum the wife of Beney Dan Landrum.

William Todd who is listed on Cherokee Freedmen R Card No 224 is axe son of Jane Landrum and claims his right to enrollment by virtue of the return of Jane Landrum in the year of 1866..

The applicant Sam Landrum and his children claim through Beny Dan Landrum and his wife Jane Landrum. Sam Landrum's mother was the same Jane Landrum.

The case of Maggie Mayfield has been remanded and is now being held to await the action of the Department upon the motion filed for rehearing in the case of Sam Landrum for himself and his children and William Todd.

We are Attorneys for all of these applicants and we have for witnesses the same witnesses in the Maggie Mayfield case to be used in the consolidated cases of Sam Landrum for himself and his children and for William Todd. If early action is had upon the motion for rehearing in the Sam Landrum and William Todd cases then these cases could be consolidated with the Maggie Mayfield case and all be tried as one case. The same witnesses will be used in each case and if they were tried as one case a vast amount of expense would be saved to Sam Landrum and William Todd and much time saved in your office and in the Department in passing upon the case.

It is contended that Nancy Ann Landrum came to the Cherokee Nation in 1865 and went back to Garnett in the Spring of 1866 and brought

his wife Jane Landrum to the Cherokee Nation and at this time the applicant Maggie Mayfield came to the Cherokee Nation with her mother Jane Landrum. We therefore request that early action be taken on our motion in the Sam Landrum and William Todd case so far as Sam Landrum and his children and William Todd are concerned. In the very near future we will have all of our witnesses present from Garnett Kansas, and desire to have them testify in the three cases while they are in the Indian Territory on that trip in order to save much expense to these applicants.

We do not ask that any action be taken as to the wife of Sam Landrum, our motion heretofore filed does not apply to her.

We requested the Attorney for the Cherokee Nation to agree to a stipulation that the testimony taken in the case of Maggie Mayfield be made a part of the record in the case of Sam Landrum et al and William Todd in the event our motion for rehearing was granted in order to save the expense of again bringing these witnesses from Garnett Kansas to the Cherokee Nation and in order to save time and expenses to all parties but the Attorney for the Nation declined to agree to this as will be shown by his letter hereto attached wherefore we petition that early action be had on our motion and that the three cases be consolidated.

Respectfully,

(Signed) Starr & Patten

Attorneys for Sam Landrum and his Children and William Todd and Maggie Mayfield

Cherokee Freedmen

R-223-224-544.

Muskogee, Indian Territory, September 24, 1906.

Starr & Patten,

Attorneys for Sam Landrum, et al.,

Vinita, Indian Territory.

Gentlemen:

Referring to your letter of September 20, in connection with motions filed by you for a rehearing in the Cherokee freedmen cases of Sam Landrum, et al., you are advised that said motions have this day been forwarded to the Department for consideration and action thereupon.

Respectfully,

LS

Commissioner.

Muskogee, Indian Territory, September 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion for a rehearing in the Cherokee freedmen consolidated cases of Sam Landrum, et al., and William Todd. The original motion in this case was filed with this office May 29, 1906, and is supported by what purports to be a sworn statement of J. M. Johnston of Garnett, Kansas, and affidavits by Nelson Moore, Thomas H. Moore, Joe Bean, Leander Bean, Tobias Bean, Simon Lynch and Amy Bean. Evidence of service of a copy of this motion on the attorney for the Cherokee Nation is furnished. On July 18, 1906, an amended motion for a rehearing was filed in this case, and is supported by the affidavits of Tobias Bean, Nelson Moore, Thomas H. Moore and J. M. Johnston. Evidence of service of this amended motion on the attorney for the Cherokee Nation is furnished. There was received at this office July 21, 1906, from the attorneys filing the motions herein, an affidavit by Simon Lynch, which they request be filed with and made a part

of their motion for a rehearing in the case. The Cherokee Nation on July 5, 1906, filed with this office a protest against a rehearing in this case, and on July 18, 1906, the attorneys for applicants filed a reply to the Nation's protest. All of the above mentioned papers are inclosed herewith.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting the application of Sam Landrum for the enrollment of himself, his wife, Fearbey Landrum, and minor children, Rachel, Jane, Albert, Annie, Nannie, Woody and Eva Landrum, and the application of William Todd for the enrollment of himself, as Cherokee freedmen, was affirmed by the Department December 8, 1903 (I.T.D. 6326-1903). A motion for a review of this case was denied by the Department May 7, 1906 (I.T.D. 6254-1906).

It is contended in the motions inclosed herewith, and the affidavits attached thereto, that Sam Landrum and Jane Landrum, through whom the principal applicants, Sam Landrum and William Todd, born since the war of the rebellion, claim the right to enrollment as Cherokee freedmen, returned to the Cherokee Nation prior to February 11, 1867. The wife of Sam Landrum, Fearbey Landrum, is mentioned in the motions for a rehearing, but in their letter of September 28, 1906, the attorneys for applicants state that their motion is not intended

to apply to said Yearbey Landrum, a copy of which letter is inclosed herewith.

The principal applicants, Sam Landrum and William Todd, are half-brothers of Maggie Mayfield, a daughter of said Jane Landrum, whose case was, on March 14, 1906 (I.T.D. 8638, 8645-1906, 1525, 2526, 2850-1906), remanded to this office for rehearing and readjudication, being one of the applicants embraced in the Cherokee freedmen consolidated case of Thomas Mayfield, et al. (See also Departmental letter to this office of April 5, 1906, (I.T.D. 5398-1906). The record in the Maggie Mayfield case shows that she returned to the Cherokee Nation at the time of the return of her mother, Jane Landrum, and step-father, Dan Landrum, and in view of the fact that a rehearing has been ordered as to said Maggie Mayfield, it is respectfully recommended that the motions herewith transmitted be granted as to all of the applicants except Yearbey Landrum, in the cases of Sam Landrum, et al., and William Todd.

As the case of Maggie Mayfield is at this time pending before this office for a hearing, it is respectfully requested that action be taken on the motions herewith transmitted at the earliest practicable date.

Respectfully,

Incl. 2-6
LS

Through the

Commissioner of Indian Affairs. Commissioner.

Land
83971-1906.

COPY

COPY

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

October 4, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith a motion for a rehearing in the Cherokee freedmen consolidated cases of Sam Bandrum et al, and William Todd. The original motion in this case was filed with the office of the Commissioner to the Five Civilized Tribes on May 29, 1906, and is supported by what purports to be a sworn statement of J. M. Johnston, of Garnett, Kansas, and affidavits of Nelson Moore, Thomas H. Moore, Joe Bean, Leander Bean, Tobias Bean, Simon Lynch and Amy Bean. Evidence of service of a copy of this motion on the attorney for the Cherokee Nation is furnished.

On July 18, 1906, an amended motion for a rehearing was filed in this case, and is supported by the affidavits of Tobias Bean, Nelson Moore, Thomas H. Moore and J. M. Johnston. Evidence of service of this amended motion on the attorney for the Cherokee Nation is furnished.

There was received at the office of the Commissioner to the Five Civilized Tribes on July 21, 1906, from the attorneys filing the motion herein, an affidavit of Simon Lynch which they

requested be filed with and made a part of their motion for a rehearing in the case.

The Cherokee Nation on July 5, 1906, filed with the office of the Commissioner to the Five Civilized Tribes a protest against a rehearing in this case, and on July 18, 1906, the attorneys for applicants filed a reply to the Nation's protest. All of the above mentioned papers are inclosed herewith.

The records show that the decision of the Commission to the five Civilized Tribes, dated July 1, 1903, rejecting the application of Sam Landrum for the enrolment of himself, his wife Fearbey Landrum, and minor children, Rachel, Jane, Albert, Arnie, Nannie, Woody and Eva Landrum, and the application of William Todd for the enrollment of himself as Cherokee freedmen, was affirmed by the Department December 5, 1903, (I.T.D.8326-1903).

A motion for a review of this case was denied by the Department May 7, 1906 (I.T.D.6254-1906). It is contended in the motion inclosed herewith and the affidavits attached thereto that Dan Landrum and Jane Landrum, through whom the principal applicants Sam Landrum and William Todd born since the War of the Rebellion, claim the right to enrolment as Cherokee freedmen, returned to the Cherokee Nation prior to February 11, 1867.

The wife of Sam Landrum, Fearbey Landrum, is mentioned in the motions for a rehearing, but in their letter of September 20, 1906, the attorneys for the applicants say that their nation is not intended to apply to Fearbey Landrum, a copy of which letter

is inclosed herewith.

The principal applicants, Sam Landrum and William Todd, are half-brothers of Maggie wayfield, a daughter of Jane Landrum, whose case was on March 14, 1906, (I.T.D.8639-8645-1905 and 1523, 2526, 2837-1906), remanded to the office of the Commissioner to the Five Civilized Tribes for rehearing and readjudication, being one of the applicants embraced in the Cherokee freedman consolidated case of Thomas Wayfield et al. (See also Departmental letter of April 5, 1906, I.T.D.5398-1906):

The record in the Maggie Wayfield case shows that she returned to the Cherokee Nation at the time of the return of her mother, Jane Landrum and stepfather, Dan Landrum, and in view of the fact that a rehearing has been ordered as to Maggie wayfield, this Office respectfully concurs in the recommendation of Commissioner Bixby that the motions herewith transmitted be granted as to all the applicants except Fearbey Landrum in the case of Sam Landrum et al, and William Todd.

As the case of Maggie Wayfield is at this time pending before the office of the Commissioner to the Five Civilized Tribes for a hearing, it is respectfully requested that action be taken on the motions herewith transmitted at the earliest practicable date.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

KEM-KRW..

Special

D.C. 44719

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

G.R.
W.M.

8326-1903.

I.T.D. 6254-1906.

12391- "

J.P. 19596- "

October 8, 1906.

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

Sir:

In accordance with your recommendation of September 24, 1906, and that of the Indian Office of October 4, 1906 (Land 83971), the motion for a rehearing filed with your office on May 29, 1906, in the consolidated Cherokee freedmen cases of Sam Landrum, et al (Cherokee Freedmen D-292), and William Todd (Cherokee Freedmen D-293), is hereby granted.

The decision of the Department of December 5, 1903 (I. T.D. 8326), except as to Fearbey Landrum, rejecting applicants in the Cherokee freedmen cases of Sam Landrum, et al, is hereby vacated and set aside, and the record therein is remanded to you for a rehearing and readjudication after a consolidated hearing had herein with applicants in the Cherokee freedmen cases of Thomas Mayfield, et al, remanded for a rehearing and readjudication by departmental letter of March 14, 1906.

The original record, with the papers filed on motion

-2-

for a rehearing, will be returned to you through the office of the Commissioner of Indian Affairs.

A copy of Indian Office letter of October 4, 1906, recommending this action, is herewith forwarded.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

.2. enclosures.

Cherokee
Freedmen
R-223-4.

Muskogee, Indian Territory, October 18, 1906.

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

Dear Sir:

There is enclosed herewith a copy of Departmental letter of October 8, 1906, granting a motion for a rehearing in the Cherokee Freedmen Case of Sam Landrum, et al., and William Todd, the same to be consolidated and heard with the case of Maggie Mayfield.

You will be advised of any further action taken in these cases.

Respectfully,

Commissioner.

MC-18-10.

Cherokee
Freedman
R-223-4

Muskogee, Indian Territory, October 18, 1906.

Starr & Patten,
Attorneys for Sam Landrum, et al.,
Vinita, Indian Territory.

Dear Sirs:

You are hereby advised that this office is in receipt of Departmental letter of October 8, 1906, granting your motion for a rehearing in the Cherokee Freedmen Case of Sam Landrum, et al., and William Todd, the same to be consolidated and heard with the case of Maggie Mayfield.

There is enclosed herewith for your information a copy of the Department's letter of October 8, 1906.

In your letter to this office of September 20, 1906, you advised that you were ready to submit a list of the names and addresses of the witnesses you expected to introduce in behalf of Maggie Mayfield in her Cherokee Freedman Case, and you are now requested to submit at the earliest practicable date, the names and addresses of all the witnesses you expect to introduce in the cases of Maggie Mayfield, Sam Landrum, et al., and William Todd, which will be consolidated.

Respectfully,

MC-18-9.

Commissioner.

✓
Cherokee
Freedman
R-223.

Muskogee Indian Territory, October 18, 1906.

Sam Landrum,

Spavinaw, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of October 8, 1906, ordering a re-hearing in the Cherokee Freedmen Case of yourself and minor children, the same to be consolidated and heard with the case of Maggie Mayfield.

Your attorneys, Starr & Patten of Vinita, Indian Territory, have this day been notified to advise this office at the earliest practicable date, the names and addresses of the witnesses they propose to introduce in your case, and upon receipt of this information you will be further advised in the matter.

Respectfully,

Commissioner.

VC

(C O P Y)

Vinita, I. T. October 27th, 1906.

The Honorable,

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

Dear Sir:

In the matter of the Cherokee Freedmen enrollment cases of Maggie Mayfield and Sam Landrum and William Todd we beg to say that in presenting our testimony concerning the whereabouts of Boney Dan Landrum, the ancestor through whom the applicant Sam Landrum claims we desire to commence with him, in our proof, at the time of his discharge from the United States Army at Fort Leavenworth Kansas in the fall of 1865 and show his whereabouts from that time until he located in the Cherokee Nation.

We understand that Boney Dan Landrum was Commissary Sergeant in Company E 79th U S Infantry in Kansas. That he served either under the name of Daniel Landrum; Boney Landrum; Boney Dan Landrum.

We have the honor to request that you ask the War Department for the information as to the date and place said Landrum was discharged. We understand that this information must be requested by you for use in this case before the War Department will furnish the information.

Respectfully,

(Signed)

Starr & Patten.

November 1st 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,
Muskegee Indian Territory.

Dear Sir:

In the matter of the consolidated Cherokee Freedmen enrollment cases of Maggie Mayfield, Sam Landrum et al and William Todd we have the honor to submit as a list of witnesses on behalf of the applicants the following:

1--Applicants.

2--J. W. Johnston, Garnett Kansas

3--Mrs J. W. Johnston, Garnett Kansas

4--William Ray, Garnett, Kansas

5--Marshall Cloud, Topeka, Kansas.

6--Dill Shultz, Peru, Kansas

7--John Shultz, Peru, Kansas

8--Thomas Shultz, Peru, Kansas

9--Nesse Dykes, Garnett Kansas

10--J. H. Johnston, Garnett, Kansas

11--George Campbell, Garnett Kansas

12--John W. Campbell, Garnett Kansas

13--Christian Shull, Sugar Grove Ohio

14--Hiram Spriggs, Watson Ills

15--James Manspeaker, St Ida Mo.

16--Newton Spriggs, Garnett Ka

17--John E. Johnston, Cacher City, Kan

18--Edward Ferra, Cedarville, Kansas

- 2-
- 19---Sam Gibson, Bronson, Kansas.
 - 20---Ben Hydron, Garnett Kansas
 - 21---J. B. Hardesty, Garnett Kansas
 - 22---Simon Lynch, Chaffee, I T
 - 23---G. W. Clark, Vinita, I T
 - 24---Mrs A. G. Raymond, Vinita I T
 - 25---R. L. Martin, Pannocola I T
 - 26---Nelson Moore, Ketchum I T
 - 27---Thomas H Moore, Ketchum I T
 - 28---Arthur Bean, Chaffee, I T
 - 29---Leander Bean, Vinita I T
 - 30---Tobias Bean, Chaffee I T
 - 31---Willie Fry, Chaffee I T
 - 32---Joseph Bean, Chaffee I T
 - 33---June Martin, Chaffee, I T
 - 34---Sam Butler, Chouteau I T
 - 35---Joe Davis Vinita I T
 - 36---George Musgrave, Lenape I T
 - 37---Becky Musgrave, Lenape I T
 - 38---Katy Vann Lenape I T
 - 39---Charles Mayfield, Chaffee I T

Respectfully,

(Signed) Starr & Patten

Cherokee F.N.
225

Muskogee, Indian Territory, November 3, 1906.

Sam Landrum,
Spavinaw, Indian Territory.

Dear Sir:

You are advised that your attorneys, Starr & Fatten, Vinita, Indian Territory, have this day been notified that they will be permitted to appear before the Commissioner on December 5, 1906, and introduce on your behalf the testimony of the witnesses whose names and addresses they furnished this office November 1, 1906.

The Cherokee Nation will be permitted to appear on that date and introduce in rebuttal such testimony as it desires in your case.

Respectfully,

M.J.C.

Commissioner.

Cherokee F.R.
244, 224, 225.

Muskogee, Indian Territory, November 8, 1906.

Starr & Patten,

Attorneys for Maggie Mayfield, et al.,
Vinita, Indian Territory.

Gentlemen:

Replying to your letter of November 1, 1906, submitting a list of names and addresses of the witnesses you expect to introduce, on behalf of the applicants, in the Cherokee freedman cases of Maggie Mayfield, et al., you are advised that you will be permitted to appear before the Commissioner at Muskogee, Indian Territory, on December 8, 1906, and introduce the testimony of the witnesses whose names you gave.

The Cherokee Nation will also be permitted to appear on that date and introduce in rebuttal, such testimony as it may desire in these cases.

Respectfully,

H.F.C.

Commissioner.

Cherokee P.R.
544,284,283.

Muskogee, Indian Territory, November 8, 1906.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is enclosed a copy of a letter from Starr & Patten, attorneys for the applicants in the Cherokee freedmen cases of Maggie Mayfield et al., giving a list of the names and addresses of the witnesses they propose to introduce on behalf of the applicants in these cases.

You are advised that said attorneys and the principal applicants have this day been advised that they will be permitted to appear before the Commissioner on December 8, 1906, and introduce the testimony of the witnesses named.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony in rebuttal as it desires in these cases.

Respectfully,

H.J.G.

Commissioner.

(COPY)

Nov 5th 1906.

D.C.48321-1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,
Muskegee I T

Dear Sir:

In making up the list of witnesses on Nov 1st in the consolidated Cherokee Freedmen Enrollment cases of Maggie Mayfield, Sam Landrum et al and William Todd we omitted the names of two of our witnesses, to wit.

Moses Riley, Wimer I T

Jane Riley Wimer, I T.

Please add these names to the list and advise the Attorneys for the Cherokee Nation that these are also our witnesses.

Yours truly,

Starr & Patten

Cherokee Freedmen
R 554,223, 224

Muskogee, Indian Territory, November 10, 1906

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

Dear Sir:

There is enclosed a copy of a letter from Starr & Patten, dated November 5, 1906, stating that they omitted from the list of witnesses furnished this office November 1, 1906, they expected to introduce in the Cherokee freedmen case of Maggie Mayfield et al., the names of Moses and Jane Riley, of Wimer, Indian Territory. said attorneys have this day been notified that they will be permitted to introduce the testimony of the two witnesses named, at the time this case is set for hearing.

Respectfully,

Encl.-B-27

Commissioner

Cherokee Freedmen
R 554-223-224

Muskogee, Indian Territory, November 10, 1906

Starr and Patten,

Attorneys for Maggie Mayfield et al.

Vinita, Indian Territory.

Gentlemen:

Replying to your letter of November 8, asking that the names of Messes Riley and Jane Riley, of Wimer, Indian Territory, be added to the list of witnesses you notified this office November 1, 1906, you expected to introduce in the Cherokee freedmen case of Maggie Mayfield et al., you are advised that the Attorney for the Cherokee Nation has this day been notified that you will be permitted to introduce, at the hearing in said case, the testimony of the two witnesses named.

Respectfully,

L. K. B.

Commissioner

Muskogee, Indian Territory, November 30, 1906.

Starr & Patten,

Vinita, Indian Territory.

Gentlemen:

Referring to your letter of October 27, 1906, you are advised that this office has requested of the Interior Department that information be secured from the War Department as to the date and place of the discharge from the United States Army of Boney Dan Landrum.

Respectfully,

S. V.

Commissioner.

Cherokee Freed.
R 223.

Muskogee, Indian Territory, November 30, 1906.

Messrs. McGowan, Serven & Mohun,
Attorneys at Law,
Washington, D. C.

Gentlemen:

This office is in receipt, by reference of the Commissioner of Indian Affairs of November 14, 1906, of your letter of October 30, 1906, enclosing affidavits by Nelson Moore and Charles Mayfield in connection with the Cherokee freedmen case of Sam Landrum, et al.

In reply you are advised that as the motion for re-hearing in the Cherokee freedmen case of Sam Landrum, et al., was granted by the Department October 8, 1906, and as this office does not file affidavits in citizenship cases, the same are returned herewith.

Respectfully,

Encl. W-12.
S.W.

Commissioner.

Cherokee F R

544-223-224.

Muskogee, Indian Territory, January 28, 1907.

Starr & Patten,

Attorneys for Maggie Mayfield, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, December 5, 1906, in the matter of the applications for the enrollment of Maggie Mayfield, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-55.

GHL

Commissioner.

Cherokee F R
544-223-224.

Muskogee, Indian Territory, January 28, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, December 5, 1906, in the matter of the applications for the enrollment of Maggie Mayfield, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-56.
GHL

Commissioner.

Cherokee

F.R. 223.

Muskogee, Indian Territory, February 12, 1907.

Sam Landrum,

Chaffee, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting among others, the application for the enrollment of yourself and children, Rachel, Jane, Albert, Annie, Nannie, Woody and Eva Landrum, as Cherokee freedmen. Your attorneys, Starr & Patten, Vinita, Indian Territory, have heretofore been furnished with a copy of the record of proceedings had in the case, and there has this day been forwarded to ~~them~~ a copy of the Commissioner's decision.

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

Respectfully,

Commissioner.

Enc I-40
RPI

Cherokee F.R. 841,
R244, R246, R290,
R223, R224.

Muskogee, Indian Territory, February 12, 1907.

Starr & Patten,

Attorneys for Thomas Mayfield, et al.
Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the applications for the enrollment of Thomas Mayfield, 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. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Enc I-23

Commissioner.

WPI

Cherokee F. 2041,
544, 548, 590
828, 884.

Muskogee, Indian Territory, February 12, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the application for the enrollment of Thomas Mayfield, 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. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Enc I-26

XPI

Commissioner.

Muskogee, Indian Territory, February 12, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record of proceedings had in the matter of the consolidated applications for the enrollment of Thomas Mayfield, et al., together with decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the applications for the enrollment of Thomas Mayfield; Charles Mayfield, his wife Maggie Mayfield, and children, Thomas, Richard, Lillie, Alice and James Mayfield; Malinda Martin; Emma Blue; Sam Landrum, and children, Rachel, Jane, Albert, Annie, Nannie, Woody and Eva Landrum; and William Todd as Cherokee freedmen.

On October 8, 1906, (I.T.D. 8326-1903, 6254, 12391, 19596-1906), the Department rescinded its decision of December 5, 1903, (I.T.D. 8326), except as to Fearby Landrum, adverse to the applicants in the Cherokee Freedmen cases of Sam Landrum et al. and remanded the case to this office for further hearing and readjudication

Respectfully,

Enc 1-36

RPL

Through the Commissioner
of Indian Affairs.

Commissioner.

COPY

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

February 27, 1907.

Land.
15976-1907
19109- "

The Honorable,
The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 12, 1907, enclosing the record of proceedings had in the matter of the consolidated applications for the enrollment of Thomas Wayfield, et al., including the decision of the Commissioner, dated February 7, 1907, rejecting the applications for the enrollment of Thomas Wayfield; Charles Wayfield and his wife, Maggie Wayfield, and their children, Thomas, Richard, Lillie, Alice and James Wayfield; Walinda Martin; Emma Blue; Sam Landrum and children, Rachel, Jane, Albert, Annie, Wannie, Woody and Eva Landrum, and William Todd, all applicants for enrollment as Cherokee freedmen; also brief in support of the case, filed in this Office on February 25, 1907, by McGowan, Serven & Wokun, of this city, attorneys for the applicants, which shows that a copy thereof was served on the attorneys for the Cherokee Nation on February 20, 1906.

The record in this matter shows that application was duly made to the Commission to the Five Civilized Tribes, and after a hearing in the matter, the Commission rendered decisions on July 1, 1903, and April 20, 1904, and denied the above-named applicants the right to enrollment as Cherokee freedmen. These decisions were

affirmed by the Department on December 5, 1903 (I.T.D. 8326-1903), and October 13, 1904 (I.T.D. 6948-1904)

On October 8, 1906 (I.T.D. 6254, 12391-1906), and March 14, 1906 (I.T.D. 2830-1906), the Department granted motions for re-hearing and remanded the records to the Commissioner for further testimony and re-adjudication as to the rights of the applicants therein named to Cherokee freedmen citizenship. Further proceedings were had in the matter on April 5 and 12, May 24, and 25, and December 5, 1906. Subsequent to the remanding of the record to the Commissioner in this now consolidated case, there were filed with him and made a part of the record herein the following:

Acopy of the testimony of Thomas Foster and Washington Blackburn taken in the cases of George B. Duffin, et al., at Muskegee, I.T., on July 16, 1904.

Certified copy of an agreement binding Thomas and Harvey Foster to one J.Y. Campbell under date of January 1, 1867, made from certain records in the Probate Court of Anderson County, Kas.

Certificate of Fred H. Rhodes, Register of Deeds of Anderson County, Kas., relative to a certain quitclaim deed recorded in his office.

It is claimed that Sam Landrum is the descendant of Daniel and Jane Landrum, both deceased; that William Todd is the descendant of Jane Landrum, his mother, and their right to enrollment as Cherokee freedmen is based on being descendants of these persons. Thomas, Charles and Maggie Mayfield base their right to enrollment as Cherokee freedmen by reason of having complied with the terms of the Treaty of 1866. The other applicants herein

are children of the applicants, Dan Landrum and Charles and Maggie Wayfield.

The only question to be determined in the matter is, did the above named deceased ancestors of certain of the applicants and the three applicants, Thomas, Charles and Maggie Wayfield, comply with the provisions of Article 9 of the Treaty of 1866? The evidence establishes the fact satisfactorily that Daniel and Jane Landrum, and Thomas, Charles and Maggie Wayfield were slaves of Cherokee citizens at the beginning of the Civil War and removed to Kansas during the progress thereof, where they resided until some time subsequent to the close of the War. They returned to the Cherokee Nation, where their deceased ancestors continuously lived until their death, and the applicants have continuously lived therein up to and including September 1, 1902. The Treaty of 1866 required that these parties should return to the Cherokee Nation on or before February 11, 1867. The only question presented, therefore, is, were these parties in the Cherokee Nation on or prior to February 11, 1867?

The record in this case is very voluminous. A large number of witnesses have been called and examined. The case has been tried apparently on the theory that if ten witnesses testify to the same identical fact, that the case would be ten times as strong as if only one witness had been called. Several of these witnesses seem to have been perfectly clear as to one point, and that was, that they had been Thomas Wayfield and Charles Wayfield in the Cherokee Nation in the latter part of 1866, most of them

fixing the time as about December. The testimony along this line appeared to be quite conclusive had it not been for the fact that this one date most of the witnesses were able to fix, while most of them were unable to give the year in which they were married, though subsequent by many years to 1866, and were unable to fix the date when the Kern-Clifton roll, the Wallace roll, or the strip payment was made.

Some of the witnesses had seen Thomas Mayfield on Lynch's Prairie, where they had gone to attend church, while other witnesses had seen him at the same place and at the same time, for the reason that they had gone to his house to attend a dance, although it is shown that Thomas Mayfield was himself a minister and opposed to dancing.

The record shows that the Mayfields lived near Garnett, Anderson County, Kas., during the Civil War.

The testimony further shows that Charles Mayfield, the applicant herein, attended school at that place in the school-house known as the "Ernest School"; and it is further shown that this was a stone building, and was erected during the summer of 1867. The term of school which infixed began in the Fall of 1867, and ran until February of 1868, and Dora Crozier, a witness in this case, testified that she attended that term, and that Charles Mayfield, the applicant, was also a student during that school year. She fixed the time conclusively by reason of the fact that she still retains, and it was read into the record, the "Reward of Merit card" given to her by her teacher at the close of

the term on February 21 or 22, 1868.

The testimony of Thomas Foster and Harvey Foster shows that they were "bound out" to J.Y.Campbell during the term of their minority by Articles signed January 1, 1867, at which time Thomas Foster was aged twelve years and Harvey Foster aged eleven years. Both these boys attended school at the "Ernest School-house" in 1867 and 1868, and testified that Charles Mayfield also attended school at the same time and in the same building. Thomas Foster is positively that Thomas Mayfield, Wacey, his wife, and Charles Mayfield, lived on the Campbell place during the years 1867 and 1868, and it is shown that they had a lease contract running for the years 1866, 1867 and 1868. The testimony of these witnesses is clear, and is substantiated as to the time by written records in which they cannot be mistaken. It was admitted by all the parties that there were no other Mayfield in Munroe Township, Anderson County, Kas., during the years 1866, '67, '68, and '69.

L.M.Ernest was called and testified that he had lived in Munroe Township, Anderson County, Kas., since March 10, 1866, with the exception of about eight months in the year 1864; that he held the position of Township Trustee of Munroe Township during the years 1868, '69, '70 and '71, and among the duties as such Trustee, he was to make an assessment of the public and personal property every two years and appraise the real estate; that he made his first assessment in the year 1868, kept the tax books in which were the names of the parties assessed and the kind of property; that the book in which this was kept was turned over to the County Clerk of Anderson County, Kas., and this book

was produced at the hearing and certain entries therein read into the record. It is shown by this record that Charles Wayfield was assessed on personal property, of the total value of \$150. in the year 1868. Mr. Ernest identified the book and testified that no changes had been made since he turned the book over to the County Clerk in the discharge of his official duties. This book was made at a time and when no reason existed for it not showing what actually took place, and is evidence of the highest character, being old enough to be classed as an ancient document.

It is true that the name of Thomas Wayfield does not appear on this record, and it has been argued that for that reason the whole of it should be rejected as evidence.

It has been shown that Thomas Wayfield and Charles Wayfield returned to the Cherokee Nation at the same time, and if the property was assessed in the name of either, both were at that time in Wunroe Township, Anderson County, Kas. It is not shown why the property was assessed in the name of Charles Wayfield, though Mr. Ernest testified that it was sometimes the custom for the owners of property to have it assessed in the names of others, and it is further possible that the mistake may have been made in the name, while the property belonged to Thomas Wayfield and was assessed as the property of Charles Wayfield.

There is probably nothing so treacherous as the human memory in fixing ancient dates, unless they are connected with some very important event in the life of the person or the Nation. The

experience of most any person who attempts to recall a particular year when events of minor importance took place is that a mistake of one, two or three years is easily made unless connected with some historical event or dates on which written records have been made. It has been held by the courts that where a person testifies purely from memory that he visited a certain part of the country during a particular season 34 years before, that it cannot be expected that a person, even of a very retentive memory, could remember within one or two years of the exact date, unless it had been associated with some great personal or public event.

Most of the witnesses in this case seem to have been imbued with the idea that it was necessary for them to fix the date when they had seen the Wayfields in the Cherokee Nation as the latter part of 1866, and they had no hesitancy in fixing the date at that time, though most of them testified that they had no record of any event taking place at that time and had made no written record that fixed the time for them. Several of the witnesses admitted, on cross-examination, that their memory as to dates was poor.

Under the authority of Section 12 of the Treaty of July 19, 1866, W. Tompkins was appointed to make a census of the Cherokee tribe. He followed the political divisions in doing so, and the names of the Cherokee citizens at that time appearing in the respective districts. Volume 1 of this roll contains the names of the Cherokee citizens living in Goingsnake and Delaware Districts, Volume 2, those of Tahlequah and Saline

Districts; volume 3, Canadian and Delaware Districts; Volume 4 Flint, Sequoyah and Kov-wees-koo-wee Districts.

The roll taken at that time divides the citizens under four heads, Indians, whites, half-breeds and colored. In his recapitulation, Mr. Thompson found that there were 13566 citizens residing in that Nation, divided as follows: 9588 Indians, 47 whites, 2650 half-breeds, and 1281 colored. This roll is considered authentic, because no reason existed for placing on it the name of any person not entitled, or for the excluding therefrom the name of any one who was entitled to citizenship in the Cherokee Nation.

An examination of this roll fails to show the names of Daniel Landrum, deceased, Jane Landrum, deceased, Rachel Martin, deceased, Wacey Wayfield, deceased, Thomas Wayfield, Charles Wayfield, or Maggie Wayfield.

From the failure of the names to appear on this roll, a presumption is strong that none of the persons named in this application were living in the Cherokee country at that time. This presumption is strengthened in the case of the Wayfields by reason of the fact that in 1871 the Supreme Court of the Cherokee Nation decided adversely to Thomas Wayfield's claim to Cherokee freedmen citizenship.

The Office does not consider it necessary to review the evidence in this case fully. It is clearly of the opinion that the evidence conclusively establishes the fact that the Wayfields were living in Kansas as late as 1868, and consequently,

did not return to the Cherokee Nation within the time limited by the provisions of Article 9 of the Treaty of 1866. It therefore recommends that the decision of the Commissioner, dated February 10, 1907, rejecting the application for the enrollment of Sam Landrum, Rachel Landrum, Jane Landrum, Albert Landrum, Annie Landrum, Wannie Landrum, Woody Landrum, Eva Landrum, Willie Todd, Thomas Wayfield, Charles Wayfield, Maggie Wayfield, Thomas Wayfield, child of Charles and Maggie Wayfield, Richard Wayfield, Lillie Wayfield, Alice Wayfield, James Wayfield, Malinda Martin and Emma Blue, be affirmed.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

FVE--8D

COPY

JHW
S.P.

P.C. 12072

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

I.T.A. 5980-1907.

March 2, 1907.

LRB

DIRECT.

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

Sir:

February 12, 1907, you transmitted the record in the matter of the consolidated applications for the enrollment of Thomas Wayfield, et al., as Cherokee freedmen, together with your decision of February 12, 1907, adverse to the applicants.

Reporting February 28, 1907 (Band 19109-07) the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and your decision is hereby affirmed.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office for its files.

Respectfully,

(Signed) Jesse K. Wilson,

Assistant Secretary.

1 inv. and
4 to Ind. Of.
A.F.W.
3-2-07

Cherokee F.
R 225

COP

Muskogee, Indian Territory, March 20, 1907.

Sam Landrum,

Chaffee, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting, among others, the application for the enrollment of yourself, wife and children, as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

Respectfully,

J. M. [Signature]

Commissioner.

JMH.

Cherokee F.
R 225

COPY

Muskogee, Indian Territory, March 20, 1907.

Starr & Patten,
Attorneys for Sam Landrum, et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting, among others, the applications for the enrollment of Sam Landrum, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

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

Respectfully,

SIGNED *Tom Bixby*
Commissioner.

Encl. H-54
JMH

Cherokee F.
R 541 et al.

Muskogee, Indian Territory, March 20, 1907.

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

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the applications for the enrollment of Thomas Mayfield, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

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

Respectfully,

GIGNEL *G. G. G.*
Commissioner.

Encl. N-83
JMM

Cherokee Freedmen
R 223

Muskogee, Indian Territory, April 1, 1907

Starr & Patten,
Vinita, Indian Territory.

Gentlemen:

Referring to your letter of February 23, 1907,
in which you ask to be advised whether or not this office
has received from the War Department a statement as to the
date on which one Bony Dan Landrum was discharged as a
private in Company H., 79th U. S. Colored Infantry, you
are advised that such statement has not been received by
this office.

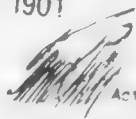
Respectfully,

L M B

Acting Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
MAY 15 1901

A handwritten signature in dark ink, appearing to be 'W. H. H. H.', written over the printed name of the Acting Chairman.

ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date May 16, 1901
Post Office Raymond St.
District Saline

1. Name Sam Landrum Age 23
Citizenship _____

Owner's name _____
Year K.C. Page 124 No. 3075 District Del.

Parents:
Father David Landrum ~~dead~~ Citizenship _____
Mother Jane ~~Landrum~~ Citizenship _____

2. Name of wife Gerby Landrum Age 31
Citizenship _____

Owner's name _____
Year K.C. Page 127 No. 3176 District Saline

Parents:
Father Doebert Citizenship _____
Mother Rachel Martin Citizenship _____

Names of Children:

No.	Name	Year	Page	No.	Dist.	
3	<u>Rachel Landrum</u>	<u>K.C.</u>	<u>124</u>	<u>3076</u>	<u>Del.</u>	<u>14</u>
4	<u>Jane</u>	<u>"</u>	<u>124</u>	<u>3077</u>	<u>"</u>	<u>12</u>
5	<u>Albert</u>	<u>"</u>	<u>124</u>	<u>3078</u>	<u>"</u>	<u>10</u>
6	<u>Annie</u>	<u>"</u>	<u>124</u>	<u>3079</u>	<u>"</u>	<u>8</u>
7	<u>Minnie</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>8</u>
8	<u>Woodsy</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>1</u>
9	<u>Eva</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>
10						
11						
12						

Application made by Ms. 1 Stenographer Mad Green

2 On 126 rolls as Fairby Bean
6 On 126 rolls as Mame Landrum
7, 8, 9, affidavits of both required

J. Dequishie, Agent for applicants.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Sam Landrum,
Spavinaw, I.T.
Cherokee P-D-292
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Char. Fr. R. 224

To be filed in the application of William Todd, C. F. D. #293.

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

In the matter of the application of Sam Landrum for the enrollment of himself, wife and seven children as Cherokee citizens; being sworn and examined by Commissioner Needles, he testified as follows:

Joseph Sequichie, appears as applicant's agent:

- Q What is your name? A. Sam Landrum.
Q How old are you? A. As near as I can get at it about 23 or 4.
Q What is your post office address? A. Spavinaw.
Q What district do you live in? A. Saline.
Q You applied to be enrolled as a Cherokee freedman? A Yes sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee freedman? A. Yes sir.
Q Is your name on the authenticated roll of 1880? A. Not as I know of.
Q On the roll of 1898? A. I don't know.
Q On the Kern Clifton pay roll? A, Yes sir, I drew money.
Q Who do you want to enroll besides yourself? A. Myself and wife and seven children.
Q What is the name of your wife? A. Fearby.
Q Is her name on the roll of 1880? A No sir. It isn't on the 1880 roll.
Q What is your father's name? A. Dan Landrum.
Q Is he living? A. No sir.
Q What is your mother's name? A. Jane Landrum.
Q Is she living? A. No sir.
Q Are their names on the roll of 1880? A. No sir, not as I know of.
Q What is your wife's father's name? A. I don't know sir.
Q What is her mother's name? A Rachel Martin.
Q She any relation to Harvey Martin? A. No sir, not my wife aint.
Q Is Rachel Martin dead? A. No sir, she is living.
Q Her name is not on the 1880 roll you say? A. No sir, I don't think it is.
Q Is Fearby your first wife? A. Yes sir.
Q Are you her first husband? A. No sir.
Q What was her first husband's name? A. Tom Shelton.
Q Is he living? A. I don't know sir, I guess so.
Q Was Fearby ever divorced from Tom Shelton? A Yes sir, he went to the pen I think.
Q Well, but did she ever get a divorce from him? A. Not as I know of.
Q Give me the names of your children now? A Rachel.
Q How old is Rachel? A. I don't know sir, exactly the age; there is 2 years difference between their ages.
Q Can you start one of them off? A. I reckon she is about 14.
Q What is the next one? A Jane.
Q She would be about 12? A Yes sir.
Q Next one? A. Albert.
Q He would be 10? A Yes sir.
Q Next one? A. Annie.
Q She would be 8, would she? A. Yes sir, I reckon.
Q Next one? A. Nannie.
Q She would be six, next one? A. Wooday.
Q She would be four would she? A. Yes sir, 3.
Q Next one? A. Eva.
Q She would be 2, what is the next one? A. 1; aint them all?
Q Seven, yes; are these children all alive at this time? A Yes sir.
Q Who is the mother of these children? A. Fearby.
Q She is the mother of all of them? A. Yes sir.

Examined by Joseph Sequichie, agent for applicant-

Q Sam when did your father die? A I don't know sir.

- Q Did he die before 1880? A. I think he did; I don't know when he did die; I was quite young when he died.
- Q How long since your mother died? A. I don't know sir, just to tell you the truth, I don't know how long she has been dead, but 16 or 17 years at least.
- Q What was your mother's name? A. Jane Landrum.
- Q Have you always lived here since you remember; in the Cherokee Nation?
- A. Yes sir, right here.

Examined by Cherokee Representative, L. B. Bell.

- Q Was your father Dan Landrum, commonly known as Boney Dan? A. Yes sir.
- Q Where did he die? A. He died down on Grand River.
- Q Well, Grand River is 70 or 80 miles long; you might get the place a little nearer located? A. He died about 2 miles down below the Island Ford; I don't know what the name of the farm was.
- Q Was it on the river, or just on a creek close by? A. On the river like.
- Q Was he living down there at that John Martin place on Gabbin creek a mile or so from the river? A. I don't know sir, living right close to the Gray place they called it.
- Q How old was you when he died? A. I don't know sir.
- Q You recollect about his dying? A. Yes sir.
- Q Wasn't you living right on Gabbin creek at the John Martin place when he died? A. No sir.
- Q What place could it have been if it was close to the Gray place? A. I don't know the name of the place.
- Q When did your father return to the Cherokee Nation? A. In '66, they claim; I don't know; I was quite young.
- Q You were born when he came, he brought you didn't he? A. I don't know sir, whether he did or not.
- Q Then you don't know a great deal about your father do you? A. No sir, I remember him well enough.
- Q You don't recollect anything about the return? A. No sir.

Examined by Commissioner Needles:

- Q Did you draw what is known as the Cherokee Strip money? A. Yes sir.
- Q Draw for your wife? A. Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicants not found;

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and the applicants identified thereon as follows:
 page 124 #3085 Sam Landrum, Delaware district.
 page 124 #3078 Jane Landrum Delaware district.
 page 124 #3078 Albert Landrum, Delaware district.
 page 125 #3079 Mammie Landrum Delaware district.

- Q You say you drew for your wife Fearby? A. Yes sir, I drew for her; she is on there as Bean; she wasn't with me at all.
- Q How did she happen to be on there as Bean? A. I don't know how.
- Q She any relation to any of the Beans? A. Not as I know of at all.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified thereon as follows:
 page 127 #3178 Fairby Bean, Saline district.

- Q Are these children all living that you present here? A. Yes sir.
- Q Your wife living at this time? A. Yes sir.

ARTHUR BEAN, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A. Arthur Bean.
- Q What is your age? A. 58.

- Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir, in part,
 Q Your citizenship is contested? A. Yes sir.
 Q What is your post office? A Vinita.

Examined by agent of applicant: Joseph Sequoia.

- Q Are you know Dan Landrum? A Yes sir.
 Q What was the first time you ever knew him; you remember the first time he came back to the Cherokee Nation? A Yes sir.
 Q What year was it? A. In '66.
 Q You know about what year he died? A. No sir, I don't know just what year it was.
 Q How do you know he came back in '66? A I saw him.
 Q Did you come back with him? A. No sir, I saw him here in the Cherokee Nation.
 Q In '66? A Yes sir.
 Q Do you know anything about this Dan Landrum coming down from the north and leaving his family up there, and making a farm down here and then returning backwards afterwards for his family? A. That is what they said.

Com'r Needles: Don't ask him leading questions.

Cherokee Rep've Bell: I was going to remark that that was irregular, but maybe Joe dont know any better.

- Q Did his family come back with him? A. No sir.
 Q Do you know how long after he came until his family came? A. He came and made a farm and went back and got his family.
 Q When did they come? A. I guess it was about '67.
 Q Whereabouts did he make this place at? A Up on the hill in Delaware District, by his house; I forget the name of the place where it used to be before the war.
 Q It was in the Cherokee Nation? A Yes sir, there on the river.
 Q Did he go after him himself? or send for them? A. I think he sent for them.
 Q You remember what year he died? A. No sir.
 Q Was it 20 years ago? A. I guess it was 20 years ago as well as I can remember; yes it has been fully all of that, maybe probably longer; it was a good while before the small-pox I think when he died.
 Q How many children did they have? A. Dan and Jane?
 Q Yes sir? A Of Dan's own children I recollect Sam and his wife had some children that wasn't Dan's own children before they married; Dan fetched ~~these~~ ~~children~~ ~~to~~ the children all here. They was his children by marrying this woman.
 Q You know whether they lived here continuously since you saw them here until he died? A. Yes sir
 Q With his family here? A Yes sir.

Examined by Cherokee Representative, L. B. Bell:

- Q What time in '66 did you see Dan first? A I think in the fall I think it was.
 Q Whereabouts? A There in the settlement where we was living.
 Q Well, that's rather general, you recollect very distinctly seeing him him dont you? A. Yes sir.
 Q Now recollect just as distinctly the place you saw him at? A. I saw him on the river.
 Q West of Fort Gibson up about the mouth of Spring creek? A Up about Lynch Prairie settlement there where we lived.
 Q Where he lived? A. Yes sir.
 Q Now where is that place up on the hill that he made his farm? A. Right up on the hill there where old Sam Saffington has got the place now.
 Q You mean Sam Saffington? A. Yes sir.
 Q When did he make that place? A. Along in '65 or '66, along in '67.

- Q He made his little house there in '65 or '66? A No, I made a mistake in '65; '66 he made a place there and then made a house; and made a place and settled it after that.
- Q You say he made the place; what did he make first? A. He made the house
- Q When did he make that house? A. Along in the fall or winter like of '66
- Q When did he make the farm? A Next spring following, along during the winter; he cleared up the ground.
- Q That was in '67, now when did he come down here? A. In '66.
- Q Dan come with you? A. No sir, come short time afterwards.
- Q You got here when? A. Along in the last of September or first of October when we got here.
- Q Who came with you? A. Tobe, George Vann.
- Q Where did you go? A I went down to Gibson.
- Q You didn't go to Spring creek? A. Yes sir.
- Q Did you return to Kansas with Tobe and them folks? A. No sir, I went after they went.
- Q You didn't go to Kansas with them? A. No sir.
- Q You went a short time afterwards? A. Yes sir.
- Q How long afterwards? A. I guess it was about a month afterwards.
- Q Then how long did you stay in Kansas? A. After I went there I staid there I guess it was over there just a little while; I went up there and joined the Army and come right back to the Cherokee Nation.
- Q Come back with the army? A. Yes sir.
- Q Come back a soldier? A. Yessir.
- Q You didn't move back at all then? A. I couldn't move at that time.
- Q That is, you was a soldier and come back a soldier? A. Yes sir.
- Q When you went to Spring creek and lived, you went direct to Spring creek from that fight they talked about on Horse creek? A Yes sir.
- Q You went from Spring creek then to Fort Gibson? A Yes sir.
- Q You was in here then about two months, and then you went back to Kansas? A. Yes sir.
- Q Then you enlisted up there didn't you? A. In '66? No sir, I enlisted in the army in Kansas directly after the war, after I went from here.
- Q You was in this horse creek fight, and come here with the crowd that was along there? A. Yes sir.
- Q You left from there and went right down the Military road to Spring creek? A. Yes sir.
- Q Well, after that you went over there to Ft. Gibson? A Yes sir.
- Q Well after you had been back here about two months then you went back to Kansas, is that it? A. No sir.
- Q When did you go back to Kansas? A. I went back, I dont recollect going back at all just backwards and forwards, passing backwards and forwards to Ft. Gibson down on the river there.
- Q You came here with Tobe and them? A Yessir.
- Q You had the fight at Horse Creek? A Yes sir.
- Q Then you came right on from that fight to Spring creek and staid a day or two? A Yes sir.
- Q Well, then you went from Spring creek, after staying two or three weeks, Tobe went back to Kansas? A I dont know that he did.
- Q You have made a lot of statements of facts here that it is possible that you may be mistaken? A. I may be
- Q You said you went from Spring creek to Ft. Gibson? A Yes sir.
- Q Then what? A. I was in the Cherokee Nation then.
- Q Then I understood you to say after Tobe went back to Kansas you went? A No sir, you didn't understand that at all.
- Q Well where did you go from Ft. Gibson? A. I was backwards and forwards up the river to Spring creek and around in here.
- Q When did you enlist? A. It must have been in '68 or '69 I guess; let me tell you how it was; when the Federals come to take us out I went over here and I enlisted; I went up in Kansas and I enlisted in there

in the army and staid up there until I was trained to be a soldier, and I was up there so long and then I come back here in the Nation and when I was mustered out I was mustered out at Pine Bluff, Arkansas, and come back to Kansas, and come on down in the Nation here, and that is the time these boys was attacked at Horse Creek.

Q When was you mustered out? A. In '65 I believe.

ARTHUR BEAN being sworn and examined, sworn by Commissioner Needles testified as follows--

Examined by Joseph Sequichie agent for applicant, re-called witness

Q You know who Dan Landrum belonged to? A Charles Landrum.

APPLICANT, Sam Landrum, recalled, and further examined by Commissioner Needles.

Q Have you got any proof of marriage? A. Nothing but witnesses.

FRED MARTIN being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A. Fred Martin.

Q What is your age? A. 45.

Q What is your post office address? A. Spavinaw.

Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.

Q Is your name on the authenticated roll of 1880? A. No sir. It didn't appear on there, but I went on straight card by proof.

Q Do you know Sam Landrum? A. I do.

Q You know his wife, Fearby? A. Yes sir.

Q You know whether they were married or not? A. Yes sir.

Q How do you know? A. I was present, and my father married them.

Q Where was that? A. Here at Vinita.

Q When I dont remember just how long ago.

Q You know whether Fearby Landrum was ever married before? A. Not as I know of.

Q Has Sam and Fearby been living together since that time? A. Yes sir they are living together ~~since~~ now; near neighbors to me.

Q You know his seven children? A. Yes sir, I know them when I see them but I dont know them by name.

Q They are Fearby's children? A. Yes sir

Q You know anything about the citizenship of Fearby? A. No sir.

Examined by Cherokee Representative, L. B. Bell:

Q How many children did Fearby have when she married Sam? A. I think she had one.

Q Was that Sam's too? A. I couldn't say that; you will have to get that from her.

Applicant, SAM LANDRUM, re-called and further examined: By Com'r Needles

Q Rachel, you aint applying for her? A. I always has enrolled her.

Q Rachel then, as I understand it, is not your child, your own child,

A No sir, I raised her.

Q She is Fearby's child? A. Yes sir.

Witness, FRED MARTIN, re-called, and further examined:
By Cherokee Representative L. B. Bell-

Q Has it been as much as ten years since they were married? A. I disremember just when they were married; you know about when father was sick here at Vinita; that's when they were married, while he was sick.

Examined by Commissioner Needles:

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

ANDY FRYE, being sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A. Andy Frye.

Q What is your age? A. 66.

Q What is your post office address? A. Vinita.

Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.

Q Your name on the authenticated roll of 188? A. Yes sir.

Examined by Joseph Sequichie, applicant's agent:

Q Did you know Dan Landrum? A. Yes sir.

Q Who did he belong to? A. He belonged to Charles Landrum, I think.

Q Cherokee Indian? A. Yes sir.

Q When did Dan Landrum come back to the Cherokee Nation from the North?

A He came back in '66.

Q Did his family come back with him? A. No sir, he came back in '66 and brought his family in the spring of '67, sent for them; he didn't go.

Q You have always known him to live in the Cherokee Nation continuously from the time you saw him in '66 until he died? A. Yes sir.

Q His children, Sam is one of his children? A. Yes sir, Sam, was born here

Examined by Cherokee Representative, L. B. Bell-

Q Andy, where did Dan come in '66? A. Come up around right down in the neighborhood there

Q He come to some particular place first? A. He come to my house.

Q What time in '66 was that? A. In the fall, it must have been along in November; soon after I come here.

Q How long did he stay here? A. He staid here about a week and then went in below— I dont know where he went to, but he come back.

Q You know that he went back to Kansas? A. No sir I dont know whether he went back or not; he was here all the time when I saw him; I never seen him away from here only when he went to Gibson.

Q You mean to say he come here in '66 and continued here all the time?

A From that time I saw him he was here.

Q Was there any skip of a year or two in which you didn't see him? A. No sir, I dont think I ever saw him out of here any year.

Q Where did he live? A. He lived all about everywhere until about the spring of '67; he was working in a shop over there on Cabin creek.

Q Working in the shop on Cabin creek in '67? A. I think it was '67; it was soon after Mr. Kell moved up—

Q As a matter of fact didn't Mr. Kell come about as quick as you did?

A No sir, I think I was here before he was; I dont know how long; Maull was living there when I was living there.

Q You sworn you got here on the 3rd day of October? A. Yes sir, I come here on the 3rd day of October.

Q You didn't come right in there? A. No sir.

Q You think that Dan was working there at Kell's in the shop in '67?

A I think it was in the spring of '67, I wont be certain

Q You dont know anything about his family? A. No sir, not until—

Q Never knew him before the war? A. Yes sir.

Q Where did you know him? A. I known him all through the country; I knowed him all my life.

Q Who did he belong to when you first knew him? A. I dont know who his first owners was exactly, but I think Lewis Ross owned him awhile.

Q About when did Lewis Ross own him? A. I couldn't tell about when, but I think Lewis Ross owned him I think he traded him.

By Commissioner Needles-

Q Did you know Sam's wife, Farby? A. I know her since the war, yes sir

Q Was she a slave? A. I dont know, sir, whether she was a freedman or not

Q You dont know anything about her? A No sir.

Examined by applicants agent, Joseph Sequichie:

Q You dont remember about what time when Dan Landrum died? A. No sir,

Q How long ago has it been? A. I dont know, but I was at his funeral.

Q Something like ten years or 20 years? A I couldn't say. I never kept no account of the time.

Applicant Sam Landrum, recalled and further examined by Com'r Needles--

Q You say your wife Fearby was married formerly to Tom Shelton? A Yessir

Q You dont know whether they ~~was~~ got a divorce or not? A I dont know sir

Com'r Needles: Sam Landrum applies for the enrollment of himself, his wife, Fearby, and seven children, to-wit: Rachel, Jane, Albert, Annie, Nannie, Woodey and Eva; upon examination of the authenticated roll of 1880 his name nor that of his wife is found; he avers that he is a child of Dan and Jane Landrum, and their names are not found upon the authenticated roll of 1880 or the census roll of 1896; he avers that his wife, Fearby, is the daughter of one Rachel Martin; no proof whatever is adduced as to the citizenship of said Fearby Landrum, his wife; applicant avers that she was formerly married to one Tom Shelton, from whom she was never divorced; he and his wife, Fearby and the four elder children, Rachel, Jane, Albert and Annie, are identified upon the Kern Clifton pay roll; he represents satisfactory proof of birth of said two younger children, Woodey and Eva, but presents no satisfactory proof as to Nannie, which he will be required to do; by reason of the fact that the names of Sam Landrum and his wife Fearby are not upon the authenticated roll of 1880, and the names of either their father nor mother are upon said roll, said Sam Landrum and wife Fearby and children as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting the further consideration of the Commission; the child Rachel, the oldest child, applicant avers is the child of his wife Fearby before his marriage; the remaining six children the applicant avers are his children; in order to legitimize the said children it will be necessary for the applicant to make satisfactory proof as to the citizenship of his wife Fearby; no testimony has been given at this time whatever as to the citizenship of his wife, Fearby, although satisfactory proof has been made as to the marriage of Sam Landrum with said Fearby, but no divorce having been granted and no proof of divorce being made, the question arises as to whether the said childrens' citizenship can be established without the citizenship of the mother of said children being established.

* * * * *

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 May 17, 1901.

(signed)

O. R. Breckinridge
Commissioner.

I, Chas. von Weise, upon my oath state that the above and foregoing is a full and correct copy of the original. *Chas von Weise*

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

Chas von Weise
Commissioner.

To be filed in the application of William Todd, C.F.D. #293.

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

In the matter of the application of Sam Landrum for the enrollment of himself, wife and seven children as Cherokee citizens; being sworn and examined by Commissioner Needles, he testified as follows:

Joe Sequichie, appears as applicant's agent:

- Q What is your name? A Sam Landrum.
Q How old are you? A As near as I can get at it about 23 or 4.
Q What is your postoffice address? A Spavinaw.
Q What district do you live in? A Saline.
Q You applied to be enrolled as a Cherokee freedman? A Yes, sir.
Q Have you ever been recognized by the Cherokee authorities as a Cherokee freedman? A Yes, sir.
Q Is your name on the authenticated roll of 1880? A Not as I know of.
Q On the roll of 1896? A I don't know.
Q On the Kern Clifton pay roll? A Yes, sir, I drawed money.
Q Who do you want to enroll besides yourself? A Myself and wife and seven children.
Q What is the name of your wife? A Fearby.
Q Is her name on the roll of 1880? A No, sir. It isn't on the 1880 roll.
Q What is your father's name? A Dan Landrum.
Q Is he living? A No, sir.
Q What is your mother's name? A Jane Landrum.
Q Is she living? A No, sir.
Q Are their names on the roll of 1880? A No, sir, not as I know of.
Q What is your wife's father's name? A I don't know sir.
Q What is her mother's name? A Rachel Martin.
Q She any relation to Harvey Martin? A No, sir, not my wife aint.
Q Is Rachel Martin dead? A No, sir, she is living.
Q Her name is not on the 1880 roll you say? A No sir, I don't think it is.
Q Is Fearby your first wife? A Yes sir.
Q Are you her first husband? A No sir.
Q What was her first husband's name? A Tom Shelton.
Q Is he living? A I don't know sir, I guess so.
Q Was Fearby ever divorced from Tom Shelton? A Yes sir, he went to the pen I think.
Q Well, but did she ever get a divorce from him? A Ndt as I know of.
Q Give me the names of your children now? A Rachel.
Q How old is Rachel? A I don't know sir, exactly the age; there is 2 years difference between their ages.
Q Can you start one of them off? A I reckon she is about 14.
Q What is the next one? A Jane.
Q She would be 12? A Yes sir.
Q Next one? A Albert.
Q He would be 10? A Yes, sir.
Q Next one? A Annie.
Q She would be 8, would she? A Yes sir, I reckon.
Q Next one? A Nannie.
Q She would be six, next one? A Woodey.

- Q She would be four would she? A Yes, sir, 3.
Q Next one? A Eva.
Q She would be 2, what is the next one? A 1; aint them all.
Q Seven, yes; are these children all alive at this time? A Yes sir.
Q Who is the mother of these children? A Fearby.
Q She is the mother of all of them? A Yes sir.

Examined by Joseph Sequichie, agent for applicant-

- Q Sam when did your father die? A I don't know sir.
Q Did he die before 1880? A I think he did; I don't know when he did die; I was quite young when he died.
Q How long since your mother died? A I dont know sir, just to tell you the truth, I don't know how long she has been dead, but 16 or 17 years at least.
Q What was your mother's name? A Jane Landrum.
Q Have you always lived here since you remember; in the Cherokee Nation? A Yes sir, right here.

Examined by Cherokee Representative, L. B. Bell.

- Q Was your father Dan Landrum, commonly known as Boney Dan? A Yes sir.
Q Where did he die? A He died down on Grand river.
Q Well, Grand River is 70 or 80 miles long you might get the place a little nearer located? A He died about 2 miles down below the Island Ford; I don't know what the name of the farm was.
Q Was it on the river, or just on a creek close by? A On the river like.
Q Was he living down there at that John Martin place on Cabbin creek a mile or so from the river? A I dont know sir, living right close to the Gray place they called it.
Q How old was you when he died? A I don't know sir.
Q You recollect about his dying? A Yes sir.
Q Wasn't you living right on Cabin creek at the John Martin place when he died? A No sir.
Q What place could it have been if it was close to the Gray place?
A I dont know the name of the place.
Q When did your father return to the Cherokee Nation? A In '66, they claim; I don't know; I was quite young.
Q You were born when he came, he brought you didn't he? A I don't know sir, whether he did or not.
Q Then you dont know a great deal about your father do you? A No sir, I remember him well enough.
Q You dont recollect anything about the return? A No sir.

Examined by Commissioner Needles:

- Q Did you draw what is known as the Cherokee strip money? A Yes sir.
Q Draw for your wife? A Yes, sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicants not found.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and the applicants identified thereon as follows:
page 124 #3075 Sam Landrum, Delaware district.
page 124 #3077 Jane Landrum Delaware district.
page 124 #3078 Albert Landrum, Delaware district.
page 125 #3079 Mamie Landrum Delaware district.

- Q You say you drawed for your wife Fearby? A Yes sir, I drawed for

her; she is on there as Bean; she wasn't with me at all.
Q How did she happen to be put on there as Bean? A I dont know how.
C She any relation to any of the Beans? A Not as I knows of at all.

Kern-Clifton pay roll of citizens of the Cherokee Nation
examined and applicant identified thereon as follows:
page 127 #3176 Fairby Bean, Saline district.

Q Are these children all living that you present here? A Yes, sir.
Q Your wife living at this time? A Yes sir.

ARTHUR BEAN, being sworn and examined by Commissioner Needles
testified as follows:

Q What is your name? A Arthur Bean.
Q What is your age? A 58.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir,
in part.
Q Your citizenship is contested? A Yes sir.
Q What is your post office? A Vinita.

Examined by agent of applicant, Joseph Sequichie.

Q Are, did you know Dan Landrum? A Yes sir.
Q What was the first time you ever knew him; you remember the first
time he came back to the Cherokee Nation? A Yes sir.
Q What year was it? A In '66.
Q You know about what year he died? A No sir, I don't know just what
year it was.
Q How do you know he came back in '66? A I saw him.
Q Did you come back with him? A No sir, I saw him here in the
Cherokee Nation.
Q In '66? A Yes sir.
Q Do you know anything about this Dan Landrum coming down from the
north and leaving his family up there, and making a farm down here
and then returning backwards afterwards for his family? A That
is what they said.

Com'r Needles: Don't ask him leading questions.
Cherokee Rep've Bell; I was going to remark that that was
irregular, but maybe Joe dont know any better.

Q Did his family come back with him? A No sir.
Q Do you know how long after he came until his family came? A He
came and made a farm and went back and got his family.
Q When did they come? A I guess it was about '67.
Q Whereabouts did he make this place at? A Up on the hill in
Delaware district, by his house, I forget the name of the place
where it used to be before the war.

Q It was in the Cherokee Nation? A Yes sir, there on the river.
Q Did he go after him himself? Or send for them? A I think he sent
for the .

Q You remember what year he died. A No sir.
Q Was it 20 years ago? A I guess it was 20 years ago as well as I
can remember; yes it has been fully all of that, maybe probably longer
it was a good while before the smallpox I think when he died.
Q How many children did they have? A Dan and Jane?
Q Yes sir? A Of Dan's own children I recollect Sam and his wife
had some children that wasn't Dan's own-children- before they married;
Dan fetched there-here-until-he the children all here. They was his
children by marrying this woman.

Q You know whether they lived here continuously since you saw them here until he died? A Yes sir.
Q With his family here? A Yes sir.

Examined by Cherokee Representative, L. B. Bell:

Q What time in '66 did you see Dan first? A I think in the fall I think it was.
Q Whereabouts? A There in the settlement where we was living.
Q Well, that's rather general, you recollect very distinctly seeing him don't you? A Yes sir.
Q Now recollect just as distinctly the place you saw him at? A I saw him on the river.
Q West of Fort Gibson up about the mouth of Spring creek? A Up about on Lynch Prairie settlement there where we lived.
Q Where he lived? A Yes sir.
Q Now where is that place up on the hill that he made his farm?
A Right up on the hill there where old man Buffington has got the place now.
Q You mean Gus Buffington? A Yes sir.
Q When did he make that place? A Along in '65 or '66, along in '67.
Q He made his little house there in '65 or '66? A No, I made a mistake in '65, '66 he made a place there and then made a house; and made a place and settled it after that.
Q You say he made the place; what did he make first? A He made the house.
Q When did he make that house? A Along in the fall or winter like of '66.
Q When did he make the farm? A Next spring following, along during the winter; he cleared up the ground.
Q That was in '67, now when did he come down here? A In '66.
Q Dan come with you? A No sir, come short time afterwards.
Q You got here when? A Along in the last of September or first of October when we got here.
Q Who came with you? A Tobe, George Vann.
Q Where did you go? A I went down to Gibson.
Q You didn't go to Spring creek? A Yes sir.
Q Did you return to Kansas with Tobe and them folks? A No, sir, I went after they went.
Q You didn't go to Kansas with them? A No sir.
Q You went a short time afterwards? A Yes sir.
Q How long afterwards? A I guess it was about a month afterwards.
Q Then how long did you stay in Kansas? A After I went there I staid there I guess it was- over there just a little while; I went up there and joined the Army and come right back to the Cherokee Nation.
Q Come back with the army? A Yes sir.
Q Come back a soldier? A Yes sir.
Q You didn't move back at all then? A I couldn't move at that time.
Q That is, you was a soldier and come back a soldier? A Yes sir.
Q When you went to Spring creek and lived, you went direct to Spring creek from that fight they talked about on Horse Creek? A Yes sir.
Q You went from Spring creek then to Fort Gibson? A Yes sir.
Q You was in here then about two months, and then you went back to Kansas? A Yes sir.
Q Then you enlisted up there didn't you? A In '66? No sir, I enlisted in the army in Kansas directly after the war, after I went from here.
Q You was in this Horse Creek fight, and came here with the crowd that was along there? A Yes sir.
Q You left from there and went right down the Military road to Spring creek? A Yes sir.

- Q Well, after that you went over there to Ft. Gibson? A Yes sir.
- Q Well after you had been back here about two months then you went back to Kansas, is that it? A No sir.
- Q When did you go back to Kansas? A I went back, I don't recollect going back at all just backwards and forwards, passing backwards and forwards to Ft Gibson down on the river there.
- Q You came here with Tobe and them? A Yes sir.
- Q You had the fight at Horse Creek? A Yes sir.
- Q Then you came right on from that fight to Spring Creek and staid a day or two? A Yes sir.
- Q Well, then you went from Spring creek, after staying two or three weeks, Tobe went back to Kansas? A I don't know that he did.
- Q You have made a lot of statements of facts here that it is possible that you may be mistaken? A I may be.
- Q You said you went from spring creek to Ft. Gibson? A Yes sir.
- Q Then what? A I was in the Cherokee Nation then.
- Q Then I understood you to say after Tobe went back to Kansas you went? A No sir, you didn't understand that at all.
- Q Well where did you go from Ft. Gibson? A I was backwards and forwards up the river to spring creek and around in here.
- Q When did you enlist? A It must have been in '62 or '63 I guess; let me tell you how it was; when the Federals come to take us out I went over here and I enlisted; I went up in Kansas and I enlisted in there in the army and staid up there until I was trained to be a soldier, and I was up there so long and then I came back here in the Nation and when I was mustered out I was mustered out at Pine Bluff, Arkansas, and come back to Kansas, and come on down in the Nation here, and that is the time these boys were attacked at Horse Creek.
- Q When was you mustered out? A '65 I believe.

ARTHUR BEAN being sworn and examined, sworn by Commissioner Needles testified as follows:

Examined by Joseph Sequichie agent for applicant, re-called witness:

- Q You know who Dan Landrum belonged to? A Chlares Landrum.

APPLICANT, Sam Landrum, recalled, and further examined by Commissioner Needles.

- Q Have you got any proof of marriage? A Nothing but witnesses.

FRED MARTIN being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Fred Martin.
- Q What is your age? A 43.
- Q What is your post office address? A Spavinaw
- Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
- Q Is your name on the authenticated roll of 1880? A No sir. It didn't appear on there, but I went on straight card by proof.
- Q Do you know Sam Landrum? A I do.
- Q You know his wife, Fearly? A Yes sir.
- Q You know whether they were married or not? A Yes sir.
- Q How do you know? A I was present, and my father married them.

- Q Where was that? A Here at Vinita.
Q When I dont remember just how long ago.
Q You know whether Fearby Landrum was ever married before? A Not as I know of.
Q Has Sam and Fearby been living together since that time? A Yes sir they are living together now, near neighbors to me.
Q You know his seven children? A Yes sir, I know them when I see them but I dont know them by name.
Q They are Fearby's children? A Yes sir.
Q You know anything about the citizenship of Fearby? A No sir.

Examined by Cherokee Representative, L.B. Bell:

- Q How many children did Fearby have when she married Sam? A I think she had one.
Q Was that Sam's too? A I couldn't say that; you will have to get that from her.

Applicant, SAM LANDRUM, re-called and further examined:
By Com'r Needles:

- Q Rachel, you aint applying for her? A I always has enrolled her.
Q Rachel then, as I understand it, is not your child, your own child,
A No sir, I raised her.
Q She is Fearby's child? A Yes sir.

Witness, FRED MARTIN, re-called and further examined:
By Cherokee Representative L. B. Bell-

- Q Has it been as much as ten years since they were married? A I dis-remember just when they were married; you know about when father was sick here at Vinita; that's when they were married, while he was sick.

Examined by Commissioner Needles:

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

ANDY FRYE, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Andy Frye.
Q What is your age? A 66.
Q What is your post office address? A Vinita.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Your name on the authenticated roll of 188? A Yes sir.

Examined by Joseph Sequichie, applicant's agent:

- Q Did you know Dan Landrum? A Yes sir.
Q Who did he belong to? A He belonged to Charles Landrum I think.
Q Cherokee Indian? A Yes sir.
Q When did Dan Landrum come back to the Cherokee Nation from the North? A He came back in '66.
Q Did his family come back with him? A No sir, he came back in '65 and brought his family in the spring of '67, sent for them, he didn't go.
Q You have always known him to live in the Cherokee Nation con- tinuously from the time you saw him in '66 until he died? A Yes sir.
Q His children, Sam is one of his children? A Yes sir, Sam was born here.

Examined by Cherokee Representative, L.B. Bell-

Q Andy where did Dan come in '66? A Come up around right down in the neighborhood there.

Q He come to some particular place first? A He come to my house.

Q What time in '66 was that? A In the fall, it must have been along in November; soon after I come here.

Q How long did he stay here? A He staid here about a week and then went in below- I don't know where he went to, but he came back.

Q You know that he went back to Kansas? A No sir I dont know whether he went back or not; he was here all the time when I saw him; I never seen him away from here only when he went to Gibson.

Q You mean to say he came here in '66 and continued here all the time? A From that time I saw him he was here.

Q Was there any skip of a year or two in which you didn't see him? A No sir, I dont think I ever saw him out of here any year.

Q Where did he live? A He lived all about everywhere until about the spring of '67; he was working in a shop over there on Cabin creek.

Q Working in the shop on Cabin creek in '67? A I think it was '67; it was soon after Mr. Kell moved up ----

Q As a matter of fact didn't Mr. Kell come about as quick as you did? A No sir, I think I was here before he was; I dont know how long; Maull was living there when I was living there.

Q You swore you got here on the 3rd day of October? A Yes sir, I come here on the 3rd day of October.

Q You didn't come right in there? A No sir.

Q You think that Dan was working there at Kell's in the shop in '67? A I think it was in the spring of '67, I wont be vertain

Q You dont know anything about his family? A No sir, not until---

Q Never knew him before the war? A Yes sir.

Q Where did you know him? A I know him all through the country; I knowed him all my life.

Q Who did he belong to when you first knew him? A I dont know who his first owners was exactly, but I think Lewis Ross owned him awhile.

Q About when did Lewis Ross own him? A I couldn't tell about when, but I think Lewis Ross owned him I think he traded him.

By Commissioner Needles:

Q Did you know Sam's wife, Fearby? A I know her since the war, yes sir.

Q Was she a slave? A I don't know, sir, whether she was a freedman or not.

Q You dont know anything about her? A No sir.

Examined by applicants agent, Joseph Sequichie:

Q You don't remember about what time when Dan Landrum died? A No sir,

Q How long ago has it been? A I dont know, but I was at his funeral.

Q Something like ten years or 20 years? A I couldn't say. I never kept no account of the time.

Applicant Sam Landrum, recalled and further examined by Com'r Needles-

Q You say your wife Fearby was married formerly to Tom Shelton?

A Yes sir.

Q You don't know whether they ever got a divorce or not? A I dont know sir.

Com'r Needles: Sam Landrum applies for the enrollment of himself, his wife, Fearby, and seven children, to-wit: Rachel, Jane, Albert, Annie, Mannie, Woodley and Eva, upon examination of the authenticated roll of 1880 his name nor that of his wife is found; he avers that he is a child of Dan and Jane Landrum, and their names are not found upon the authenticated roll of 1880 of the census roll of 1878; he avers that his wife Fearby, is the daughter of Rachel Martin; no proof whatever is adduced as to the citizenship in or said Fearby Landrum, his wife; applicant avers that she was formerly married to one Tom Shelton, from whom she was never divorced; he and his wife, Fearby and the four elder children, Rachel, Jane, Albert and Annie, are identified upon the Kern Clifton pay roll; he presents satisfactory proof of birth of said two younger children, Woodley and Eva, but presents no satisfactory proof as to Mannie, which he will be required to do; by reason of the fact that the names of Sam Landrum and his wife Fearby are not upon the authenticated roll of 1880, and the names of neither their father nor mother are upon said roll, said Sam Landrum and wife Fearby and children as enumerated herein, will be listed for enrollment as Cherokee Freedmen upon a doubtful card, awaiting the further consideration of the Commission; the child Rachel, the oldest child, applicant avers is the child of his wife, Fearby before his marriage; the remaining six children the applicant avers are his children; in order to legitimize the said children, it will be necessary for the applicant to make satisfactory proof as to the citizenship of his wife Fearby; no testimony has been given at this time whatever as to the citizenship of his wife, Fearby, although satisfactory proof has been made as to the marriage of Sam Landrum with said Fearby, but no divorce having been granted and no proof of divorce being made, the question arises as to whether the said children a citizenship can be established without the citizenship of the mother of said children being established.

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 May 17, 1901.

(Signed) C. R. Breckinridge,
Commissioner.

I, Chas. von Weise, upon my oath state that the above and foregoing is a full and correct copy of the original.

(Signed) Chas. von Weise.

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

(Signed) T. B. Needles,
Commissioner.

Edith E. Morey being first duly sworn states that as stenographer to the Commission to the Five Civilized Tribes, she reads

-9-
the above and foregoing copy and that the same is a true and complete copy of a document on file with the Commission in Cherokee Freedmen enrollment case No. 295.

Edith L. Morey

Subscribed and sworn to before me this 6th day of September 1904.

J. H. Campbell
Notary Public.

To be filed in the application of William Todd C.F.D. 293.

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

F. -D .#292.

Department of the Interior,
Commission to the Five civilized Tribes,
June 12th 1901, Chelsea, I.T.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAM LANDRUM as a Cherokee Freedman:

APPEARANCES:

Messrs Bell and Hastings, Cherokee Representatives.
Applicant present in person and by Agent, Joe R. Sequichie.

B.S. LANDRUM, being called as a witness on the part of the Cherokee Nation, being duly sworn by Commissioner T. B. Needles testified as follows:

By Mr. Bell:

- Q What is your name? A B. S. Landrum.
Q What is your age? A 45 .
Q Post office? A Cleora.
Q Did you go out of this country during the war? A Yes sir.
Q Where did you go? A Went to the Choctaw Nation.
Q When did you return? A Fall of '66.
Q Where did you locate? A Well, first I stopped on Cabin creek at Bill Buffington's house.
Q How long did you stay there? A We didn't stay there long, a week, two or three weeks, something like that.
Q Well, go ahead? A We moved down on the Martin farm at the mouth of Big Cabin.
Q How long did you stay there? A We made a crop there that year.
Q And then moved off that winter? A Yes sir, we moved up on the Arsenia place, that winter, winter of '67.
Q Well, how long did you stay there? A We didn't stay there but a short time, probably two months, maybe.
Q Then where did you go? A We moved then on the Kell place on the old military road.
Q Lewis Kell place? A Yes sir.
Q Where is that situated? A It is about a mile from the creek on the north side of the creek on the old military road.
Q Were you acquainted with one Daniel Landrum, or more generally called Boney Dan? A Yes, sir.
Q Formerly the slave of Charles Landrum? A Yes sir.
Q Well when did he first come to that Lewis Kell place that you lived there? A Well, it was in the spring as well as I remember in the spring of '68. After we moved there first time I saw him.
Q You was living on that place there the latter part of it, that is from the early part of '65 during the year, or most of it, was you? A Yes, sir, we lived on that place until March, '69.

Q Where did Lewis Kell live at that time? A He lived down on the Arsenal place.

Q You swapped places? A Yes, sir.

By Mr. Hastings-

Q Where did Boney Dan come from? A I don't know where he came from.

By Mr. Bell:

Q Did he have any family with him? A No sir.

Q Did he have any wife while you were there? A Yes, he married a woman by the name of Alse, she come from the Choctaw Nation. She belonged to old Lige Mose.

Q Did Alse and Dan have any children? A I don't think they did.

Q How long did they live together? A They was living there that summer while we staid on that place, sometime in the summer his wife come down there, I don't know where she came from, anyway she come there.

Q His wife? A Yes sir.

Q Bring any children? A I think she had one or two, seems like she had one or two.

Q Do you know what her name was? A No, I don't know her name at all.

Q Well, then what became of him? A Well Dan didn't live there I know after that.

Q What did he do with his two wives? A His wife left him he was living with.

Q Well which one? A Alse left him.

Q He took his old wife and moved off? A I can't tell how long they staid there: I think he located down there on the place somewhere.

Q Do you know anything else about him? A No sir.

By Mr. Sequichie:

Q What time did you come back after the war? A '66 October or November, '66.

Q Where did you come from? A We came from Nails Mill, we lived right close to Nails Mill in the Choctaw Nation.

Q How long after you returned to the Cherokee Nation did you see John Landrum? A Well it was in the spring of '68 when we moved to the Kell farm.

Q Whereabouts did he stay after he come and returned to the Cherokee Nation? A I think he located down there on the creek somewhere.

Q On what creek? A Cabin creek.

Q How far was this from this Kell place? A It was not very far, two or three miles.

Q Was that the first time you ever saw him after you returned; who come back first Dan Landrum or yourself? A I don't know anything about that; he may have come back after we did, I don't know, we come back in the fall of '66.

Q You don't know whether Dan Landrum returned before you did or not? A No sir.

Q Did Dan Landrum have a family when he returned? A No, he didn't have any family, he worked in the blacksmith shop there pretty near all summer.

Q How long had he staid there when you saw him? A Why, I don't hardly remember how long he did stay, I think he lived there until the latter part of the summer or fall.

Q Where did he go? A He went down to the Creek somewhere.

Q In the Cherokee Nation? A Yes sir.
Q You dont remember of him returning north or someplace where he had been before? A (No response)
Q He didn't leave the Cherokee Nation after you knew him? A No sir.
Q What was his wife's name he married? A Alse.
Q How many children did she have during the time they lived together?
A I dont think they had any.
Q You dont know anything about when Sam Landrum returned to the Cherokee Nation? A No sir, I might have seen him when he was a little bitty thing.

By Com'r Needles-

Q You dont know when Sam returned to the Cherokee Nation? A I know when Boney Dan's wife returned to the Cherokee Nation.

By Mr. Sequichie-

Q What year? A '68.
Q What you call Boney Dan's wife, did she return alone or was somebody with her? A I cant say whether there was anybody with her or not.
Q You didn't see her when she returned? A I didn't see her when she returned, I seen her after she come there.
Q Do you know positively just what year she returned from Kansas?
A No sir.
Q Are you positive it was in '68? A I am positive Boney Dan was working in a shop there in '68 and she come there the same summer.
Q Where did she come from? A I dont know, I dont know whether she came from Kansas or not.
Q Come up in that part of the Cherokee Nation? A No sir.

J. L. THOMPSON, being called as a witness on the part of the Cherokee Nation, being sworn by Commissioner T. B. Needles, testified as follows:

By Mr. Bell:

Q Give your name, how old are you and where you live? A J. L. Thompson; 12 miles south of Vinita.
Q It is your post office we want to get? A Vinita.
Q How old are you? A 62.
Q Did you go out of the country during the war? A Yes sir, I went to Texas.
Q When did you return? A I got back to Fort Gibson, December, '67, and I got to Cabin creek January, 1868, where I live now.
Q Are you acquainted with a man by the name of Lewis Kell? A Yes sir, well acquainted with him.
Q Where did you locate there? A I lived on what they call the Arsena place.
Q In '68? A '68, Martin's place, where I live now.
Q Did you live on the Arsena place or Martin place in '68? A On the Martin place.
Q How far was that from the Lewis Kell place? A Oh, not more than two miles.
Q Were you acquainted with one Daniel Landrum, a freedman? A Yes sir.
Q Commonly called Boney Dan? A Yes sir.
Q Who did he belong to? A He belonged to Charles Landrum.
Q Did you know him before the war? A Yes.

- Q Who lives on the Lewis place in '68? A Ben Landrum.
- Q Did you see Boney Dan Landrum any time after the war? A Never saw him until after I located there in '68.
- Q The question is, did you see him; I ask you if you saw him any time after the war; just yes or no? A Yes.
- Q Where did you see him? A Saw him there at Ben Landrum's, working in a blacksmith shop, the first time I saw him after the war.
- Q Did you find anything about when he came there, anything from him or anything of that sort? A He said he just come there that spring.
- Q Did he say where he came from? A Come from Kansas.
- Q Did he have his family with him that he brought? A No, he come alone.
- Q Do you know anything about his marrying after he come there?
- A I heard it reported that he was living with a young woman that Ben Landrum had.
- Q Well, then, did his wife, his old wife, did anywoman come there claiming to be his wife? A Yes, staid that summer.
- Q Do you know whether she had any children with her or not? A Yes, she has one or two children, two children I reckon.
- Q You didn't get acquainted with the children, that is, do you know their names? A Yes sir, the oldest one was a girl named Peggie.
- Q What was the other one? A The other was named Will.
- Q Did she have any more that you remember? A No sir.
- Q What became of Dan, or do you know? A He died right there not far from where I live.

By Mr. Sequichie:

- Q Mr. Thompson, what year did you say you returned back to the Cherokee Nation? A I said I come to Fort Gibson in December, '67, and come to Cabin creek in January, '68.
- Q Where did you come from to Fort Gibson? A Come from Texas.
- Q What time of the year did you get to Fort Gibson in '67? A Got there in December, '67 about Christmas time.
- Q Where did you live after you got to Cabin creek in '68? A On the Martin place where I live now.
- Q Was it immediately after you settled on the Martin place that you saw Dan Landrum at Ben Landrum's place? A Yes sir.
- Q Did you and Dan Landrum have a conversation? A Yes sir.
- Q Did he voluntarily tell you that he returned from Kansas? A He told any of us and all of us that.
- Q Now, about this wife of his, who was that he married? A Oh, I heard them talking about it, living with that girl Ben Landrum had there.
- Q You just heard them talking about it? A Yes sir.
- Q Do you know personally that they lived together? A No sir only just what I heard others say.
- Q About how long after it was it that the woman that you say claimed to be his wife returned? A Oh, it may have been two, or three months maybe more than that.
- Q After you saw him at Ben Landrum's? A Yes sir.
- Q Well, did they live together after she returned to him? A Yes sir, lived together until he died I guess, I never heard of them parting.
- Q Do you remember who came with the woman that you said claimed to be his wife from Kansas, do you know who came with her? A No sir.
- Q Do you know whether the children that was with her returned with her? A Yes, I guess they did, I never saw them until then.

- Q This woman, did she tell you that she had just returned? A She didn't tell me herself, but Dan told me.
- Q Is this woman alive? A I don't know whether she is living now or not.
- Q Wasn't it a fact that Dan Landrum; didn't Dan Landrum go after that and bring them back to the Cherokee Nation? A If he did I never knew about it.
- Q You don't know then, that this woman; you don't know whether of your own ~~knowing~~ personal knowledge but what she returned before that time, 1867? A If she did I never heard of it.
- Q You never heard of her return before that time? A No sir.
- Q You say you saw two children with her when she returned? A Yes sir.
- Q Is this one of the boys? A Referring to Sam Landrum, the applicant?
- A I think this boy was born in the Cherokee Nation.
- Q You don't know whether of your own personal knowledge, when this woman returned to the Cherokee Nation in '66 or '67? A I wasn't in '66 or '67 either, it was in '68.
- Q You know that to be a fact? A Yes sir, I know it.
- Q You saw her when she came there? A Yes sir.
- Q Did she go to work and tell you she was straight from Kansas?
- A I told you Dan told me.
- Q That is all right about that.

WALTER A. WEST, called as a witness on the part of the Cherokee Nation, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Hastings, of Counsel for the Cherokee Nation.:

- Q What is your name? A Walter A. West.
- Q What is your age? A 60 years.
- Q Are you a Cherokee citizen by blood? A Yes sir.
- Q What is your post office? A Spavinaw.
- Q Did you live in the Cherokee Nation before the war? A Yes sir.
- Q You have lived in it since the war have you? A Yes sir.
- Q When did you come back to the Cherokee Nation after the war? A I come back in '66.
- Q Where did you live; just go on now and tell your whereabouts for two or three years in there? A Along the old Military road there up and down there, first above Neosho and then down below near Cabin creek.
- Q Where did you live in '67? A Near Cabin creek.
- Q Where did you live in '68? A Near Cabin creek.
- Q How far did you live from Lewis Kell's place in '69? A Right near it, in about three quarters of a mile from it.
- Q Did you know a man called Boney Dan Landrum? A Yes sir.
- Q Did you know his son Sam Landrum? A Yes sir.
- Q Is that the same one you have reference to? A I know him since the war.
- Q Did you know when Boney Dan Landrum came back to the Cherokee Nation after the war? A The first I knew of him it was in the spring of '68, come to Lewis Kell's shop.
- Q What kind of a shop? A Blacksmith shop.
- Q Did he work there for Lewis Kell? A Yes sir.
- Q Was his wife with him at that time? A No sir, I think not.
- Q Did you know what her name was? A No sir, I didn't.
- Q How long after he came until she came? A I don't know exactly, it was later on.
- Q In the same year? A In the same year I think.
- Q And you were living in three quarters of a mile of Lewis Kell's place? A Yes sir.
- Q Could he have been there in '67 and you not see him?

A No sir, it was a post office for us there and he was blacksmith and he worked in the shop.

Q And that Dan Landrum you are speaking of was the father of the applicant, Sam Landrum? A Yes sir, claimed to be.

Q Well this man recognized him as his father? A Yes sir.

By Mr. Sequichie:

Q What year did you say you returned to the Cherokee Nation? A '88.

Q From where? A Red River,

Q Texas? A Choctaw Nation.

Q What part of the Cherokee Nation did you settle after you arrived here? A Up on Neosho, I camped a while and then I settled on Cabin creek.

Q Near Neosho River or Neosho City? A Near the Neosho prairie, on the old Hudson place, if you know anything about it.

Q How long did you stay there? A I staid there two or three months.

Q And then where did you go to? A I went from there down the road near Lewis Kell's.

Q How long did you live there? A Lived there until the fall of '88 September or somewhere along there.

Q What time of the year was it you saw Dan Landrum at Lewis Kell's shop? A Spring of 1888, best of my recollection.

Q Do you know what year he came there? A I said '88, didn't I?

Q Where from? A I dont know where, I suppose.

Q Dont know where? A No, only what he said himself, he said he come from south I think.

Q Did he same how far south he come? A No, I didn't ask him in particular about that, he said he belonged to the Landrums.

Q You didn't talk to him? A I talked to him before.

Q Did he go into full details? A We never did sit down and have any particular explanation on it, I knew him before the war.

Q Did he tell you he returned from Choctaw Nation, Texas or somewhere? A When I first saw him he said I have just got in.

Q Did he say where he come from? A No sir.

Q And he didn't tell you whether he come from Texas, Arkansas or Choctaw Nation? A No sir.

Q Was his wife living with him at the time you knew him? A No sir.

Q You didn't know his wife? A No.

Q Do you know of him having a wife sometime after ward? A Yes sir, his wife come later on.

Q Where did she come from? A I think it was in the fall of the same year.

Q Where did she come from? A I suppose she came from where she had been.

Q You dont know as a matter of fact? A No sir, not exactly at all.

Q Did she come alone? A I dont know that either.

Q Did you see her when she returned? A I seen her in a few days, I heard she returned.

Q Did anyone tell you where she came from? A No sir, I never asked anybody where she came from.

J. L. Thompson, witness recalled:

By Mr. Hastings:

Q Your name is J. L. Thompson? A Yes sir.

Q And you were on the stand a few nights ago? A Yes sir.

Q Did you know Dan Landrum's wife? A Yes sir.

Q What was her name? A Her name was Jane.

Q You knew her before the war? A No, I never knew her before the war.

Q That is the same Jane you had reference to in your testimony a

while ago? A Yes sir.

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.

(Signed) J. O. Reason.

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

(signed) T. B. Needles,
Commissioner.

I, Chas. von Weise, upon my oath state that the above and foregoing is a true and correct copy of the original.

(Signed) Chas. von Weise.

Subscribed and sworn to before me this the 20th of July, 1901.

(Signed) T. B. Needles,
Commissioner

Edith L. Moray, 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 complete copy of a document on file with the Commission in Cherokee Freedman enrollment case No. 292.

Edith L. Moray

Subscribed and sworn to before me this 7th of September 1901.

H. S. Martin
Notary Public

To be filed in the application of William Todd G. F. D. 225.

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

P.-D. 222.

Department of the Interior,
Commission to the Five Civilized Tribes,
June 12th 1901, Chelsea, I. T.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of SAM LANDRUM
as a Cherokee Freedman:

APPEARANCES:

Messrs Bell and Hastings, Cherokee Representatives.
Applicant present in person and by Agent, Joe R. Sequichie.

B. S. LANDRUM, being called as a witness on the part of the Cherokee
Nation, being duly sworn by Commissioner T. B. Needles, testified
as follows:

By Mr. Bell:

- Q What is your name? A. B. S. Landrum.
Q What is your age? A. 45.
Q Post office? A. Cleora.
Q Did you go out of this country during the war? A. Yes sir.
Q Where did you go? S. Went to the Choctaw Nation.
Q When did you return? A. Fall of '66.
Q Where did you locate? A. Well, first I stopped on Cabin creek at
Bill Buffington's house.
Q How long did you stay there? A. We didn't stay there long, a week, two
or three weeks, something like that.
Q Well, go ahead? A. We moved down on the Martin farm at the mouth of
Big Cabin.
Q How long did you stay there? A. We made a crop there that year.
Q And then moved off that winter? A. Yes sir, we moved up on the Arsenal
place that winter, winter of '67.
Q Well, how long did you stay there? A. We didn't stay there but a short
time, probably two months, maybe.
Q Then where did you go? A. We moved then on the Kell place on the old
military road.
Q Lewis Kell place? A. Yes sir.
Q Where is that situated? A. It is about a mile from the creek on the
north side of the creek on the old military road.
Q Were you acquainted with one Daniel Landrum, or more generally called
Boney Dan? A. Yes sir.
Q Formerly the slave of Charles Landrum? A. Yes sir.
Q Well when did he first come to that Lewis Kell place that you lived
there? A. Well, it was in the spring as well as I remember in the spring
of '68. After we moved there first time I saw him.
Q You was living there on that place there the latter part of it, that
is from the early part of '68 during the year, or most of it, was you?
A. Yes sir, we lived on that place until March '69.
Q Where did Lewis Kell live at that time? A. He lived down on the Arsenal
place.
Q You swapped places? A. Yes sir.

By Mr. Hastings:

- Q Where did Boney Dan come from? A. I don't know where he came from.

By Mr. Bell:

- Q Did he have any family with him? A. No sir.

Q Did he have any wife while you were there? A. Yes, he married a woman by the name of Alse, she come from the Choctaw Nation. She belonged to old Lige Moss.

Q Did Alse and Ben have any children? A I dont think they did.

Q How long did they live together? A. They was living there that summer while we staid on that place, sometime in the summer his wife come down there, I dont know where she come from, anyway she come there.

Q His wife? A. Yes sir.

Q Bring any children? A. I think she had one or two, seems like she had one or two..

Q Do you know what her name was? A. No, I dont know her name at all.

Q Well, then what become of him? A. Well Ben didn't live there I know after that.

Q What did he do with his two wives? A. His wife left him he was living with.

Q Well which one? A. Alse left him.

Q He took his old wife and moved off? A. I cant tell how long they staid there; I think he located down there on the place somewhere.

Q Do you know anything else about him? A. No sir.

By Mr. Sequichie-

Q What time did you come back after the war? A. '66 October or November, '66.

Q Where did you come from? A. We come from Nails Mill, we lived right close to Nails Mill in the Choctaw Nation.

Q How long after you returned to the Cherokee Nation did you see John Landrum? A Well it was in the spring on '68 when we moved to the Kell farm.

Q Whereabouts did he stay after he come and returned to the Cherokee Nation? A I think he located down there on the creek somewhere.

Q On what creek? A. Ushin creek.

Q How far was this from this Kell place? A It was not very far, two or three miles.

Q Was that the first time you ever saw him after you returned; who come back first Ben Landrum or yourself? A I dont know anything about that; he may have come back after we did, I dont know, we come back in the fall of '66.

Q You dont know whether Ben Landrum returned before you did or not? A No sir.

Q Did Ben Landrum have a family when he returned? A. No, he didn't have any family, he worked in the blacksmith shop there pretty near all summer.

Q How long had he staid there when you saw him? A. Why, I dont hardly remember how long he did stay, I think he lived there until the latter part of the summer or fall.

Q Where did he go? A. He went down to the Creek somewhere.

Q In the Cherokee Nation? A. Yes sir.

Q You dont remember of him returning north or someplace where he had been before? A (No response)

Q He didn't leave the Cherokee Nation after you knew him? A. No sir.

Q What was his wife's name he married? A. Alse.

Q How many children did she have during the time they lived together?

A I dont think they had any.

Q You dont know anything about when Ben Landrum returned to the Cherokee Nation? A No sir, I might have seen him when he was a little bitty thing

By Sam's Needle-

Q You dont know when Sam returned to the Cherokee Nation? A I know when Honey Sam's wife returned to the Cherokee Nation.

By Mr. Sequichie-

- Q What year? A. '68
 Q What you call Boney Dan's wife, did she return alone or was somebody with her? A I cant say whether there was anybody with her or not.
 Q You didn't see her when she returned? A. I didn't see her when she returned, I seen her after she come there.
 Q Do you know positively just what year she returned from Kansas? A. A No sir.
 Q Are you positive it was in '68? A I am positive Boney Dan was working in a shop there in '68 and she come there the same summer
 Q Where did she come from? A I dont know, I dont know whether she came from Kansas or not.
 Q Come up in that part of the Cherokee Nation? A. No sir.

J. L. THOMPSON, being called as a witness on the part of The Cherokee Nation, being sworn by Commissioner T. B. Needles, testified as follows

By Mr. Bell:

- Q Give your name, how old are you and where you live? A. J. L. Thompson; 12 miles south of Vinita.
 Q It is your post office we want to go? A Vinita.
 Q How old are you? A. 62.
 Q Did you go out of the country during the war? A. Yes sir I went to Texas
 Q When did you return? A I got back to Fort Gibson, December '67, and I got to Cabin creek January, 1868, where I live now.
 Q Are you acquainted with a man by the name of Lewis Kell? A Yes sir, well acquainted with him.
 Q Where did you locate there? A I lived on what they call tje Arsena place.
 Q In '68? A '68, Martin's place, where I live now.
 Q Did you live on the Arsena place or Martin place in '68? A On the Martin place.
 Q How far was that from the Lewis Kell place? A. Oh, not more than two miles.
 Q Were you acquainted with one Daniel Landrum, a freedman? A Yes sir.
 Q Commonly called Boney Dan? A. Yes sir.
 Q Who did he belong to? A. He belonged to Charles Landrum.
 Q Did you know him before the war? A. Yes.
 Q Who lives on the Lewis place in '68? A Ben Landrum.
 Q Did you see Boney Dan Landrum any time after the war? A. Never saw him until after I located there in '68.
 Q The question is, did you see him; I ask you if you saw him any time after the war; just yes or no? A Yes.
 Q Where did you see him? A. Saw him there at Ben Landrum's, working in a blacksmith shop, the first time I saw him after the war.
 Q Did you find anything about when he came there, anything from him or anything of that sort? A. He said he just come there that spring.
 Q Did he say where he come from? A. Come from Kansas.
 Q Did he have his family with him that he brought? A. No, he come alone
 Q Do you know anything about his marrying after he come there?
 A I heard it reported that he was living with a young woman that Ben Landrum had.
 Q Well, then, did his wife, his old wife, did any woman come there claiming to be his wife? A Yes, staid that summer.
 Q Do you know whether she had any children with her or not? A. Yes, she has one or two children, two children I rec kn.
 Q You didn't get acquainted with the children; that is, do you know their names? A. Yes sir, the oldest one was a girl named Peggie.
 Q What was the other one? A. The other was named Will.
 Q Did she have any more that you remember? A No sir.
 Q What become of Dan, or do you know? A. He died right there not far from where I live.

By Mr. Sequichie:

- Q Mr. Thompson, what year did you say your returned back to the Cherokee Nation? A. I said I come to Fort Gibson in December, '87 and come to Cabin creek in January, '88.
- Q Where did you come from to Fort Gibson? A. Come from Texas.
- Q What time of the year did you get to Fort Gibson in '87? A Got there in December, '87, about Christmas time.
- Q Where did you live after you got to Cabin creek in '88? A On the Martin place where I live now.
- Q Was it immediately after you settled on the Martin place that you saw Dan Landrum at Ben Landrum's place? A. Yes sir.
- Q Did you and Dan Landrum have a conversation? A. Yes sir.
- Q Did he voluntarily tell you that he returned from Kansas? A He told any of us and all of us that.
- Q Now, about this wife of his, who was that he married? A. Oh, I heard them talking about it, living with that girl Ben Landrum had there.
- Q You just heard them talking about it? A. Yes sir.
- Q Do you know personally that they lived together? A. No sir, only just what I heard others say.
- Q About how long after it was it that the woman that you say claimed to be his wife returned? A. Oh, it may have been two, or three months maybe more than that.
- Q After you saw him at Ben Landrum's? A Yes sir.
- Q Well, did they live together after she returned to him? A. Yes sir, lived together until he died I guess, I never heard of them parting.
- Q Do you remember who came with the woman that you said claimed to be his wife from Kansas, do you know who came with her? A. No sir.
- Q Do you know whether the children that was with her returned with her? A. Yes, I guess they did, I never saw them until then.
- Q This woman, did she tell you that she had just returned? A. She didn't tell me herself, but Dan told me.
- Q Is this woman alive? A. I don't know whether she is living now or not.
- Q Wasn't it a fact that Dan Landrum; didn't Dan Landrum go after that and bring them back to the Cherokee Nation? A If he did I never knew about it.
- Q You don't know then, that this woman; you don't know whether of your own knowledge personal knowledge but what she returned before that time, 1887? A If she did I never heard of it.
- Q You never heard of her return before that time? A. No sir.
- Q You say you saw two children with her when she returned? A Yes sir.
- Q Is this one of the boys? (referring to Sam Landrum, the applicant)
- Q I think this boy was born in the Cherokee Nation.
- Q You don't know whether of your own knowledge personal knowledge, when that woman returned to the Cherokee Nation in '86 or '87? A I wasn't in '86 or '87 either, it was in '88.
- Q You know that to be a fact? A. Yes sir, I know it.
- Q You saw her when she came there? A. Yes sir.
- Q Did she go to work and tell you she was straight from Kansas? A. A I told you Dan told me.
- Q That is all right about that.

WALTER A. WEST, called as a witness on the part of the Cherokee Nation, being duly sworn by Commissioner T. B. Needles, testified as follows: By Mr. Hastings, of Counsel for the Cherokee Nation:

- Q What is your name? A. Walter A. West.
- Q What is your age? A. 60 years.
- Q Are you a Cherokee citizen by blood? A. Yes sir.
- Q What is your post office? A Spavinaw.
- Q Did you live in the Cherokee Nation before the war? A. Yes sir.
- Q You have lived in it since the war have you? A. Yes sir.
- Q When did you come back to the Cherokee Nation after the war? A. I came back in '88.
- Q Where did you live; just go on now and tell your whereabouts for two

- or three years in there? A. Along the old Military road there up and down there, first above Neesho and then down below near Cabin creek.
- Q Where did you live in '67? A. Near Cabin creek.
- Q Where did you live in '68? A. Near Cabin creek.
- Q How far did you live from Lewis Kell's place in '68? A. Right near it, in about three quarters of a mile from it.
- Q Did you know a man called Boney Dan Landrum? A. Yes sir.
- Q Did you know his son Sam Landrum? A. Yes sir.
- Q Is that the same one you have reference to? A. I knew him since the war.
- Q Did you know when Boney Dan Landrum came back to the Cherokee Nation after the war? A. The first I knew of him it was in the spring of '66, come to Lewis Kell's shop.
- Q What kind of a shop? A. Blacksmith shop.
- Q Did he work there for Lewis Kell? A. Yes sir.
- Q Was his wife with him at that time? A. No sir, I think not.
- Q Did you know what her name was? A. No sir, I didn't.
- Q How long after he came until she came? A. I don't know exactly, it was later on.
- Q In the same year? A. In the same year I think.
- Q And you were living in three quarters of a mile of Lewis Kell's place? A. Yes sir.
- Q Could he have been there in '67 and you not see him? A. No sir, it was a post office for us there and he was blacksmith and he worked in the shop.
- Q And that Dan Landrum you are speaking of was the father of the applicant, Sam Landrum? A. Yes sir, claimed to be.
- Q Well this man recognized him as his father? A. Yes sir.

By Mr. Sequichie-

- Q What year did you say you returned to the Cherokee Nation? A. '66.
- Q From where? A. Red river.
- Q Texas? A. Choctaw Nation.
- Q What part of the Cherokee Nation did you settle after you arrived here? A. Up on Neesho, I camped a while and then I settled on Cabin creek.
- Q Near Neesho river or Neesho city? A. Near the Neesho prairie, on the old Hudson place, if you know anything about it.
- Q How long did you stay there? A. I staid there two or three months.
- Q And then where did you go to? A. I went from there down the road near Lewis Kell's.
- Q How long did you live there? A. Lived there until the fall of '68 September or somewhere along there.
- Q What time of the year was it you saw Dan Landrum at Lewis Kell's shop? A. Spring of 1868, best of my recollection.
- Q Do you know what year he came there? A. I said '68, didn't I?
- Q Where from? A. I don't know where, I suppose.
- Q Don't know where? A. No, only what he said himself, he said he come from south I think.
- Q Did he say how far south he come? A. No, I didn't ask him in particular about that, he said he belonged to the Landrums.
- Q You didn't talk to him? A. I talked to him before.
- Q Did he go into full details? A. We never did sit down and have any particular explanation on it, I knew him before the war.
- Q Did he tell you he returned from Choctaw Nation, Texas or somewhere? A. When I first saw him he said I have just got in.
- Q Did he say where he come from? A. No sir.
- Q And he didn't tell you whether he come from Texas, Arkansas or Choctaw Nation? A. No sir.
- Q Was his wife living with him at the time you knew him? A. No sir.
- Q You didn't know his wife? A. No.
- Q Do you know of him having a wife sometime afterward? A. Yes sir, his wife come later on.
- Q Where did she come from? A. I think it was in the fall of the same year.

Q Where did she come from? A. I suppose she came from where she had been.
 Q You dont know as a matter of fact? A. No sir, not exactly at all.
 Q Did she come alone? A. I dont know that either.
 Q Did you see her when she returned? A. I seen her in a few days, I heard she returned.
 Q Did anyone tell you where she came from? A. No sir, I never asked anybody where she came from.

J. L. Thompson, witness, recalled:

By Mr. Hastings:

Q Your name is J. L. Thompson? A Yes sir.
 Q And you were on the stand a few moments ago? A Yes sir.
 Q Did you know Dan Landrum's wife? A. Yes sir.
 Q What was her name? A. Her name was Jane.
 Q You knew her before the war? A. No, I never knew her before the war
 Q That is the same Jane you had reference to in your testimony a while ago? 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 26th day of June 1901.

(signed) T. B. Needles,
 Commissioner.

I, Chas. von Weise, upon my oath state that the above and foregoing is a true and correct ~~copy~~ copy of the original.

Chas von Weise

Subscribed and sworn to before me this the 20th of July, 1901.

[Handwritten Signature]

Commissioner

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

In the matter of the application of Lewis T. Brown for enrollment as a Cherokee Freedman.

SUPPLEMENTAL TO D-94.

Applicant appears in his own behalf.
Cherokee Nation represented by J. S. Davenport.

SIMON SCALES, being first duly sworn, testified as follows:

- MR. DAVENPORT: What is your name? A Simon Scales
- Q Where do you live, Simon? A Live in Fort Scott.
- Q You live in Fort Scott, Kansas? A Yes sir.
- Q How long have you lived at Fort Scott, Kansas? A Well near about 32 or 3 years.
- Q Well, did you go to Fort Scott, or where was you living at the close of the war? A Texas.
- Q Did you go to Fort Scott, Kansas after the war closed? A Yes sir.
- Q Well after you went to Fort Scott, Kansas, did you ever get acquainted with any colored people up there by the name of Brown? A Yes, sir, I did.
- Q What was their names do you remember? A Got acquainted with a man by the name of Tom Brown, we called him at that time; and then there was a nephew of his, a boy, and a son of his I think, and his wife.
- Q Well, what was his name, did you say? A He had one named, a boy there by the name of Pomp, and one named Tooster.
- Q Did you get acquainted with any of the girls or any women folks of the family that was around there? A Yes sir.
- Q Do you remember what their names was? A They had one named Mat, they called her, Mat Henderson, and one named Susie, I believe, I think she was.
- Q Now, these parties that you have named, you don't know what relation they were to each other, do you? A No, sir, I don't.
- Q You know they were there connected some way, but what relation you don't know? A No, sir, I don't.
- Q Well now, how long after you went there did they remain there, did Pomp Brown remain there, the one you spoke of as being called Pomp? A Well I couldn't tell you the exact time that he remained there, but he stayed there awhile, and worked in a barber shop, and I don't know when he left because when I saw him he said he had been living down there at Chanute somewhere, and he came backwards and forth, and he would come over to see me every time he come back, I got a boy and they was about the same age, and he would come over to see mine.
- Q Which left first, he or Mattie Henderson, as you knew her? A I think Pomp left first, I know he did.
- Q How long did Mattie Henderson live there in Fort Scott in the neighborhood where you lived? A Well sir, I couldn't tell you how long.

Q Did she stay there six months after you got acquainted with her a year or two years? A Yes sir, she lived there about a year or two.

Q And you went to Fort Scott after the war closed as I understand? A Yes sir.

Q Do you know where Mattie Henderson, as you know her, finally went when she did leave there? A No sir, I couldn't tell.

Q Have you ever seen her since she left there? A No sir, I don't think I have seen her since she left there; I have heard from her, but I don't think I have seen her since she left.

Mr. Brown: What year did you go there to Fort Scott? A I went there in the year of '66, or '67, I think '66.

Q Wasn't it '64 that you went to Fort Scott? A No, I don't think it was.

Q Well, now in reference to the time that Abraham Lincoln was elected when was it? A It must have been in '66 or '67, somewhere along there, wasn't it?

Q Well, I am asking you? I never took no account of the time, but I kept account of it some way.

Q You was keeping account of it was you? A Yes sir.

Q Well, now, with reference to the time Abraham Lincoln was elected, when was it that you went to Fort Scott? A I went there that fall, sir.

Q Same fall that Abraham Lincoln was elected, didn't you? A Yes sir.

Q And these people about whom you have testified left Fort Scott about a year or two after you went there, didn't they? A I think they did sir.

MR. DAVENPORT: Simon, did you go to Fort Scott before the war or after the war? A No sir.

Q You went to Fort Scott, Mr. Brown didn't ask you as to Lincoln being twice elected twice, was it the first time or the last time Lincoln was elected that you went to Fort Scott? A Last time.

Q Where were you living when the war closed? A Texas.

Q Had you ever been to Fort Scott before that time? A No, sir.

Mr. Brown: Well now you say the second election of Abraham Lincoln, wasn't you in Fort Scott that fall? A As I say I come the fall of the election.

Q The fall of the year when Abraham Lincoln was elected President of the United States for his second term you were in Fort Scott, were you not? A I come to Fort Scott that fall.

Q Now then you say you got acquainted with Tom Brown? A Yes sir, I think his name was.

Q Who was Tom Brown? A That was a man, the head of a family, Ibbie Brown's husband.

Q What relation was Tom Brown to Pomp Brown? A Well now, I don't know; seemed like to me that Pomp, they told me that he was his uncle, that's what I heard, but I don't know any more than that.

Q Who told you that? A Well like I heard Pomp call his uncle, and Pomp told me I think.

Q Now you say Pomp Brown was about the same age as your boy?

A Yes sir, they grew up together.

Q How old is that boy now? A He must be near forty years old I suppose, my oldest boy.

Q About how old was he? A I guess he's forty-one or two.

Q That's the same boy that you say was about the same age as Pomp Brown? A Yes sir, I think; I took him for the same.

Q What year were you born uncle? A Oh, Lord, that's too far back, I couldn't hardly tell you, I could if I go home--

- Q In what year did the war begin? A I don't study any history at all.
- Q In what year did the war close? A I don't know; sixty something.
- Q In what year was your first child born? A Didn't pay no attention.
- Q What year is this? A I don't know; didn't pay no attention to it.
- Q In what year were you married? A I don't pay much attention to any such as that.
- Q You don't know anything about years, do you? A No, sir, I don't pay much attention to them.
- Q Well, now during the time that you say that Pomp Brown lived in Fort Scott, Kansas, did he ever to your knowledge make a trip to the Cherokee Nation? A I couldn't tell you sir, whether he did, but I know he was going backwards and forth.
- Q We are speaking about Pomp Brown, not about Tom? Well, I said Pomp, that's what you asked me wasn't it?
- Q Yes, sir, how did he ever move away from there and tell you or anyone in your presence, that he was coming to the Cherokee Nation? A I don't know as he did, because he would go backwards and forwards, and come by my house and see me.
- Q What part of Fort Scott did you live in? A I lived on the west side of town, west side of Scott.
- Q Live in the town or in the country? A Live in town.
- Q Well where was Pomp Brown in November, '66? A I couldn't tell you sir, couldn't tell you nothing about that. I never knowed numbers and years, but Pomp would come and see me.
- Q You don't know of your own personal knowledge that he was there during all this year and a half or two years that you speak of?
- A Don't know he was there, don't know that two years that I speak of? what two years that I spoke of? explain it to me and I will answer to the best of my knowledge.
- Q Just answer my question, didn't you testify awhile ago that they left there about a year and a half after you went there?
- A No sir.
- Q You didn't swear to that? A No sir.
- Q You are positive that you didn't swear to that, just as positive as you are to anything else you have testified to are you? A Well now you never ask me about two years and a half; if you did I didn't answer it; that's what's the matter. You must explain.
- Q Didn't you state in your direct examination that these people about whom you are testifying remained there a year or two after you left? A Never.
- Q After you went there? as you say, the same fall that Abraham Lincoln was elected? A I said I didn't know, I say I don't know when they left.
- Q You didn't say that then? A I didn't say when they left, no, sir, I didn't say they left; I say I don't know how long they stayed, it might be a year or two; that's what I said; but I didn't say they left.
- Q Now when you went to Fort Scott was Mat Henderson married?
- A Yes, sir, she said she was married.
- Q She was married when you went there? A That's what they said she was.
- Q You are positive of that? A I am positive they said she was.
- Q Well, they were living there together as man and wife when you went there? A Yes, sir.

Q Well now during all the time that Pomp Brown remained in Fort Scott, Kansas, what did he do? A I think he worked at a barber shop some; I don't know what he did do.

Q About how old was he then? A I couldn't tell you his age.

Q About how old? A He looked to me like he might be 12, near 12 or 15, nigh as I could guess at now.

Q He was a minor? A Yes sir, he was when I saw him.

Q In what year did you say that these people left there? A Well, sir, I don't know; I never said they left; I don't know.

Q Well, I am asking you now? A Well I say I couldn't tell you, the people had gone before I knowed; I lost track of them.

Q You don't know when you lost track of them first? A I didn't pay no attention; I knowed I saw Pomp Brown, he would come back an forth.

CLIFTON T. RUCKER, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Clifton T. Rucker.

Q Where do you live Mr. Rucker? A Fort Scott.

Q Kansas? A Yes sir.

Q How long have you lived in Fort Scott Kansas? A Well, in the county, I have lived in the city about since, I have been there the last time about eight years.

Q How long have you lived in the county in which Fort Scott is located? A 45.

Q When did you go there to that county, about what year? A In '56, 7th day of October, '56.

Q Were you living there at the close of the war? A Yes sir.

Q Was there a town of Fort Scott then? A Yes sir.

Q After the close of the war did you know a family of colored people by the name of Browns, in or near Fort Scott, Kansas?

A Yes, sir, in Fort Scott.

Q Do you remember the names of the family that you knew there?

A Yes to begin with the parties that I first knew, I got acquainted with the one they call Edie Brown, we always called her that.

Q Well any others of the family? A There was Mattie Brown, afterwards Mattie Henderson, known as Mat Henderson; then there was another one that they called Susie Brown, I believe, and then Pompie Brown, I don't know whether Pompie was---

Q Boy or girl? A Boy, Pompie. And Toastie Brown, I suppose that's a nickname, I never knowed him by any other name.

Q Well now, when was it you first got acquainted with that family with reference to the close of the war, before or after?

A Only by hearsay until '68; '68 I knew them personally; the summer of '68.

Q Where were they living in the summer of '68 when you personally got acquainted with them? A In Fort Scott, down on-- near First and Walker street, south of First Street.

Q Was Pomp Brown living there then, the boy that you knew or man that you know there? A Yes sir, he was a boy, a young fellow, he resembled this fellow (indicating Lewis T. Brown, the applicant) only he was heavier, stouter built, I remember the boy well enough.

Q Now you say Mattie married up there, Mr. Rucker? A Henderson said to have married, that was the report.

Q What did Henderson do? A He was a barber by trade.

Q Did you know Pomp after he grew up, and was grown or about grown? A Well, I knew he was about, I would suppose, about fifteen years old, the last time that I remember 15 or 16 years old, the last time I saw him I would take him to be that. K I knew him in '68 or '9.

Q You never saw him after that time? A I don't know as I did after '70.

Q Well when was the last time that you knew Mattie Henderson or Mattie Brown lived ~~in~~ there? A She lived up there till '72 I believe, somewhere along there.

Q Do you know whether this Aunt Ebie which you speak of, when did she move away from there? A Well I was told she did; I don't remember; she used to work at the Wilder House.

Q What was that, a hotel? A Yes sir, a hotel, known as the Wilder House.

Q You don't know what relation these parties were to each other do you? A I don't know; I suppose he was old aunt Ebie's son, a great many would call her aunt Ebie, some of them so Aunt Ebie that was generally the word that passed.

MR. BROWN: Mr. Rucker how do you fix the date that you first become acquainted with Pomp, who you say was 14 or 15 years old?

Q Well I would judge from appearance that he was at that age, I was around in the family, I had business there as an officer in the neighborhood, in that vicinity, with some of the colored folks, there was papers executed about that time, and I met him on the street and they called him Pompie.

Q Do you remember all of the boys fourteen or fifteen years old that you met thirty-two or three years ago? A Why no, not all of course; I could form an idea.

Q You never knew these people until '68? A No, sir, only by hearsay, I heard that Aunt Ebie---

Q We just want the facts. You never knew of them until '68?

A No, sir.

Q And you say in '72 Mat Henderson left there? A I couldn't say when she left there.

Q Well, about that time? A That was about the last time that I remember of knowing, meeting her, I would just be in the barber shop there.

Q You don't know where they were in '66 or '7, do you, of your own personal knowledge? A No, sir.

J. M. NEWBURY, being first duly sworn, testified as follows:

MR. DAVENPORT: What's your name? A Newbury.

Q What is your first name Mr. Newbury? A J. M.

Q What is your age, Mr. Newbury? A 65.

Q Where do you live? A Fort Scott.

Q How long have you lived at Fort Scott, Kansas? A Since '61.

Q Since you have been living at Fort Scott Kansas, did you get acquainted with a colored family by the name of Browns, lived there in Fort Scott? A Yes sir.

Q Do you remember the names of any of the family, Mr. Newbury?

A Why I know Ebie Brown.

Q Well, any of the rest of the family? A Mat, Mary and Susie and Pomp and old man Tom Brown.

Q Well, now do you know of your own knowledge as to what relation these people were, whether they were father and son or daughter and aunts or uncles? A No, sir.

Q Now you knew Pomp, you say, there, Mr. Newbury? A Yes sir.

Q How long did Pomp remain there after you got acquainted with him, or about how long? A About three or four years.

Q When did you first get acquainted with him? Mr. Newbury, about what year? A In about Sixty--well, I can't tell, about '65 or '6 along there; I knew the boy running around, was a boy, and I knew him as he grew up.

Q Do you know what he followed as he grew up to manhood, or whether he had any profession or calling or trade? A Why he used to work around the barber shop.

Q Well now you spoke of Mattie, do you know whether she ever married up there or not? A Claimed to be.

Q Do you know what the name of her husband was? A Ed Henderson.

Q What did Henderson do? A He was a barber.

Q When, if at all, did Henderson ever move away from Fort Scott?

A Yes sir.

Q About when did he leave there, if you remember, about what year?

A About five or six years ago.

Q When did Mattie, the wife of Henderson, leave there or move away from there, if you know, Mr. Newbury? A She moved away anywhere from '73 or '75.

Q Do you know whether or not they kept house there in Fort Scott?

A Yes, sir, they kept house.

Q Did you know the old lady that was in this family, Aunt Ibbie?

A Yes sir.

Q Do you know whether she worked any place up there for a number of years? A Worked at the old Wilder house for a number of years.

Q After Pomp Brown went away from there did you ever see him?

A Yes sir.

Q Where did you see him? A In Chanute.

Q In Kansas? A Yes sir.

Q About how long after he had left there did you see him?

A I can't place the time that he left there; but I see him in '72 in Chanute Kansas.

Q What was he doing at that time? A He was running a barber shop.

Q Did you recognize him as being the same man? A Yes sir.

Q Did you have any conversation with him at that time? A Yes, had a long talk.

Q You know him to be the same Pomp Brown that you had known at Fort Scott? A Yes sir.

Q Have you ever seen Mattie Henderson since she moved away? A I think not sir.

MR. BROWN: In what business are you engaged, Mr. Newbury?

A Me?

Q Yes sir? A At present I am in the real estate business.

Q What business were you in right after the close of the war?

A Restaurant business, hotel business.

Q You don't know whether it was '65, '66 or '7, that you first become acquainted with these people? Well, I knew Aunt Ibbie in '64 quite well, but I didn't know these children.

Q Aunt Ibbie isn't the one; now we are just talking about Mat Henderson and Pomp Brown? A Well now--

Q You don't know when it was that you first become acquainted with Pomp Brown, do you? A No, but I think it was in '65 or '6,

Q Now you can't swear where Pomp Brown was every month in those years, can you? A No, sir.

Q There was nothing to attract his being there on your mind was there at that time? A Oh yes, there was something to attract his being there on my mind, because I knew the boy.

Q I mean every mont of the year, you didn't keep close watch of him to see him? A No, sir.

Q You don't know where he was in the month of November, '66, do you? A No, sir.

Q Now you don't know where Mat Henderson was during that month in that year, do you? A No, sir.

Q Of your own personal knowledge? A No, sir, but I never missed them there, she was a barber.

Q She could have been out of town for a month or two months without your knowledge, couldn't she? A No.

Q Now in what portion of the town did these people live? A Which one are you speaking of, Mat Henderson?

Q Mat Henderson? A Well she lived pretty well in the center of the town, run a barber shop.

Q Where did Aunt Ibbie Brown live? A She lived at the old Wilder House, a block and a half away from them.

JACOB RODECKER, bein first duly sworn, testified as follows:

Mr. DAVENPORT: What is your name? A Jacob Rodecker.

Q Where do you live? A I live at Fort Scott, Kansas.

Q What is your age? A My age is 61.

Q How long have you lived at Fort Scott, Kansas? A I have been up there thirty-six years. I come there in '66.

Q '66? A Yes, sir.

Q Since you came to Fort Scott, Kansas, did you get acquainted with a colored family by the name of Brown? A I did.

Q Do you remember the older ones' names. A Well, Tom Brown, he was a blacksmith there, and there was one we called Aunt Ibbie, she worked at the hotel there.

Q What hotel did she work at? A At the Wilder House.

Q Well, do you remember any of the other ones of the family or the other ones that went by the same name? A Well there was Pomp Brown there, and I believe there was one there, she was married to Henderson, Mat Brown, and then there was one, Toastie, and I don't know the older-- yes, there was Bill Brown there, but I don't know whether he was a son of hers.

Q You don't know what relation any of them were? A I always did suppose that Pomp was the son of Aunt Ibbie; she called him a boy.

Q And that is the only information you had as to what relation?

A Yes sir.

Q It was just simply from the fact that he was there, and---

Mr. Brown: Question objected to as leading.

MR. DAVENPORT: Now you went to Fort Scott in '66 as I understand, Mr. Rodecker? A Yes sir.

Q Well now how long did you continue to know Pomp Brown in the town or near the town of Fort Scott after you went there? A I think I got acquainted with him in '67 and '8, after that he left the town, but he came back occasionally you know. I knew during that time he was at the store there; at one time he told me it was Parsons and another time he told me he was at Humbolt.

Q What did he follow after he grew up if you know, Mr. Rodecker?

Q Well, I think if I am not mistaken he told me he was a barber.

Q When I first knew him he worked for a stable in Fort Scott.

Q What did Mattie do, if you know, what kind of work did she follow? A Well, when I got there in '66, I believe it was the first shave I had, I went in there at the barber shop she shaved me.

Q Do you know whether or not she married? A Yes, sir, she married Ed Henderson.

Q What was Henderson's trade? A A barber.

Q Well now when did Mattie move away from Fort Scott, Kansas, as near's you can get at it? A I couldn't say positive, I suppose she continued to live there to the best of my knowledge. I think five or six years afterwards, that was '72 or around there somewhere.

Q Which went away first she or Pomp? A Pompie went away first.

MR. BROWN: You didn't know Pomp Brown until the years '67 or '8 did you? A '67 I think it was. I ain't positive; I come there and he might have come in the store, but I didn't know Mr. Pomp Brown at that time.

Q Now it's been a long time ago, hasn't it? A Yes sir.

Q And it might have been a little later than that that you first got acquainted with him? A No, I don't hardly think so.

Q You might have got acquainted with him in '66 or earlier; you don't know where he was in November, '66, do you? A No, sir, I can't say positive, I don't know.

Q Nor can you swear positively where any of these people were about whom you are testifying all during that month, can you? A I can, yes, sir, I can swear positive to some I think.

Q Well, now to whom can you swear positively? A Well, I would have her shave me, Mat Henderson, and I'll tell you why. Just let me relate to you about that. They had a way, they had two boys working there, and the only way they could tell, the way they kept their books was merely by marking, they put down a mark like that and it representative a shave, and they made another mark up that way that represented a haircut, and then they would make one like that that represented a shave, haircut and shampoo. Well now I went there and figured that up at the end of every week, and that's the reason I know positively. I used to take those papers, and she told me what they represented, and I would figure up.

Q Well, now Mr. Rodecker, who shaved you in '73? A I couldn't say positive.

Q Who shaved you in '79? A '79 a man by the name of Smith.

Q In '75? A Smith, up to '72 after I got married.

Q Yp to '7r or '82? A '72 I started in with Smith, and there was a barber there that worked for Ed Henderson or near there, and he opened a shop and I went there; that might have been in '71 or it might have been in '70, by the name of Joe Shelby, he opened a barber shop and I went to his place.

Q You are not positive then as to what years different people shaved you, are you? A Oh, I can swear positive that I got shaved in Mr. Henderson's shop three years there from '66 to '69.

Q That is in Mr. Henderson's shop? A Where Mat Henderson worked, yes sir.

Q She worked there every day during those years? A I couldn't say whether she was, but she was there nearly every time I went there to get shaved, two times a week.

Q Did you ever go over there when she wasn't there? A I couldn't say positive, but I suppose I have.

Q Do you know how many times you ever went there and she wasn't there? A No, sir.

Q Do you know where she was when she wasn't there? A I couldn't say.

MR. BROWN: The applicant requests testimony introduced on the part of the Cherokee Nation in this case to be stricken from the record for the reason that he is a decendant of the persons whose name appears upon the authenticated roll of 1880 and the decree of the United States Court of Claims under which this

Commission is making a roll, as well as the instructions to this Commission on the same, strictly prohibits the introduction of any testimony tending to disprove the citizenship of any person whose name appears upon that roll; and for the further reason that in the years '66, '7, '8 and '9, about which these people have been testifying, Pomp Brown was a minor, and the record of this Commission shows in the matter of the application of his mother, Rose Milton, that she was here in the Cherokee Nation at that time and is upon the authenticated roll of 1880.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-292, D-293, D-256 and D-94, the case at bar.

CLIFTON T. RUCKER, recalled, further testified:

MR. BROWN: You are the same gentleman that testified in this case just a while ago, are you not? A Yes sir.
Q You have done a good deal of work in the way of getting testimony---

MR. DAVENPORT: I object to that because it is not brought out in any part of the examination in chief in this case, and he has no right to go into it.

COMMISSION: Objection will be noted; answer the question.

MR. BROWN: You have taken a great deal of interest in securing testimony against these people, haven't you? A I don't know whether it would be called a great deal of interest; I have taken it to such an extent that I would give in the names, and what they could find out, and I have endeavored to find the parties that did know.

Q You have went to people and ask them what they knew about this case, haven't you? A Yes, sir, I inquired what they knew.

MR. DAVENPORT: In inquiring of the people what they knew about this matter did you ask any of them to purger themselves, Mr. Rucker? A No, sir.

Q Did you ask any of them to swear that the Browns lived there in '66 when you knew they didn't? A No, sir.

SIMON SCLAES, recalled, further testified:

MR. BROWN: Mr. Scales, who first ask you what you knew about Tom Brown and his family? A Mr. Rucker asked me did I know, I told him yes.

Q He is the same Mr. Rucker that testified in this case just now, is he? A Yes, sir.

---ooo000ooo---

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

stenographic notes thereof.

Arthur G. Urominger,

Subscribed and sworn to before me this 1st day of May 1902.

Philip G. Reuter.
Notary Public.

I, Margaret Crutsinger, as stenographer to the Commission to the Five Civilized Tribes do solemnly swear that the above and foregoing is a true and complete copy of the original transcript.

(signed) Margaret Crutsinger.

Subscribed and sworn to before me on this 20 day of May 1902.

(Signed) P.G. Reuter,

(SEAL)

Notary Public.

-----:-----

Edith L. Morey, being 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 a document on file with the Commission in Cherokee Freedmen Enrollment case No. 94.

Edith L. Morey.

Subscribed and sworn to before me this 7 day of September 1904.

J. Blampied

Notary Public.

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

Joe
Ch

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

Sam Landrum et al.-----Cherokee Freedmen D 292,
William Todd-----Cherokee Freedmen D 293.

DECISION

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Sam Landrum, for himself, his wife, Fearbey Landrum, and minor children, Rachel, Jane, Albert, Annie, Fannie, Woody and Eva Landrum, and by William Todd for himself. The evidence taken in the case of Lewis T. Brown, Cherokee Freedmen D 74, at Muskogee, Indian Territory, on April 29, 1902, is filed with and made a part of the record herein.

The evidence shows that all the applicants herein have been born since the commencement of the war of the rebellion and, with the exception of Fearbey Landrum, are the descendants of one Jane Landrum and, with the exception of William Todd, are also descendants of one Dan Landrum and claim right to enrollment through the said Jane and Dan Landrum.

The evidence further shows that the said Jane and Dan Landrum were slaves of Cherokee citizens at the commencement of the war of the rebellion; that during said war they left the Cherokee Nation and did not return thereto until after January 19, 1867.

There is no evidence showing that any of the ancestors of Fearbey Landrum were slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the war of the rebellion.

Neither the names of said applicants herein nor any of their ancestors are found on the 1860 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Sam Landrum, Fearbey Landrum, Rachel

Landrum, Jane Landrum, Albert Landrum, Annie Landrum, Nannie Landrum, Woody Landrum, Eva Landrum and William Todd, 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.

(SIGNED), W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,
this JUL 1 - 1903

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

In the matter of the application for the enrollment of Sam Landrum and others as Cherokee Freedmen, consolidating the applications of—

Sam Landrum, et al.,	Cherokee Freedmen R-223,
William Todd	Cherokee Freedmen R-224,
Thomas Hayfield	Cherokee Freedmen R-541,
Charles Hayfield, et al.,	Cherokee Freedmen R-544,
Malinda Martin	Cherokee Freedmen R-546,
Emma Elze	Cherokee Freedmen R-590.

D E C I S I O N

THE RECORD IN THIS CASE SHOWS: That applications for enrollment as Cherokee Freedmen were made to the Commission to the Five Civilized Tribes by Sam Landrum for himself and minor children Rachel, Jane, Albert, Annie, Nannie, Woody and Eva Landrum; by William Todd for himself; by Thomas Hayfield for himself; by Charles Hayfield for himself and wife, Maggie (or Peggie) and their minor children Thomas, Richard, Lillie, Alice, and James Hayfield; by Joseph Martin for, among others his wife, Malinda Martin; and by Emma Elze for herself.

The record further shows that in decisions rendered on July 1, 1903 and April 20, 1904, the Commission to the Five Civilized Tribes denied the above named applicants the right to enrollment as Cherokee freedmen, which decisions were affirmed by the Department on December 5, 1903 (I.T.D. 8326-1903), and October 13, 1904 (I.T.D. 6066-1904), respectively; and that thereafter, to-wit, on October 6, 1906 (I.T.D. 6254-12501-1906) and March 14, 1906 (I.T.D. 2830-1906), on motion of the applicants, the Department remanded the records in these cases for further testimony and readjudication as to the rights of the applicants therein named to Cherokee Freedmen Citizenship. Further proceedings in the matter of said applications were had at Muskogee, Indian Territory on the following dates, namely: April 5 and 12, May 24 and 25 and December 5, 1906.

Subsequent to the remanding in this now consolidated case the following instrument were filed herewith and made a part of the record herein: A copy of the testimony of Thomas Foster and Washington Blackburn, taken in the cases of George B. Duffin, et al., at Muskogee, Indian Territory on July 16, 1904; certified copy of an agreement binding Thomas and Harvey Foster to one J. T. Campbell, under date of January 1, 1867, made from

certain probate records of Anderson County, Kansas; and the certificate of Fred H. Rhodes, Register of Deeds, Anderson County, Kansas relative to a certain quit claim deed recorded in his office, the copies of said agreement and deed being marked Exhibits "A" and "B".

The record in this case further shows that the above named applicants neither claim or possess any rights to Cherokee Freedmen Citizenship other than as below indicated, namely: Sam Landrum as the descendant of his parents, Daniel and Jane Landrum, both deceased; William Todd as the descendant of his mother, the said Jane Landrum deceased; Thomas, Charles and Maggie Mayfield by virtue of having complied with the Treaty of 1866; and the other applicants herein as children of the applicants, Dan Landrum and Charles and Maggie Mayfield. Hence, the matters presented for determination in this consolidated case are: Did the above named deceased ancestors of certain applicants herein and the three applicants next below named comply with the provisions of Article 9 of said Treaty of 1866.

The following points are fully established by the evidence, viz: That the said deceased ancestors and the applicants Thomas, Charles and Maggie Mayfield were the slaves of Cherokee citizens at the commencement of the rebellion and removed to Kansas during the progress thereof where they resided until sometime subsequent to its close, when they returned to the Cherokee Nation where said deceased ancestors continuously lived until their death, and the said applicants continuously lived to, and including September 1, 1902. Consequently the only question at issue herein are: Did said deceased ancestors and the three applicants last above named, or either of them, return to the Cherokee Nation after the close of the Civil war and establish their residences therein on or before February 11, 1867, the time limited by the Treaty of 1866, for the return of freedmen to said Nation.

Many witnesses have been introduced by the several parties hereto in support of their respective claims, the testimony of whom is pretty evenly divided, and, as a rule, diametrically opposed on the points at issue.

With reference to those witnesses introduced herein who testified from unaided memory alone, it may be stated that little weight can be given their testimony for the following reasons, to-wit:

"Memory is proverbially treacherous even in regard to very recent dates.

Courts frequently declare that they have no faith in any ones recollection of dates and times, if he has nothing by which he can ascertain them but the mere act of his memory.

Where a person testified purely from memory that he visited another part of the country during a particular season thirty-four years before, the court said it was not to be expected that one even of a very retentive memory could remember within one year or two of the exact date, unless it were associated with some great personal or public event. *Russell v Baptists T. Union* 73 Ill., 137 and 141.

The more remote the date to which a witness testifies, the less inclined is the trier of facts to receive the

statement as absolutely true. This is particularly the case where the witness admits that his memory is fickle as to dates (*Shotwell v Shotwell*, 24 N.J. Eq. 378 and 398), or where the witness had no interest or motive to impress the date upon his memory. And under the latter circumstances minuteness of recollection tends to impair the general credibility of the witness. To secure credit, the witness must be able to associate the date given with some more striking fact." Law notes April 1906, pages nine and ten where many cases will be found cited in support of the foregoing.

Furthermore the points at issue in this case can be satisfactorily settled by the documentary evidence introduced herein and by like evidence found in the record of this office. Consequently the necessity for setting out and attempting to reconcile the conflicting statements of the class of witnesses above referred to, or determine which ones of said class are entitled to the greater credit, does not exist.

Section 12 of the Treaty with the Cherokees dated July 19, 1866, provides, in part, as follows:

"After the ratification of this Treaty, and as soon as may be deemed practicable by the Secretary of the Interior, and prior to the first session of said (general) council, a census or enumeration of each tribe lawfully resident in said Territory shall be taken under the direction of the Commissioner of Indian Affairs, who for that purpose is hereby authorized to designate and appoint competent persons, whose compensation shall be fixed by the Secretary of the Interior, and paid by the United States."

Under authority of this provision the Commissioner of Indian Affairs appointed one W. Tompkins to take the census of the Cherokee tribe. In taking this census Mr. Tompkins followed the political division of the Cherokee Nation. The roll made from this census is contained in four substantial, well preserved volumes, the names of the Cherokee citizens at that time appearing in their respective districts, said districts being divided in the four volumes, as follows, to-wit:

Going Snake and Delaware Districts,	Volume 1,
Tahlequah and Saline Districts,	Volume 2,
Canadian and Delaware Districts,	Volume 3,
Frost, Sequoyah and Koo-wee-hoo-wee Districts,	Volume 4.

The citizens of the Cherokee Nation were classified by the census taker under four heads, namely: Indians, Whites, Halfbreeds and Colored. In his recapitulation of the census taken Mr. Tompkins found there were 12500 Cherokee citizens residing in their nation divided under the foregoing heads as follows; to-wit: Indians 9200, Whites 47, Halfbreeds 2600, and Colored 1251.

The certificate of the census taker is found on the last page of volume four of the said roll and reads as follows, to-wit.

"I certify that the foregoing is a true and correct census or enumeration of the Cherokee Indians residing in their Nation:-- taken in obedience to your appointment per telegram dated June 10, 1867, and instructions dated July 1, 1867, and in accordance with the provisions of Article 12th, Section 1st, of a Treaty made with the Cherokee Nation dated July 19, 1866.

W. Tompkins,
Special U. S. Commissioner to take Census of
Cherokee Indians."

This roll is considered reliable for the reason that the census from which it was made was taken by disinterested parties, for the purpose of ascertaining the number of Cherokee citizens in order that the Cherokee Nation's representation in the General Council created by the Treaty of 1866, might be properly apportioned. Hence, it is not probable that any reason existed for placing on said roll the name of any person not entitled, or excluding therefrom the name of any one entitled to citizenship in the Cherokee Nation. The question as to whether or not those claiming under the Treaty of 1866 had complied with the provisions thereof were, at that time, easily determined, especially so as to the date of return, inasmuch as the census was taken only a few months after the time limited by Article 9 of said Treaty for the return of freedmen claimants had expired.

An examination of the roll, above referred to, fails to show the names of any or either of the following persons thereon, namely: Dan Landrum, deceased, Jane Landrum, deceased, or Rachel Martin, deceased, Niece Hayfield, deceased, former wife of Thomas Hayfield, Thomas Hayfield, applicants, Charles Hayfield and Maggie Hayfield nee Hess, applicants.

The failure of any of the foregoing names to appear upon the census roll of 1867 creates the presumption that none of the persons named in the preceding paragraph were living in the Cherokee country at that time. This presumption as to the Hayfields is strengthened by the fact that in 1871 the Supreme Court of the Cherokee Nation, commonly known as the "Daniels Court", decided adversely to Thomas Hayfield's claim to Cherokee freedmen citizenship. As to the weight to be given a decree of this court see Departmental ruling of December 14, 1906 (I.T.D. 23952-1906) rendered in the case of Harry Still.

The evidence in this case introduced by the Cherokee Nation shows that the applicant, Charles Hayfield, was living in Kansas as late as 1868, and it was further established that the Hayfield family, composed of the following members, namely: Thomas, Niece and Charles Hayfield returned to the Cherokee Nation together which naturally must have been sometime subsequent to February 11, 1867, the time limited by the Treaty of 1866, for the return of freedmen to the Cherokee Nation.

No importance can be given the fact that the name of Niece Hayfield, wife of Thomas Hayfield, appears upon the authenticated tribal roll of 1880 in determining when the Hayfield family removed from Kansas to the Indian Territory for the reason that the Cherokee census takers in 1880 listed the said Niece

Mayfield for enrollment as a "Native Cherokee" a classification that made the date of her removal to the Cherokee Nation immaterial. That the census takers of 1880 did not overlook the applicant, Thomas Mayfield, is evident from the note found on the roll of 1880 opposite the name of Niece Mayfield, to-wit: "Niece Mayfield is Thomas Mayfield's wife." This notation is conclusive on one point, namely: that the census takers did not intend to classify Niece Mayfield as a Cherokee freedman.

With reference to the evidence herein introduced to establish the date of John C. Gibson's death, it appears conclusive that he died on or about the 25th day of July 1866, and it is equally well established that at the time of his death the Mayfield family were living in Kansas, but as to the length of time that elapsed thereafter before the Mayfield family left Kansas for the Indian Territory, the witnesses differ, and they testify as to periods ranging from two months to two years, which only served to emphasize the fact that "memory is proverbially treacherous," especially so when the person testifying is called upon to testify to an unimportant event that happened forty years before.

With reference to the testimony in this case to the effect that the Mayfield's returned from Kansas to the Cherokee Nation in company with Nathan Duffin and family and Sandy Bean and family, it can be remarked that George B., Joshua and Frank Duffin, and Eliza Keys and Sarah Hess, children of the said Nathan Duffin, and now deceased, members of his family in 1866 and '67 have heretofore been denied the right to Cherokee freedmen citizenship on the ground that they did not return to the Cherokee Nation after the war within the time stipulated by the Treaty of 1866 (I.T.D. 8194-8525-1905). As to the return of Sandy Bean and the then members of his family it has scarcely ever been questioned that they failed to return in time. They were denied the right to Cherokee Freedmen citizenship by the Daniels Court on June 8, 1871, Docket No. 66, page 36, and by the Chambers Court on August 20, 1878, Docket No. 34, page 31.

In an affidavit made by the said Sandy Bean on August 23, 1878, before Luther Perkins, a Notary Public, in and for the county of Montgomery, State of Kansas, the same being filed with the record in his citizenship case before the Chambers Court, he made among others, the following statements, namely:

"Deponent further says that he and his family continued to reside in the State of Kansas until on or about the second day of September A.D. 1866, and on being informed by James McDaniels, a delegate representing the Cherokee Nation at Washington, D. C., of the rights and privileges extended to late slaves held and owned by the citizens of the Cherokee Nation and also of the time limited for their return under provisions of the 9th Article of a Treaty made and concluded by and between the Government of the United States and the Cherokee Nation on the 19th day of July 1866 (A.D.) and proclaimed by the President of the United States on the 11th day of August A.D. 1866, he, his wife and one child in company with about forty-five other persons of African descent left the State of Kansas for the Cherokee Nation.

Deponent further says that one half of the members of the said company of persons of African descent, as aforementioned, were discharged colored soldiers returning to the

Cherokee Nation and on reaching a point in the Cherokee Nation about twenty miles south of the Northern boundary line of the Cherokee Nation on the 4th day of Sept. A.D. 1866, said company of persons of African descent was met and attacked by an armed band of Southern Cherokee Indians of a superior number, armed with double barrel shot guns, and that the said band of southern Cherokee Indians did kill John W. Vann, late private of Company "E" of the "79th" regiment of United States Colored troops and severely wounded his son, Toby Bean, and during the engagement he and his wife were separated from said Company of persons of African descent as aforesaid and that he and his wife were compelled to return to the State of Kansas.

Deponent further says that he and his wife returned to the State of Kansas not knowing the fate of their sons who were engaged in the said engagement as aforesaid and remained in the State of Kansas until on or about the 1st day of April A.D. 1867, at which time he and his wife made a second return to the Cherokee Nation and made a homestead settlement on Grand River in the Saline District and Cherokee Nation."

The applicant, Thomas Mayfield, at the same time and before the same Notary also made affidavit corroborating the above statements made by Sandy Bean, and stated further that he (Thomas Mayfield) was a member of this company of negroes that gave battle to the Cherokees in Sept., 1866. This applicant made a second affidavit before the same Notary on August 27, 1875, in support of the claim made by Leander Bean to Cherokee freedmen citizenship wherein he stated that he and the said Leander Bean returned from Kansas to the Cherokee Nation in the same company in the early part of September 1866.

The collision between the returning negroes and the Southern Cherokee Indians, referred to in the affidavits of Sandy Bean, and the applicant, Thomas Mayfield, is now known as the "Horse Creek Fight" and it has been conclusively established that this engagement occurred sometime during the month of September or October 1866.

Arthur Bean, a witness in this case, and who was a member of the Colony of freedmen engaged in the Horse Creek Fight, testifies that his father, Sandy Bean, and family, the Mayfield and Duffin families were not members of this colony, but that they came to the Cherokee Nation sometime later, probably in the winter of 1866 and '67. No attempt was made in the present case to show that the Mayfield's were members of the company of returning freedmen that engaged in the fight on Horse Creek in the Fall of 1866.

With reference to the testimony herein that Thomas Mayfield and family and Jackson Davis and family returned to the Cherokee Nation after the rebellion at the same time, attention is invited to the cases of Jackson Davis and family D-453, 455, and 456, wherein it was held by the Commissioner to the Five Civilized Tribes that Jackson Davis and family did not return to the Cherokee Nation after the rebellion within the time stipulated by the Treaty of 1866, which decision was concurred in by the Commissioner of Indian Affairs, and affirmed by the Department on November 20, 1906 (I.T.D. 17176-1906).

With the exception of the Wallace & Kerns-Clifton rolls none of the applicants herein nor any ancestors through whom by any

possibility they might obtain rights to Cherokee freedman citizenship can be identified on any roll of the Cherokee Nation in the custody of this office.

FINDINGS OF FACT AND CONCLUSION: It is considered that the evidence in this case shows that neither the aforementioned deceased ancestors of certain applicants herein, nor the applicants Thomas, Charles, and Maggie Mayfield returned to the Cherokee Nation after the rebellion and established their residences 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. vs. the Cherokee Nation, et al., for the return of Cherokee Freedmen to said Nation; and that all the other applicants herein were born since the close of the Civil war and possess no right to enrollment as Cherokee freedmen.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That under the provisions of Section XI of the Act of Congress approved June 28, 1898 (30 Stats., 495), and Section 3 of the Act of Congress approved April 26, 1906 (34 Stats., 137), Sam Landrum, Rachel Landrum, Jane Landrum, Albert Landrum, Annie Landrum, Hannie Landrum, Woody Landrum and Eva Landrum, William Todd, Thomas Mayfield, Charles Mayfield, Maggie Mayfield, Thomas Mayfield (child of Charles and Maggie Mayfield) Richard Mayfield, Lillie Mayfield, Alice Mayfield and James Mayfield, Malinda Martin and Emma Blue are not entitled to enrollment as Cherokee freedmen and their applications for enrollment as such are accordingly denied.

By: *James Pickens*
Commissioner.

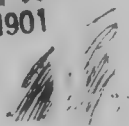
Dated at Muskogee, Indian Territory
this Feb. 12 1907.

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

FILED
OCT 12 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.

Vinita I. I. Oct 12th 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
William Todd for enrollment as
Freedmen of the Cherokee Nation.

No. F. D. 293

W. H. Leguistic
Agent for applicant.

004
Cher. Fr. D-293.

Muskogee, Indian Territory, July 11, 1903.

William Todd,

Adair, 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, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your agent, J. R. Sequichie, Chelsea, Indian Territory, a copy of the record of proceedings, and there has this day been forwarded to him a copy of the Commission's decision.

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

Respectfully,

I. D. Needles,

Commissioner in Charge.

Register.

Enc. H-42.

COPY.

Cherokee Freedmen
D-292 & D-293.

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 Sam Landrum, et al., including the Commission's decision, dated July 1, 1903, rejecting the application for the enrollment of Sam, Fearbey, Rachel, Jane, Albert, Annie, Nannie, Woody and Eva Landrum and William Todd, as Cherokee Freedmen.

Respectfully,

T. E. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-45.

COPY.

Cher. Fr. D-292.
Cher. Fr. D-293.

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 Sam Landrum, et al., rejecting the application for the enrollment of Sam, Fearbey, Rachel, Jane, Albert, Annie, Harnie, Woody and Eva Landrum and William Todd, 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. H-44.

COPY.

Cher. Fr. D-202.
Cher. Fr. D-223.

Muskogee, Indian Territory, July 11, 1903.

J. R. Sequichie,

Agent for Sam Landrum, et al.,

Cherokee, 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 Sam Landrum, et al., rejecting the application for the enrollment of Sam, Pearboy, Rachel, Jane, Albert, Annie, Nannie, Woody and Eva Landrum and William Todd, 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,

T. E. Needles.

Commissioner in Charge.

Register.

Enc. H-43.

Refer in reply to
the following:
Land.
44288-1903.

Copy.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

November 23, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith a report from the Commission to the Five Civilized Tribes dated July 11, 1903, forwarding the record relative to the application of Sam Landrum, et al., for enrollment as Cherokee freedmen. Sam Landrum applies for the enrollment of himself, his wife, Fearbey Landrum, and their minor children, Rachel, Jane, Albert, Annie, Hattie, Woody, and Eva Landrum. William Todd applies for the enrollment of himself.

July 1, 1903, the Commission held that the applicants were not entitled to enrollment. All of the applicants were born since the commencement of the late Civil war, and, with the exception of Fearbey Landrum, are descendants of Jane Landrum. They claim to also, with the exception of William Todd and Fearbey Landrum, to be descendants of Dan Landrum. Jane and Dan Landrum were slaves of Cherokee citizens when the war commenced. They left the Cherokee Nation, and from the record it does not appear that they returned thereto within the time limit fixed by the treaty of 1866. The

record does not show that Fearbey Landrum, or any of her ancestors, were Cherokee slaves or free colored persons residing in the Cherokee Nation at the commencement of the war. The names of none of the applicants appear on the 1880 roll. Fearbey Landrum, it is claimed, is the daughter of Rachel Martin, but the record does not show that Rachel Martin was a slave or free colored person residing in the Cherokee Nation at the commencement of the war. Sam Landrum, his wife, and their four minor children are identified by the Kerns-Clifton roll. Fearbey Landrum appears to have been married to Tom Shelton prior to her marriage to Sam Landrum, and it does not seem that she has ever been divorced from him.

In view of the record in the case it seems that the decision of the Commission adverse to the applicants is correct, and its approval is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

GAW-CGC

D C 84120-1903.

(Copy)

WCF

ITD 8326-1903.

DEPARTMENT OF THE INTERIOR,

CMR

L R S

Washington.

December 5, 1903.

The Commission
to the Five Civilized Tribes.

Gentlemen:

With your letter of July 11, 1903, you transmitted the record of proceedings had in the consolidated case involving the applications for enrollment as Cherokee Freedmen, of Sam Landrum for himself, his wife, Fearbey Landrum, and minor children, Rachel, Jane, Albert, Annie, Hannie, Woody, and Eva Landrum, and of William Todd for himself.

It appears from the evidence that all of the applicants were born subsequent to the commencement of the Civil War, and, with the exception of Fearbey Landrum, are the descendants of Jane Landrum and Dan Landrum; that Fearbey Landrum is the daughter of Rachel Martin.

It does not appear that the names of said applicants, or any of their ancestors, are found on the 1860 authenticated roll of the Cherokee Nation. The evidence shows that Jane Landrum and Dan Landrum were slaves of Cherokee citizens at the commencement of the Civil War; that during said war they left the Cherokee Nation and did not return thereto until about the spring of 1863. The evidence fails to show that any of the ancestors of Fearbey Landrum were

slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the Civil War.

Reporting November 23, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting the applicants be approved.

Inasmuch as it appears that Jane Landrum and Dan Landrum did not return to the Cherokee Nation within the six months provided in the treaty of July 19, 1866, and that the evidence fails to show that any of the ancestors of Fearbey Landrum were slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the Civil War, the Department concurs in said recommendation, and your decision dated July 1, 1903, rejecting the applicants, is affirmed.

A copy of the Commissioner's report is inclosed.

Respectfully,

Thos Ryan,

Acting Secretary.

1 inclosure.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. A. BRACKENRIDGE,
W. E. STANLEY.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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

REFER IN REPLY TO THE FOLLOWING

Cherokee Freedman
D-293.

Muskogee, Indian Territory, December 16, 1903.

William Todd,

Adair, 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 as a Cherokee freedman, was affirmed by the Secretary of the Interior on December 5, 1903.

Respectfully,


Chairman.

Cherokee Freedmen
D-292-D-293.

Muskogee, Indian Territory, December 16, 1903.

J. R. Sequichie,
Agent for Sam Landrum et al.,
Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated July 1, 1903, rejecting the applications for the enrollment of Sam, Fearbey, Rachel, Jane, Albert, Annie, Mannie, Woody and Eva Landrum and William Todd, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 5, 1903.

Respectfully,

T. J. D. D. D.

Chairman:

COPY.

Cherokee Freedmen
D-292-D-293.

Muskogee, Indian Territory, December 16, 1903.

W. V. 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 Sam, Fearbey, Rachel, Jane, Albert, Annie, Nannie, Woody and Eva Landrum and William Todd, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 6, 1903.

Respectfully,

Sam's Dixie.

Chairman.

Charlotte Freeman
K-224.

Muskogee, Indian Territory, September 14, 1904.

S. S. Clover,
Vinita, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of August 31, 1904, enclosing therewith the affidavit of William Todd, wherein he states that he desires a copy of the testimony in his case.

As shown by the affidavit of William Todd, the Commission has heretofore furnished to the attorney or agent of the applicant a copy of the testimony in said case, and it would be quite an additional burden for the Commission to again furnish the applicant with a copy of this testimony. However, the applicant or his attorney, has a right to see the testimony in the said case at any time that he may appear here, or he will be allowed to make copies of the same.

Respectfully,

Chairman.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

Y.P.

YHR.

D.C. 17736

I.T.D. 8326-1905.
8493-1905.
8703- "
6254-1906.

May 7, 1906.

L.R.S.

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

Sir:

Motions for review in the Cherokee freedom cases of Samuel Landrum, et al, and William Todd, et al, filed September 7, 1905, of which you were advised January 15, 1906, are hereby dismissed, in accordance with the action of the Department of May 2, 1906, dismissing a number of similar motions.

The Indian Office has been requested to advise the local attorneys of this action.

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

Cherokee Freed-
men R. 224.

Waskagee, Indian Territory, May 25, 1906.

William Todd,

Adair, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of May 7, 1906, in which the motion filed by your attorneys September 7, 1905 for review of your Cherokee Freedmen enrollment case is denied.

Respectfully,

M.A.

Acting Commissioner.

Cherokee Freedmen
R. 223 and 224.

Muskogee, Indian Territory, May 25, 1906.

Blue and Barger,

Attorneys for Samuel Landrum et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that this office is in receipt of Departmental letter of May 7, 1906, in which ~~the~~ motion for review of Cherokee Freedmen enrollment case^s of Samuel Landrum et al., and William Todd, filed September 7, 1905, is denied.

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

Respectfully,

Encl. A-10.
M.A.

Acting Commissioner.

(COPY)

September 18, 1906.

Starr & Patten,
Attorneys at Law,
Vinita, I. T.

Gentlemen:

I have your letter of September 12, 1906, referring to the fact that you will in a few days furnish a list of witnesses in the Maggie Mayfield case, a retrial of which has been granted, and you also inclose a stipulation to be signed to the effect that the testimony taken in said case may at some future time be filed and made a part of the record in the case of Sam Landrum, et al., and William Redd in the event the motion for a rehearing filed by them is granted by the Secretary of the Interior.

In reply thereto I beg to say that we are resisting the motions filed for a rehearing in each of these cases, and we prefer not to sign any stipulation as to our future action in either of them contingent upon the action of the department until the motions are passed upon. The stipulations are herewith returned.

Yours very truly,

(SIGNED) W. W. Hastings,
Attorney for the Cherokee Nation.

(C O P Y)

Vinita I T September 20th 1906.

The Honorable,

The Commissioner to the Five Civilized Tribes,
Muskogee I T.

Dear Sir:

Referring to the Cherokee Freedmen enrollment case of Maggie Mayfield which was remanded by the Department for rehearing in the spring of 1906 the record shows that Maggie Mayfield is a daughter of Jane Ross who went to the Kansas during the Civil War and returned to the Cherokee Nation from Garnett Kansas.

This Jane Ross, as we understand it, afterwards became Jane Landrum the wife of Boney Dan Landrum.

William Todd who is listed on Cherokee Freedmen R Card No 224 is axe son of Jane Landrum and claims his right to enrollment by virtue of the return of Jane Landrum in the year of 1866..

The applicant Sam Landrum and his children claim through Bony Dan Landrum and his wife Jane Landrum. Sam Landrum's mother was the same Jane Landrum.

The case of Maggie Mayfield has been remanded and is now being held to await the action of the Department upon the motion filed for rehearing in the case of Sam Landrum for himself and his children and William Todd.

We are Attorneys for all of these applicants and we have for witnesses the same witnesses in the Maggie Mayfield case to be used in the consolidated cases of Sam Landrum for himself and his children and for William Todd. If early action is had upon the motion for rehearing in the Sam Landrum and William Todd cases then these cases could be consolidated with the Maggie Mayfield case and all be tried as one case. The same witnesses will be used in each case and if they were tried as one case a vast amount of expense would be saved to Sam Landrum and William Todd and much time saved in your office and to the Department in passing upon the case.

It is contended that Boney Dan Landrum came to the Cherokee Nation in 1865 and went back to Garnett in the Spring of 1866 and brought

-2-

his wife Jane Landrum to the Cherokee Nation and at this time the applicant Maggie Mayfield came to the Cherokee Nation with her mother Jane Landrum. We therefore request that early action be taken on our motion in the Sam Landrum and William Todd case so far as Sam Landrum and his children and William Todd are concerned. In the very near future we will have all of our witnesses present from Garnett Kansas, and desire to have them testify in the three cases while they are in the Indian Territory on that trip in order to save much expense to these applicants.

we do not ask that any action be taken as to the wife of Sam Landrum, our motion heretofore filed does not apply to her.

we requested the Attorney for the Cherokee Nation to agree to a stipulation that the testimony taken in the case of Maggie Mayfield be made a part of the record in the case of Sam Landrum et al and William Todd in the event our motion for rehearing was granted in order to save the expense of again bringing these witnesses from Garnett Kansas to the Cherokee Nation and in order to save time and expenses to all parties but the Attorney for the Nation declined to agree to this as will be shown by his letter hereto attached wherefore we petition that early action be had on our motion and that the three cases be consolidated.

Respectfully,

(Signed) Starr & Patten

Attorneys for Sam Landrum and his Children and William Todd and Maggie Mayfield

Cherokee Freedmen

B-223-224-544.

Muskogee, Indian Territory, September 24, 1906.

Starr & Patten,

Attorneys for Sam Landrum, et al.,

Vinita, Indian Territory.

Gentlemen:

Referring to your letter of September 20, in connection with motions filed by you for a rehearing in the Cherokee freedmen cases of Sam Landrum, et al., you are advised that said motions have this day been forwarded to the Department for consideration and action thereupon.

Respectfully,

LB

Commissioner.

Muskogee, Indian Territory, September 24, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith a motion for a rehearing in the Cherokee freedmen consolidated cases of Sam Landrum, et al., and William Todd. The original motion in this case was filed with this office May 29, 1906, and is supported by what purports to be a sworn statement of J. M. Johnston of Garnett, Kansas, and affidavits by Nelson Moore, Thomas H. Moore, Joe Bean, Leander Bean, Tobias Bean, Simon Lynch and Amy Bean. Evidence of service of a copy of this motion on the attorney for the Cherokee Nation is furnished. On July 18, 1906, an amended motion for a rehearing was filed in this case, and is supported by the affidavits of Tobias Bean, Nelson Moore, Thomas H. Moore and J. M. Johnston. Evidence of service of this amended motion on the attorney for the Cherokee Nation is furnished. There was received at this office July 21, 1906, from the attorneys filing the motions herein, an affidavit by Simon Lynch, which they request be filed with and made a part

of their motion for a rehearing in the case. The Cherokee Nation on July 5, 1906, filed with this office a protest against a rehearing in this case, and on July 16, 1906, the attorneys for applicants filed a reply to the Nation's protest. All of the above mentioned papers are inclosed herewith.

The records of this office show that the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting the application of Sam Landrum for the enrollment of himself, his wife, Fearbey Landrum, and minor children, Rachel, Jane, Albert, Annie, Nannie, Woody and Eva Landrum, and the application of William Todd for the enrollment of himself, as Cherokee freedmen, was affirmed by the Department December 5, 1903 (I.T.D. 8326-1903). A motion for a review of this case was denied by the Department May 7, 1906 (I.T.D. 6254-1906).

It is contended in the motions inclosed herewith, and the affidavits attached thereto, that Dan Landrum and Jane Landrum, through whom the principal applicants, Sam Landrum and William Todd, born since the war of the rebellion, claim the right to enrollment as Cherokee freedmen, returned to the Cherokee Nation prior to February 11, 1867. The wife of Sam Landrum, Fearbey Landrum, is mentioned in the motions for a rehearing, but in their letter of September 20, 1906, the attorneys for applicants state that their motion is not intended

to apply to said Pearbey Landrum, a copy of which letter is inclosed herewith.

The principal applicants, Sam Landrum and William Todd, are half-brothers of Maggie Mayfield, a daughter of said Jane Landrum, whose case was, on March 14, 1906 (I.T.D. 8639, 8645-1906, 1823, 2526, 2830-1906), remanded to this office for rehearing and readjudication, being one of the applicants embraced in the Cherokee freedmen consolidated case of Thomas Mayfield, et al. (See also Departmental letter to this office of April 5, 1906, (I.T.D. 5398-1906). The record in the Maggie Mayfield case shows that she returned to the Cherokee Nation at the time of the return of her mother, Jane Landrum, and step-father, Sam Landrum, and in view of the fact that a rehearing has been ordered as to said Maggie Mayfield, it is respectfully recommended that the motions herewith transmitted be granted as to all of the applicants except Pearbey Landrum, in the cases of Sam Landrum, et al., and William Todd.

As the case of Maggie Mayfield is at this time pending before this office for a hearing, it is respectfully requested that action be taken on the motions herewith transmitted at the earliest practical date.

Respectfully,

Incl. 3-6
LS

Through the
Commissioner of Indian Affairs.

Commissioner.

Land
83971-1906.

COPY

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON. October 4, 1906.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith a motion for a rehearing in the Cherokee freedmen consolidated cases of Sam Landrum et al, and William Todd. The original motion in this case was filed with the office of the Commissioner to the Five Civilized Tribes on May 29, 1906, and is supported by what purports to be a sworn statement of J. M. Johnston, of Garnett, Kansas, and affidavits of Nelson Moore, Thomas H. Moore, Joe Bean, Leander Bean, Tobias Bean, Simon Lynch and Amy Bean. Evidence of service of a copy of this motion on the attorney for the Cherokee Nation is furnished.

On July 18, 1906, an amended motion for a rehearing was filed in this case, and is supported by the affidavits of Tobias Bean, Nelson Moore, Thomas H. Moore and J. M. Johnston. Evidence of service of this amended motion on the attorney for the Cherokee Nation is furnished.

There was received at the office of the Commissioner to the Five Civilized Tribes on July 21, 1906, from the attorneys filing the motion herein, an affidavit of Simon Lynch which they

requested be filed with and made a part of their motion for a rehearing in the case

The Cherokee Nation on July 5, 1906, filed with the office of the Commissioner to the Five Civilized Tribes a protest against a rehearing in this case, and on July 18, 1906, the attorneys for applicants filed a reply to the Nation's protests. All of the above mentioned papers are inclosed herewith.

The records show that the decision of the Commission to the five Civilized Tribes, dated July 1, 1903, rejecting the application of Sam Landrum for the enrolment of himself, his wife Fearbey Landrum, and minor children, Rachel, Jane, Albert, Annie, Nannie, Woody and Eva Landrum, and the application of William Todd for the enrollment of himself as Cherokee freedmen, was affirmed by the Department December 5, 1903, (I.T.D.8326-1903).

A motion for a review of this case was denied by the Department May 7, 1906 (I.T.D.6254-1906). It is contended in the motion inclosed herewith and the affidavits attached thereto that Dan Landrum and Jane Landrum, through whom the principal applicants Sam Landrum and William Todd born since the War of the Rebellion, claim the right to enrolment as Cherokee freedmen, returned to the Cherokee Nation prior to February 11, 1867.

The wife of Sam Landrum, Fearbey Landrum, is mentioned in the motions for a rehearing, but in their letter of September 20, 1906, the attorneys for the applicants say that their motion is not intended to apply to Fearbey Landrum, a copy of which letter

is inclosed herewith.

The principal applicants, Sam Landrum and William Todd, are half-brothers of Maggie wayfield, a daughter of Jane Landrum, whose case was on March 14, 1906, (I.T.D.8639-8645-1905 and 1523, 2526, 2830-1906), remanded to the office of the Commissioner to the Five Civilized Tribes for rehearing and readjudication, being one of the applicants embraced in the Cherokee freedmen consolidated case of Thomas Mayfield et al. (See also Departmental letter of April 5, 1906, I.T.D.5398-1906):

The record in the Maggie Mayfield case shows that she returned to the Cherokee Nation at the time of the return of her mother, Jane Landrum and stepfather, Dan Landrum, and in view of the fact that a rehearing has been ordered as to Maggie Mayfield, this Office respectfully concurs in the recommendation of Commissioner Bixby that the motions herewith transmitted be granted as to all the applicants except Fearbey Landrum in the case of Sam Landrum et al, and William Todd.

As the case of Maggie Mayfield is at this time pending before the office of the Commissioner to the Five Civilized Tribes for a hearing, it is respectfully requested that action be taken on the motions herewith transmitted at the earliest practicable date.

Very respectfully,

C. F. Larrabee.

Acting Commissioner.

KBM-KEN..

SPECIAL.

D.C.44719

8326-1903.
I.T.D.6254-1906.
12591- "
J.P.19596 - "

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

G.R.
.WH.M.

October 8, 1906.

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

Sir:

In accordance with your recommendation of September 24, 1906, and that of the Indian Office of October 4, 1906 (Land 83971), the motion for a rehearing filed with your office on May 29, 1906, in the consolidated Cherokee freedmen cases of Sam Landrum, et al (Cherokee Freedmen D-292), and William Todd (Cherokee Freedmen D-293), is hereby granted.

The decision of the Department of December 5, 1903 (I. T.D.8326), except as to Fearbey Landrum, rejecting applicants in the Cherokee freedmen cases of Sam Landrum, et al, is hereby vacated and set aside, and the record therein is remanded to you for a rehearing and readjudication after a consolidated hearing had herein with applicants in the Cherokee freedmen cases of Thomas Mayfield, et al, remanded for a rehearing and readjudication by departmental letter of March 14, 1906.

The original record, with the papers filed on motion

for a rehearing, will be returned to you through the office of the Commissioner of Indian Affairs.

A copy of Indian Office letter of October 4, 1906, recommending this action, is herewith forwarded.

Respectfully,

(Signed) Thos Ryan

First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

.2. enclosures.

Cherokee
Freedmen
R-223-4.

Muskogee, Indian Territory, October 18, 1906.

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

Dear Sir:

There is enclosed herewith a copy of Departmental letter of October 8, 1906, granting a motion for a rehearing in the Cherokee Freedmen Case of Sam Landrum, et al., and William Todd, the same to be consolidated and heard with the case of Maggie Mayfield.

You will be advised of any further action taken in these

CASES.

Respectfully,

Commissioner.

MC-18-10.

Cherokee
Freedman
R-223-4

Muskogee, Indian Territory, October 18, 1906.

Starr & Patten,

Attorneys for Sam Landrum, et al.,
Vinita, Indian Territory.

Dear Sirs:

You are hereby advised that this office is in receipt of Departmental letter of October 8, 1906, granting your motion for a rehearing in the Cherokee Freedmen Case of Sam Landrum, et al., and William Todd, the same to be consolidated and heard with the case of Maggie Mayfield.

There is enclosed herewith for your information a copy of the Department's letter of October 8, 1906.

In your letter to this office of September 20, 1906, you advised that you were ready to submit a list of the names and addresses of the witnesses you expected to introduce in behalf of Maggie Mayfield in her Cherokee Freedman Case, and you are now requested to submit at the earliest practicable date, the names and addresses of all the witnesses you expect to introduce in the cases of Maggie Mayfield, Sam Landrum, et al., and William Todd, which will be consolidated.

Respectfully,

YC-18-9.

Commissioner.

Cherokee
Freedman
R-224.

Muskogee, Indian Territory, October 18, 1906.

William Todd,

Adair, Indian Territory.

Dear Sir:

You are hereby advised that this office is in receipt of Departmental letter of October 8, 1906, ordering a re-hearing in your Cherokee Freedman Case, the same to be consolidated and heard with the case of Maggie Mayfield.

Your attorneys, Starr & Patten of Vinita, Indian Territory, have this day been notified to advise this office at the earliest practicable date, the names and addresses of the witnesses they propose to introduce in your case, and upon receipt of this information you will be further advised in the matter.

Respectfully,

MC

Commissioner.

(C O P Y)

Vinita, I. T. October 27th, 1906.

The Honorable,

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

Dear Sir:

In the matter of the Cherokee Freedmen enrollment cases of Maggie Mayfield and Sam Landrum and William Todd we beg to say that in presenting our testimony concerning the whereabouts of Boney Dan Landrum, the ancestor through whom the applicant Sam Landrum claims we desire to commence with him, in our proof, at the time of his discharge from the United States Army at Fort Leavenworth Kansas in the fall of 1865 and show his whereabouts from that time until he located in the Cherokee Nation.

We understand that Boney Dan Landrum was Commissary Sargent in Company E 79th U S Infantry in Kansas. That he served either under the name of Daniel Landrum; Boney Landrum; Boney Dan Landrum.

We have the honor to request that you ask the War Department for the information as to the date and place said Landrum was discharged. We understand that this information must be requested by you for use in this case before the War Department will furnish the information.

Respectfully,

(Signed)

Starr A Patten.

Cherokee P.R.
224

Muskogee, Indian Territory, November 5, 1906.

William Todd,
Adair, Indian Territory.

Dear Sir:

You are advised that your attorneys, Starr & Patten, Vinita, Indian Territory, have this day been notified that they will be permitted to appear before the Commissioner on December 5, 1906, and introduce on your behalf the testimony of the witnesses whose names and addresses they furnished this office November 1, 1906.

The Cherokee Nation will be permitted to appear on that date and introduce in rebuttal such testimony as it desires in your case.

Respectfully,

H.J.C.

Commissioner.

Cherokee F.R.
844,224,225.

Muskogee, Indian Territory, November 8, 1906.

Starr & Patten,

Attorneys for Maggie Mayfield, et al.,
Vinita, Indian Territory.

Gentlemen:

Replying to your letter of November 1, 1906, submitting a list of names and addresses of the witnesses you expect to introduce, on behalf of the applicants, in the Cherokee freedman cases of Maggie Mayfield, et al., you are advised that you will be permitted to appear before the Commissioner at Muskogee, Indian Territory, on December 8, 1906, and introduce the testimony of the witnesses whose names you gave.

The Cherokee Nation will also be permitted to appear on that date and introduce in rebuttal, such testimony as it may desire in these cases.

Respectfully,

H.J.C.

Commissioner.

Cherokee F.R.
844,224,223.

Muskogee, Indian Territory, November 8, 1906.

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

Dear Sir:

There is enclosed a copy of a letter from Starr & Patten, attorneys for the applicants in the Cherokee freedmen cases of Maggie Mayfield et al., giving a list of the names and addresses of the witnesses they propose to introduce on behalf of the applicants in these cases.

You are advised that said attorneys and the principal applicants have this day been advised that they will be permitted to appear before the Commissioner on December 8, 1906, and introduce the testimony of the witnesses named.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony in rebuttal as it desires in these cases.

Respectfully,

H.J.C.

Commissioner.

November 1st 1906.

The Honorable,

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

Dear Sir:

In the matter of the consolidated Cherokee Freedmen enrollment cases of Maggie Mayfield, Sam Landrum et al and William Todd we have the honor to submit as a list of witnesses on behalf of the applicants the following:

1---Applicants.

2---J. M. Johnston, Garnett Kansas

3---Mrs J. M. Johnston, Garnett Kansas

4---William Ray, Garnett, Kansas

5---Herschel Cloud, Topeka, Kansas.

6---Dill Shultz, Peru, Kansas

7---John Shultz, Peru, Kansas.

8---Thomas Shultz, Peru, Kansas

9---Moses Dykes, Garnett Kansas

10---J. M. Johnson, Garnett, Kansas

11---George Campbell, Garnett Kansas

12---John W. Campbell, Garnett Kansas

13---Christian Shull, Sugar Grove Ohio

14---Hiram Spriggs, Mattoon Ills

15---James Manspeaker, Mt Ida Ks.

16---Newton Spriggs, Garnett Ks

17---John S. Johnston, Coker City, Kas

18---Edward Farrah Cedarville, Kansas

- 19---Sam Gibson, Brenson, Kansas.
- 20---Ben Hydron, Garnett Kansas
- 21---J. B. Hardesty, Garnett Kansas
- 22---Simon Lynch, Chaffee, I T
- 23---G. W. Clark, Vinita, I T
- 24---Mrs A. C. Raymond, Vinita I T
- 25---R. L. Martin, Pensacola I T
- 26---Nelson Moore, Ketchum I T
- 27---Thomas H Moore, Ketchum I T
- 28---Arthur Bean, Chaffee, I T
- 29---Leander Bean, Vinita I T
- 30---Tobias Bean, Chaffee I T
- 31---Millie Fry, Chaffee I T
- 32---Joseph Bean, Chaffee I T
- 33---Juno Martin, Chaffee, I T
- 34---Sam Butler, Cheuteau I T
- 35---Joe Davis Vinita I T
- 36---George Musgrove, Lenapah I T
- 37---Becky Musgrove, Lenapah I T
- 38---Katy Vann Lenapah I T
- 39---Charles Mayfield, Chaffee I T

Respectfully,

(Signed) Starr & Patten

(COPY)

Nov 5th 1906.

D.C.48321-1906.

The Honorable,

The Commisniener to the Five Civilized Tribes,
Muskogee I T

Dear Sir:

In making up the list of witnesses on Nov 1st in the consolidated Cherokee Freedmen Enrollment cases of Maggie Mayfield, Sam Landrum et al and William Todd we omitted the names of two of our witnesses, to wit.

Moses Riley, Wimer I T

Jane Riley Wimer, I T.

Please add these names to the list and advise the Attorneys for the Cherokee Nation that these are also our witnesses.

Yours truly,

Starr & Patten

Cherokee Freedmen
R 554,223, 224

Muskogee, Indian Territory, November 10, 1906

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

Dear Sir:

There is enclosed a copy of a letter from Starr & Patten, dated November 5, 1906, stating that they omitted from the list of witnesses furnished this office November 1, 1906, they expected to introduce in the Cherokee freedmen case of Maggie Mayfield et al., the names of Moses and Jane Riley, of Wimer, Indian Territory. said attorneys have this day been notified that they will be permitted to introduce the testimony of the two witnesses named, at the time this case is set for hearing.

Respectfully,

Encl.-B-27

Commissioner

Cherokee Freedmen
R 554-223-224

Muskogee, Indian Territory, November 10, 1906

Starr and Patten,

Attorneys for Maggie Mayfield et al.

Vinita, Indian Territory.

Gentlemen:

Replying to your letter of November 8, asking that the names of Moses Riley and Jane Riley, of Wimer, Indian Territory, be added to the list of witnesses you notified this office, November 1, 1906, you expected to introduce in the Cherokee freedmen case of Maggie Mayfield et al., you are advised that the Attorney for the Cherokee Nation has this day been notified that you will be permitted to introduce, at the hearing in said case, the testimony of the two witnesses named.

Respectfully,

L M B

Commissioner

Muskogee, Indian Territory, November 30, 1906.

Starr & Patten,
Vinita, Indian Territory.

Gentlemen:

Referring to your letter of October 27, 1906, you are advised that this office has requested of the Interior Department that information be secured from the War Department as to the date and place of the discharge from the United States Army of Roney Dan Landrum.

Respectfully,

S. V.

Commissioner.

Cherokee F R
544-223-224.

Muskogee, Indian Territory, January 28, 1907.

Starr & Patten,

Attorneys for Maggie Mayfield, et al.,

Vinita, Indian Territory.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, December 8, 1906, in the matter of the applications for the enrollment of Maggie Mayfield, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-55.
GHL

Commissioner.

Cherokee F R
644-223-224.

Muskogee, Indian Territory, January 28, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Dear Sir:

There is inclosed herewith a copy of supplemental testimony taken at Muskogee, Indian Territory, December 5, 1906, in the matter of the applications for the enrollment of Maggie Mayfield, et al., as Cherokee freedmen.

Respectfully,

Incl. GL-56.
OHL

Commissioner.

Cherokee F.R.

224

Muskogee, Indian Territory, February 12, 1907.

William Todd,

Adair, Indian Territory.

Dear Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, 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 Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Enc I-30.

HPI

Register.

Cherokee P.R. 541,
R244, R246, R290,
R223, R224.

Waskagee, Indian Territory, February 12, 1907.

Starr & Patton,

Attorneys for Thomas Mayfield, et al.

Vinita, Indian Territory.

Gentlemen:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the applications for the enrollment of Thomas Mayfield, 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. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Enc I-25

Commissioner.

HPI

Cherokee J. 2541,
544, 545, 570
223, 224.

Muskogee, Indian Territory, February 12, 1907.

W. W. Hastings,

Attorney for the Cherokee Nation,
Muskogee, Indian Territory.

Sir:

There is enclosed herewith copy of the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the application for the enrollment of Thomas Hayfield, 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. You will be advised of the Secretary's action as soon as this office is informed of the same.

Respectfully,

Commissioner.

Enc 1-25

HPI

Muskogee, Indian Territory, February 12, 1907.

The Honorable,

The Secretary of the Interior,

Sir:

There is transmitted herewith the record of proceedings had in the matter of the consolidated applications for the enrollment of Thomas Mayfield, et al., together with decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the applications for the enrollment of Thomas Mayfield; Charles Mayfield, his wife Maggie Mayfield, and children, Thomas, Richard, Lillie, Alice and James Mayfield; Malinda Martin; Emma Blue; Sam Landrum, and children, Rachel, Jane, Albert, Annie, Hattie, Woody and Eva Landrum; and William Todd as Cherokee freedmen.

On October 8, 1906, (I.T.D. 6324-1903, 6254, 12391, 19596-1906), the Department rescinded its decision of December 5, 1903, (I.T.D. 6326), except as to Fearbey Landrum, adverse to the applicants in the Cherokee Freedmen cases of Sam Landrum et al. and remanded the case to this office for further hearing and readjudication.

Respectfully,

Enc 1-36

By _____, the Commissioner

Commissioner.

COPY

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

Land.
15976-1907
19109- "

February 27, 1907.

The Honorable,
The Secretary of the Interior,

Sir:

I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated February 12, 1907, enclosing the record of proceedings had in the matter of the consolidated applications for the enrollment of Thomas Wayfield, et al., including the decision of the Commissioner, dated February 7, 1907, rejecting the applications for the enrollment of Thomas Wayfield; Charles Wayfield and his wife, Maggie Wayfield, and their children, Thomas, Richard, Lillie, Alice and James Wayfield; Valinda Martin; Emma Blue; Sam Landrum and children, Rachel, Jane, Albert, Annie, Wannie, Woody and Eva Landrum, and William Todd, all applicants for enrollment as Cherokee freedmen; also brief in support of the case, filed in this Office on February 25, 1907, by McGowan, Serven & Mohun, of this city, attorneys for the applicants, which shows that a copy thereof was served on the attorneys for the Cherokee Nation on February 20, 1906.

The record in this matter shows that application was duly made to the Commission to the Five Civilized Tribes, and after a hearing in the matter, the Commission rendered decisions on July 1, 1903, and April 20, 1904, and denied the above named applicants the right to enrollment as Cherokee freedmen. These decisions were

affirmed by the Department on December 5, 1903 (I.T.D. 8326-1903), and October 13, 1904 (I.T.D. 6965-1904).

On October 8, 1906 (I.T.D. 6254, 12391-1906), and March 14, 1906 (I.T.D. 2830-1906), the Department granted motions for re-hearing and remanded the records to the Commissioner for further testimony and re-adjudication as to the rights of the applicants therein named to Cherokee freedmen citizenship. Further proceedings were had in the matter on April 5 and 12, May 24 and 25, and December 5, 1906. Subsequent to the remanding of the record to the Commissioner in this now consolidated case, there were filed with him and made a part of the record herein the following:

A copy of the testimony of Thomas Foster and Washington Blackburn taken in the cases of George B. Duffin, et al., at Muskogee, I.T., on July 16, 1904.

Certified copy of an agreement binding Thomas and Harvey Foster to one J.Y. Campbell under date of January 1, 1867, made from certain records in the Probate Court of Anderson County, Kas.

Certificate of Fred H. Rhodes, Register of Deeds of Anderson County, Kas., relative to a certain quitclaim deed recorded in his office.

It is claimed that Sam Landrum is the descendant of Daniel and Jane Landrum, both deceased; that William Todd is the descendant of Jane Landrum, his mother, and their right to enrollment as Cherokee freedmen is based on being descendants of these persons, Thomas, Charles and Maggie Mayfield base their right to enrollment as Cherokee freedmen by reason of having complied with the terms of the Treaty of 1866. The other applicants herein

are children of the applicants, Dan Landrum and Charles and Maggie Wayfield.

The only question to be determined in the matter is, did the abovenamed deceased ancestors of certain of the applicants and the three applicants, Thomas, Charles and Maggie Wayfield, comply with the provisions of Article 9 of the Treaty of 1866? The evidence establishes the fact satisfactorily that Daniel and Jane Landrum, and Thomas, Charles and Maggie Wayfield were slaves of Cherokee citizens at the beginning of the Civil War and removed to Kansas during the progress thereof, where they resided until some time subsequent to the close of the War. They returned to the Cherokee Nation, where their deceased ancestors continuously lived until their death, and the applicants have continuously lived therein up to and including September 1, 1902. The Treaty of 1866 required that these parties should return to the Cherokee Nation on or before February 11, 1867. The only question presented, therefore, is, were these parties in the Cherokee Nation on or prior to February 11, 1867?

The record in this case is very voluminous. A large number of witnesses have been called and examined. The case has been tried apparently on the theory that if ten witnesses testify to the same identical fact, that the case would be ten times as strong as if only one witness had been called. Several of these witnesses seem to have been perfectly clear as to one point, and that was, that they had seen Thomas Wayfield and Charles Wayfield in the Cherokee Nation in the latter part of 1866, most of them

fixing the time as about December. The testimony along this line appeared to be quite conclusive had it not been for the fact that this one date most of the witnesses were able to fix, while most of them were unable to give the year in which they were married, though subsequent by many years to 1866, and were unable to fix the date when the Kern-Clifton roll, the Wallace roll, or the strip payment was made.

Some of the witnesses had seen Thomas Wayfield on Lynch's Prairie, where they had gone to attend church, while other witnesses had seen him at the same place and at the same time, for the reason that they had gone to his house to attend a dance, although it is shown that Thomas Wayfield was himself a minister and opposed to dancing.

The record shows that the Wayfields lived near Garnett, Anderson County, Kas., during the Civil War.

The testimony further shows that Charles Wayfield, the applicant herein, attended school at that place in the school-house known as the "Ernest School"; and it is further shown that this was a stone building, and was erected during the summer of 1867. The term of school which is fixed began in the Fall of 1867, and ran until February of 1868, and Dora Crozier, a witness in this case, testified that she attended that term, and that Charles Wayfield, the applicant, was also a student during that school year. She fixed the time conclusively by reason of the fact that she still retains, and it was read into the record, the "Reward of Merit card" given to her by her teacher at the close of

the term on February 21 or 22, 1868.

The testimony of Thomas Foster and Harvey Foster shows that they were "bound out" to J.Y. Campbell during the term of their minority by Articles signed January 1, 1867, at which time Thomas Foster was aged twelve years and Harvey Foster aged eleven years. Both these boys attended school at the "Ernest school-house" in 1867 and 1868, and testified that Charles Wayfield also attended school at the same time and in the same building. Thomas Foster is positive that Thomas Wayfield, Wacey, his wife, and Charles Wayfield, lived on the Campbell place during the years 1867 and 1868, and it is shown that they had a lease contract running for the years 1866, 1867 and 1868. The testimony of these witnesses is clear, and is substantiated as to the time by written records in which they cannot be mistaken. It was admitted by all the parties that there were no other Wayfield in Wanree Township, Anderson County, Kas., during the years 1866, '67, '68 and '69.

L. W. Ernest was called and testified that he had lived in Wanree Township, Anderson County, Kas., since March 10, 1866, with the exception of about eight months in the year 1864; that he held the position of Township Trustee of Wanree Township during the years 1868, '69⁷⁰ and '71, and among the duties as such Trustee, he was to make an assessment of the public and personal property every two years and appraise the real estate; that he made his first assessment in the year 1868, kept the tax books in which were the names of the parties assessed and the kind of property; that the book in which this was kept was turned over to the County Clerk of Anderson County, Kas., and this book

was produced at the hearing and certain entries therein read into the record. It is shown by this record that Charles Mayfield was assessed on personal property, of the total value of \$159. in the year 1868. Mr. Ernest identified the book and testified that no changes had been made since he turned the book over to the County Clerk in the discharge of his official duties. This book was made at a time and when no reason existed for it not showing what actually took place, and is evidence of the highest character, being old enough to be classed as an ancient document.

It is true that the name of Thomas Mayfield does not appear on this record, and it has been argued that for that reason the whole of it should be rejected as evidence.

It has been shown that Thomas Mayfield and Charles Mayfield returned to the Cherokee Nation at the same time, and if the property was assessed in the name of either, both were at that time in Munroe Township, Anderson County, Kas. It is not shown why the property was assessed in the name of Charles Mayfield, though Mr. Ernest testified that it was sometimes the custom for the owners of property to have it assessed in the names of others, and it is further possible that the mistake may have been made in the name, while the property belonged to Thomas Mayfield and was assessed as the property of Charles Mayfield.

There is probably nothing so treacherous as the human memory in fixing ancient dates, unless they are connected with some very important event in the life of the person or the Nation. The

experience of most any person who attempts to recall a particular year when events of minor importance took place is that a mistake of one, two or three years is easily made unless connected with some historical event or dates on which written records have been made. It has been held by the courts that where a person testifies purely from memory that he visited a certain part of the country during a particular season 34 years before, that it cannot be expected that a person, ever of a very retentive memory, could remember within one or two years of the exact date, unless it had been associated with some great personal or public event.

Most of the witnesses in this case seem to have been imbued with the idea that it was necessary for them to fix the date when they had seen the Wayfields in the Cherokee Nation as the latter part of 1866, and they had no hesitancy infixing the date at that time, though most of them testified that they had no record of any event taking place at that time and had made no written record that fixed the time for them. Several of the witnesses admitted, on cross-examination, that their memory as to dates was poor.

Under the authority of Section 12 of the Treaty of July 19, 1866, W. Tompkins was appointed to make a census of the Cherokee tribe. He followed the political divisions in doing so, and the names of the Cherokee citizens at that time appearing in the respective districts. Volume 1 of this roll contains the names of the Cherokee citizens living in Goingsnake and Delaware Districts; Volume 2, those of Talequah and Saline

Districts; Volume 3, Canadian and Delaware Districts; Volume 4, Flint, Sequoyah and Kov-wees-koo-wee Districts.

The roll taken at that time divides the citizens under four heads, Indians, whites, half-breeds and colored. In his recapitulation, Mr. Thompson found that there were 13566 citizens residing in that Nation, divided as follows: 9588 Indians, 47 whites, 2650 half-breeds, and 1281 colored. This roll is considered authentic, because no reason existed for placing on it the name of any person not entitled, or for the excluding therefrom the name of any one who was entitled to citizenship in the Cherokee Nation.

An examination of this roll fails to show the names of Daniel Landrum, deceased, Jane Landrum, deceased, Rachel Martin, deceased, Wacey Wayfield, deceased, Thomas Wayfield, Charles Wayfield, or Waggie Wayfield.

From the failure of the names to appear on this roll, a presumption is strong that none of the persons named in this application were living in the Cherokee country at that time. This presumption is strengthened in the case of the Wayfields by reason of the fact that in 1871 the Supreme Court of the Cherokee Nation decided adversely to Thomas Wayfield's claim to Cherokee freedmen citizenship.

The Office does not consider it necessary to review the evidence in this case fully. It is clearly of the opinion that the evidence conclusively establishes the fact that the Wayfields were living in Kansas as late as 1868, and consequently,

did not return to the Cherokee Nation within the time limited by the provisions of Article 9 of the Treaty of 1866. It therefore recommends that the decision of the Commissioner, dated February 12, 1907, rejecting the application for the enrollment of Sam Landrum, Rachel Landrum, Jane Landrum, Albert Landrum, Annie Landrum, Wannie Landrum, Woody Landrum, Eva Landrum, William Todd, Thomas Wayfield, Charles Wayfield, Maggie Wayfield, Thomas Wayfield, child of Charles and Maggie Wayfield, Richard Wayfield, Lillie Wayfield, Alice Wayfield, James Wayfield, Malinda Martin and Emma Blue, be affirmed.

Very respectfully,

G. F. Larrabee

Acting Commissioner.

FVE--SD.

JELT

S.P.

COPY

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

D.C. 12671

I.T.D. 5980-1907.

March 2, 1907.

LRS

DIRECT.

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

Sir:

February 12, 1907, you transmitted the record in the matter of the consolidated applications for the enrollment of Thomas Wayfield, et al., as Cherokee freedmen, together with your decision of February 12, 1907, adverse to the applicants.

Reporting February 28, 1907 (Land 19109-07) the Indian Office recommended that your decision be approved. A copy of its letter is inclosed.

The Department concurs in said recommendation and your decision is hereby affirmed.

The papers in the case, together with a carbon copy hereof, have been sent to the Indian Office for its files.

Respectfully,

(Signed) Jesse E. Wilson,

Assistant Secretary.

1 inc. sent
4 to Ind. Of.
A.T.W.
3-2-07

Cherokee F.
R 224

COPY

Muskogee, Indian Territory, March 20, 1907.

William Todd,

Adair, Indian Territory.

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior, March 2, 1907.

Respectfully,

SIGNED *Tams Bixby*.

Commissioner.

JJH

Cherokee F.
A 541 et al.

Mustagee, Indian Territory, March 20, 1907.

Starr & Fatten,

Attorneys for Thomas Hayfield, et al.,
Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five-Civilized Tribes, dated February 12, 1907, rejecting the applications for the enrollment of Thomas Hayfield, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

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

Respectfully,

Encl. 2-51
JMI

Commissioner.

Cherokee F.
R 541 et al.

Muskogee, Indian Territory, March 20, 1907.

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

Dear Sir:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes, dated February 12, 1907, rejecting the applications for the enrollment of Thomas Mayfield, et al., as Cherokee freedmen, was affirmed by the Secretary of the Interior, March 2, 1907.

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

Respectfully,

Encl.H-55
JMH

Commissioner.

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

FILED
MAY 15 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date May 13 1901
Post Office Adair St.
District Delaware

1. Name William Todd Age 36
Owner's name _____ Citizenship _____

Year K.C. Page 124 No. 3072 District Delaware

Parents:
Father Ira Todd Citizenship _____
Mother Jane Linder - dead Citizenship _____
Age _____

2. Name of wife _____ Citizenship _____

Owner's name _____
Year _____ Page _____ No. _____ District _____

Parents:
Father Doubtful Citizenship _____
Mother _____ Citizenship _____

Names of Children:

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

Application made by Ms. 1 Stenographer Wm von Meise

On K.C. roll as Will Todd.

X Ref D 292

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. William Todd,
Adair, I.T.
Cherokee F-D-293
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

X Root
-cher pr.
X 293,

Department of the Interior.
Commissioner to the Five Civilized Tribes,
Muskogean, Ind. Terr.
Official business.
Penalty for private use, \$300.

William Todd,
Adair, Indian Territory.



Cher. Fr. R. 225

See Cher. Fr. R. 226

Cher. Fr. R. 225

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
CHELSEA, I.T., MAY 30th, 1901.

In the matter of the application of Harriet Daniels for the enrollment of herself and two grand-children as Cherokee Freedmen; said Daniels being sworn and examined by Commissioner C. T. Breckinridge, testified as follows:

- Q Give me your name? A Harriet Daniels.
Q How old are you? A I don't know, sir, I don't know my age.
Q Well, as near as you can tell? A I hate to say because I could not tell.
Q Are you 60? A No, sir.
Q Are you 55? A Yes, sir, I 'spect I am along in there.
Q What is your post office? A Ruby.
Q In what district do you live? A Coowee: coowee.
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 Well I have a son and two little grand-children.
Q Well, your son is he over 21 years old? A Yes, sir; I suppose he is.
Q He will have to apply for himself; and these grand-children are they orphans? A Yes, sir.
Q Are they living with you? A Yes, sir, I raised them.
Q How long have you lived in the Cherokee Nation? A I was raised in here, and was in there all the time until this war and I was carried out during the war and come back after the war and have been here ever since.
Q You have been here all your life except a while during the war?
A Yes, sir.
Q Were you a slave in the Cherokee Nation at the time the war came on? A Yes, sir.
Q To whom did you belong? A Wose Daniels.
Q What was the name of your husband? A Berry Ward.
Q You didn't take his name? A No, sir.
Q Kept the name of Daniels? A Yes, sir.
Q Is Berry Ward dead? A Yes, sir.
Q How long has he been dead? A I can't tell you how many years he has been dead, he died after we come to this country.
Q Did he die after the war? A Yes, sir, died directly after we came back.
Q Give me the names of your grand-children? A Berthena Ward.
Q How old is that child? A 14 I think, going on 15.
Q Now, give me the name of the next child? A Isabella Ward.
Q How old is Isabella? A She is 13 years old.
Q Are these children both living now? A Yes, sir.
Q Give me the name of the mother of these children? A They hasn't any mother.
Q They had a mother once? A Her name was Mattie Hill I think.
Q Give me the name of the father of these children? A Manuel Ward
Q Was Mattie Hill married to Manuel Ward? A Yes, sir, they lived together.
Q Mattie Hill is dead is she? A Yes, sir.
Q How long has she been dead? A Oh, I could not name the years, there is him for better recollect about the years she has been dead.
Q How old was Isabella when she died? A She was a baby.
Q Then she has been dead something like ten or twelve years?
(No response.)
Q How long has Manuel Ward been dead? A He is living.
Q I thought you said these children were orphans? A He is alive.
Q Why don't he apply for these children? A I guess he can.
Q But they are living with you? A Yes, sir.
Q Was Mattie Hill a Cherokee Freedman? A I could not say about that; they was all mixed up so together we never thought of such things as this.
Q Manuel Ward is your son? A Yes, sir.
Q How old is he? A I could not tell you his age.
Q Well when was he married to this woman, Mattie Hill?
A I could not tell you the date of the year.

Harriet Daniels, et al. -- 8.

- Q How long had he been married when Berthens was born? A I guess must have been a year.
- Q Then he was married about 15 years ago, wasn't he?
- A I guess it must have been about close to that time.
- Q Was your son, Manuel, ever married before he married this woman, Mattie? A No, sir; he is married now.
- Q and he never was married before he married her? A No, sir.
- Q This woman, Mattie Hill, was she ever married before she married your son? A No, sir.
- Q Did they live together from the time they married until Mattie Hill died? A Yes, sir.
- Q Was there any other name you went by except Daniels?
- A No, sir, that is all.
- Q You lived with Hese Daniels? A Yes, sir.
- Q Hese Daniels was your master? A Yes, sir.
- Q Give me the name of your father? A Oh, man, I could not tell you anything about him.
- Q What was your mother's name? A My mother lived with the Daniels, her name was Betsey.
- Q How long has she been dead? A Oh, long time.
- Q Did she die soon after the war? A Yes, sir.

The 1860 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicant and her son, Manuel, not found thereon.

- Q Didn't you marry anybody after Berry Ward died? A No, sir.
- Q You always kept the name of Daniels did you? A Yes, sir.

The 1860 Authenticated Roll of freedmen of the Cherokee Nation examined and name of Mattie Hill not found thereon.

The 1866 Census Roll of Freedmen of the Cherokee Nation examined and names of Applicant, her son, Manuel, and his wife, Mattie Hill, not found thereon.

to Roll Clerk: You don't find Berthens and Isabella? A No, sir.

- Q Did you draw Cherokee strip money? A Yes, sir.

The Kerns-Clifton Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, as follows:

Page 130, #3234, Harriet Daniels, Coowasee District.

Page 130, #3235, Berthens Ward, Coowasee District.

Page 130, #3236, Isabella Ward, Coowasee District.

Father of children identified on Kerns-Clifton Roll, page 130, #3237, Manuel Ward, Coowasee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant and her son, Manuel, found thereon as follows:

Page 110, #2543, Harriet Daniels, Coowasee District.

Page 110, #2544, Manuel Ward, Wallace Roll.

questioned list; no evidence that he is a child of a slave or a Cherokee Indian.

(Is identified on that roll by reference as the son of this woman, the Applicant.)

The Wallace Roll of Freedmen of the Cherokee Nation examined and names of applicant's grandchildren and their mother, Mattie Hill, not found thereon.

- Q Where were you taken during the war? A Up North.
- Q Up to Kansas? A Yes, sir.
- Q Whereabouts in Kansas? A Fort Smith.

Harriet Daniels, et al.--5.

Q How comes that you are left off the roll of 1880? A Just because they didn't put me there, I guess.

Q How did that happen; what did they tell you when you went to be enrolled? A They put us down, we just come to see them.

Q Did they talk to you about it? A I come there and told them exactly who I belonged to.

Q The people that were making the roll, what did they say to you when they didn't put you on? A They didn't tell us, they put us on.

Q They didn't tell you that they didn't put you on? A No, sir.

BY W. W. HASTINGS, Cherokee Representative:

Q Where did Moses Daniels live before the war? A Lived on Beaty's prairie.

Q Did you go off with his people? A No, sir.

Q Where were you married? A I was married before the war, south.

Q Before the war? A Yes, sir.

Q Did you go out with Berry Ward? A From home?

Q Yes, the Cherokee Nation when the war first came up?

A No, sir, I went with John Blunt.

Q Your husband wasn't with you? A He was in the crowd, escorted with the crowd teaming.

Q And Berry Ward belonged to Jim Ward? A The old man Ward.

Q On Beaty's prairie? A Yes, sir.

Q Well, you were with your husband during the war in Kansas?

A Yes, sir.

Q You lived with him there at Fort Scott after the war?

A Yes, sir, directly after the war.

Q You and your husband were together I mean? A Yes, sir.

Q You came back with your husband after the war? A Yes, sir.

Q His name was Berry Ward? A Yes, sir.

Q Who else came along with you and your husband? A Oh, I could not remember who all was along.

Q Name some of them? A There was a white man I know along, Rockwell, he was in the crowd, come on with us, his name was Rockwell, I never did call his name; I don't know how many people was along.

Q Well, name some of them that came along with you and your husband? A Well, Webber was along.

Q What Webber? A Sam Webber, and Mayes' folks was along, Meigs' Mayes' folks and Starrs.

Q What Starr? A Jack Starr, they called him Starr.

Q You come with this old man, Sam Webber, that is here? A Yes, sir.

Q And how many wagons did you think was along in that crowd?

A There was a little train of them, little train of wagons was along.

Q Did you see your husband's young master, Joe Ward, in Fort Scott, Kansas, after the war and before you came down here? A No, sir, I don't remember him.

Q Do you remember seeing him before the war? A I seen him down here before the war, but I never remember seeing him up in Kansas, I didn't know him.

Q Did you live at Mount City, Kansas? A No, sir.

Q You never lived there? A No, sir.

Q Did Peter Ward come back here when you did; was that your husband's father? A Brother I reckon.

Q Did he come back with you? A If he was along I don't remember it; he might have been in the crowd, I could not remember that.

Q You don't remember that? A No, sir.

Q Now, what point did you come to Aunty, when you come back?

A Big Creek, we come where we are living.

Q Where you are living now? A Yes, sir, we are living right there now.

Q Did you have a house built when you come here? A No, sir, the house that we had put up was there when we come.

Q Who had it put up? A My husband.

Harriet Daniels, et al.--4.

- Q Log house? A Yes, sir.
- Q Was that on Big Creek? A Yes, sir.
- Q Right where it is now? A No, sir.
- Q But on the same place? A Yes, sir, Big Creek.
- Q What time of the year was that, Spring? A I believe in the spring or fall one, I remember it was pretty cold.
- Q Snow on the ground? A No, mighty heavy frosts.
- Q Did you make a crop there that year? A The next spring we did.
- Q Do you mean that same spring or the next spring? A The next spring.
- Q Did you come there in the fall or spring of the year? A I say in the spring, in February, I will put it that way.
- Q You come you think in February? A Yes, sir.
- Q You think you made a crop there that coming spring? A Yes, sir, tried to make something, didn't say we made anything.
- Q Was that the first time you had been down here after the war?
- A Yes, sir, first time I had been down there after the war.
- Q Was there a whole lot of women and children in that crowd?
- A No, sir, they was not so great many children stopped with me, there was some children.
- Q In the crowd? A Yes, sir.
- Q You know Jim Martin up there on Big Creek? A Yes, sir.
- Q How far does he live from you? A Two miles.
- Q Did you buy corn from him that year? A No, sir, Jim Martin was not in the country, don't know anything about him.
- Q Do you know his brother, Will Martin? A I don't know.
- Q He was not in the country there was he? A I don't know nothing of no Jim Martin.
- Q You come with Peter Meigs did you? A Yes, sir, come together.
- Q Was Hube and Dan Sanders living up there on Big Creek?
- A No, sir, wasn't living there until we got here.
- Q Did they come along as you came? A I told you I could not tell you that because I don't know all that was along.
- Q Could not tell? A No, sir.
- Q How many children did you have then? A I had four.
- Q Give me the names of them? A They are dead.
- Q Well let me have their names. A There was Richard was one the oldest one, and Alfred and the next one we called Praymond Ward and Frances, had four children.
- Q They were all born up there? A No, sir, was not a they was born here before the war all but one.
- Q And that was Frances? A Frances was born before the war and Alfred and Richard.
- Q Which one was born during the war? A Praymond.
- Q About how old would he be if he were living now?
- A I could not tell you his case, because I got no learning, can't write.
- Q You don't know one year from the other? A No, sir, only they said this year is pretty nigh out and another one was coming in; you see I was living away back there and was not allowed to see any book or anything, and I could not tell you.

BY COM'R BRUCKNER EDGE:

- Q Where did your husband, Berry Ward, die? A He died here on Big Creek.
- Q Have you any witnesses that you want a pretrials now and prove when you came back? A I have Mr. Webber here.
- Q Same Webber there? A Yes, sir.

(Applicants witnesses not present.)

Harriet Daniels, et al.--5.

COM'R BRACKENRIDGE:--The applicant applies for the enrollment of herself and two grand-children: The applicant is identified on the Wallace roll and on the Kerns-Clifton roll, but not upon the roll of 1880 or upon that of 1896. She expects to introduce further testimony in regard to the time she returned to the Cherokee Nation from Kansas after the war. So far there is no contest in regard to her statement that she was a Cherokee slave at the breaking out of the Civil War. She will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her post office address.

As for her two grand-children, Berthona and Isabella Ward; they are said to be living now, they are minors and they are identified on the Kerns-Clifton roll, but not upon the Wallace roll, or the roll of 1896. They are respectively 12 and 13 years of age; they are the children of the applicant's son, Manuel Ward, who is alive at this time, but their mother, Mattie Hill, appears to have died some 12 years ago. The father of these children is identified on the Kerns-Clifton roll and on the Wallace roll, he being identified upon the questioned list of the Wallace roll, and his name being accompanied by a statement that no proof was offered that he was a child of a Cherokee slave. It appears from the applicant's testimony that neither the father nor mother of these children was married previous to the marriage between them, and that they lived together as husband and wife until the mother died. The mother is not identified upon the roll of 1880 or upon the Wallace roll, and so far as the present testimony goes these children have a claim only through their father. These two children will now be listed for enrollment as Cherokee Freedmen on a doubtful card, and the final decision of the Commission will be made known through their grandmother at her post office address.

al
ADDITIONAL INTERROGATORIES:

Q Your son, Manuel did he come back with you when you came back from Kansas? A He was born here.

Q Was he born here after the war? A Yes, sir.

Q Has he lived here all his life? A Yes, sir.

---oooOOOooo---

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

J. J. O. Rosson

Subscribed and sworn to before me this 31st day of May, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T. June 24th 1908.

SUPPLEMENTAL TESTIMONY in the application of Harriet Daniels O. F. B.
§ 457.

Mellotte & Smith, Present for the applicant.

W. W. Hastings present for the Cherokee Nation.

SAM WEBBER, called and sworn by Commissioner T. B. Needles,
testified as follows on the part of the applicant:

- Q What is your name? A. Sam Webber.
Q How old are you? A. 58.
Q What is your post office address? A. Vinita Cherokee Nation.
Q Are you on the Cherokee roll of 1880, as Cherokee citizen? A. Yes.
Q Do you know the applicant, Harriet Daniels? A. Yes sir.
Q Do you know her husband, Berry Ward? A. Yes sir.
Q How long have you known the applicant? A. I got acquainted with her
in Kansas.
Q When? A. Time of the re-planting.
Q Do you know where Berry Ward and this applicant returned to the
Cherokee Nation after the war? A. Yes sir they came with us.
Q This applicant was Berry Ward's wife then? A. Yes sir.
Q And they were of your party? A. Yes sir.
Q Where did they locate then? A. Below us on Big creek.
Q Where have they lived since then? A. Right there, she has never
left there.

By W. W. Hastings.

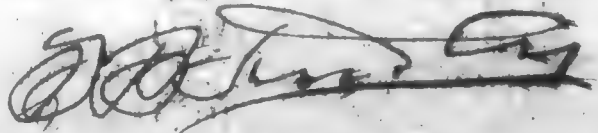
- Q You are the man who testified in Abraham Ward's case, D. 607? A
Yes sir.
Q You testified that Abraham Ward came back in '07? A. Yes sir.
Q And that he located and settled on Big creek? A. Yes sir.
Q And that he has lived there ever since? A. Yes sir.
Q How long had Harriet Daniels been there before Abraham Ward came?
A. She came with our crowd.
Q About how long had you been here then? A. Something like two months.
Q Were you at Vinita during the sitting of this Commission? A. Went
there one day.
Q You are the man that testified at that session that you went to
Fort Gibson in '07? A. Yes sir.
Q You testified that your father and a delegation went down there
then? A. Yes sir.
Q You also testified that your father and some other men went to see
Chief Downing? A. Yes sir.
Q And you also testified that you did see them that came up on the
Virginia river and hunted? A. Yes sir, spent the winter there.
Q What place on the Virginia river did you spend that winter? A.
Below Owen's Spring Ford.
Q How far below the ford? A. A mile.
Q And staid there all the winter? A. Yes sir.
Q How long, until what? A. March.
Q of '07? A. Yes sir.
Q Do you belong to Berry Ward's Freedmen's Protective Association?
A. Went there once.

of
I don't attend all their meetings. I attended only once, when I
joined.

Chas. von Weiss, being sworn states that as stenographer to the Com-
mission to the Five Civilized Tribes he reported in full all the pro-
ceedings in the above cause and that the foregoing is a full, true
and correct transcript of his stenographic notes thereon.

Chas von Weiss

Subscribed and sworn to before me this the 19th of June, 1901 at Nowata
I. T.



Commissioner.

RECORDED
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Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 1, 1901.

In the matter of the application of Emanuel Ward for the enrollment of himself as Cherokee Freedman; he being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:
Wallette & Smith, Attorneys for Applicants.

- Q Give me your full name? A Emanuel Ward.
Q How old are you? A 33 years old.
Q What is your postoffice? A Ruby.
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 the enrollment of anybody besides yourself? A Only myself and two children.
Q Have you a wife? A Yes sir.
Q Are you and she living together? A Yes sir; my first wife is dead.
Q I am talking about your living wife? A Yes sir, she is living.
Q You are living with your wife now? A Yes sir.
Q Is she a Cherokee Freedman? A No sir.
Q When were you and she married? A In '93, I believe.
Q Well, you can apply for her she may have rights? A She is a citizen of the Chickasaw Nation.
Q Has she been enrolled as a Chickasaw? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Berry Ward.
Q Is he alive? A No sir.
Q How long has he been dead? A He died when I was a little tiny boy.
Q I don't remember him.
Q Give me the name of your mother? A Harriet Daniels.
Q Is she alive? A Yes sir.
Q How long has she had the name of Daniels - since you were a child?
A Yes, she received that from her owner's name
Q Was your father a Cherokee Freedman - was he a slave before the war? A I think he was, I don't know anything about it.
Q Was your mother a slave before the war broke out? A Yes sir.
Q Give me the name of her master? A Mose Daniels.
Q Was he a recognized citizen of the Cherokee Nation? A That is more than I know; I couldn't tell anything about that part.
Q Give me the names of your children? A Berthana Ward.
Q How old is this child? A She is 15 years old.
Q Give me the name of the next child? A Isabella Ward. She is 14 years old.
Q That is all of your children? A Yes sir.
Q Are these children living now? A Yes sir.
Q Give me the name of the mother of these children? A Mattie Ward.
Q Was this your wife, Mattie Ward? A Not now.
Q She was your first wife? A Yes sir.
Q She is dead, is she? A Yes sir.
Q How long has she been dead? A Ten years ago.
Q Was she a Cherokee Freedman? A No, she wasn't.
Q What was she, a state woman? A Yes sir.
Q A colored woman, was she? A Yes sir.
Q When were you and she married? A I disremember now.
Q How long before Berthana was born? A About five years, somewhere along there.
Q Were you and she were married some twenty years ago, were you?
A Oh, no. Yes, that would make it about 19 anyhow; about 19 years.
Q Some 18 or 19 years? A Yes sir.
Q Did you and she live together from the time you married her until she died? A Yes.
Q What was your wife, Mattie's name before you married her?
A She was a Hill.

8 A She was a Hill.

Q Had she ever been married before she married you? A No sir.

Q Had you ever been married before you married her? A No sir.

Q Had you never lived with any woman as husband and wife?

A No sir.

Q Were you very young when you married this wife, Mattie?

A Yes sir, quite young.

The 1880 authenticated roll examined and the name of the applicant not found thereon; neither is the name of his mother found thereon.

The 1896 census roll examined and the names of the applicants not found thereon.

The Kern-Clifton Roll examined and the name of the applicant is not found on page 130, No. 3237, Emanuel Ward, Geoweescoo-wee District.

Q Have you anyone here who knows that you and the mother of these children were married? A Have you a certificate of marriage? A No sir.

Q Call some one here who knows that you and she were husband and wife? A Mr. William Hudson (Not found present)

Q Are these children living with your mother? A Yes, sir, she has charge of them.

These children are found to have been listed for enrollment upon the application of the applicant's mother on Cherokee D. Card 437, and consequently his application for their enrollment at this time is discontinued.

The Wallace Roll examined and the name of the applicant is found on page 178, No. 3306, Emanuel Ward, Geoweescoo-wee District. (This is a list succeeding the questioned list and is composed of those Freedmen who were first place upon the questioned list for further investigation, and were subsequently found to meet the requirements in the premises.

Q Where did you marry your present wife? A Down on Big Creek.

Q You say she is a Chickasaw? A Yes.

Q Have you lived in the Cherokee Nation ever since you married her? A Yes sir, all my life.

Q She has been enrolled as a Chickasaw? A Yes sir, she has been enrolled as a Chickasaw.

Q She is now the mother of these children? A Yes No sir.

The applicant began by applying for the enrollment of himself and two children, but the two children are found to have been applied for by the applicant's mother, Harriet Daniels, and to have been listed for enrollment on Cherokee Freedmen D Card 437; therefore the application for their enrollment at this time is discontinued. As for the applicant himself, he is identified on the Kerns Clifton and Wallace Rolls but not upon the roll of 1880 or that of 1896. He claims to have lived in the Cherokee Nation all his life. He has no definite information in regard to his father, but his mother is now living, and for further information in this case, there will be filed herewith a set of the testimony in the case of his mother, Cherokee Freedmen D-437, and for the further determination of the status of the applicant's children who are with their grandmother, in the case just cited, there will be filed with that case a set of the testimony in this case. It should be noted that the lawful marriage established by the grandmother's testimony between the applicant and the deceased mother of the two children is further established by the applicant's testimony at this time, and also that the applicant is at this time identified with a straight enrollment on the

COMMISSION TO THE FIVE CIVILIZED TRIBES
DESCRIPTION

Wallace roll, which note was developed upon the search of the rolls for him when his mother applied for his children. This applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address.

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

Y. G. Rothemberger
Subscribed and sworn to before me this 4th day of June, 1901.
Signed, T. B. Needles.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and the same is a true and correct copy from the original.

Bruce C. Jones

Sworn to and subscribed before me this the 5th of August, 1901.

Commissioner.

To be filed with C. F. D. 457, Harry Daniels.

Department of the Interior,
Commission to the Five Civilized Tribes.
Chelsea, I. T., June 8, 1901.

In the matter of the application of Peter Ward for the enrollment of himself, his wife, and one grandchild, as Cherokee Freedmen.

Appearances:

Hellotte & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

Peter Ward, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Peter Ward.
Q How old are you? A About 75 I guess.
Q What is your postoffice address? A Wimer.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Your name on the roll of 1880? A Yes, sir, I guess so, I know I has been enrolled twice.
Q Is that on the Kern-Clifton roll? A Yes, sir.
Q And the Wallace Roll? A Yes, sir.
Q Who do you want to enroll besides yourself? A My wife and a little child.
Q What is your wife's name? A Louisa Ward.
Q How old is she? A She is about 65 years old.
Q You say you have some children? A Grandchildren.
Q Well, what are the names of the children you want to enroll?
A Well, I will tell you, their mother is dead, and she is just an adopted child, her father is living and their mother gave them to us to raise.
Q Was she a slave? A Yes, sir.
Q Do you want to apply for these children? A Yes, sir.
Q Well, what are their names? A Eva Ward.
Q How old is she? A 10 years old.
Q What is her father's name? A Her father's name is Ben Sanders.
Q Is he living? A Yes.
Q What is her mother's name? A Martha Ward.
Q Is she living? A Dead.
Q Were Ben Sanders and Martha Ward married? A No.
Q Well, Martha Ward then wasn't married when Eva was born; that the case? A Yes, sir.
Q Well Martha is dead is she? A Yes, sir.
Q Who was Martha's father and mother? A Me.
Q Martha is your child? A Yes, sir.
Q Is she the child of your wife Louisa? A No, sir, a granddaughter, her mother was my daughter.
Q I thought you said Martha was your daughter? A She was.
Q Well, who is Martha's mother? A Louisa Ward.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kern-Clifton roll examined, and the applicants identified thereon as follows:

Peter Ward on page 125, No. 5116, Cooweescoowee district;
Louisa Ward not on said roll.

- Q You didn't draw for her? A No, sir, only the Wallace money.

The Wallace roll examined and the applicants identified thereon as follows:

Peter Ward on page 188, No. 3170, Cooweescoowee district;
 Louisa Ward on page 178, No. 3307, Cooweescoowee district.

Q Did you ever draw any money for Eva? A No, sir, but in twice.
 Q Couldn't draw? A No, sir, the old woman was dropped off, never drew for but one.
 Q Where is Eva living? A With me.
 Q How long has she lived with you? A We raised her from birth.
 Q Her mother is dead? A Yes, sir, her mother is dead.
 Q How long has her mother been dead? A About seven years.
 The Wallace rell examined and the mother of applicant, Eva Ward, identified thereon, page 188, No. 3173, Cooweescoowee District, as Martha Ward.

Q Did she draw her spring money? A \$15.50.
 Q Didn't draw any strip money? A No, sir, she was dead before that.
 Q Now uncle Peter, where were you born? A Way back in Georgia.
 Q Well were you a slave? A Slave all my life time.
 Q Who did you belong to? A Old George Ward, at Beattie's Prairie.
 Q Did you come with George Ward from the old country here? A Yes, sir.
 Q Was he a Cherokee? A Yes, sir.
 Q An Indian? A Yes, sir.
 Q How did you go out of the Cherokee Nation during the war, or before the war at any time? A Went out after the war; that is after the battle at old Ft. Wayne I was took out with the troops.
 Q Where were you taken to? A Up to Mound City.
 Q Where is that? A Lynn County, Kansas.
 Q When did you return, now, to the Cherokee Nation? A I came over here on Grand River, me and two other fellows, in '68, at Crap Lynch's.
 Q Who came with you? A Steve Lynch and Reck Adams.
 Q Did you have any family then? A Yes, sir, all my family was back.
 Q Did they come with you? A They didn't come the first time, but they come and I moved them down.
 Q When did the old lady come? A She went when I went back and moved them all back.
 Q Was she taken out with you? A Yes, sir.
 Q You were with her in Kansas? A All the time.
 Q Went there with her? A Yes, sir.
 Q And came back with her? A Yes, sir.
 Q She living now? A Yes, sir, she is at home.
 Q Was she a slave else? A Yes, sir.
 Q Who did she belong to? A She belonged to old man Ward's son, Jim Ward.
 Q She was born in the old country, in Georgia? A Yes, sir, I guess she came with them, she said she came from Virginia.
 Q You were married to her after you came from Georgia? A Yes, sir.
 Mr. Hollett: Peter, is Abram Ward, who has applied to-day, your son? A Yes, sir, he is my son, belonged to old Jim Ward at Beattie's Prairie.
 Q Did you and Abram Ward return to the Cherokee Nation together after the war? A Yes, sir, moved.
 Q Moved together from Kansas? A Yes, sir, we lived together, moved together when it was cold and frosty.
 Commissioner: Have you always lived in the Cherokee Nation since that time? A Ever since.
 Q Has your son Abram also lived here? A Yes, sir, right on Big Creek, made our farms.
 Mr. Hastings: Who was living up on Big Creek when you came?
 A I didn't see anybody but colored people.
 Q Who were they? A The Sanders and Mr. Baigs and Wags.

- Q Sam Webber? A Sam Webber.
- Q They were all living up there, were they? A That is all I seen.
- Q Who came with you besides your family? A Old Jesse Rowe, Dan Rowe, old man Colbert, George Adair.
- Q You came in the fall, did you? A Yes, sir.
- Q What had you been doing up in Kansas? A Well, while I stayed there we farmed it.
- Q Who did you farm the last year up there for? A Farmed the last year for a man by the name of Durden.
- Q Did he live in Mound City? A No, he lived out in the country.
- Q What direction from Mound City? A He lived west.
- Q About how far from Mound City? A Must have been about two miles and a half or three.
- Q You farmed with Abram, did you? A Yes, sir, we came that all together.
- Q Do you remember what year it was? A When we moved back?
- Q Yes? A It was in the fall of '66, in the winter.
- Q Did Sam Webber have any crop of corn that year? A Not that I know of.
- Q Did George Neigs? A No, sir.
- Q Did you hear your son Abram's testimony a while ago? A No.
- Q You were not in here? A No, I don't know nothing about it.
- Q Where was Abram's boy, Alonso, born? A Well, that I don't know myself, right when he was born.
- Q I want to know if he was born before you came or after you came?
- A I think from the way I heard them say he was born afterwards, up here on Big Creek.
- Q You are not positive about that? A No, I don't know for certain, I am telling just the way I think, I don't know.
- Q Do you know when your young master, Joe Ward, was in Kansas?
- A He is none of my young master.
- Q He was the young master of your wife? A Yes.
- Q You saw him in Kansas? A Yes, I saw him up there once.
- Q That was after the war? A No, no, not that; might have been after the war, I disremember.
- Q Do you remember how long after the war it was? A No, I don't.
- Q Well, he came to your house up there, didn't he? A Why he came to our house.
- Q Do you know what year that was in? A No, I don't, he was coming home, he was mastered out, he was teaming so they said, been teaming for the government, that is what he said.
- Q You were living up in Kansas when you saw him up there? A Yes, sir.
- Q Do you know, did you see Cusky Brown up in Kansas? A Yes, I saw Cusky Brown.
- Q That was while you were living at Mound City, Kansas, was it?
- A Yes, I believe it was, I seen him.
- Q About how many years after the war was it until you moved down here? A Well, we came down here, I came down here in '66, and then in the fall we came, we moved back together in wagons and camped on Big Creek, and I went back to get my provisions back and forwards, while my family was here on Big Creek, and all my children.
- Q How many years after the war was that? A It wasn't more than about a year, I think, or two.
- Q Do you know the year? A No; you see the negroes wasn't allowed to have a book in his hands at that time.
- Q Do you know when Mr. Kern and Clifton made that roll, what year that was? A Not to my knowledge.
- Q Do you know what year Mr. Wallace made the roll, you were here proving up? A No, sir, to save my life I can't tell you.
- Q You don't know one year from another? A Yes, I know one sometimes, and sometimes I don't, I don't recollect it; if I heard somebody else say it.

Q You have lived up there ever since you made your farm in the fall of '66? A Yes, sir.

Q Right on Big Creek? A Yes, sir.

Q Where you live now? A Yes, sir, and then of course I lived right there, and never moved out. (Hands Commissioner paper.)

Mr. Nollette: I want to offer that as evidence in the case.

Mr. Hastings: we object to it.

Commissioner: He presents quite a lot of permits. They are objected to, and the objection is overruled and the permits will be filed for what they are worth.

Commissioner: Where was Martha Ward born? A Born here; no, she was born up in Kansas, a little girl when we moved down here.

Q She was the mother of Eva? A Yes, sir.

Q Well, was Eva born in Kansas? A No, she was born on Big Creek.

Q Did Martha come down with you when you came? A Yes, sir, just a little girl then.

Q You have her living with you? A Yes, sir.

Q Just a little bit of a girl? A Yes, sir.

Q Martha isn't your oldest child? A My oldest child is dead.

Commissioner: Peter Ward applies for the enrollment of himself, his wife Louisa, and his grandchild Eva Ward. Neither he nor his wife can be identified upon the authenticated roll of 1880 or the census roll of 1896. Said Peter Ward is duly identified upon the Kern-Clifton and the Wallace rolls, and his wife Louisa is identified upon the Wallace roll, but cannot be identified upon the Kern-Clifton roll. He avers that he had one child, Martha, now deceased, and the name of his child Martha is identified upon the Wallace roll. She is not identified upon the Kern-Clifton roll, having been dead before said roll was compiled. He avers that said child, Martha, was the mother of his grandchild, Eva, and the name of Eva cannot be identified upon any of the rolls of the Cherokee Nation. He makes satisfactory proof as to residence, and reference is made to the testimony taken in the case of Abram Ward, who was listed for enrollment on Card D-607, this day, said Abram Ward being the son of the said applicant, and a copy of said testimony will be filed with the testimony now being taken. It will be necessary for him to file satisfactory proof of birth as to his grandchild, Eva, for the reason that her name is not identified upon any roll now in the possession of the Cherokee Nation. Consequently, said Peter Ward and his wife Louisa and his grandchild Eva will be listed for enrollment as a Cherokee Freedman upon a doubtful card, awaiting further consideration by the Commission, and he will be notified by mail of the decision 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.

(Signed) Bruce C. Jones.

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

(Signed) G. R. Breckinridge,

Commissioner.

Mellette & Smith for applicants.
W. W. Hastings, for the Cherokee Nation.

Department of the Interior,
Commission to the Five Civilized Tribes.
Chelsea, I.T., June 8th, 1901.

In the matter of the application of Abraham Ward for the enrollment of himself and one child as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Abraham Ward.
- Q How old are you? A 55.
- Q What is your postoffice address? A Fyner.
- Q In what district do you live? A Cooweescoowee.
- Q Do you want to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Who do you desire to have enrolled besides yourself? A One boy Artes Ward.
- Q How old is he? A 13 years old.
- Q Are you a recognized Cherokee Freedman? A In part I am.
- Q Is your name on the 1880 roll? A No, sir.
- Q Is it on any of the rolls? A The Kern Clifton and on the Wallace roll.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1896 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kern Clifton roll examined and the names of the applicants found thereon as follows:

Page 125, No. 5117, Abraham Ward, Cooweescoowee District.

Page 125, No. 5124, Artus Ward, Cooweescoowee District.

The Wallace roll of the Cherokee Nation examined and the name of the applicant found thereon as follows:

Page 152, No. 5162, Abraham Ward, Cooweescoowee district.

- Q Where were you born? A On Beaties' prairie.
- Q In the Cherokee Nation? A Yes, sir.
- Q Were you a slave? A Yes, sir.
- Q To whom did you belong? A Jim and Eliza Ward.
- Q Were they Cherokee citizens? A Yes, sir.
- Q Were you taken out of the Cherokee Nation during the war? A No, sir, after I was liberated I went into the Government service.
- Q Where did you go? A In '68 I went into the Union army.
- Q What regiment? A Blount's Division.
- Q Where did you enlist? A I didn't enlist, I was working for the officers, body servant.
- Q Where did you go? A Went to Cane Hill, Arkansas, waited on the officers and after that I drove a Government team.
- Q When did you return to the Cherokee Nation? A In the spring of '68.
- Q Have you lived here continuously ever since? A Yes, sir.
- Q Are you married? A Yes, sir, but my wife is dead.
- Q Who was the mother of Artes? A Caroline.
- Q Was she a slave? A Yes, sir.
- Q To whom did she belong? A The Adairs.
- Q Is her name on the 1880 roll? A No, sir.
- Q Was her name Caroline Adair before you married her? A Yes, sir.
- Q When did you marry her? A In '55.
- Q Where? A Up in Kansas.
- Q Did you return with her? A Yes, sir, I come on down and then went back in the fall and brought her.
- Q How much of a family did you have then? A None, all of my children were born here.

Q Did you live with Caroline until her death? A Yes, sir.
 Q Who were your owners? A Jim and Louisa Ward.
 Q And they were Cherokee citizens were they? A Yes, sir.
 By Mr. Mellette:
 Q Have you a place on the public domain of the Cherokee Nation?
 A Yes, sir.
 Q How long have you owned it? A Since '66.
 By Mr. W. W. Hastings: The above question as to owning a place is objected to by the representatives for the Cherokee Nation because it does not tend to prove the issue.
 By Mr. Mellette:
 Q You have never lived out of the Cherokee Nation since your return in '66? A No, sir.
 By Mr. Hastings:
 Q Your father was Peter Ward? A Yes, sir.
 Q Are you his son? A Yes, sir.
 Q Are you his oldest son? A Yes, sir.
 Q You went to Mound City, Kansas, didn't you? A Yes, sir, after I quit driving Government teams.
 Q That is in Linn County? A Yes, sir.
 Q Do you know Cusky Brown? A Yes, sir.
 Q Did you see him in Kansas? A Yes, sir.
 Q What year did you see him there? A I think it was in '67.
 Q You knew Joe Ward? A Yes, sir, we was raised together.
 Q He was your young master? A Yes, sir.
 Q You saw him in Kansas too didn't you? A Yes, sir, in '65 when I was driving a government team he come to our house.
 Q Was that after or before the war closed? A Same year that the war closed, I saw him in Mound City and he went up to my father's house, I was living with my father.
 Q You were not married then? A No, sir, married directly after.
 Q What year did you marry? A In the fall of '65, after he was up there.
 Q How old is your oldest child? A He is 32 I think it is according to my judgment.
 Q What time in the year was that oldest child born? A In September.
 Q Was he 32 last September or this coming September? A This coming September.
 Q That is your best judgment? A Yes, sir.
 Q Did you come back with your father, Peter Ward? A No, sir, not the first time I come.
 Q Didn't you testify before that you come back with your father?
 A No, sir, I went to Fort Gibson the first time and the next time I come down with him.
 Q How long after that did you come down again with your father?
 A The same year, I come to Fort Gibson in the spring and come back to Kansas and back here again in the fall, with my father.
 Q You had married then? A Yes, sir.
 Q You come down the last time in November? A Yes, sir.
 Q Who came with you that first time? A Six Mesley or Rogers,
 Q Came through on horseback? A Yes, sir.
 Q How long did you stay here then? A Staid a considerable time, had kin folks there.
 Q Who? A Berry Mays and Mr. Mays.
 Q Well how long did you stay there? A About a month or so.
 Q How long after that did you come with your father? A In November.
 Q You located permanently that last time? A Yes, sir, but I was on Big Creek when I went back from Fort Gibson to Kansas the first time.
 Q How far did you locate from Snow Creek? A 8, 10, or 12 miles.

- Q What direction from the mouth of Snow Creek? A Northeast.
- Q How far from the Kansas line? A About 8 miles south.
- Q Who was living there in that country then when you went through from Fort Gibson to Kansas? A Sam Webber, George Meigs, Peter Meigs, old man Sam Webber.
- Q Had they houses there then? A Yes, sir.
- Q Had they made a crop of corn that year? A Not much, there was a drought there, that was when I went up the first time.
- Q What time was it when you went up? A In August.
- Q Did Sam and his daddy have a crop of corn in? A Not much, sort of a patch.
- Q That was in '68? A No, sir.
- Q Your young master Joe Ward testified that he saw you there in '67? A I was traveling up there through that country and saw him the year of the war closing, because he went to my house with me.
- Q Did you ever see Will and John Ward or any of your young masters since the war? A Yes, sir.
- Q Where? A On Big Creek.
- Q When? A I had been there about two years.
- Q Did you locate right on the place where you now live? A Yes, sir.
- Q And have lived there ever since? A Yes, sir.
- Q Is your father living? A Yes, sir.
- Q He lived there with you? A Yes, sir.
- Q What Cherokees are living along there? A Albert Morris.
- Q Was he living there when you come? A No, sir.
- Q How far was Jim Martin living from there when you come there? A No, sir, he was not living there and the Delawares were not living there either then.
- Q You anticipated that question didn't you? A I know they was not living there then.
- Q What made you answer that question before I had asked it? A I heard some of the people saying that they was up there then and I am telling you right. I thought it was coming and I was going to tell you about it.
- Q Where did you get anything to eat that fall? Get it from these Webbers and Sanders? A We brought some along with us.
- Q Do you know Jess Brown and Teanaseh? A Yes, sir.
- Q They were up in Kansas looking after some pension matters weren't they? A I don't know.
- Q Was Sam Webber living in a house up there? A Yes, sir.
- Q Who did you stay all night with up there? A With Peter Meigs.
- Q That was in August? A Yes, sir.
- Q 1866? A Yes, sir, latter part of August.
- Q Did old Peter Meigs have in a crop there then? A Yes, sir, a little one.

By the Commission:

- Q Why is your name not on the 1860 roll? A I don't know, the census takers didn't come there.
- Q Did you ever apply to have your names enrolled? A No, sir, the reason I didn't was because several men went down there and tried it and come back and said that it was not necessary to go down there as they was not enrolling us people.

L. D. DANIELS, called and sworn as a witness before Com'r T. R. Needles, testified as follows for the applicant:

By Com'r Needles:

- Q What is your name? A L. D. Daniels.
- Q What is your age? A 53.

Q What is your postoffice address? A Maremore.
Q Are you a recognized freedman of the Cherokee Nation? A Yes, sir.
Q Do you know the applicant? A Yes, sir.
Q How long have you known him? A I got acquainted with him in the fall of '66.
Q Do you know if he was a slave? A No, sir, I don't.
Q Where did you see him in the fall of '66? A At Fort Gibson.
Q Have you known him ever since that time? A I saw him after I moved up here to Coowessawee.
Q How did you happen to see him in Fort Gibson in '66? A He come to Amanda and Rutha Adaire and was going to take them away and I asked him what he was going to do with them, and he said he was going to take them to his people.
Q You had never seen him before that? A No, sir, he was a stranger to me then.

By W. W. Hastings:
Q He was a stranger to you in '66? A Yes, sir.
Q You had never seen him before that? A No, sir.
Q You didn't witness for him before the Kern Clifton court did you?
A No, sir.
Q Do you know how long he staid in Fort Gibson that time? A No, sir, I don't.
Q What time did you see him there? A In the fall.
Q What time in the fall? A First part of September of the last part of August, somewheres along there.
By the Commission:
Q How did you know it was in '66? A Because I was living right there and noticed all the girls that come in there.
Q You was a young man then? A Yes, sir.
Q You was a government officer also wasn't you? A Yes, sir.

SAM WEBBER, called and sworn as a witness by Com'r Needles, testified as follows:

Q What is your name? A Sam Webber.
Q How old are you? A 68.
Q What is your postoffice address? A Nowata.
Q Are you a recognized Cherokee freedman? A Yes, sir.
Q Do you know the applicant? A Yes, sir.
Q How long have you known him? A Got acquainted with him in Kansas during the war.
Q During the war? A Yes, sir, time of the war.
Q Do you know when he returned to the Cherokee Nation? A In the fall of '66 was when I first remember seeing him in the Nation.
Q Where did you see him? A On Big Creek.
Q He came up there to live? A Yes, sir.
Q Did he have his family there with him? A Yes, sir, he had his family with him.
Q Did you know if he was a slave in the Cherokee Nation before the war? A Only what he told me.
Q Have you known him ever since? A Yes, sir.
Q Has he lived in the Cherokee Nation continuously ever since?
A Yes, sir.

By W. W. Hastings:
Q He settled there right in the fall of '66? A Yes, sir, frost was falling.
Q How long before had you and your family been there? A Not long, I moved down there a short time before that.
Q About how long before that? A I can't just tell, not a great while.
Q A month? A Must have been a month, I don't remember exactly.
Q Are you prepared to swear positively that all these people came

down there 33 years ago, in '68? A Yes, sir, all those I am acquainted with that come.

Q How far did this man live from you then? A 4 miles.

Q He has lived there ever since? A Yes, sir.

Q You know he was living there in '67? A Yes, sir.

Q You know he was living there in '68? A Yes, sir.

Q You are willing to swear that he has continued to live there continuously ever since '68? A Yes, sir.

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

Q What is his name? A Peter Ward.

Q He came with his father did he? A Yes, sir, they came together.

Q And settled in the same neighborhood? A Yes, sir.

Q What place in Kansas did you come from? A Linn County, same place they come from.

Q Mound City? A Yes, sir.

Q Did you know them there? A Yes, sir.

Q Did you go back up there directly after you come down here and settled? A No, sir.

Q Did you go back there in '68 or '67? A No, sir.

Q Was this man married when he come down there? A Yes, sir.

Q Was his wife with him? A Yes, sir.

Q How many children did he have then? A I can't tell you how many he had, but he must have had as many as two or three. I can't tell.

Q Did he have any? A If he did, I don't know it.

Q You know he was married though? A Yes, sir.

Q Did he live with his father when they first came there? A They both camped there close together.

Q Did they make separate houses? A Yes, sir.

Q Had you made a crop there when he come? A No, sir.

Q None of you had crops in then did you? A No, sir, couldn't, hadn't been there long enough.

Q About how far did they locate from the Kansas line? A I don't hardly know.

APPLICANT RECALLED and examined by W. W. Hastings:

Q You say Will and John Ward directly after Will got into trouble did you? A Yes, sir, I saw Will, he come to my house.

Q You had a talk with him? A Yes, sir.

Q You told him where you had been? A No, sir, not exactly as to where I had been.

Q Talked about old slavery times? A Yes, sir.

Q Told him when you had come back? A No, sir, that question was not asked.

Continuation of the above application reported by B. C. Jones.

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

Subscribed and sworn to before me this thirteenth of June, 1901, at Nevada, I.T.
(Signed) T. B. Needles,
Commissioner.

(Continued from testimony taken by Stenographer Chas. von Weise, June 8, 1901.)

GEORGE MEISS, being duly sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A George Neigs.
- Q What is your age? A I don't know exactly, about sixty some odd.
- Q What is your postoffice? A Winsor.
- Q Are you a recognized Cherokee Freedman? A Yes, sir.
- Q Your name on the 1880 roll? A No, sir.
- Q You made application to be enrolled? A Done been enrolled, all exceptin' two witnesses.
- Q Do you know Abram Ward, the applicant here? A Yes, sir.
- Q How long have you known him? A Ever since he moved on Big Creek.
- Q Do you know whether he was a slave before the war? A Yes, sir, he was a slave.
- Q Who did he belong to? A Belonged to a man they called George Ward.
- Q Do you know whether he went out of the Cherokee Nation during the war or not? A Yes, sir.
- Q Where did he go? A Went up to Fort Scott.
- Q Did you see him? A No, sir, I just met him up there.
- Q Do you know when Abram Ward, the applicant, returned to the Cherokee Nation? A Why, I don't know exactly.
- Q When was the first time you saw him after the war? A Why it was in the fall of '66.
- Q Where did you see him then? A On Big Creek.
- Q Was he living there? A Well, he has been there ever since.
- Q Was he living there then? A When I saw him, why he just came.
- Q Did he have a family with him when he came? A Yes, sir.
- Q How many children did he have? A Well, I can't hardly tell you.
- Q Have his wife? A Yes, sir.
- Q Was he camping there, or had he built a house? A Well, he came in and camped, and built a house.
- Q Have you known him since that time? A Yes, sir.
- Q Has he always lived in the Cherokee Nation since '66, to your knowledge? A Yes, sir.
- Q You were taken out during the war, were you? A Yes, sir.
- Q Did you return with Abram Ward? A I returned just a little before he did.
- Q You saw him here in '66 in the fall? A Yes, sir.
- Mr. Hastings: How long had you been back when you saw Abo?
- A I don't know exactly.
- Q A year or two? A I hadn't been back a year, no, sir.
- Q Well, had you put in a crop that year you came back? A No, sir, I hadn't then.
- Q Did you have any corn in when he came? A No, sir.
- Q Any potatoes in? A I had a patch started to clear out.
- Q But you had no corn on it? A No, sir.
- Q You didn't plant any that year? A We didn't plant any till it got time to plant it.
- Q But had you planted any when this man came down here? A No, sir.
- Q George, you don't know anything about dates, years? A No, sir, I don't.
- Q You don't know one year from another? A No, sir, I don't know, of course I an not got no education.
- Q Where did you live before the war? A Well, now I lived in the Cherokee Nation before the war.
- Q What place in the Cherokee Nation? A Well, as near as I can tell you to tell you the truth, I lived east of a little town they called Dutch Town on a big hill, west of it.
- Q Who did you belong to? A Belonged to a man they called Hubert

Daniels and Lila Daniels.

Q How far was that from Beattie's Prairie? A It wasn't a great ways, I don't know.

Q What direction was Beattie's Prairie from where you lived? A To my judgment, it must have been kinder north, nearabout north.

Q You were up there before the war, were you, Beattie's Prairie? A No, sir, I don't know that I have ever been to the place.

Q When did you first see Abe? A The first time I saw Abe to recollect him was at Fort Scott.

Q During the war? A Yes, sir.

Q Then you never saw him before the war? A No, sir.

Q You don't know of your own personal knowledge who he belonged to? A Of course I don't, but I know what he says, who he belonged to.

Q You swore a while ago he belonged to George Ward? A That is what I told you his owner was.

Q You don't know that? A No, sir.

Q You are the son of Peter Meigs? A Yes, sir.

Q Peter Meigs went down before the court to have himself and family enrolled? A Yes, sir.

Q Did you go along with him? A No, sir.

Q He is dead? A Yes, sir.

Q He didn't get enrolled? A No, sir.

Q He has been refused by the Cherokee Nation? A Yes, sir.

Q You know this man, the applicant, has been refused all the time? A Yes, sir.

Q To the best of your judgment, how many children did he have when you first saw him there, after the war? A I can't hardly tell you; I know all his children; he had one to my judgment.

Q But you don't know how many more? A No, sir.

Q What was this child's name? A Named Lon.

Q He stayed right near you? A Yes, sir.

Q He came down with his father, didn't he, Peter Ward? A Yes, sir.

Q They all came down together and stayed up there? A Yes, sir.

Q I want to know if you are positive about the year that they came in? A Yes, sir.

Q They have lived there continuously ever since that year they came? A Yes, sir, ever since.

Q They never went back to Kansas and left up there? A I believe the old man went back once or twice for grub.

Q Not up there to live? A No, they never went up there to live.

Q Are you willing to swear positively about the year they came? A Yes, sir.

Q That was in 1866, was it? A Yes, sir, '66 we came.

Q Was it 1866? A I can't say whether it was eighteen hundred or not.

Q You are not positive about that? A I can't tell you anything about the dates, and I didn't suppose I would have to know anything about '66 like I do, but my daddy was rushing to get down there to get a place he said for his children.

Commissioner: Your daddy knew he had to be there in '66 did he?
A Yes, sir.

Commissioner: Abram Ward applies for the enrollment of himself and his son Artes. He is not identified upon the authenticated roll of 1860 or the census roll of 1866 from an examination of the same, but he is identified upon the Kern-Clifton and the Wallace rolls. His child Artes is also identified upon the Kern-Clifton roll. He avers that he was married to one Caroline Adair, who is now deceased, and makes satisfactory proof as to said marriage. Now Abram Ward and his child Artes will be listed for enrollment as Cherokee

Freedman on a doubtful card, awaiting further consideration by the Commission. He will be duly notified by mail at his post office address of the decision of the Commission, when arrived at.

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

(Signed) Bruce G. Jones.

Sworn to and subscribed before me this the 18th of June, 1901.

(Signed) T. B. Needles,

Commissioner.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and correct copy from the original.

(Signed) Bruce G. Jones.

Sworn to and subscribed before me this the 8th of August, 1901.

(Signed) T. B. Needles,

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes.
Vinita, I.T., October 5, 1901.

In the matter of the application of Abraham Ward et al, for enrollment as Cherokee Freedmen.

Testimony produced on behalf of the Cherokee Nation.

Applicants:
Mellette & Smith, attorneys for the applicants;
V.V. Hastings, of counsel for Cherokee Nation.

G. V. KINGSBURY, being duly sworn by Commissioner Needles, testified as follows:

- Q. What is your name? A. G. V. Kingsbury.
- Q. How old are you? A. I am 47 years this fall.
- Q. What is your present residence? A. Mound City, Lynn County, Kansas.
- Q. How long have you lived in and about Mound City? A. Ever since the 15th day of August, 1882.
- Q. Were you living there in 1880? A. Yes, sir, I lived there continuously ever since, made that my home.
- Q. What was your father's name? A. My grandfather's name was Derrin.
- Q. Did you know a colored man in Mound City, Kansas, by the name of Peter Ward? A. There was one lived there, yes, sir, by that name.
- Q. Did you know any of his children? A. Yes, sir.
- Q. How many of them? A. There was Abraham, George, John, Peter,

Squire, Eliza, Ben, Dave, Clint, George: that is all I can remember of them.

Q When did you first become acquainted with this family of Wards?
A In the fall of '65.

Q Where were they then? A They lived on a place west of ours.

Q How far was that from Mound City, Kansas? A That was three miles; it is three miles to my place and their place joined right west of ours.

Q Joined your place on the west? A Yes, sir, their place cornered with ours on the northwest.

Q How long did they continue to live from '65 in that immediate vicinity about Mound City? A From '65, in the fall of '65 I think, and then in the next spring they moved, taken a lease on the old gentleman's place, my grandfather's.

Q What was his name? A Amos Durbin.

Q That was in the spring of '66? A In the spring of '66 they moved onto our place.

Q When you say our place you mean your grandfather's? A Yes, sir, I mean the Durbin farm now, it is where I live now.

Q How long did they continue to live on that farm? A They took a lease on our place for four years, to clear up some timber lands, and they lived there three years and in the fall of '69 the old gentleman left, that is, he said he was going down to this country, that was in the fall of '69, and the remaining year of the lease, he wanted the old gentleman, that is Mr. Durbin, to let one of his boys live there the year of the lease out, and Mr. Durbin told him that he was welcome to stay on the place till his time was out, but he didn't want him to sub-rent to anybody, and Peter Ward said all right.

Q They gave up the last year? A Yes, sir, they gave up the last year.

Q And they lived there for three years from '66, as I understand it? A From '66 to the fall of '69.

Q Was there a barn built on the Durbin farm in the meantime? A There was a stone barn built there in '68.

Q How do you know it was built there in '68; have you anything else besides your own memory? A Yes, sir, the boss mechanic, A. J. Ranney, on finishing the work he placed a rock up over the door with his initials and the year it was erected in.

Q Do you know whether these people were there after the building of this year or not, living there? A Yes, sir.

Mr. Mellette: I think that is a very leading remark.
Q Well, now how do you know it? A Mr. Ward was farming our place besides this land, he stored some wheat on our place and he stored some wheat and in the fall of '69 he left some wheat in our barn and the next spring he came and got it.

Q You know where he was the next spring, where he was living? A He said he had moved down to this country, that is what he said and we supposed he had.

Q Have you seen him since? A I have not; one of his boys was back there since, Abe, but what year I don't remember.

Q What is your occupation? A I am farming and stock raising.

Q You have mentioned a number of Peter Ward's family; did they all leave when Ward left, or about that time? A About that time; I can't say for sure whether the older oys left a short time before or a short time after, but I remember Uncle Peter going away at this time that I spoke of.

Q You remember Abraham Ward living there? A Yes, sir, he lived there every time when he was there, the boys were all at home on the place there.

Q Is your grandfather, Durbin I believe, is he alive? A Yes, sir, he is living, he is quite an old man, he is 88 years old.

Mr. Mellette: I didn't get your name? A C. W. Kingsbury.

Q What is your postoffice? A Mound City, Kansas.

Q How old are you? A I am 47 this fall.

Q How old were you in '66? A In '66 I was 13 years old, I was born in '54.

Q Did you, as a 12 year old boy, pay much attention to dates?

A What do you mean, in what way do you mean?

Q Well I mean exactly what I said? A Well this time that I spoke of, of knowing when Uncle Peter took this lease on our place; this place that he moved onto our place from belonged, when he took the lease on that, to a man named Corbin, and he built a house.

Q Now are you going to answer my question? A Yes, sir, what is it? Mr. Hastings: If you want to tell him how you get at this date, go on and tell him.

Mr. Mellette: I asked you if, as a 12 year old boy, you paid very much attention to dates? A I remember that distinctly.

Q When were you first asked to appear as a witness in this case? A I think there was a gentleman at my house twice, the last time I don't remember when, but I think it was along the last days of last month.

Q How long was it after Peter Ward and his family left Kansas, that that man came to you and asked you about these facts? A It was from '89 until 1901.

Q How long is that? A From '89 would be 32 years, if I am not mistaken.

Q Do you remember back then 32 years to the time when you were a 12 year old boy and remember the years that these colored people leased the land? A I do.

Q And when they moved off? A Yes, sir.

Q Where were you living at that time? A I must have lived on the place, I was living the same place I live now, three miles west of Round City, in Lynn County, Kansas.

Q Is that the only date you can remember about things that took place in those days? A No, sir.

Q You have lived in one spot all the time? A I have lived continuously, that has been my home on that farm since '61.

Q What impresses the fact on your mind as to when these people lived on that land? A As I said, Mr. Ward was living on a farm that belonged to Corbin and he had put up a house there, a log house, he wanted to move that house over onto the old gentleman, my grandfather, and my grandfather objected and told him he had better go down in our timber and cut logs and build a house.

Q You know of that? A Yes, sir.

Q You remember that conversation 32 years ago? A Yes, sir.

Q You are giving the exact conversation that you heard 32 years ago?

A I remember the contract and the conversation.

Q Were you a business man at that time? A Well, I wasn't, I don't supposed, considered so legally.

Q Did you conduct business at the age of 12? A In the way of leasing land I didn't, and Mr. Alexander came out from Indiana in the fall of '65 and bought the land then, this land that this gentleman, Mr. Ward, lived on, and then in '66 P. D. Alexander moved on the farm and lived there until the time of his death.

Q Now is it not a fact that Peter Ward and his family left your grandfather's place in '66 because they understood they could get a home here by coming in 1866, that they departed at that time? A I don't think it is.

Q Well, what do you mean by saying you don't think it is? A Well, I mean that he lived three years of this lease out there on the farm, that is, living three years on the farm.

Q Was there any particular reason for your remembering that for 32 years, the time that these people went on your grandfather's farm?

A The thing that calls the memory to the time was the fact that Alexander bought the place.

Q And you remember the year he bought the place? A Yes, sir.

Q Do you remember this by talking to your grandfather or somebody else or have you retained it in your own memory? A I have retained it in my mind, by talking to Alexander during his life time.

Q You have retained it by talking to Alexander? A Yes, sir.

Q You are testifying by what Alexander told you? A I know he came there in '66.

Q I want to know if you are testifying about these dates by what Alexander told you? A I am not.

Q What made you say you remember it by talking to Alexander in his life time? A I remember him moving there in '66 same as I remember I moved to Kansas in '61.

Q Then if Peter Ward and Abraham Ward and the rest of the Wards swear they left Kansas in '66 they are mistaken, are they? A I don't know what they testified to.

Q Who else lived on your grandfather's place after the Wards moved off? A At the time they lived on the place there, at one time, not all the time, there was a man by the name of Anderson Turk.

Q When did he move on the place? A He moved on the place sometime in '65, he had been on the place I think a year.

Q When did he move off? A He moved off the place, let's see, about '75.

Q Well, are you swearing he moved off in '75? A He moved up north and bought a place up north, he lived on the place 12 years and moved there in '85.

Q What year did he move off? A About the year 1875.

Q You swear that, do you? A Yes, sir.

Q Who lived on the place besides that man? A Why George Brown lived there.

Q When did he move on the place? A He didn't rent, he just simply rented a room from Anderson Turk and lived there.

Q When did he rent the room? A Why it was sometime, it was in '67 or '8, I am not sure which.

Q Well, which is it, '67 or '8; just as much reason for you to remember that as there was about Peter Ward?

Mr. Hastings: Don't argue that question.

Q What year was it that that man lived on the place? A '67 or '8, I am not sure which.

Q Why can't you remember, if you can remember when Peter Ward moved on the place and when he moved off? A Brown lived there just a short time and by permission of Anderson Turk.

Q When did he live there? A I think one winter.

Q You don't know when he went on and when he went off? A In the fall season he went in and just wintered there one winter.

Q Who lived on this place in 1876? A There was no one in '76, nobody then but our own folks.

Q Who cultivated it? A The old gentleman.

Q Anybody else ever live on that place? A How do you mean, since '66? Q Yes, sir, since '66? A Yes, I think Uncle Ben Ward lived on the place.

Q When did Ben Ward live on the place? A He lived on the place I think it was, let's see, about '67.

Q Now was it about '67, or was it '67? A I am not sure whether it was '67.

Q Why can't you remember when Ben Ward lived on the place? A I am pretty sure it was '67 when he lived on the place.

Q Yes Do you mean swear positively it was '67 when he lived on the place? A I am pretty sure of it, I am not positive.

Q Might have been '66? A No, it wasn't '66, because my recollection is that he moved on the place after Uncle Peter did, took another lease.

Q It was '67 then? A Yes, sir.

Q Might have been '68? A Yes, it was either '67 or '68, was either of the two years, it was a year after Uncle Peter moved.

Q You want to be understood as swearing positively that Uncle Peter Ward moved on the place in '66? A Yes, sir, spring of '66.

Q And you were a 12 year old boy at the time? A Yes, sir.

Q Don't you think you have a remarkable memory? A I never considered my memory as anything extra.

Commissioner: Mr. Kingsbury, Mr. Hastings asked you your father's name and you gave your grandfather's name; why did you not give your father's name when he asked you? A My father was in California and my grandfather raised me, I have been living with him ever since I was 7 years old, ever since; my father is dead now.

Mr. Hastings: I had talked to you about your grandfather's place? A Yes, sir, that is the place that I live on now, and this family lived on is my grandfather's now, he is still living, he is quite an old man.

BYRON OSBORN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Byron Osborn.

Q Mr. Osborn, how old are you? A 49 years old.

Q What is your postoffice? A Mound City, Lynn County, Kansas.

Q How long have you lived in and about Mound City, Kansas? A Well sir, my father settled there in '54, March 20.

Q Have you lived there since that time? A Well, that has been my home, I have been away a year or so at a time, was back in Illinois a couple of years and I was out in Colorado about the mountains about 12 or 14 months.

Q Well, where were you the three or four years after the war? A I was on our place, home.

Q How far was your place from Mound City, Kansas? A Three miles.

Q What direction? A Southwest.

Q How far was that from the Durbin farm? A Well, it is about two miles and a half I should judge.

Q Do you know Mr. Kingsbury, who has just left the stand?

A Yes, sir.

Q He a grandson of Durbin? A Yes, sir.

Q Did you know a colored man by the name of Peter Ward? A Yes, sir, I used to know Mr. Ward.

Q Did you know any of the members of his family? A Yes, sir.

Q Give me the names of some of them? A I know of Abe and I know Berry and I know Squire Ward, that is about all that I know, he had other children but I wasn't acquainted with them, I think he had some girls I wasn't acquainted with.

Q When did you know them? A Well, sir, it was along I think the latter part of summer, they lived in there.

Q About how long did you continue to know them? A Well, the best of my recollection is that I knew them I think probably eight or nine or ten years.

Q I mean did you know them after the war? A Yes, sir.

Q How long after the war did you know them? A Well, I should judge it was, to the best of my recollection, I think it was probably five or six years after the war, four or five maybe, sometime after the war, but I can't state how long.

Q Do you know where they were living? A Yes, sir.

Q What place? A They were living on Mr. Durbin's farm.

Q Do you remember where they went when they left there? A Well, I don't know positive, only I have understood they came to the Indian Territory.

Mr. Kelleys: How old are you? A 49 years old.

Q How old were you when the war closed? A Well I guess I was about 12 or 14 years old.

Q How who did you first talk to about knowing anything about these people? A Mr. Keys.

Q Mr. Keys came up into Kansas, didn't he? A Yes, sir.

Q Found you? A Yes, sir, he asked me did I know the Vards and I told him I did.

Q Well was that the first time that anybody had ever talked to you about when the Vards left that country? A Yes, sir.

Q That has been about 22 years ago, hasn't it? A Well it has been a long while, I don't know just how long.

Q You were a boy about fourteen years old? A Yes,

Q Do you think you can remember back to your boyhood days and swear positively when Peter Ward left that country? A I don't swear positively.

Q How far do you swear positively? A Well I know that he was there sometime after the war.

Q You know he was there sometime after the war? A Yes.

Q Can you remember the events and the succession of facts as they happened thirty years ago when you were a boy? A Well some things I can.

Q Well, do you think this is one of the things? A Well, I remember that Mr. Ward lived there, he had a boy by the name of Abe who used to work for my father sometime after the war, he worked on our place, but I can't say positively what year it was.

Q You don't know when he worked on your father's place? A I don't know what year it was, it was sometime after the war, quite a while.

Q And you don't know when he moved to Mr. Durbin's place? A No, sir.

Q Can't you remember the year he worked on your father's place?

A No, sir, not positive.

Q When did they stop fighting up there in Kansas? A Along about, I think the last fight they had was when Price went through, I think the latter part of '66 or '65, along there.

Q '66, was it? A Or '65.

Q You say they had a fight up there the latter part of '65, that Price went through there? A No, I didn't say '65.

Q The latter part of '65 or '66? A The latter part of '66 or '5.

Q The latter part of '66 or '5, you say that? A I say either the latter part of '65 or '55, sometime along in there that Price went through there.

Q Don't you know that Price made his raid through there in '63?

A No, I don't hardly believe he did.

Q And don't you know that General Lee surrendered to General Grant in April 1865, and that there wasn't any fighting any place after April, '63? A Well, it might be, but the war wasn't closed entirely till about '65.

Q Yes but you say Price made his raid through there in '65 or '66?

A I meant '64 or '5.

Q What made you change? A Well, I just made a mistake.

Q Who talked to you after you came? A Nobody.

Q Well Mr. Hastings here consulted you, didn't he? A He asked me some questions.

Q Was Mr. Kingsbury present? A Yes, sir.

Q Who else was present? A There was lots of gentlemen there.

Q All you witnesses who came down in that case were present and talked together? A Well they asked me some questions.

Q Now when you were being consulted you and Mr. Kingsbury and the other witnesses in this case were all sitting in the room and heard what went on here? A I think maybe I did hear a part of Mr. Kingsbury's testimony, I wasn't in there all the time, I don't know anything about when Mr. Ward left that country, I can't swear positive, but I am satisfied that he was there several years after the war closed.

Q But then if you think that Price made his raid through there in '65 or '66 you may be mistaken when the war closed? A I meant '64 or '65.

Q Do you say that Price did make his raid through there in '64 or '65? A I wouldn't say positive.

Q You wouldn't say positively about that? A No, it seems to me it was in that time.

Q You were a boy? A Yes, I was a boy.

Q Mr. Hastings! You were summoned here as a witness on the part of the Cherokee Nation, weren't you? A Yes, sir.

Q I consulted you with a number of other witnesses down there?

A Yes, sir.

Mr. Helleble: How were you summoned here on the part of the Cherokee Nation? A By subpoena.

Q Who served the subpoena on you? A Mr. Campbell left it at my farm.

Q Who is Mr. Campbell? A His name is Hove Campbell.

Q Where does he live? A He lives in Mound City, Kansas.

JOSEPH L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A Joseph L. Ward.

Q What is your age, Mr. Ward? A 56.

Q What is your postoffice? A Haysville, Arkansas.

Q You live in the Cherokee Nation side there? A Yes, sir.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q Mr. Ward, what was your father's name? A James Ward.

Q Did your father ever own a colored man by the name of Peter Ward?

A No, sir, my grandfather owned him.

Q You know Peter Ward then? A Yes, sir.

Q Before the war? A Yes, sir, he married a negro woman my mother owned.

Q He had some children? A Yes, sir.

Q You remember any of their names? A Yes, sir.

Q Well, give us some of them? A Abraham was the oldest, Berry, Margaret, Mizer, Squire, Eliza, Dave and Clint, is all they had when they left there that I know of, that I remember.

Q Did they live there when the war came up? A Yes, sir, in '63, as well as I can remember.

Q Did you ever afterwards see them? A Yes, sir.

Q Where did you next see them? A In Mound City, Kansas.

Q When was that? A In the fall of '65, October.

Q How long did you next see anyone of this family? A The next time one of them was here in Vinita just after that payment, the first payment of the Cherokees. I don't remember the exact date.

Q You don't remember the exact date? A No, sir.

Q It wasn't this last colored payment? A No, it was the first payment that was had after the war.

Q You don't remember the date of that payment? A No, I don't remember the date.

Q Was this railroad through here at that time? A I think so.

Q Well, which one of them did you see at that time? A Abraham.

Q Did you have any conversation with him? A Why yes, he told me that he didn't get any money, that he came too late.

Q He say where he was living at that time? A Living out here on Big Creek, up here in Cooweescoowee.

Q You remember when he said he came? A No, I don't, positive.

It seems to me he told me he came here in '69, that is my best recollection.

Q Did you see any other members of the family at the time? A No, sir, not that I remember.

Q Have you talked with any of them since that about it? A No, sir.

Q You live quite a distance from them? A Yes, sir, I live about fifty miles southeast of here, and they live northwest.

Q You don't remember the date of that payment? A No, I don't remember the date of it, somewhere in '70 but I don't know exactly what date it was.

Mr. Helleble: Well, did any of the colored people get the payment at that time? A I don't know, I don't think they did.

Q Don't think any of them got it? A I don't know, I don't remember, of course I can't state.

Q You wouldn't swear that he told you he came here in '69, positively? A Not positively, but that is my best recollection.

Q Well, that has been a long time ago, hasn't it? A Yes, sir.

Q You ever been arrested? A I don't know that that cuts any figure in the case.

Commissioner: Please answer the question?

A Why yes.

Mr. Mellette: What were you charged with? A I was charged with charging an unlawful fee in a pension case.

Q That all? A And detaining pension money.

Mr. Hastings: What was done with the case, Mr. Ward? A Dismissed.

JOHN L. WARD, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John L. Ward.

Q What is your age, Mr. Ward? A Age is 50.

Q What is your postoffice? A Mayville, Arkansas.

Q You are a Cherokee citizen by blood? A Yes, sir.

Q You live on the Cherokee side of the line? A Yes, sir.

Q What was your father's name? A His name was James Ward.

Q Did you know a colored man by the name of Peter Ward? A I did when I was a boy, I haven't seen him since.

Q Did he have some children? A Yes, sir.

Q You remember any of their names? A Yes, I recollect most of their names, there was Margaret and Abraham, Louise was the old lady's name.

Q We want to identify the family, name some of them? A Margaret and Abraham and Berry and Miner and Ben I think and Dave and Eliza and Clint.

Q Did you ever see any of them after the war? A I never saw but one of them; yes I have seen them too, I seen Squire here the last Court, one they call Dick or Squire.

Q Well which one did you see first after the war? A That was Miner.

Q What was her name then? A Rowe I think she called her name.

Q Where did you see her? A Up here between here and Chatopa, Big Creek I think it was.

Q Between here and Chatopa? A Yes, sir.

Q In what district? A In Cooweescoowee I guess.

Q Did you have any talk with her? A Yes, sir.

Q About when was that talk? A Sometime in the sixties, '65 or '6 or '7; somewhere along there, I don't recollect just the year.

Q Now think over the date, do you mean '60? A '70 I mean '70, something in '70, I have got it wrong, '60 I said, it was sometime in '70.

Q You say it was sometime in '70? A Yes, sir.

Q You know whether it was before or after this railroad ran through here? A Yes, sir, it was after this railroad ran through here.

Q This W. K. & T.? A Yes, sir.

Q Well, what conversation did you have with her? A We stopped there where she lived and she called up a couple of boys that she had and she told me their names, she called one of them Grant and the other one Sherman, and then she sent a crazy negro down in the field for her husband, and she said she wanted to know what they were going to do about them, she said they got back too late; I said I didn't know what they were going to do, and that is about all the conversation I had; I asked them about the family, where they lived; they were all around there except one of them, there was one had never come back, that is my recollection, I don't know which one now.

Q Who was with you at the time? A Well, my brother, we had been up to Coffeyville with some ~~apples~~ apples and came back by there and stopped.

Mr. Mellette: You say you asked them about the family? A Yes, sir. Q Talked a good while with them I suppose? A We stopped there about half an hour or an hour.

Q Where did she say her father was? A He lived there somewhere.

Q Where? A Up here about Big Creek.

Q Where did she say Abraham was? A He was there.

Q Where? A Up in there, right close there, I was asking how they all were getting along.

- Q How many years ago has that been? A Along in '70 sometime.
- Q '70 when? A Between '75 and '77.
- Q What made you say it was in '60 first? A I just miscalled it.
- Q Wasn't it in the sixties? A No, sir.
- Q Don't you know it was in '68? A No, sir.
- Q Between '76 and '7 and '8? A It wasn't in '66.
- Q Why wasn't it? A Because this railroad was built through here.
- Q When were you first called upon to remember this? A Well, it was down here in this rock house down here.
- Q How long ago? A I don't remember.
- Q When Mr. Wallace made this roll? A No, sir.
- Q When Mr. Kern and Clifton made the roll? A It was when this negro attorney was down there, I don't know his name.
- Q How long ago? A I don't remember just now.
- Q About how long ago did you first remember that she said she was too late? A It was when we were up there, is all I know about it.
- Q About how long ago, I want to find out when it was? A The reason I think it was about seventy, because I was married in '78 and it was before I was married.
- Q How many years before you were married? A Two or three.
- Q Two or three? A I don't remember just exactly, it was so long ago you can't recollect, I can't recollect the exact dates.
- Q That is what I am thinking about, unless I have something to impress it on my mind; nobody called on you to remember what they said for twenty or thirty years afterwards? A No, I wasn't called on until I was summoned here before this court.
- Q This time? A No, that other time.
- Q What time was that? A I don't remember; you may recollect the date Mr. Hastings.
- Q Who were making the roll at that time? A Hastings and Thompson and there was a negro there, an attorney, I forget his name.
- Q You can't give any idea when that date was can you; why can't you remember the date you were first called on to testify to this fact as well as you can remember when she told you she came here too late? A I never paid much attention to it.
- Q Did you pay much attention to when she said she came here too late? A Yes, I recollect by the trip we made and I got to counting it up.
- Q After thirty years you got to counting it up, did you? A It wasn't thirty years.
- Q Well, twenty? A Let's see, it was over thirty years I guess.
- Q It was over? A It was in seventy something.
- Q Well how many years has that been? A Well I can count, this is 1901, you can count yourself.
- Q Why I am not going to do it, I asked you how many years it was? A Thirty years from seventy, and then it was along in '70, well I don't recollect just exactly the year though, it was before '77, sometime between '70 and '77, I don't remember just exactly the year, I don't propose to swear something I don't know.
- Q Well you give it up then, you can't tell how many years it has been? A I don't recollect the exact year.
- Q And you can't tell the year you were down here in the rock building and when Mr. Hastings and Mr. Thompson were making the roll? A No, I don't recollect the exact year?
- Q Was it 1895? A I don't remember.
- Q 1890? (No response.)
- Q Was it 1890? A No, sir, it wasn't then.
- Q When was it? A I don't know just when, I don't recollect the year.
- Q Mr. Hastings! That was the first time you had seen these old slaves since the war, when you had this conversation? A Yes, sir, and then during this court I was sworn when I was up here last court.
- Q Are you summoned here as a witness this time? A Yes, sir.

Q Were you summoned when you testified before when I represented the Nation in part? A Yes, sir.
Q You remember Mr. Thompson was a member of the court at that time?
A Yes, sir.
Q You remember the other two members of that court? A I don't recollect them.

Taking of testimony continued by stenographer J.O. Roosen.

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 18th of October, 1901.

(Signed) T. B. Needles,

Commissioner.

Continuation of taking of testimony in case of ABRAHAM WARD, C. T. No. 307.

Former portion taken by Stenographer Bruce C. Jones.

APPEARANCES:

Mr. Mellette, of Counsel for applicant;

Mr. W. W. Hastings, of Counsel for Cherokee Nation.

L. B. HELL, being duly sworn by Commissioner Needles, testified as follows on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A L. B. Hell.

Q Age? A 52; Vinita.

Q Mr. Hell, when was this railroad, W. K. & T. Railroad, built through this country? A '71.

Q When was that first Cherokee payment made after the war? A '75.

Q Do you know whether colored people and all participated in that payment or not? A Yes, every Cherokee citizen and whole lot that wasn't.

Q That was a general payment? A Yes, that was general payment intended for relief fund for all people living in the Cherokee Nation.

MR. MELLETTE: Did any colored people get pay at that time?
A Yes, I know two that did, they were living with me.

ABRAHAM WARD, the applicant, called, testified as follows in his own behalf:

MR. MELLETTE: What is your name? A Abraham Ward is my name.

Q Are you the Abraham Ward who is an applicant for enrollment as a Cherokee Freedman? A Yes, sir.

Q Did you know J. L. Ward who has just testified in this case?

A Yes, sir, I know him.

Q Did you ever make a statement as testified to by him that you could have too late to become a citizen? A No, sir, I did not.

Q Did you make statement, as testified by him, that you came back in '87? A No, sir.

Q Did you hear the testimony of John Ward, the last witness?

A No, sir.
 Q Did you hear his testimony? A I heard it yes sir.
 Q Did you hear a statement being said of yourself, mother or sister to him? A Yes, sir.
 Q Where is that sister? A She is dead.
 Q How long has she been dead? A About 17 years.
 MR. HASTINGS: When was the first time you ever saw Joe Ward after the war? A I saw him when the Cherokees drewed that general payment, what called bred money.
 Q What year was that? A I don't remember just what year it was.
 Q Well, that is strange? A It was in '70 though I think.
 Q Where did you see him? A '78 or '9; saw him right here at Vinita.
 Q '78 or '9? A Yes, sir.
 Q Along there; saw him here at Vinita? A Yes, sir.
 Q You didn't talk with him? A Yes, we was talking about our boyhood times.
 Q Talked to him where you had been? A No, sir, he knew where I had been.
 Q He was your young master? A Yes, sir, me and him was about one age.

This testimony will be made part of the record in cases D.608, D.610, D.611, D.613, ~~D.622~~ D.425, D.615, D.616, D. 618, D.619, D.621, D.622, D.623, D.625, D.626, D.605.

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.

(Signed) J. O. Reason.

Subscribed and sworn to before me this October 14th, 1901.

(Signed) T. B. Needles,
 Commissioner.

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

SUPPLEMENTAL TESTIMONY in the matter of the application of Daniel Thompson et al, C. F. D. #606.

Appearances:
 James S. Davenport for the Cherokee Nation.
 Mellette & Smith for the applicant.

T.F. Thompson, 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 T. F. Thompson.
 Q Where do you live? A 3 miles south of Vinita.
 Q That is your age? A 56.
 Q How long have you lived in the Cherokee Nation? A All my life.
 Q Do you know the applicant in this case, Daniel Thompson? A Yes, sir.
 Q Did you know him before the war? A Yes, sir.
 Q Do you know where he went during the war? A I think he went north to Kansas.

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Q Where did your family go during the war? A To Red River.

Q Choctaw Nation? A Chickasaw Nation.

Q When did you return to this country? A In the fall of '66, in October.

Q Did this applicant go with your family? A He never was with me during the war.

Q When your family returned to the Cherokee Nation where did they locate? A On Grand River, 12 or 15 miles east of here.

Q How far from where they had originally lived? A Same place.

Q Was the applicant there when you returned? A No, sir.

Q When did you first see the applicant after the war? A Here in Vinita, I can't tell exactly the time.

Q With reference to the time the railroad was here when was it? A The Katy was here I think.

Q About what year was it? A As well as I remember it was in '71 or '72.

Q Had the applicant prior to that time ever lived on your place on Grand River? A No, sir.

Q Had you any conversation with him in regard to where he lived or when he came back? A No, sir.

Q Where was he living at that time? A On Big Creek, he told me.

Q Did he say then that he had been living on Grand River at the old place? A No, sir.

Q You had always lived on the old place since your return? A Yes, sir.

Q Same place you lived on prior to the breaking out of the war? A Yes, sir.

Q Had the applicant been there after the war — to your house? A Not that I know of.

Q You saw him here in Vinita for the first time after the war? A Yes, sir.

Q Did he come to your home at that time? A He come to my father's house and staid a day or two with my father.

(By Smith)

Q What was your father's name? A Johnson Thompson.

Q Is he a Cherokee? A Yes, sir.

Q By blood? A Yes, sir.

Q A recognized citizen of the Cherokee Nation? A Yes, sir.

Q Did he own Daniel Thompson before the war? A Yes, sir.

Q Was Daniel Thompson with your father when the war commenced? A Yes, sir.

Q What time did you get back here after the war? A October, '66.

Q You came to what place? A Our old place.

Q How far from where Vinita is now? A 12 or 15 miles.

Q How old were you then? A 13 years old.

Q Just a boy? A Yes, sir.

Q From the time that you came back to your old place, for the following two years, where were you? A I was there—I went to school one or two sessions at Fox Ridge, Arkansas.

Q Then you don't know if this applicant was there during that time or not, while you were away at school? A Not while I was away.

Q All you know is that the first time you saw him was in '71? A Yes, sir.

Q You don't know how long he had then been in the Cherokee Nation? A No, sir.

Q You don't know where he was during the war? A No, sir.

(By Davensport)

Q When were you at school? A In '67, in the fall.

Q You was at school then from '66 to the fall of '67? A Yes, sir.

Q You never saw the applicant there then? A No, sir.

Q Never heard of him being there did you? A

BY MR. SMITH: I object to him stating that he might have heard.

(By Smith or witness)

Q All you know is that you never saw this applicant until in '71 or '72? A Yes, sir.

Q Before that time you don't know where he was? A No, sir.

DAVID STINGER, 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 David Stinger.
- Q Where do you live? A On Big Creek, Cherokee Nation.
- Q How old are you? A 60.
- Q How long have you lived in the neighborhood of Big Creek in the Cherokee Nation? A About 28 years.
- Q Do you know the applicant here, Daniel Thompson? A Yes, sir.
- Q How long have you known him? A Since '72.
- Q Where did you first see him? A I saw him in the territory on the east prong of Big Creek.
- Q What was he doing when you saw him? A Just commenced making a farm there.
- Q Did you have a conversation with him then? A Yes, sir.
- Q What was that conversation? A He told me that he used to live here and was owned here, and that he went to Kansas, and thought he would come back because he was owned here—thought he would come back home as he called it.
- Q Did he have a family with him then? A Yes, sir.
- Q What year was that? A I think in '72.
- Q What improvements had he made then? A Nothing, he was just in a wagon then.
- Q Did he say when he had gone to Kansas? A No, I don't know anything about that.
- Q Was anything else said about his having been in the Cherokee Nation before that? A I don't think there was.
- Q How many children did he have there? A Two.
- Q What were their names? A Sandy and Mandy.
- Q Were they both with him? A Yes, sir.
- Q Did he afterwards make a place there? A Yes, sir.
- Q Where has he been living since? A Right there all the time.
- Q What year was this you say he came there? A '72.

- (By Smith)
- Q You know that he has been living there continuously ever since '72 in the Cherokee Nation? A Yes, sir.
- Q How long had you been there in '72? A I came there in '71.
- Q Where from? A Peoria, Illinois.
- Q Had you ever been in the Cherokee Nation prior to '71? A No, sir.
- Q You don't know where this man Daniel Thompson was in 1870? A No I don't know that.
- Q You don't know where he was in '69? A No, sir.
- Q Or in '68? A No, sir.
- Q Or in '67? A No, sir.
- Q Or in '66? A No, sir.
- Q Or in '65? A No, sir.
- Q You don't know when he first returned to the Cherokee Nation after the war? A He told me then that he had returned then from Kansas.
- Q You don't know whether he had been here before that or not? A No, sir, he said he was owned here before that or not? A No, sir.
- Q You don't know when he first came here after the war? A No, sir, only that time.
- Q He might have been here before that and you not know it? A I wasn't here before the war time I state and can't tell nothing about except when I was here.

(By Davenport)

- Q Was he living there when you came there in '71? A No, sir.
- Q How did he come from Kansas when you saw him there? A Yes, sir, and that he had educated his children in Kansas and was moving back home.

WILLIAM NEALE, being first duly sworn by Com'ry T. B. Woodles,
testified as follows on the part of the Cherokee Nation:

(By Deavenport)

Q What is your name? A William Neale.

Q Where do you live? A On Big Creek, Indian Territory.

Q Cherokee Nation? A Yes, sir.

Q How long have you lived in the Cherokee Nation, Mr. Neale? A I think I came to the Cherokee Nation in the summer of '64.

Q How long have you lived on Big Creek? A Ever since the fall of '64 I think I went there then or in the spring of '65.

Q Do you know the applicant here, Daniel Thompson? A Yes, sir.

Q How long have you known him? A Good many years, I can't say exactly how long, I think he moved in there on Big Creek right close to me, I think he came from Kansas there in the fall of '72, and he has lived there ever since.

Q Did he settle a place there when he came there down? A Yes, sir.

Q How far from you? A Two and a half miles.

Q Do you remember seeing him when he came down there? A He was building when I first saw him, he had moved in there and commenced putting up a house.

Q Did he have his family with him? A Yes, sir.

Q Children? A Wife and three children.

Q Did you have any conversation with him? A Yes, sir, he told me he just moved in from Kansas.

Q Did he tell you that he was a slave here before the war? A Yes, sir, not right then but after that he told me that he had been a slave of Johnson Thompson and that he was going to see him.

(By Smith)

Q When did you first come to the Cherokee Nation after the war? A In '64.

Q Were you in the army? A Yes, sir.

Q When were you discharged from the army? A I was discharged, I think it was in '62.

Q In what? A '62.

Q Were you discharged before the war closed? A No, sir.

Q But you think it was in '62 that you were discharged? A I believe it was.

Q In '61 maybe? A Somewhere along there.

Q Somewhere in '61 or '62? A Yes, sir.

Q You testified Saturday last in the Josh Vann case didn't you? A Yes, sir.

Q Didn't you say then that you were discharged in the year '65 from the army? A I don't think I did, I think I said I didn't know exactly.

Q Didn't you in that case come back and make a correction in your testimony as to the length of time that you had been here since you came after you were discharged from the army? A Yes, sir.

Q When you came back to make that correction, didn't you say that you were discharged in '65 and that you were discharged after the war closed? A I think I was discharged in '62.

Q I am not asking you when you were discharged, I am asking you what you said then? A I don't think I did.

Q When did the war close, what year? A I think it was in '61, wasn't it.

Q When did it commence? A You are just a little ahead of me when it commenced, I don't recollect it.

Q You were not discharged from the army until the war was over were you? A No, sir, I was discharged twice, the last time the war was over.

Q What did they discharge you for the first time? A Three years service.

Q How long was that the second time? A Yes, sir.

- Q How long did you stay then? A Two years.
- Q How long did that war last? A Five years, wasn't it?
- Q How long was it after you were discharged the last time before you come to the Cherokee Nation? A I think it was about three years, two and a half or three years.
- Q What year did you get here? A In the spring of '66.
- Q You were discharged the last time after the war had closed and you didn't come to the Cherokee Nation for two and a half or three years after you were discharged from the army, is that right? A Yes, sir.
- Q And you are certain you were discharged from the army after the war was over? A Yes, sir.
- Q And you got here in '66? A Yes, sir.
- Q Now, how did you do that? A I went from Louisville, Kentucky, where I was discharged, to Iowa, and from Iowa to Kansas and from Kansas here.
- Q You don't really know anything about this applicant do you? A Only from my papers, it shows that I had some trading with him in '72.
- Q You don't know how long he had been here before that? A No, sir.
- Q You don't know when he came? A No, sir, except when he come to Big Creek.
- (By Davenport)
- Q You don't know when the war began? A No, sir.
- Q Nor when it closed? A No, sir.
- Q Had Dave Stinger come to your place before Daniel Thompson come on Big Creek? A Yes, sir.
- (By Smith)
- Q Where did you go after you were discharged? A Iowa.
- Q Where did you go then? A Kansas.
- Q Where did you stop in Kansas? A Neosho River, between the mouth of Cherry and Fly Creeks on a creek called Short creek.
- Q Did you have any trouble up at Chatopa? A No, sir.
- Q Were you never arrested in Kansas? A No, sir.
- Q Do you remember a man named Gage in Chatopa? A I don't remember, I am not acquainted with him.
- Q Didn't you have any trouble with him and get arrested? A No, sir.
- Q Didn't he have you arrested? A I don't think so.
- Q Don't you know? A I know I wasn't arrested there.
- Q Have you ever been arrested at all? A Yes, sir.
- Q Where? A In the Cherokee Nation.
- Q What for? A Cattle stealing.
- (By Davenport)
- Q What became of that case? A It was taken to Fort Smith and went before the grand jury and they didn't find any bill against me.
- (By Smith)
- Q Are you a citizen of the Cherokee Nation? A Yes, sir.

This testimony will be filed with the original application of Daniel Thompson, Cherokee Freedman, D-606, and also in C. F. D. cases D-683 and D-693 and their subreferences.

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

(Signed) Chas. von Weise.

Subscribed and sworn to before me this 17th of October, 1901.

(Signed) T. B. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 8th, 1901.

In the matter of the application of Abraham Ward et al for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

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

JOHN B. BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John Brown.

Q J. B. Brown? A Yes, sir.

Q What is your postoffice? A Springer.

Q That in the Territory? A Yes, it is in the Territory.

Q You are a Cherokee Indian by blood? A Yes, sir.

Q What is your age? A I am 58.

Q You married a Choctaw, or Chickasaw? A Married a Chickasaw.

Q How long have you been down there? A I moved down there about two years ago.

Q When did you come back to the Cherokee Nation after the war? A We landed back in the Cherokee Nation in the fall of '65.

Q Where did you live during the year of '66? A We were down there on Grand River.

Q Where did your father live in '67? A He was in Pryor Creek, I think he lived on Pryor Creek.

Q Do you know a colored man by the name of Peter Ward, and Abraham Ward? A Yes, sir.

Q When did you first see them after the war? A To the best of my recollection, I saw them in '68 in Kansas near Mound City.

Q What were you doing up in Kansas? A There was an old negro that my father owned, lived with him, I met him down here, and he had a pension coming to him and I went with him up there to draw this money and I found these people there in Ottawa, we went to Ottawa, Kansas, to draw this money and there is where I saw these people.

Q Who did you go with? A Jess Brown and Jess Marcus, and there I saw old Uncle Peter Ward and Abe and Berry, there was younger ones but they were smaller, I got acquainted with them three.

Q Were they living there at the time? A Yes, sir, they were living there.

Q Living in town or on a farm? A No, they were living on a farm out a little piece from Mound City; Mound City, as well as I recollect must be about 40 or 50 miles of Ottawa, Kansas.

Q About what time in the year did you see them there? A It was in July or August, I remember they were cutting wheat when I was there.

Q Summer time? A Yes.

Q Well, about how long did you stay around there? A I don't know how long, I don't remember how long, we stayed a while at Mound City and then went on up to Ottawa and stayed there quite a while, we didn't get the money when he first went there, we had to wait on account of some papers wasn't fixed up right, and we had to stay there, I would not say positively how long it was.

Q Was you at Peter Ward's house? A I can't say positively; you see there was a whole bunch of them lived around there, and I went to several of the houses around there and when they had preaching there while I was there and I went to church and seen them; they all found that I was an Indian and they came in to see me and talk with me.

Q You were with these colored men, two colored men? A Yes, sir, I

was with Jess, his mother was living there and his brother was there.

Q His mother and brother? A Yes, sir, mother and brother.

Q Did you see Abraham Ward? A Yes, sir, yes, sir.

Q You remember distinctly seeing him? A Yes, I remember him very well.

Q Well now did you meet anybody after you came back home, after you came back to the Cherokee Nation? A What do you mean; when I came back who did I meet?

Q Yes, if anyone? A No, I left them over there, they never come back.

Q Did you meet any of the Douches? A Yes, sir, Sam Couch and Pete Couch had just moved from Retas and I moved on Pryor Creek, they just had moved in, I just had come back from this trip and met them on Pryor Creek.

Q Now how many Wards had you seen up there, you saw Peter and Abe and Berry? A I remember Peter, that is Abraham's father, Uncle Peter we called him, and Berry and Squire, not Squire, no, Abraham, them three I remember.

Q There were others but you don't remember? A Yes, there were other boys, I got acquainted with them after they moved back later on, but I don't remember seeing them up there like I do these other men, I knew them after I met them after they came back I knew who they were.

Q Did they say anything about having been back down here after the war before that? A No, sir, never said anything about that, they told me they were coming back just as quick as they could come, everyone I seen was talking about coming back.

Q Where did you live in '86? A We were down on the Adair place, some called the Adair place and used to be known as the Alex McDaniel place.

Q Where were you in '87? A We were there in '87.

Q Where were you in '88? A Then we went on Verdigris, we had moved over there to Verdigris.

Q And that was in '88 you went up there? A Yes, in '88 I went to Kansas.

Mr. Mellette: You say you saw these Wards up there in Kansas at church? A Yes, sir.

Q How long did you stay in Kansas that fall? A I can't tell you how long I was there.

Q You didn't lose your citizenship by going up there to Kansas? A Didn't lose my citizenship, no, sir.

Q How long did you stay there, you say? A I don't remember, might have been there two, three or four weeks.

Q You didn't go to their house? A Yes, sir, I went to old Uncle Peter Ward's house.

Q Why didn't you say just a while ago that you did go to their house? A I said I went to several homes there, they lived all around in that country at different places, and I had been meeting them one day and another while I stayed there.

Q What were you doing while you were up there? A I went up there with this old Jess Brown to get his money.

Q Where did you have to go to get his money? A Went to Ottawa, Kansas.

Q How far is that from here? A I don't remember how far it is.

Q About how far? A Oh, it is a long ways.

Q How far did they live from Ottawa? A As well as I remember, it must be forty or fifty miles, they were living at Mound City to the best of my recollection.

Q What were you doing at Mound City? A There is where Jess's brother and mother lived, we landed there first.

Q What did you stay there for? A He wanted to see his mother, I stayed with him.

Q Did you have to stay with him? A Of course I had to stay with him, I went with him, whenever he got ready to go on up to Ottawa

we went on.

- Q You saw three wards up there? A Yes, sir, I remember the three.
Q You don't know how long they had been there? A No, sir.
Q Mr. Hastings, you hauled John Brown up in your wagon? A Yes, sir.

Commissioner: This testimony will be made part of the record in Freedman cases D-608, D-610, D-611, D-615, D-625, D-618, D-616, D-618, D-619, D-621, D-622, D-623, D-625, D-626, D-608.

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 31st of October, 1901.

(Signed) C. R. Breckinridge,

Commissioner.

Enpl. C. F. - D. 407.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 19th, 1901.

In the matter of the application for enrollment as Cherokee Freedmen of ABRAHAM VARD et al, the following supplemental testimony is offered on part of applicants:

APPEARANCES:

Mallett & Smith, attorneys for applicants;
Mr. Davenport, of counsel for Cherokee Nation.

STEPHEN RIDGE, being duly sworn by Commissioner Needles, testified as follows:

- Q How old are you? A My name is Stephen Ridge.
Q Are you a colored man? A I am 50 years old.
Q Yes? A Yes, sir.
Q Where do you live? A I live in Mound City, Kansas.
Q How long have you lived there? A Oh, about 37 years.
Q In what year did you go there? A I went there in '64.
Q In what time in '64, what season? A Well, I got up there September 15th.
Q To what place has do you refer? A Mound City.
Q What is your business, what do you do? A Well, I have done god many things for a living, but I was employed by the Second Baptist Church there; that is in '68, in the month of May I took charge of the Second Baptist Church there.
Q In what year? A In 1868.
Q Well, in what way did you take charge of it; what did you do? A I preached the best I knew how.

Q You are a preacher are you? A Yes, sir.

Q Well, did you know a Peter Ward there? A Yes, sir, I know him.

Q When did you first get acquainted with Peter Ward? A I was slightly acquainted with him down in Arkansas.

Q When did you first get acquainted with Peter Ward? A We was slightly acquainted as I stated down in Arkansas; no, I will take that back if you will please, I got a little kinda off, I can't keep memory like I used to.

Q Just tell us when you got acquainted with him? A We was slightly acquainted in the old Territory; wasn't that right; was it.

Q Just stop now and tell us when you first knew Peter Ward? A Well, I was correct after all.

Q Ever know Peter Ward in Kansas? A Yes, sir.

Q How long had you been up there in '64 before you became acquainted with Peter Ward? A Oh, I became acquainted with him the first month I went there; that was in '64.

Q About how long did you know him there in Kansas? A Oh, I knew him all the while; while he was there until he come away.

Q Well, about how long was that? A Oh, I guess not over a year after I got up there; that is as long as we lived together. Well, if you will let me state it.

Q Go ahead now? A Well, the way this come up; how I got so well acquainted with him was there as I told you, the church got me, employed me for a preacher and he was then a member of that organization and was a deacon in that church and you recollect we had out monthly meetings to transact our business there once a month and of course we had a great deal of business together; that is the way I became so well acquainted with him. We was both members of the same church.

Q Do you know what the last business was that Peter Ward transacted there in that church, or when it was? A Yes, sir. He was with us the 17th day of June, '66; that is the last time he transacted business with us.

Q The last time he transacted business with you in the church? A Yes, sir.

Q What did you do then? A We elected another deacon in his place.

Q What business was it you transacted on the 17th day of June, '66?

Q Well, the reason I remember so well about that, I remember being the last, in receiving a member into the church we, he took a stand against it; that is what keeps me in remembrance of it so well, and it was the last transaction in the church.

Q Have you any book or church record? A I have got that first little book we had, but I haven't got it in my pocket; I had it in the forenoon and went down to dinner and thought I wouldn't have no use for it and left it in my valise.

Q By what did you fix the dates of these church meetings and matters that you have talked about?

Mr. Davenport: I object to that unless you get the book up here.

A The first time the church meetings was for a while we always had out church meetings on the Saturday before the first Sunday in the month and then we changed it, I requested the church to change it to Saturday before the second Sunday on account of the other organization I had joined.

Q Well, after that time in June, '66, that you speak of, what became of Peter Ward; do you know whether he remained in that neighborhood, or did he go away from that neighborhood? A I heard he came to the Territory.

Q Did you ever see him there any more? A No, sir, I never saw him there any more; didn't see him any more—oh, I don't know for several years.

MR. DAVENPORT: Who is this you are talking about? A Peter Ward.

Q What Peter Ward? A Why Peter Ward that's dead, I know.

- Q Just Peter Ward? A Yes, sir.
- Q Did you ever see more than one Peter Ward in your life? A No, sir.
- Q You saw one in Arkansas? A That is the same one.
- Q How many children did Peter Ward have? A Oh, I don't know.
- Q Did all his children go away when he did or not? A I don't know whether they all went away at the same time or not; I know they all left.
- Q All left eventually? A I would not swear that.
- Q Have you been living there at Mound City, Kansas, continuously since that time? A Yes, sir.
- Q Don't you know that one of his family lives up there now and has been since the war; one of his boys? A I don't know; which one? A I am asking you if you know? A Oh, no, I don't know.
- Q What boys do you know? A I know some of the older ones.
- Q What is one of the older one's name? A There was Berry and Abraham and Squire, I know them all, and he had one named Ben and he had one I won't be positive, but I tell you I know them, and another one was.
- Q That is the last time you saw Peter in the church? A Yes, sir.
- Q You have been custodian of the church books ever since that time? A No, sir, we had clerks.
- Q Have you been pastor in charge of that church ever since 1866? A No, sir.
- Q Have you lived in Mound City all the time since that time? A Yes, sir.
- Q Who do you know up there? A I know quite a number of folks.
- Q Do you know J. B. Brown up there? A What J. B. Brown.
- Q Just J. B. Brown is all I know. A I know one Brown.
- Q Well, do you know a fellow by the name of J. L. Ward that lives up there? A What is he? A He is a white man or Indian? A I know Mr. Ward.
- Q Well, do you know B. B. Osborn? A Buy Osborn, I know him. He lives there in Mound City.
- Q Well, do you know C. W. Kingsberry? A There is a man that lives about there, about three miles above Mound City, I know him by name perfectly well, but I never got so well enough acquainted with him to know him when I see his face but I know there is such a man as that.
- Q When did you look up that church record to see when the last time brother Peter Ward officiated with you? A I just looked it up here about a week ago.
- Q Where had that book been all the time? A I had it in my possession.
- Q You made the entries in the book? A No, sir, I told you we had a clerk and he was not a member of the church and then we had, or rather thought we ought to have a clerk that was a member of the church and then they elected a man by the name of Sam Clark, he is dead now and after he left he left and went down to Iola, or some place.
- Q Well, you don't know where Ward went after he left there? A I don't know no more than what he said; said he was going to the Territory.
- Q When was that? A That was in '66.
- Q How do you know it was in '66? A Because.
- Q Does your book say that? A Yes, sir.
- Q Your book says Ward had resigned because he was going to the Territory? A No, the book don't say so, but I noticed this in order to find out about the time when Peter Ward left there, I remember; I say it was the 17th day of June, as I stated. It was the 17th day of June and when I found I remembered when looking over it, I noticed that that was the last time Brother Ward was there with us to transact business and it was on the 17th day of June, '66; but he never was with us any more after that in our trans-

actions in the church and of course that give me a very good reason to believe that he came right off because he had been talking of it before.

Q You don't know that he moved at once to the Territory? A I don't know; that is, I don't know what day he left on; I know he never was with us in church meeting after that, and I have always believed he come right straight to the Territory because I never saw him any more; if he had been up there in the neighborhood he would have been in the church meetings.

Q You are just imagining that? A I know that because he was a faithful member and never missed.

Q Did your members attend all the time or did some of them back-slide? A I could not tell you much about that, because we always has some little back-sliding in the churches and of course we didn't keep track of it all the time.

Q Where was it in Arkansas you saw this fellow? A We met in Mayesville; well, we wasn't well acquainted then as we might have been, but remember when we met here in Kansas that we had met before.

Q Well, where was you living when you met this man at Mayesville, Arkansas? A I was living on Honey Creek.

Q In what country? A In the Indian Territory.

Q Are you a Freedman? A I am a Freedman, but I have about give it up because you have took such a stand here against us freedmen, and because we lived a little while in Kansas, we could not live here; I have spent about a hundred dollars to get my name on, and did have my name on the Wallace roll and when I come to find it could not find it.

Q Did you get your name on the Kern-Clifton roll? A No, sir. I didn't know when was the proper time, I came too late.

COM'Y NEEDLES: Had Peter Ward been talking to you about coming to the Territory? A Yes, sir, he talked it all around there, it was known all over the neighborhood he was coming to the Territory and of course we calculated when he left there that he came to the Territory and I believe that with all my soul.

MR. DAVENPORT: He has been talking to you since you have been down here this time? A We talked a good deal, we always do when we meet; I have been down here several times before since he come, but I didn't meet him after he come down here, I expect it must have been give or six years afterwards. Well, the first time I met him was when I come to get my name on the Wallace roll after he come.

(Application is continued until the witness can send and get the book of which he has been referring.)

Q In giving your testimony a while ago when you referred to your church book is the name of Peter Ward shown in the book on the date you referred to as fixing the date that he last officiated with you at the church? A No, sir.

Com'y Needles: This testimony will be made part of the record in the case at bar and part of the record in D-608, D-610, D-611, D-613, D-623, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-625, D-626, D-628.

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.

(Signed) J. O. Reason.

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

(Signed) T. B. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 29th, 1901.

In the matter of the application of Abraham Ward et al, C. F. D. #307.
SUPPLEMENTAL TESTIMONY.

Appearances:
W. F. Hastings for the Cherokee Nation,
Mellette & Smith for the applicants.

By Mr. Hastings: I desire to file a certificate from J. A. Cady, County Clerk of Linn County, Kansas, showing that from the assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867, there appears the following: "Peter Ward, one female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument because it appears from the face that the same is not a certified copy of any record, but a statement of one J. A. Cady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C.R. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

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(COPY)

State of Kansas }
County of Linn. } ss.

I, J. A. Cady, County Clerk within and for the above named County and State, do hereby certify that I have examined the assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: "Peter Ward, one female dog." Said entry is on page 75 of said rolls. Said assessment rolls were filed in the office of said County clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(Signed) J. A. Cady,
County Clerk of Linn County, Kansas.

(SEAL)

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By Commissioner Breckinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of counsel for the applicants, be filed in the cases to which this case refers and all subreferences thereto as found upon the records of this Commission.

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcript of his stenographic notes in said proceedings.

(Signed) Chas. von Weise

Subscribed and sworn to before me this 9th of November, 1901.

(Signed) T. B. Needles,

Commissioner.

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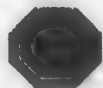
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CORRECTION



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Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 28, 1901.

In the matter of the application of Abraham Ward et al for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mallette & Smith, attorneys for the applicants.
W. W. Hastings, of counsel for Cherokee Nation.

A. R. WAYNE, being duly sworn by Commissioner Needles, testified as follows:

- Mr. Hastings: What is your name? A A. R. Wayne.
- Q What is your postoffice? A Mound City, Lynn County, Kansas.
- Q What is your age? A I am 58 years old.
- Q Were you in Lynn County, Kansas, during, and the years immediately after the war? A Yes, sir.
- Q I will ask you if you know a colored man by the name of Peter Ward? A Yes, sir.
- Q Where did you learn to know him at first? A Four miles and a half west and one half mile north of Mound City, Lynn County, Kansas.
- Q When? A In 1866.
- Q You know whose place he was living on at that time? A I forget the name of the man at that time, in '66.
- Q Do you know where he moved, if at all, in '68? A He moved to the farm of Amos Durben, and some call it the G. W. Kingsbury place now.
- Q Is Kingsbury his grandson? A Of Durben's, yes, sir.
- Q How long did he continue to live on the Durben farm? A 3 years.
- Q Now by what do you fix that? A The first time that I saw him I know where I was working breaking prairie, and I stuck a thorn in my foot right in there, and I stopped and Mrs. Ward said that the gall of a bee was the best thing I could put on it, and by me breaking prairie I know it was in '66, I know where I was living at that time.
- Q How do you fix the next date, three years later, which would make it in '69? A I have a record of the expenses that I had paid out in May, toward the last of May, from the first of January till the last of May, that me and him had a transaction whereby I paid him \$2.50.
- Q Peter Ward? A Yes, sir, the second day of March.
- Q Of what year? A 1869.
- Q Where was he living at that time? A He was living on the farm of Amos Durben.
- Q Do you know any of Peter Ward's children, sons, members of his family? A I know one girl and I know Abraham Ward, Clint Ward, I presume his name is Clifton but we all called him Clint, and George; I believe that is all that I can bring to mind now at the present time.
- Q Have one by the name of Berry? A Yes, sir, I think Berry was the second boy.
- Q Was there one named Squire Ward? A Yes, sir, I think there was.
- Q You recollect it now? A Yes, sir, Squire Squire Ward.
- Q Where were these children living between the years of '66, when you first knew the father, and '69? A They were living with their father; the boys of course would work around first one place and another wherever they could find work, but there is where they made their home, with their father.
- Q Have you seen them since that time, '69? A No, sir, I haven't.
- Q Do you know whether you would know them or not now? A No, sir, haven't met them so often as them what I gave in this other case.

- Q Do you know that one over there (indicating Abraham Ward)?
A Yes, sir, I have seen that gentleman over there, but I can't tell you his name; I know by the looks of him I have seen him.
- Q You don't recollect to have seen any of them since '89? A No, sir.
- Q How far did you live from them say in '88, from the Durben farm?
A About a mile and three quarters.
- Q Well, now did you live that far from '86 to '88 to them? A No, sir, in '86 I was living farther off.
- Q Well, when did you come up nearer to them? A When I got married in '87; I was married in '87 and I was a little bit closer to them.
- Q Well, were you as near in '87 as you were in '89? A Same place.
- Q You were as near to them in '87 as you were in '89? A Yes, sir, same place.
- Q And you remained on the same place from '89 to '89? A Yes, sir.
- Q Now during that time, for from '88 up to '89, did you miss Peter Ward or any of his sons away from up there? A No, sir.
- Q Did you have occasion to see them from time to time? A Only upon one occasion to my knowledge that I got to see them except just in passing around; I had one transaction that I was over to their house.
- Q Did you see them in the country any place? A Oh yes, I have seen them around.
- Q You mean by that, that that is the only time you ever had any personal business transaction with them? A Yes, sir, that is what I mean, personal business transaction.
- Q Mr. Smith: What month in the year 1866 was it you got acquainted with Peter Ward? A Well, sir, I can't tell you what month, but then I know it was along in the spring because I was breaking prairie, breaking it with oxen.
- Q Did you break any ground except in the spring? A Not the prairie, to my knowledge, I never did.
- Q You have been there in that country ever since '82? A I had been there ever since '55.
- Q You had been living there some ten or eleven years when you first became acquainted with Peter Ward? A Well, I came there in May, '55, and it was '88 when I first recollect getting acquainted with them to know them.
- Q Now in what way do you fix the date as in '86 when you first became acquainted with Peter Ward? A I was breaking prairie west of where they lived, and I came up there in regard to my foot; as I said, I had stuck a stub in my foot, and I came up there and Mrs. Ward said gave me a piece of bee gall to put on it to draw it.
- Q Well, did your foot get well? A Well it isn't off, I suppose it did.
- Q Well, that has been how long ago? A Well, '88; that has been 35 years ago.
- Q When did you first have any occasion to remember the matter, or date when you first met Peter Ward, or when was that ever called to your attention first after that time? A For the first time you mean? Q Yes? A Well it was in March, '89, that I had the transaction with him.
- Q That had nothing to do, however, with the time you first met him?
A No, sir, not to my knowledge, no, sir, just seen them from then in passing around.
- Q What I mean to say is, the fact that you had the business transaction with him in March or any time in '89 would not aid your recollection as to the time you first met him, would it? A I don't know as I understand your question.
- Q I saw there was no connection between your business transaction with him in '89 and the date when you first met him, nothing connecting the two things together; one had nothing to do with the other, did it? A No, sir.
- Q Well then, now when did you first have occasion to remember that you met Peter Ward in '88? A I just now told the occasion, about

plowing and going up there.

Q I know, but you did a great many things in '66 that you haven't had any occasion to think about since, haven't you? A Yes, sir.

Q What first brought this incident to your mind, that is what I am talking about? A What first brought it to my mind?

Q Yes, or recalled this thing you are talking about in '66? A Well, I was asked if I knew a man by the name of Peter Ward.

Q When? A Well I think it was pretty near four weeks ago.

Q Who asked you? A Why I think he was by the name of Keys, J. M. Keys I think, if I am not mistaken.

Q Well now, from the time this thing happened up to the time that J. M. Keys asked you about it, you had had no occasion to remember this incident, or the date when you hurt your foot, had you? A No, sir.

Q Now for thirty five or six years you had carried in your mind the date when you had hurt your foot? A Yes, sir, I know the date by that transaction of breaking prairie, know where I was living.

Q How long did you live there? A At that place, only lived there at that place just one year, working for my brother that year.

Q Now that has been a long time ago, hasn't it? A Yes, sir.

Q Do you think you can swear with certainty it was in '66 and no other time that you met Peter Ward the first time? A Yes, sir, not to my knowledge to know him; I might have met him but not to know him.

Q Do you think you can't possibly be mistaken about the date?

A I know I can't be mistaken in regard to the date of the year.

Q You know that? A Yes, sir.

Q Well now Mr. Wayne, where is your record? A In my pocket in a book.

Q I would like to see that. (Witness produces book) That record commenced there, January 2, 1869, it goes on down to there, (indicating on book) is Peter Ward, \$2.50; it goes on down to here, to Kay, '66, \$102.64; I spent during that time \$102.64.

Q When did you commence to keep this book? A Well I think that book came in my possession in 1868, along in the winter of '68.

Q When did you quit making entries in it? A In regard to my expenses?

Q No, entries at all? A Well, I think probably it was away along in the seventies somewhere, right maybe have been late as '78, toward the back there in regard to some Sabbath School records I think, and in that fore part there is some few pages that was in '68, some transactions, and some probably in the seventies somewhere.

Q Mr. Wayne, at the place in this memorandum where the name of Peter Ward occurs, there is no year there, is there? A No, sir; there isn't; there was no occasion for the year when I was keeping the account; you will find here it is entered, and it goes on down here, and here it is March first, and March 2, and goes on down, B, 11, 12, 13, etc.; there was no occasion for it in keeping the record.

Q Mr. Wayne, what is the entry immediately above the name Peter Ward? A (Reading from book) That there is Ben Bronson, a colored man, 25¢; no, it is stamps, 15¢.

Q You are sure that that is stamps? A No, seds, 15¢.

Q Then it isn't stamps? A No, sir, I thought it was stamps, but it is seds instead of stamps; here is stamps below here.

Q Now Mr. Wayne, that line upon which the word, Peter Ward, is written has been erased? A No, sir.

Q Isn't there an erasure on that line? A Not to my knowledge, and I am the only person that has ever had it.

Q Can you read that entry immediately above that Peter Ward, and Peter Ward, as distinctly as you can this entry immediately below it?

A Well, there is a part of the Bier there that I can see just the same as I can the other, the same that is below here; here is some oil I believe.

Q That is not the question; are the entries below clearer and more distinct than the word, Peter Ward? A No, sir, not that I

notice till they get way down there, they are about the same.
Q Now then you see there is a part of the Peter that you can read better than the other part? A Well that there appears to be a little bit plainer.

Q Can you see any p in that Peter? A Yes, sir.
Q Where is it? A Right after the t.

Q If you didn't know what it was could you tell what the remaining letters after the P were? A Yes, sir, that is my handwriting and I would.

Q Now why, Mr. Wayne, is that word Peter Ward blurred, as it appears upon the record? A I can't tell you any more than here: not a bit.

Q You don't know? A No, sir.

Q Did you write the word potatoes on the second page? A Yes, sir.

Q Did you make that P? A Yes, sir.
Q Is that one like this one? A Yes, sir, that one looks like I didn't make it very plain and I taken it again, same as there (indicating) in writing that down it looks as though I had made two cracks on that, and you will probably find the P somewhere.

Q Now Mr. Wayne, sometimes a P is made with one stroke of the pen? A Yes, sir.

Q Now that P in potatoes is made that way, isn't it?
A No, I don't make a P but very seldom, sometimes I make a P by running down and then back, and sometimes then I make a P by making a straight mark and going around that way (indicating); I make Ps two or three different ways.

Q Now Mr. Wayne, the word Peter there in this book is blurred? A Yes, sir.

Q It is indistinct? A No, sir, not to my mind it is not.
Q Not as clear as the entries below it? A It is about the same thing here except that P in here, that I see, appears to be a little plainer than that e-t-o-r.

Q Well do you state that that is as clear as the entries below? A No, sir, I saw it is not, it is the same as some that would be over here or some other place.

Q Now you didn't use this book since eighteen and what? A Oh I have probably referred to it for some regards in regard to an orchard that I set out, and my little boy that is dead might have got hold of it once, he might have got hold of that book.

Q Where was this book when you were first interrogated about Abraham Ward? A It was in my desk in my room.

Q Did you remember, when you were interrogated as to the time when you had had any business transactions with Peter Ward, without reference to that book? A No, sir.

Q Then you are testifying from that record? A I am testifying from my record in regard to the transaction.

Q If the record is wrong you are wrong? A Yes, sir.

Q Can you tell me who made the blur, or erasure, if it is an erasure, upon that line upon which appears the name of Peter Ward? A No, sir.

Mr. Smith: If the court please, I would like to offer the book.

Mr. Hastings: You can't take the book away from the man.
Q Do you want this book any more? A I have some records in regard to some orchards that I would have to have here.

Q If you are willing, we would like to keep it a while in this case, and the commission will return it to you afterwards? A I have no objections, but there is a little paper in there I would like to get out afterwards.

Mr. Hastings: When was this entry made: was it made at the time that it purports to have been made? A Yes, sir, I tried to put them down the night in which they were made.

Q Mr. Wayne, now the page before, or the second page before this entry of Peter Ward, I notice this date: (reading) January 2, 1860; is that correct? A Yes, sir.

Q Following that are a great many entries and only the month and the day: is that intended to be that year? A Yes, sir, everything down to May, '89; it tells the date on the opposite page.

Q Opposite page to where you summed it up? A Yes, sir, to where I summed it up here, it is three pages over.

Q Well, between the two pages before this and say three pages afterwards, they contain the transactions of that year of '89? A It does, yes, sir.

Q Mr. Wayne, a good part of this record was kept with pencil, wasn't it? A Yes, sir.

Q Has it ever been erased or mutilated other than by wear? A No, sir, not to my knowledge, unless my little boy might have got hold of it.

Q Well, you never mutilated that name of Peter Ward or erased it? A No, sir, I wouldn't have any occasion to.

Q Is that in the same condition that you found it when Mr. Keys made the inquiries of you with reference to your knowledge about Peter Ward? A It is exactly the same.

Q No change has been made? A None whatever.

Commissioner: The book testified about will be filed with the papers in the case.

Commissioner: This testimony will be made part of the record in the case at bar, and part in D-608, D-610, D-611, D-613, D-625, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-623, D-626, and D-608.

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 13th of November, 1901.

(Signed) M. D. Green,

(SEAL)

Notary Public.

Arthur G. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he made the foregoing copy, and that the same is true and correct.

Arthur G. Croninger

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

M. D. Green
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mellette & Smith, Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Lopez Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209, filed in the Mariah Hayden case D 498, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and it is deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Harriett Daniels, D 487.

RECORDED
L. B. D
1902
DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
MUSKOGEE, I. T.

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree because: First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1865, or that he had been a continuous resident of
the Cherokee Nation since that time, or that he is a descendant of
such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same
is called and filed in each individual case.

Commission:

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

Mr. Smith:

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

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

W. W. Hastings:

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

The Commission:

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

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

(Signed) E. G. Rothenberger.

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

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

(SEAL)

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

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

E. C. Bagwell
()
P. G. Reuter
Notary Public.

B

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

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

Harriett Daniels et al.-----Cherokee Freedmen D 437,
Emanuel Ward-----Cherokee Freedmen D 471.

DECISION

The record herein shows that applications for enrollment,
as Cherokee Freedmen, were made to this Commission by Harriett
Daniels, for herself and minor grandchildren, Berthens and Isabella
Ward, and by Emanuel Ward, for himself. The evidence taken in the
cases of Peter Ward, Abraham Ward and Daniel Thompson is filed with
and made a part of the record herein.

The evidence shows that the applicant, Harriett Daniels and
her husband, Berry Ward, now deceased, were slaves of Cherokee cit-
izens at the commencement of the war of the rebellion; that they left
the Cherokee Nation during said war 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 the said Harriett Daniels and her de-
ceased husband, Berry Ward.

None of the names of said applicants are found on the 1880
authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the
applications for the enrollment of Harriett Daniels, Berthens Ward,
Isabella Ward and Emanuel Ward, 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.

Muskogee, Indian Territory,
this JUL 10

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720 437

COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.
BUREAU OF THE FIVE CIVILIZED TRIBES
FILED
JUN 8 1901


ACTING CHAIRMAN

15

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.

Chelsea, Indian Territory, June 8th, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the original testimony in the matter of the application
of Harriet Daniels et al for enrollment as Freedmen of the Cherokee
Nation.

Wm Mullett

Attorneys for Applicants.

Cherokee F. #D457.

CPV
Cherokee Freedmen
D-437.

Waukeges, Indian Territory, July 23, 1903.

Harriett Daniels,

Ruby, Indian Territory.

Dear Madam:

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 Harriett Daniels, et al., rejecting, among others, your application for the enrollment of yourself and your minor children, Berthens and Isabella Ward, as Cherokee Freedmen. There has heretofore been furnished your attorneys, Mellette & Smith, 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, 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. E. Needles
Commissioner in Charge.

Register.

Enc. N-27.

Copy
Cherokee process
D-457 & D-471.

Madagascar, Indian Territory, July 25, 1903.

Millette & Smith,

Attorneys for Harriett Daniels, et al.,

Vianita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 19, 1903, in the consolidated case of Harriett Daniels, et al., rejecting the applications for the enrollment of Harriett Daniels, and Martha, Isabelle and Manuel Ward, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings.

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,

T. D. Needles,

Commissioner in Charge.

Register.

Vol. 2-47.

Cherokee Freedmen
COPY D-457 & D-471.

Muskogee, Indian Territory, July 23, 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, in the consolidated case of Harriett Daniels, et al., rejecting the applications for the enrollment of Harriett Daniels, and Berthana, Isabella and Emanuel Ward, 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. H-30.

COPY

Cherokee Freedmen
D-457 & D-471.

Muskogee, Indian Territory, July 23, 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 Harriett Daniels, et al., together with the Commission's decision, dated July 10, 1903, rejecting the applications for the enrollment of Harriett Daniels, Berthens, Isabella and Emanuel Ward, as Cherokee Freedmen.

Respectfully,

T. B. Woodcock

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Enc. H-31.

D.C.841-1904.

DEPARTMENT OF THE INTERIOR,

I.T.D. 8978-1903.

WASHINGTON.

WCF. PHE.

LRS

January 4, 1904.

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

Gentlemen:

July 23, 1903, you transmitted the record of proceedings had in the matter of the application for enrollment as Cherokee freedmen of Harriett Daniels, for herself and minor grandchildren, Berthena and Isabella Ward, and of Emanuel Ward for himself, together with your decision of December 10, 1903, denying said application.

The applicant, Harriett Daniels, and her husband, Berry Ward, now deceased, were slaves of Cherokee citizens at the commencement of the civil war. The evidence shows that they left the Cherokee Nation during said war and did not return to said Nation until after the expiration of the six months provided in the Cherokee treaty of 1866.

The other applicants herein are descendants of Harriett Daniels and her deceased husband Berry Ward, and have been born since 1866.

The names of the applicants do not appear on the 1860 authenticated roll of the Cherokee Nation.

Reporting in the matter December 21, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting

-2-

the applicants 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

1 inclosure.

Acting Secretary.

Refer in reply to the following:
Land.
47058/1903.

Department of the Interior,
Office of Indian Affairs,
Washington, Dec. 21, 1903.

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 Harriett Daniels for the enrollment of herself and her minor children, Berthena and Isabella Ward, and the application of Emanuel Ward for the enrollment of himself, all as Cherokee freedmen.

July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the applicant, Harriett Daniels and her husband Berry Ward, now deceased, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that they left the Cherokee Nation during said war and did not return thereto until after January 19, 1867.

The Commission further finds from the evidence that all the other applicants herein named, have been born since 1865, and are descendants of and claim right to enrollment through, the said Harriett Daniels, and her deceased husband, Berry Ward; that none of the names of said applicants is found on the 1860 authenticated

roll of the Cherokee Nation.

My reason of the premises the Commission is of the opinion that said applications 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 this case both on behalf of the applicants and the Cherokee Nation, and I consider that the Cherokee Nation clearly shows by the testimony of A. R. Wayne, beginning on page 34 of the record, that the claim of these applicants that they are entitled to be enrolled as Cherokee freedmen is not well taken, but that in fact they are not entitled to such enrollment on the ground that they did not return to the Cherokee Nation within the time stipulated in the treaty of 1866.

I therefore recommend that the decision of the Commission aforesaid be approved by the Department.

Very respectfully,

(signed) W. A. Jones

Commissioner.

WCB-H

Cherokee Freedmen
D-437.

Muskogee, Indian Territory, January 13, 1904.

Harriett Daniels,

Ruby, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself and your two minor grandchildren, Berthena and Isabella Ward, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 4, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-437, D-471.

Muskogee, Indian Territory, January 13, 1904.

Edgar Smith,

Attorney for Harriett Daniels et al.,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated July 10, 1903, in the consolidated case of Harriett Daniels et al., rejecting the applications for the enrollment of Harriett Daniels, Berthens, Isabella and Emanuel Ward as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 4, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-457, P-471.

Muskogee, Indian Territory, January 13, 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 Harriett Daniels et al., rejecting the applications for the enrollment of Harriett Daniels, Berthena, Isabella and Emanuel Ward, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 4, 1904.

Respectfully,

Chairman.

COPY.

Cherokee Freedmen
B-226

Muskogee, Indian Territory, September 28, 1904

Harriet Daniels,

Centralia, Indian Territory.

Dear Madam:

The Commission is in receipt of your letter of September 8, relative to the enrollment of yourself and your two grandchildren, Berthenia and Isabelle Ward, as Cherokee freedmen.

In reply you are advised that on January 13, 1904, the Commission notified you by letter that the Secretary of the Interior had, on January 4, 1904, affirmed the Commission's decision of July 10, 1903, rejecting your application for the enrollment of yourself and your two grandchildren, Berthenia and Isabelle Ward, as Cherokee freedmen.

Respectfully,

SIGNED:

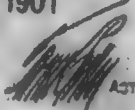
Jame Birby.
Chairman.

VB

O.S. 437 -

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

FILED
MAY 20 1901



ACTING CHAIRMAN

RECEIVED
MAY 20 1901

[Faint, mostly illegible handwritten notes and signatures, possibly in a different language or script, covering the right side of the page.]

CHEROKEE FREEDMEN

Date May 29 1901
Post Office Ruby, Ga.
District Co.

7. Name Age
Owner's name Citizenship

Year Page No. District

Parents:
Father [Signature] Citizenship

Mother Citizenship

1. Name of wife Harriett Daniels Age 55
Owner's name Mose Daniels Citizenship

Year K.C. Page 130 No. 3234 District Co.

Parents:
Father Citizenship

Mother Betsy Daniels - dead Citizenship Cher. Freedmen

Names of Children:

2. Berthina Ward Year K.C. Page 130 No. 3235 Dist. Co. 14

3. Isabella " Year " Page 131 No. 3236 Dist. " 13

5. Year Page No. Dist.

6. Parents of Manuel Ward - Page living Dist.

7. Mattie Hill - dead 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 J. O. Ross

On K.C. roll as Harriett Daniels
" Wallace " P. 190 * 2343 - Co., Harriett
Daniels

INDIAN TERRITORY,
CHEROKEE NATION.

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

by delivering a true copy thereof on the
..... day of A. D. 1901.

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

.....
Marshal for Cherokee Nation.

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

.....
Attorney for applicant.

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

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

.....
on the day of A.D. 1901

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

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE CIVILIZED TRIBES

FILED
OCT 8 1901

[Signature]
ACTING CLERK

FP 437

NOTICE!

IN THE MATTER OF The application of Harriett Daniels
for enrollment as a Cherokee Freedman:

Case No. F. D. 437

To Harriett Daniels Ruby I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory, Indian Territory, on the following dates, to-wit: Oct. 5th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 13 day of 1901, 1901.

J. B. Bell
M. M. Haddock
J. A. Davenport
Attorneys for the Cherokee Nation.

AFFIDAVIT.

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

In the matter of the application of Harriett

Daniels

for enrollment as a Cherokee Freedman.

No. F. D. 437

Henry Pack, of lawful age, being duly sworn on oath states that on the 20th day of September, A. D., 1901, he registered to Harriett Daniels whose postoffice is Ruby

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 2nd day of October, 1901, he received the return card which is hereto attached, signed by the said Harriett Daniels, showing that he had received said notice.

Subscribed and sworn to before me on this the 2nd day of Oct, A. D. 1901.

Henry Pack
J. C. Starr

Notary Public.

F.P. 437

I, the undersigned ^{attys} ~~agent~~ for the
within named applicant, hereby accept
service of the within notice on this the

9 day of Oct 1900.

Richard Hutch
attys ~~agent~~ for applicant.

NOTICE!

IN THE MATTER OF the application of Harriett Daniels
for enrollment as Cherokee Freedmen:

Case No. F. D. 437

To Harriett Daniels Ruby I. T. Mellette & Smith et al

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita

Indian Territory, on Oct. 22d 1901 at 8 o'clock A. M. from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

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

L. B. Bell

W. W. Hastings
J. S. Sampson
Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Harriett Daniels,

Ruby, I.T.

Cherokee F-D-437

Registrar.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 226

Cher. Fr. R. 226

UNITED STATES

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

D. H. 11

[Handwritten signature]

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

[Handwritten signature]

Commissioner.

Department of the Interior.
Commission to the Five Civilized Tribes.
Chelsea, I. T., June 1, 1901.

In the matter of the application of Emanuel Ward for the enrollment of himself ~~and his children~~ as Cherokee Freedman; he being sworn and examined by Commissioner G. R. Breckinridge, testified as follows: Mellette & Smith, Attorneys for Applicants.

- Q Give me your full name. A Emanuel Ward.
Q How old are you? A 33 years old.
Q What is your postoffice? A Ruby.
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 the enrollment of anybody besides yourself? A Only myself and two children.
Q Have you a wife? A Yes sir.
Q Are you and she living together? A Yes sir; my first wife is dead.
Q I am talking about your living wife? A Yes sir, she is living.
Q You are living with your wife now? A Yes sir.
Q Is she a Cherokee Freedman? A No sir.
Q When were you and she married? A In '93, I believe.
Q Well, you can apply for her she may have rights? A She is a citizen of the Chickasaw Nation.
Q Has she been enrolled as a Chickasaw? A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Give me the name of your father? A Berry Ward.
Q Is he alive? A No sir.
Q How long has he been dead? A He died when I was a little tiny boy; I don't remember him.
Q Give me the name of your mother. A Harriet Daniels.
Q Is she alive? A Yes sir.
Q How long has she had the name of Daniels—since you were a child? A Yes, she received that from her owner's name.
Q Was your father a Cherokee Freedman—was he a slave before the war? A I think he was, I don't know anything about it.
Q Was your mother a slave before the war broke out? A Yes sir.
Q Give me the name of her master? A Mose Daniels.
Q Was he a recognized citizen of the Cherokee Nation? A That is more than I know; I couldn't tell anything about that part.
Q Give me the names of your children? A Berthena Ward.
Q How old is this child? A She is 15 years old.
Q Give me the name of the next child? A Isabelle Ward.
She is 14 years old.
Q That is all of your children? A Yes sir.
Q Are these children living now? A Yes sir.
Q Give me the name of the mother of these children. A Mattie Ward.
Q Was this your wife, Mattie Ward? A Not now.
Q She was your first wife? A Yes sir.
Q She is dead, is she? A Yes sir.
Q How long has she been dead? A Ten years ago.
Q Was she a Cherokee Freedman? A No, she wasn't.
Q What was she, a state woman? A Yes sir.
Q A colored woman, was she? A Yes sir.
Q When were you and she married? A I disremember now.
Q How long before Berthena was born? A About five years, somewhere along there.
Q Were you and she were married some twenty years ago, were you? A Oh, no. Yes, that would make it about 19 anyhow; about 19 years.
Q Some 18 or 19 years? A Yes sir.
Q Did you and she live together from the time you married her until she died? A Yes.
Q What was your wife's, Mattie's name before you married her? A She was a Hill.
Q Had she ever been married before she married you? A No sir.

2- E. V.

- Q Had you ever been married before you married her? A No sir.
Q Had you never lived with any woman as husband and wife? A No sir.
Q Were you very young when you married this wife, Mattie? A Yes sir, quite young.

The 1880 authenticated roll examined and the name of the applicant not found thereon; neither is the name of his mother found thereon.

The 1898 census roll examined and the names of the applicants not found thereon.

The Kerns Clifton Roll examined and the name of the applicant is found on page 150, No. 3227, Emanuel Ward, Cooweescoowee District.

- Q Have you anyone here who knows that you and the mother of these children were married? Have you a certificate of marriage? A No sir.

Q Call some one here who knows that you and she were husband and wife? A Mr. William Hudson. (Not found present)

- Q Are these children living with your mother? A Yes sir, she has charge of them.

These children are found to have been listed for enrollment upon the application of the applicant's mother on Cherokee D. Card 457, and consequently his application for their enrollment at this time is discontinued.

The Wallace Roll examined and the name of the applicant is found on page 178, No. 3306, Emanuel Ward, Cooweescoowee District. (This is a list succeeding the questioned list and is composed of those Freedmen who were first placed upon the questioned list for further investigation, and were subsequently found to meet the requirements in the premises.)

- Q Where did you marry your present wife? A Down on Big Creek.
Q You say she is a Chickasaw? A Yes.
Q Have you lived in the Cherokee Nation ever since you married her? A Yes sir, all my life.
Q She has been enrolled as a Chickasaw? A Yes sir, she has been enrolled as a Chickasaw.
Q She is not the mother of these children? A No sir.

The applicant began by applying for the enrollment of himself and two children, but the two children are found to have been applied for by the applicant's mother, Harriet Daniels, and to have been listed for enrollment on Cherokee Freedmen D Card 457; therefore the application for their enrollment at this time is discontinued. As for the applicant himself, he is identified on the Kerns Clifton and Wallace Rolls, but not upon the roll of 1880, or that of 1898. He claims to have lived in the Cherokee Nation all his life. He has no definite information in regard to his father, but his mother is now living, and for further information in this case, there will be filed herewith a set of the testimony in the case of his mother, Cherokee Freedmen D - 457, and for the further determination of the status of the applicant's children who are with their grandmother, in the case just cited, there will be filed with that case a set of the testimony in this case. It should be noted that the lawful marriage established by the grandmother's testimony between the applicant and the deceased mother of the two children is further established by the applicant's testimony at this time, and also that the applicant is at this time identified with a straight enrollment on the Wallace Roll, which note was developed upon the search of the rolls for him when his mother applied for his children. This applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to him at his postoffice address.

1891

The undersigned, being duly sworn, deposes that an stenographer
to the Commission to the Five Civilized Tribes, he personally re-
corded the testimony and proceedings in this case, and that the
foregoing is a full, true and correct transcript of his stenographic
notes thereof.

Subscribed and sworn to before me this 21st day of June, 1891.

W. H. ...
J. B. ...

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171

COMMISSION TO ENQUIRE INTO THE DEEDS OF VIOLENCE DONE BY THE ARMY AND AIR FORCE IN INDIA

Q When? A Time of the rebellion.

Q Do you know when Harry Ward and this applicant returned to the Cherokee Nation after the war? A Yes sir, they come with us.

Q This applicant was born in the Cherokee Nation? A Yes sir.

Q And they were of the same settlement? A Yes sir.

Q Where did they live? A On the Big Creek.

Q Where were they lived at that time? A Right there, and we never left there.

By W. W. Hastings:

Q You are the man who testified in Abraham Ward's case, D-6, is that right?

A Yes sir.

Q You testified that Abraham Ward came back in '66? A Yes sir.

Q And that he located and settled on Big Creek? A Yes sir.

Q And that he has lived there ever since? A Yes sir.

Q How long had Harriet Daniels been known before Abraham Ward came?

A She come with our group.

Q About how long has you been here then? A Well, I live two years.

Q Now you are living again, the victim of this conspiracy?

A Yes, that is right.

Q You are the man that testified that you went to get Wilson in '65? A Yes sir.

Q You testified that your father and a delegation went down there then? A Yes sir.

Q You also testified that your father and some other men went to see Chief Downing? A Yes sir.

Q And you also testified that you and some others then went on the Hardisty's river and hunted? A Yes sir, spent the winter there.

Q What place on the Hardisty river would you call that winter? A Below Brown's Ford.

Q How far below the ford? A I will.

Q Did you stay there all the winter? A Yes sir.

Q How long, until then? A Yes, sir.

W. W. Hastings, Attorney General, Cherokee Nation, Okla.

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

In the matter of the application of Harriet Daniels for the enrollment of herself and two grandchildren as Cherokee Freedmen; said Daniels being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your name? A Harriet Daniels.
Q How old are you? A I don't know, sir, I don't know my age.
Q Well, as near as you can tell? A I hate to say because I could not tell.
Q Are you 60? A No, sir.
Q Are you 55? A Yes, sir, I 'spect I am along in there.
Q What is your postoffice? A Ruby.
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 Well I have a son and two little grandchildren.
Q Well, your son is over 21 years old? A Yes, sir,; I suppose he is.
Q He will have to apply for himself; and these grandchildren are they orphans? A Yes, sir.
Q Are they living with you? A Yes, sir, I raised them.
Q How long have you lived in the Cherokee Nation? A I was raised in here, and was in there all the time until the war and I was carried out during the war and come back after the war and have been here ever since.
Q You have been here all your life except a while during the war?
A Yes, sir.
Q Were you a slave in the Cherokee Nation at the time the war came on?
A Yes, sir.
Q To whom did you belong? A Mose Daniels.
Q What was the name of your husband? A Berry Ward.
Q You didn't take his name? A No, sir.
Q Kept the name of Daniels? A Yes, sir.
Q Is Berry Ward dead? A Yes, sir.
Q How long has he been dead? A I can't tell you how many years he has been dead, he died after we come to this country.
Q Did he die after the war? A Yes, sir, died directly after we came back.
Q Give me the names of your grandchildren? A Berthena Ward.
Q How old is that child? A 14 I think, going on 15.
Q Now, give me the name of the next child? A Isabella Ward.
Q How old is Isabella? A She is 13 years old.
Q Are these children both living now? A Yes, sir.
Q Give me the name of the mother of these children? A They hasn't any mother.
Q They had a mother once? A Her name was Mattie Hill I think.
Q Give me the name of the father of these children? A Manuel Ward.
Q Was Mattie Hill married to Manuel Ward? A Yes, sir, they lived together.
Q Mattie Hill is dead is she? A Yes, sir.
Q How long has she been dead? A Oh, I could not name the years, there is him for better recollection about the years she has been dead.
Q How old was Isabella when she died? A She was a baby.
Q Then she has been dead something like ten or twelve years?
(No response)
Q How long has Manuel Ward been dead? A He is living.
Q I thought you said these children were orphans? A He is alive.
Q Why don't he apply for these children? A I guess he can.
Q But they are living with you? A Yes, sir.
Q Was Mattie Hill a Cherokee Freedman? A I could not say about that. They was all mixed up so together we never thought of such

things as this.

- Q Manuel Ward is your son? A Yes, sir.
- Q How old is he? A I could not tell you his age.
- Q Well when was he married to this woman, Mattie Hill?
- Q I could not tell you the date of the year.
- Q How long had he been married when Berthens was born? A I guess must have been a year.
- Q Then he was married about 15 years ago, wasn't he?
- Q A I guess it must have been about close to that time.
- Q Was your son, Manuel, ever married before he married this woman, Mattie? A No, sir, he is married now.
- Q And he never was married before he married her? A No, sir.
- Q This woman, Mattie Hill, was she ever married before she married your son? A No, sir.
- Q Did they live together from the time they married until Mattie Hill died? A Yes, sir.
- Q Was there any other name you went by except Daniels?
- Q A No, sir, that is all.
- Q You lived with Mose Daniels? A Yes, sir.
- Q Mose Daniels was your master? A Yes, sir.
- Q Give me the name of your father? A Oh, man, I could not tell anything about him.
- Q What was your mother's name? A My mother lived with the Daniels, her name was Betsy.
- Q How long has she been dead? A Oh, long time.
- Q Did she die soon after the war? A Yes, sir.
- Q The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and names of applicant and her son, Manuel, not found thereon.
- Q Didn't you marry anybody after Berry Ward died? A No, sir.
- Q You always kept the name of Daniels did you? A Yes, sir.
- Q The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and name of Mattie Hill not found thereon.
- Q The 1880 Census Roll of Freedmen of the Cherokee Nation examined and names of Applicant, her son, Manuel, and his wife, Mattie Hill, not found thereon.
- Q To Roll Clerk: You don't find Berthens and Isabella? A No, sir.
- Q Did you draw Cherokee strip money? A Yes, sir.
- Q The Kern-Clifton Roll of Freedmen of the Cherokee Nation examined and applicant's names found thereon, as follows:
 Page 150, #3234, Harriet Daniels, Cooweescoowee District.
 Page 150, #3235, Berthens Ward, Cooweescoowee District.
 Page 150, #3236, Isabella Ward, Cooweescoowee District.
 Father of children identified on Kern-Clifton roll, page 150, #3237, Emanuel Ward, Cooweescoowee District.
- Q The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant and her son, Manuel, found thereon as follows:
 Page 110, #3343, Harriet Daniels, Cooweescoowee District.
 Page 100, #124, Emanuel Ward; Wallace Roll, questioned list; no evidence that he is a child of a slave of a Cherokee Indian. (Is identified on that roll by reference as the son of this woman, the Applicant.)
- Q The Wallace Roll of Freedmen of the Cherokee Nation examined and names of applicant's grandchildren and their mother, Mattie Hill, not found thereon.
- Q Where were you taken during the war? A UP North.
- Q Up to Kansas? A Yes, sir.
- Q whereabouts in Kansas? A Fort Scott.
- Q How comes that you are left off the roll of 1867? A Just because they didn't put me there, I guess.
- Q How did that happen, what did they tell you and you want to be enrolled? A They put us down, we just come to see them.

Q Did they talk to you about it? A I come there and told them exactly who I belonged to.

Q The people that were making the roll, what did they say to you when they didn't put you on? A They didn't tell us, they put us on.

Q They didn't tell you that they didn't put you on? A No, sir.

By W. W. Hastings, Cherokee Representative:

Q Where did Moses Daniels live before the war? A Lived on Beaty's Prairie.

Q Did you go off with his people? A No, sir.

Q Were you married? A I was married before the war, south.

Q Before the war? A Yes, sir.

Q Did you go out with Berry Ward? A From home?

Q Yes, the Cherokee Nation when the war first came up?

A No, sir, I went with John Blount.

Q Your husband wasn't with you? A He was in the crowd, escorted with the crowd teaming.

Q And Berry Ward belonged to Jim Ward? A The old man Ward.

Q On Beaty's prairie? A Yes, sir.

Q Well, you were with your husband during the war in Kansas?

A Yes, sir.

Q You lived with him there at Fort Scott after the war?

A Yes, sir, directly after the war.

Q You and your husband were together I mean? A Yes, sir.

Q You came back with your husband after the war? A Yes, sir.

Q His name was Berry Ward? A Yes, sir.

Q Who else came along with you and your husband? A Oh, I could not remember who all was along.

Q Name some of them? A There was a white man I know along, Rockwell, he was in the crowd, come on with us, his name was Rockwell, I never did call his name, I don't know how many people was along.

Q Well, name some of them that came along with you and your husband? A Well, Webber was along.

Q What Webber? A Sam Webber, and Mayes' folks, was along, Meigs' Mayes' folks and Starrs.

Q What Starr? A Jack Starr, they called him Starr.

Q You come along with this old man, Sam Webber, that is here?

A Yes, sir.

Q And how many wagons did you think was along in that crowd?

A There was a little train of them, little train of wagons was along.

Q Did you see your husband's young master, Joe Ward, in Fort Scott, Kansas, after the war and before you came down here? A No, sir, I don't remember him.

Q Do you remember seeing him before the war? A I seen him down here before the war, but I never remember seeing him up in Kansas, I didn't know him.

Q Did you live at Mound City, Kansas? A No, sir.

Q You never lived there? A No, sir.

Q Did Peter Ward come back here when you did; was that your husband's father? A Brother I reckon.

Q Did he come back with you? A If he was along I don't remember. It might have been in the crowd, I could not remember that.

Q You don't remember that? A No, sir.

Q Now, what point did you come to Amty, when you came back?

A Big Creek, we come where we are living.

Q Where you are living now? A Yes, sir, we are living right there now.

Q Did you have a house built when you come there? A No, sir, the house that we had put up was there when we come.

Q Who put it up? A My husband.

Q Log house? A Yes, sir.

Q Was that on Big Creek? A Yes, sir.

Q Right there it is now? A No, sir.

Q But on the same place? A Yes, sir, Big Creek.

Q What time of the year was that, Spring? A I believe in the spring or fall one, I remember it was pretty cold.

Q Snow on the ground? A No, mighty heavy frosts.

Q Did you make a crop there that year? A The next spring we did.

Q Do you mean that same spring on the next spring? A The next spring.

Q Did you come there in the fall or spring of the year? A I say in the spring, in February, I will put in that way.

Q You come you think in February? A Yes, sir.

Q You think you made a crop there that coming spring? A Yes, sir, tried to make something, didn't say we made anything.

Q Was that the first time you had been down here after the war?

A Yes, sir, first time I had been down there after the war.

Q Was there a whole lot of women and children in that crowd?

A No, sir, they was not so great many children stopped with me, there was some children.

Q In the crowd? A Yes, sir.

Q You know Jim Martin up there on Big Creek? A Yes, sir.

Q How far does he live from you? A Two miles.

Q Did you buy horn from him that year? A No, sir, Jim Martin was not in the country, don't know anything about him.

Q He was not in the country there was he? A I cant know nothing of no Jim Martin.

Q You come with Peter Meigs did you? A Yes, sir, come together.

Q Was Rube and Dan Sanders living up there on Big Creek.

A No, sir, wasn't living there until we got here.

Q Did they come along as you came? A I tol' you I could not tell you that because I didn't know all that was along.

Q Could not tell? A No, sir.

Q How many children did you have then? A I had four.

Q Give me the names of them? A They are dead.

Q Well let me have their names? A There was Richard was one, the oldest one, and Alfred and the next one we called Fraymond Ward and Frances, had four children.

Q They were all born up there? A No, sir, was not they was born here before the war all but one.

Q And that was Frances? A Frances was born before the war and Alfred and Richard.

Q Which one was born during the war? A Fraymond

Q About how old would he be if he were living now? A I could not tell you his case, because I got no learning, can't write.

Q You don't know one year from the other? A No, sir, only they said this year is pretty night out and another one was coming in; you see I was living away back there and was not allowed to see any book or anything, and I could not tell you.

By Com'r Breckinridge:

Q Where did your husband, Berry Ward, die? A He died here on Big Creek.

Q Have you any witnesses that you want to produce now and prove when you came back? A I have Mr. Webber here.

Q Sam Webber there? A Yes, sir.

Applicant's witnesses not present)

Com'r Breckinridge: The applicant applies for the enrollment of herself and two grandchildren. The applicant is identified on the Wallace Roll and on the Kern Clifton roll, but not upon the roll of 1880 or upon that of 1893. She expects to introduce further testimony in regard to the time she returned to the Cherokee Nation from Kansas after the war. So far there is no contest in regard to her statement that she was a Cherokee slave at the breaking out of the Civil War. She will now be listed for enrollment as a

Cherokee Freedman on a doubtful card, and the final decision of the Commission will be made known to her at her post-office address.

As for her two grandchildren, Berthena and Isabella Ward; they are said to be living now, they are minors and they are identified on the Kern-Clifton roll, but not upon the Wallace roll, or the roll of 1896. They are respectively 14 and 15 years of age; they are the children of the applicant's son, Manuel Ward, who is alive at this time, but their mother, Mattie Hill, appears to have died some 12 years ago. The father of these children is identified on the Kern-Clifton roll and on the Wallace roll, he being identified upon the questioned list of the Wallace roll, and his name being accompanied by a statement that no proof was offered that he was a child of a Cherokee slave. It appears from the applicant's testimony that neither the father nor mother of these children was married previous to the marriage between them, and that they lived together as husband and wife until the mother died? A The mother is not identified upon the roll of 1880 or upon the Wallace roll, and so far as the present testimony goes these children have a claim only through their father. These two children will now be listed for enrollment as Cherokee Freedmen on a doubtful card, and the final decision of the Commission will be made known through their grandmother at her postoffice address..

ADDITIONAL INTERROGATORIES:

- Q Your son, Manuel did he come back with you when you came back from Kansas? A He was born here.
Q Was he born here after the war? A Yes, sir.
Q Has he lived here all his life? 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 31st day of May, 1901.
Signed, T. B. Needles,
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 8th, 1901.

Supplemental testimony in the application of Harriet Daniels O.F.D-437

Mellette & Smith, present for the applicant.
W. W. Hastings present for the Cherokee Nation.

SAM WEBBER, called and sworn by Commissioner T. B. Needles, testified as follows on the part of the applicant:

- Q What is your name? A Sam Webber.
Q How old are you? A 58.
Q What is your postoffice address? A Nowata Cherokee Nation.
Q Are you on the Cherokee roll of 1880, as a Cherokee citizen?
A Yes, sir.
Q Do you know the applicant, Harriet Daniels? A Yes sir.
Q Do you know her husband, Berry Ward? A Yes sir.
Q How long have you known the applicant? A I got acquainted with

her in Kansas.

Q When? A Time of the refugees.

Q Do you know when Berry Ward and this applicant returned to the Cherokee Nation after the war? A Yes sir, they come with us.

Q This applicant was Berry Ward's wife then? A Yes sir.

Q And they were of your party? A Yes sir.

Q Where did they locate then? A Below us on Big Creek.

Q Where have they lived since then? A Right there, she has never left there.

By W. W. Hastings:

Q You are the man who testified in Abraham Ward's case, D-607?

A Yes sir.

Q You testified that Abraham Ward came back in '66? A Yes sir.

Q And that he located and settled on Big Creek? A Yes sir.

Q And that he has lived there ever since? A Yes, sir.

Q How long had Harriet Daniels been there before Abraham Ward come?

A She come with our crew.

Q About how long had you been here then? A Something like two months.

Q Were you at Vinita during the sitting of this Commission?

A Went there one day.

Q You are the man that testified that you went to Fort Gibson in '65? A Yes sir.

Q You testified that your father and a delegation went down there then? A Yes sir.

Q You also testified that your father and some other man went to see Chief Downing? A Yes sir.

Q And you also testified that you and some others then come up on the Verdigris river and hunted? A Yes sir, spent the winter there.

Q What place on the Verdigris river did you spend that winter?

A Below Brown's Ford.

Q How far below the ford? A A mile.

Q And stayed there all the winter? A Yes sir.

Q How long, until then? A March.

Q Of '65? A Yes sir.

Q Do you belong to Squire Ward's Freedman's Protective Association?

A Went there once.

Q Don't attend all their meetings? A I attended only once, when I joined.

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 19th day of June, 1901,
at Nowata, I.T.

Signed, T. B. Needles,
Commissioner.

Bruce G. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing and that the same is a true and correct copy of the same.

Sworn to and subscribed before me this the 26th of August, 1901.

Bruce G. Jones
T. B. Needles
Commissioner.

C R 608

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

Muskogee, Indian Territory, March 8, 1902.

In the matter of the application for the enrollment of Margaret E. Toombs; her sons, Ray and Wadie, and her daughter Hilla, as citizens of the Cherokee Nation.

The names of the above applicants were placed upon a "Rejected" card by the examiner in the field.

It appears from the testimony in this case, that Margaret E. Toombs was born in 1849, in Middleton, Tennessee, and removed to the Cherokee Nation in the spring of 1893.

She bases her application for enrollment on the grounds of inheritance flowing from her father; and the enrollment of her children upon the same grounds, flowing from herself.

Margaret E. Toombs made application to the Commission to the Five Civilized Tribes on the 31st day of August, 1896, for admission to citizenship, and the Commission on the 6th day of November, 1896, rendered judgment denying said application. From this decision an appeal was not taken. ^{and her children} She ~~is~~ not identified upon any of the tribal rolls of the Cherokee Nation, ^{and has never} ~~been admitted to citizenship.~~

In view of the law and the facts in this case, the applicants hereinbefore named, will now be listed in what is known as a "Memorandum"; therefore, this case is hereby ordered transferred, and the card and jacket herein are ~~cancelled~~.

It is directed that copies of this order be filed with the testimony in this case.

C. R. Buckmaster
Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, D. C., May 31, 1902.

In the matter of the application of FERRY ADAMS for enrollment
as a Cherokee Freedman.

Applicant appears by Mellette & Smith, Cherokee Nation, by
W. W. Hastings.

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209 filed in the Marian Hayden case F. D. 492, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Marian Hayden, and if it be deemed
necessary that a copy of the said decree be filed in this case and
in the following cases, to-wit:

Manuel Ward, D 491;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the intro-
duction of the decree, because, First: It does not tend to show
that the applicant was a slave of the Cherokee Nation at the
beginning of the war, nor that he returned within the time specified
in the treaty of 1865, or that he had been a continuous resident of
the Cherokee Nation since that time, or that he is a descendant of
such a person. Second: Because the same is incompetent, irrele-
vant and immaterial, and does not tend to prove an issue in this
case. Third: Because the Commission will take judicial knowledge
of all laws, treaties and decrees necessary for the determination
of the right of any person who makes application for citizenship.
Fourth: The Cherokee Nation objects to the filing of a certified
copy of this decree in the case of an applicant unless the same is
called and filed in each individual case.

Commission:

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

By Mr. Smith:

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

was given them all by agreement in said laws, and that they
be closed so far as testimony was concerned by the special per-
mission of the firm of attorneys representing these applicants, on
the 31st day of May, 1902, and that this being the 31st day of May,
1902, to say that under the rulings of the Commission, that under
the agreement between the attorneys that the testimony in all these
cases is to close and should be closed by the Commission, and that
no extension should be necessary, and no case reopened
unless there is some special and particular reason shown either by
the applicant or the firm of attorneys for the applicant, or the other
way around, and that the Commission is advised.

be made to the Commission and the Court of Claims
referred to by the Court of Claims, and as the Commission must
take the roll of said Court as the
proceedings referred to the Court of Claims for applicants for
additional cases. The Commission is advised of the proceedings of the
said Court as advised.

RECEIVED
MAY 1 1902
OFFICE OF THE COMMISSIONER OF LANDS

The undersigned, being duly sworn, deposes that he viewed and
to the Commission for the Civil War Claims, and he accordingly recorded
the proceedings in the above case, and that the foregoing is a true
and correct transcript of his statements as given.

Subscribed and sworn to before me this 25th day of May, 1902.

J. C. Burwell, a stenographer to the Commission to the
Civil War Claims, on oath deposes that the above and foregoing is
a true and correct copy of the original testimony in the above
case, and that the same was taken down by him on the 25th day of May, 1902.

J. C. Burwell

Subscribed and sworn to before me this 25th day of May, 1902.

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

W. W. Hastings:

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

The Commission:

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

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

(Signed) E. G. Rothenberger.

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

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

(SEAL)

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

E. C. Bagwell

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

P. G. Reuter
Notary Public.

Jae
W

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

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

Harriett Daniels et al.-----Cherokee Freedmen D 437,
Emanuel Ward-----Cherokee Freedmen D 471.

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 Harriett
Daniels, for herself and minor grandchildren, Berthens and Isabella
Ward, and by Emanuel Ward, for himself. The evidence taken in the
cases of Peter Ward, Abraham Ward and Daniel Thompson is filed with
and made a part of the record herein.

The evidence shows that the applicant, Harriett Daniels and
her husband, Berry Ward, now deceased, were slaves of Cherokee cit-
izens at the commencement of the war of the rebellion; that they left
the Cherokee Nation during said war 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 the said Harriett Daniels and her de-
ceased husband, Berry Ward.

None of the names of said applicants are found on the 1880
authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the
applications for the enrollment of Harriett Daniels, Berthens Ward,
Isabella Ward and Emanuel Ward, as Cherokee Freedmen, should be denied
under the provisions of Section twenty-one of the Act of Congress
approved June 28, 1898 (30 Stats., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bixby.

(SIGNED)

T. B. Needles.

(SIGNED)

C. R. Breckinridge.

(SIGNED)

W. E. Stanley.

Muskogee, Indian Territory,

this JUL 10 1900

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11/11/18

DEPARTMENT OF THE INTERIOR

COMMISSION TO THE INTERIOR
DEPARTMENT OF THE INTERIOR
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K. F. B. D.
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SERIES
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~~RECEIVED~~

U.S. DEPARTMENT OF THE INTERIOR

Washington Territory, Aug 2th, 1891.

Received of the undersigned to the five civilized Tribes
one copy of the original ~~document~~ in the matter of the applica-
tion of Samuel Ward to the ~~Commission~~ of himself as a Treator
of the Cherokee Nation.

Wm. H. ...

Attorney for Applicant.

Cherokee N. 1891.

COMMISSIONERS.

HENRY L. DAWKS.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chelsea, Indian Territory, June 8th, 1901.

Received of the Commission to the Five Civilized Tribes
one copy of the original testimony in the matter of the applica-
tion of Emanuel Ward for the enrollment of himself as a Freedman
of the Cherokee Nation.

Mr. Mullett

Attorney for Applicant.

Cherokee F. #D471.

Cherokee Freedman
B-472

McKeesport, Indian Territory, July 23, 1903.

Emmanuel Ward,

July, 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 Harriett Daniels, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorneys, Mallett & Smith, 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, with the record of proceedings had in the case, has this day been transmitted to the Secretary of the Interior for his review and decision. The action of the Secretary will be made known to you as soon as the Commission is informed of the same.

Respectfully,

E. B. Needles.

Commissioner in Charge.

Register.

Enc. B-22.

COPY Cherokee Freedmen
D-437 & D-471.

Muskogee, Indian Territory, July 23, 1903.

Mellette & Smith,

Attorneys for Harriett Daniels, et al.,

Vinita, Indian Territory.

Gentlemen;

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 Harriett Daniels, et al., rejecting the applications for the enrollment of Harriett Daniels, and Bertheba, Isabella and Emanuel Ward, 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,

T. D. Needles.

Commissioner in Charge.

Register.

Enc. H-19.

Cherokee Freedman
D-437 & D-471.

COPY

Muskogee, Indian Territory, July 23, 1905.

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, 1905, in the consolidated case of Harriett Daniels, et al., rejecting the applications for the enrollment of Harriett Daniels, and Martha, Isabella and Emanuel Ward, as 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. S. Needles

Commissioner in Charge.

No. 1-30.

COPY.

Cherokee Freedmen
D-427 & D-471.

Waskogee, Indian Territory, July 23, 1908.

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 Harriett Daniels, et al., together with the Commission's decision, dated July 10, 1908, rejecting the applications for the enrollment of Harriett Daniels, Berthena, Isabella and Emanuel Ward, as Cherokee Freedmen.

Respectfully,

T. D. Needles.
Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

Enc. H-31.

D.C.841-1904.

DEPARTMENT OF THE INTERIOR,

I.T.D. 8978-1903.

WASHINGTON.

WOV. PHE.

LRS

January 4, 1904.

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

Gentlemen:

July 23, 1903, you transmitted the record of proceedings had in the matter of the application for enrollment as Cherokee freedmen of Harriett Daniels, for herself and minor grandchildren, Berthena and Isabella Ward, and of Emanuel Ward for himself, together with your decision of December 10, 1903, denying said application.

The applicant, Harriett Daniels, and her husband, Berry Ward, now deceased, were slaves of Cherokee citizens at the commencement of the civil war. The evidence shows that they left the Cherokee Nation during said war and did not return to said Nation until after after the expiration of the six months provided in the Cherokee treaty of 1866.

The other applicants herein are descendants of Harriett Daniels and her deceased husband Berry Ward, and have been born since 1866.

The names of the applicants do not appear on the 1890 authenticated roll of the Cherokee Nation.

Reporting in the matter December 31, 1903, the Commissioner of Indian Affairs recommends that your decision rejecting

-2-

the applicants 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.
47058/1903.

Department of the Interior,
Office of Indian Affairs,
Washington, Dec. 21, 1903.

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 Harriett Daniels for the enrollment of herself and her minor children, Berthens and Isabella Ward, and the application of Emanuel Ward for the enrollment of himself, all as Cherokee freedmen.

July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the applicant, Harriett Daniels and her husband Berry Ward, now deceased, were slaves of Cherokee citizens at the commencement of the war of the rebellion; that they left the Cherokee Nation during said war and did not return thereto until after January 19, 1867.

The Commission further finds from the evidence that all the other applicants herein named, have been born since 1866, and are descendants of and claim right to enrollment through, the said Harriett Daniels, and her deceased husband, Berry Ward; that none of the names of said applicants is found on the 1860 authenticated

roll of the Cherokee Nation.

My reason of the premises the Commission is of the opinion that said applications 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 this case both on behalf of the applicants and the Cherokee Nation, and I consider that the Cherokee Nation clearly shows by the testimony of A. R. Wayne, beginning on page 34 of the record, that the claim of these applicants that they are entitled to be enrolled as Cherokee freedmen is not well taken, but that in fact they are not entitled to such enrollment on the ground that they did not return to the Cherokee Nation within the time stipulated in the treaty of 1866.

I therefore recommend that the decision of the Commission aforesaid be approved by the Department.

Very respectfully,

(signed) W. A. Jones

Commissioner.

WOB-H

Cherokee Freedmen
D-457, D-471.

Muskogee, Indian Territory, January 13, 1904.

Edger Smith,

Attorney for Harriett Daniels et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated July 10, 1903, in the consolidated case of Harriett Daniels et al., rejecting the applications for the enrollment of Harriett Daniels, Berthena, Isabella and Emanuel Ward as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 3, 1904.

Respectfully,

Chairman

Cherokee Freedmen
D-457, D-471.

Muskogee, Indian Territory, January 13, 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 Harriett Daniels et al., rejecting the applications for the enrollment of Harriett Daniels, Berthene, Isabella and Emanuel Ward, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 4, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-471.

Muskogee, Indian Territory, January 13, 1904.

Emmanuel Ward,
Ruby, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated July 10, 1903, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman, was affirmed by the Secretary of the Interior on January 4, 1904.

respectfully,

Chairman.

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DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 1 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date June 1, 1901
Post Office Ruby, Ga.
District 600

1. Name Emanuel Ward Age 33
Owner's name _____ Citizenship _____
Year 186 Page 130 No. 3237 District 600

Parents:
Father Berry Ward - dead Citizenship _____
Mother Hazlett Daniels - living Citizenship Cher. Freedman
Age _____

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

Parents:
Father ~~_____~~ Citizenship _____
Mother ~~_____~~ Citizenship _____

Names of Children:

No.	Name	Year	Page	No.	Dist.
3.	<u>Berthina Ward</u>				
4.	<u>Sarah</u>				
5.					
6.					
7.					
8.					
9.					
10.					
11.					
12.					

JUN 1 - 1901

Application made by Ms. Stenographer C. R. Stenberger

Ms. 1 in Wallace roll Page 178 ~~200~~ 3306 600

XIV of D. 437.

Mallett and Smith, Atty's for applicants.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Emanuel Ward,
Ruby, I.T.
Cherokee F-D-471
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

**CHEROKEE
FREEDMEN**

P- 225

EMANUEL WARD

REFUSED

**ACTION APPROVED BY
SECRETARY OF INTERIOR.**

JAN. 4, 1904

SEE CHER. FR. #R225

Cher. Fr. R. 227

Cher. Fr. R. 227

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, IND. TER. FEBRUARY 25th, 1901.

In the matter of the application of Eliza Drew for the enrollment of her minor children, Charley, Sam, Jessie, Fred, Savanna and Odessa Drew, as citizens of the Creek Nation.

Eliza Drew, being duly sworn, testified as follows:

(EXAMINATION BY THE COMMISSION)

- Q As a citizen of what Nation are you making application for the enrollment of your minor children? A Creek Nation.
- Q What is your name? A Eliza Drew.
- Q What is your age? A 43.
- Q What is your postoffice address? A Muskogee.
- Q Have these children for whom you now make application ever been recognized by the tribal authorities of the Creek Nation as citizens of the Creek Nation? A Yes sir.
- Q Have they ever been enrolled by the Creek tribal authorities as citizens of the Creek Nation? A Yes sir.
- Q Do their names appear upon the tribal rolls of the Creek Nation? A Yes sir.
- Q Where do these children live? A They live over here across the Arkansas River.
- Q Who do they live with? A Live with me.
- Q How long have you and these children lived at that place? A Fourteen years as well as I remember.
- Q What is the name of the father of these children? A Sam Drew.
- Q He is the father of all of them? A Yes sir.
- Q Is he living? A No sir, he is dead.
- Q Is his name on any of the rolls of the Creek Nation? A Yes sir, he is on the rolls.
- Q How did he become a citizen of the Creek Nation? A Adopted by the Creek Council.

Laws of the Muskogee Nation as compiled and codified by A. P. McKellop under the act of October 15, 1892 examined and the name of Samuel Drew found to have been admitted to citizenship by the Creek Council.

- Q What town in the Creek Nation do these children belong to? A Arkansas town.
- Q Please state the names and ages of these children for whom you now make application for enrollment? A Charley, 17, Sammie is 14, Jessie is 12, Fred is 10, Savanna 8 and Odessa she is 5.
- Q How long have they lived in the Indian Territory? A In the Creek Nation?
- Q Yes sir? A For about 16 years.
- Q How long have they lived in the Territory? A All their lives.
- Q Have they ever resided outside the Territory in the last three years? A No sir.

Q Do their names appear on the 1890 Authenticated roll of the Creek Nation? A Yes Sir.

Q Did he draw the \$29? A The father, yes, sir.
For himself? A For himself and four of the boys.

1890 authenticated roll of the Creek Nation examined and the names of the applicants not found thereon.

Q Do their names appear on the 1895 Authenticated roll of the Creek Nation? A Yes sir.

1895 authenticated roll of the Creek Nation examined and the names of the applicants found thereon at numbers 1265, 1266, 1268, 1269 and 1271.

Q When were you married to Sam Drew? A I don't know.

Q Do you know what year it was? A No sir; I don't know.

Q Under what law were you married? A Under the Arkansas law.

Q Have you your marriage license and certificate which you now desire to present in evidence at this time to this Commission?

A No, sir, I hav'n't got them, the man that married us didn't have any license.

Q Were you married by a minister? A Yes sir.

Q Where were you living at the time of your marriage? A Right over here where we are living now.

Q Are you the mother of these children for whom you now make application for enrollment? A Yes sir, I am if I wasn't I wouldn't be doing this.

Q Are you a citizen of the Creek Nation? A No sir.

Q Of what Nation are you a citizen? A Cherokee.

Q Does your name appear on the Cherokee rolls? A Yes sir, 1880 roll.

Q Are all these children now living at home with you? A Yes sir, they all live with me.

Q Are your children enrolled in the Cherokee Nation? A You might find four of them on the roll.

Q Did you draw money for them in the Cherokee Nation? A Yes sir.

Q What money did you draw for them? A I drew the---this last money \$18. The \$29 and \$14 here in the Creek Nation.

Q For which of these children did you draw money in the Cherokee Nation? A Drew for Charley, Sammie, Fred and Jessie.

Q Is there any additional statement that you desire to make at this time in regard to your application? A I don't----- I don't understand, I reckon not.

Q Who is Johnny Drew? A Jessie is his main name, Jessie is the name I changed when he was a baby, I didn't like the name of John and changed it to Jessie.

The names of Johnny Drew and Samuel Drew appears on the 1890 roll at page 20.

If it should be found that these children for whom you now make application have been recognized by the tribal authorities of both the Creek and Cherokee Nations, as citizens of which Nation do you elect to have the enrolled and receive allotment of lands and distribution of money? A In the Creek Nation, cause I have got them in the Creek Nation and want them to take in the Creek Nation.

Q Are you aware that the Act of June 28th, 1898 commonly known as the Curtis Bill, contains the following provisions:

"The several tribes may by agreement determine the rights of persons, who for any reason may claim citizenship in two or more tribes, and to allotment of lands and distribution of moneys belonging to each tribe, but if no such agreement be made, then such claimant shall be entitled to such rights in one tribe only, and may elect in which tribe he will take such right?"

A No sir.

Q Does the name of Sam Drew, the father of these applicants appear upon the Dunn Roll? A No sir, I don't think it does.

Q When was he admitted by Council? A I don't know sir.

Handwritten scribbles

CUFFY McINTOSH, being duly sworn testified as follows:

(Examination by the Commission).

Q What is your name? A Cuffy McIntosh.

Q Are you a citizen of the Muskogee Nation? A Yes sir.

Q Have you ever been enrolled by the Commission to the Five Civilized Tribes and received your allotment of land? A Yes sir.

Q Are you acquainted with Sam Drew, the father of the applicants in this case? A Yes sir.

Q Is he a citizen of the Creek Nation? A Yes sir.

Q What town does he belong to? A Arkansas.

Q Is his name on the Dunn Roll? A I think not.

Q How did he become a citizen? A I think by adoption, adopted by Council.

Q In what year was he adopted? A Can't remember the year.

Q Were you a member of Council at the time he was adopted?

A No sir.

(By Mr. McKellop), Attorney for the Creek Nation.

Q Do you know that Sam Drew who was adopted by the Council is the same Sam Drew as the father of the applicants here, Charley, Sam, Jessie, Fred, Savanna and Odessa Drew? A Yes sir.

(By the Commission)

You will be furnished at a later date with a copy of the decision of the Commission with reference to the application made by you at this time for the enrollment of your minor children, as citizens of the Creek Nation, which will be mailed to you at your present post office address at Muskogee, Indian Territory.

Lona Cummings having been first duly sworn, upon her oath, states that as stenographer to the Commission to the Five Civilized Tribes, she reported in full, all proceedings had in the above entitled cause on the 25th day of February, A.D., 1901, and that the above and foregoing is a full, true and correct transcript of her stenographic notes, of said proceedings on said date.

(Signed) Lona Cummings

Subscribed and sworn to before me at Muskogee, Indian Territory, this 28 day of February A. D., 1901.

(Signed) Tams Bixby

Acting Chairman.

oo-o-o-o-o-o

H.M. 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 5th day of February, 1904.

Handwritten signature

Notary Public.

Department of the Interior,
Commission to the five Civilized Tribes,
Fort Gibson, I.T., April 24, 1901.

In the matter of the application of Louisa Drew for the enrollment of herself and seven children as Cherokee Freedmen.

Louisa Drew, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Louisa Keys is my name.
- Q What is your age? A I guess I am something about 43 or 44.
- Q What is your post office address? A Hontagoe.
- Q What district do you live in?
- A I am living in the Creek Nation now, but this is in district, Illinois.
- Q Do you apply to be enrolled as a Cherokee freedman? A Yes sir.
- Q Have you ever been recognized by the Cherokee authorities as a Cherokee freedman? A Yes sir.
- Q Is your name on the rolls of the Cherokee Nation?
- A Yes, sir, on the 1860 roll.
- Q Who do you want to enroll besides yourself? A I want to enroll nine children; there is a daughter, she will enroll for herself.
- Q Give me the names of your children under 21 years of age?
- A Charlie, he is 18.
- Q What is the next one? A Samuel.
- Q How old is Samuel? A 14.
- Q The next one? A Jesse, he is 12.
- Q Is that a boy or a girl? A He is a boy.
- Q What is the next one? A Freddie.
- Q How old is he? A 10.
- Q The next one? A Savannah.
- Q How old is Savannah? A He is 8.
- Q What is the next one? A Lucia.
- Q How old is she? A 6.
- Q What is the next one? A DeWitt.
- Q How old is DeWitt? A He is 3.
- Q What is the next one? A I have a son, he is of age, he is at Ft. Leavenworth, I will have to do his business for him.
- Q What was your father's name? A Eli Keys.
- Q Are you married? A No sir, my husband is dead.
- Q What was your husband's name? A His name was Sam Drew.
- Q Then is your name Drew? A Well, I follow up my mother's name, she was Keys, so they will always know who I am.
- Q You will have to follow your husband's name?
- A He is a Drew and belongs to the Creek Nation and I belong to the Cherokee Nation.
- Q The children's father is named Drew? A Yes sir, his name is Drew, but I am putting them as Keys.
- Q Tell, I am enrolling them as Drew, what is your husband's name?
- A His name was Sam.
- Q Is he living? A No sir, he is dead.

The 1860 enumerated roll of Cherokee freedmen examined and the applicant, Louisa Drew, identified therein, page 545 No. 992, Illinois District, as Louisa Keys.

The 1866 census roll of Cherokee freedmen examined and the applicants not identified therein.

Q Didn't you enroll in 1866? A Yes sir I have been enrolled here ever since there was an enrollment here.

Q Did you ever go in any other name besides days or Drew?
 A No sir, I went by days all the time.
 Q Did you ever your strip money? A Yes sir, I drew that.

The names mentioned were examined and the applicants identified persons as follows: Louisa Drew, on page 39, in. 1485, Illinois District, as Louisa Day.
 Lucille Drew, on page 38, in. 1485, Illinois District, as Charles Day.
 Samuel Drew, on page 39, in. 1487, Illinois District, as Sam Day.
 Jesse Drew, on page 38, in. 1488, Illinois District as Jessie Day.
 Frankie Drew, on page 38, in. 1488, Illinois District, as Frank Day.

Seventeen isn't in there because she wasn't a year old when we enrolled for that strip money.
 Q You enrolled for the strip money only? A Yes, sir, I enrolled her here this last time I enrolled right here, and that because wasn't a year old and they wasn't enrolling any babies under a year old.
 Q That is the only time you have been enrolled? A No, sir, I have been enrolled ever since there has been an enrollment here.
 Q These children all living here now? A Yes, sir, all nine of them I called are living.
 Q Where do you live? A I live over here close to Mustangs in the Creek Nation.
 Q In the Creek Nation? A Yes, sir, where my husband is at.
 Q How long have you lived there? A I can't tell you how long I have lived there.
 Q These children born over there? A The youngest ones was born there.
 Q Then you have been living over there about 20 years or more.
 A I don't know, sir, if I have been living more than that.
 Q Were you married over there? A Yes, sir.
 Q Married in the Creek Nation? A Yes, sir.
 Q Then you have always lived in the Creek Nation since you were married? A Yes, sir.
 Q Then you must have lived there over 20 years because you have got a child 20 years old. A That man isn't the father of this oldest one.
 Q Was is the father of Charles Drew? A His name is Stephens, his father is dead.
 Q Then that child's name isn't Drew? A Well I put them all down as Days with me, and we all name our sons.
 Q Was Sam Drew the father of Samuel Drew? A That live there.
 Q Sam Drew was the father of Jesse, you say? A Yes, sir.
 Q Was Sam Drew the father of Jesse? A Yes, sir.
 Q He isn't the father of Samuel? A Yes, sir, Samuel's father.
 Q Well, then he must be the father of six of them, is Sam Drew the father of Charles? A No, sir, he isn't Charles' father.
 Q Is he Samuel's father? A Yes, sir.
 Q And Jesse and Frederick and Samuel and Duffitt? A Yes, sir.
 Q Are you and Sam Drew living together now? A He is dead.
 Q But since his death you have had Duffitt? A Yes, sir.
 Q What is his name now, Duffitt Dugan? A His name is Duffitt Duffey, but they call him Days by me.

- Q You say these children are all living at this time? A Yes, sir.
 Q Have you always lived in the Cherokee Nation except what time you have lived in the Cherokee Nation? A Yes, sir, I am always living in the Cherokee Nation.
 Q I understand you haven't lived in the Cherokee Nation for the last twenty years? A Yes, sir, I expect it has been that long.
 Q All these children were born in the Creek Nation? A No, sir, all wasn't born in the Creek Nation.
 Q Well, where was Charles born? A Born right below here between the rivers.
 Q In the Cherokee Nation? A Yes, sir.
 Q Were you living with Sam Drew then? A No, sir.
 Q Where was Samuel born? A He was born over there between the rivers, he is his daddy, but I wasn't living with him.
 Q Where was Jesse born? A Over on the other side.
 Q Jesse was born in the Creek Nation? A Yes, sir.
 Q And you have been living in the Creek Nation ever since?
 A Yes, sir.
 Q And Jesse is 12 years of age? A Yes, sir.

Commissioner Needles: The name of Louisa Drew is found upon the authenticated roll of 1880 by her maiden name of Louisa Keys. She avers that she has since been married to one Sam Drew, now deceased. She avers that she had before marriage to Sam Drew one child named Charles, 18 years old, whom she calls Charles Keys, and one child named Samuel, whom she calls Samuel Keys, and that she has besides Jesse Drew, Frederick Drew, Savannah Drew, Odessa Drew and DeWitt Drew. All of said children are living at this time. She is duly identified and makes satisfactory proof as to residence, consequently Louisa Drew, nee Keys, and her children, Charles Keys, Samuel Keys, Jesse Drew, Fred, Savannah, Odessa, and DeWitt, will be listed for enrollment as Cherokee Freedmen.

Mr. L.D. Bell, attorney for Cherokee Nation: The Cherokee Nation will move in this case to contest it on the ground of having forfeited her residence by having lived in the Creek Nation.

o-o-o-o-o-o-o-o

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

(Signed) Bruce C. Jones

Sworn to and subscribed before me this the 25th of April, 1901.

(Signed) T. S. Needles,
Commissioner.

o-o-o-o-o-o-o-o

...Vance, being first duly sworn, says 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.

W. Vance

Subscribed and sworn to before me this 5th day of February, 1904.

Charles X. Sawyer
Notary Public.

James L. ...
James A. ...
C. S. ...
W. S. ...

Department of the Interior,
Commissioner of the Five Civilized Tribes.

Shawnee, Indian Territory, March 15, 1911.

Col. T. R. ...
Shawnee, Indian Territory.

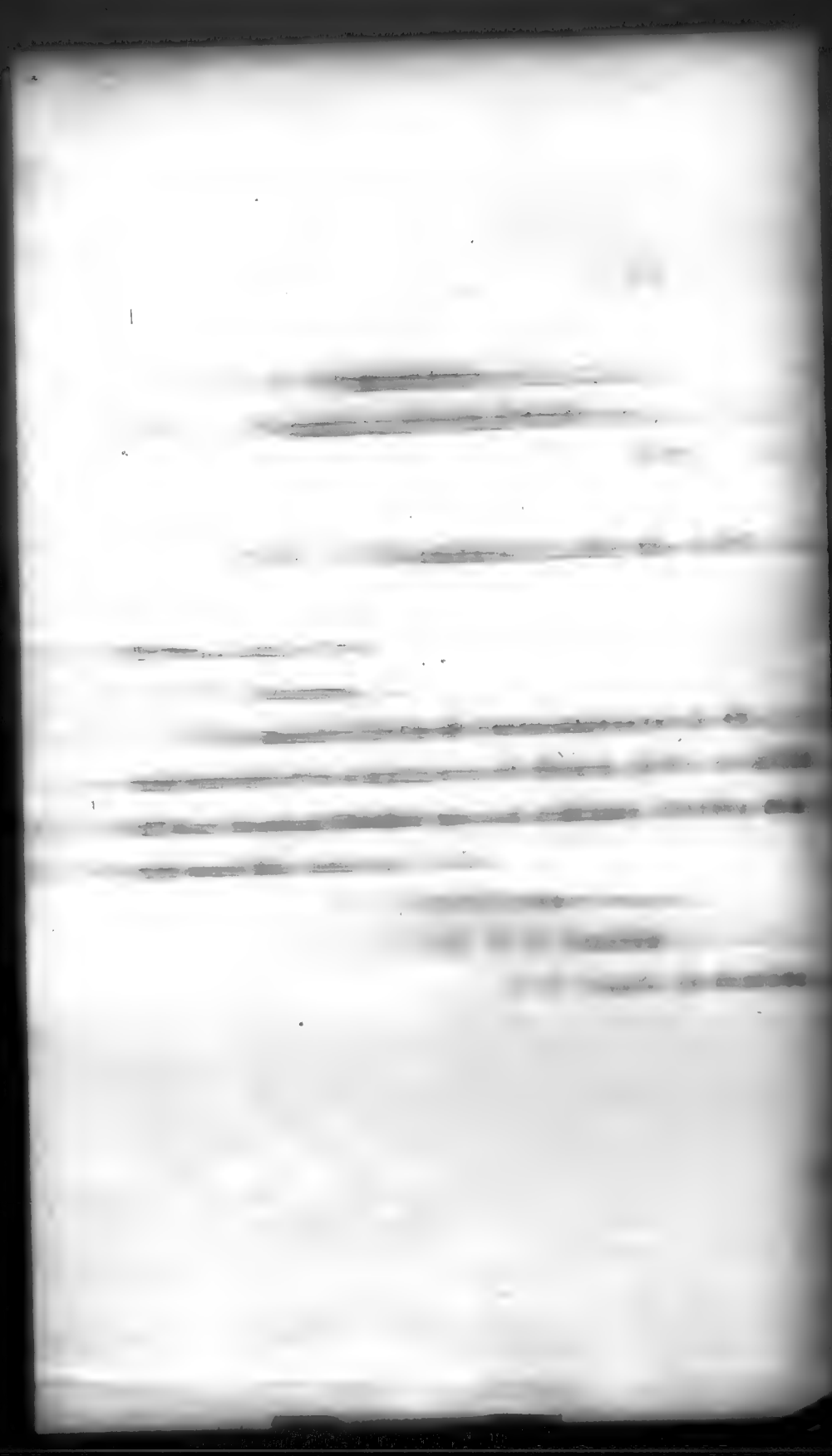
Dear Sir:

There is transmitted to you herewith, for filing in the
Charles Enrollment Division, your copies of the testimony in the
matter of the application of John ... for the enrollment of his
nine children, ... as citizens of the Creek Nation.

The testimony discloses the fact that the mother of the
above named applicants is a citizen of the Cherokee Nation.

Very very truly,

[The page contains several paragraphs of text that are extremely blurry and illegible. The text appears to be organized into sections, possibly with headings, but the specific words and sentences cannot be discerned.]



CONFIDENTIAL

MEMORANDUM FOR THE DIRECTOR, FBI

DATE: 10/10/54

RE: [Illegible] [Illegible] [Illegible]

TO: [Illegible]

[Illegible text block containing several lines of typed text, mostly obscured by blurring]

[Illegible signature or initials]

[Illegible text at bottom right]

SECRET

1. The purpose of this document is to provide information on the status of the project.

2. The project is currently in the planning phase and is expected to start in the next few weeks.

3. The project is being managed by the Project Manager.

4. The project is being funded by the Department of Defense.

5. The project is being conducted in accordance with the terms of the contract.

6. The project is being conducted in accordance with the terms of the contract.

7. The project is being conducted in accordance with the terms of the contract.

8. The project is being conducted in accordance with the terms of the contract.

9. The project is being conducted in accordance with the terms of the contract.

10. The project is being conducted in accordance with the terms of the contract.

11. The project is being conducted in accordance with the terms of the contract.

12. The project is being conducted in accordance with the terms of the contract.

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS.

In reply to
the following Creek
Enrollment.

Mustang, Indian Territory, February 19, 1903.

Commissioner of the Five Civilized Tribes,
Creek Enrollment Division.

Sir:

The Commission in its receipt of your letter of February 12, 1903, asking if applications have ever been made to the Creek Enrollment Division for the enrollment of Louise Drew (formerly Egan) and her minor child, DeWitt Drew, and Ellen Egan and her minor child, Annette Egan (or Smith), as citizens of the Creek Nation, and if not, what disposition has been made thereof:

Replying thereto, you are advised that the records of the Enrollment show that no application has been made for the enrollment of Louise Drew (formerly Egan), and her minor child, DeWitt Drew, and Ellen Egan and her minor child, Annette Egan (or Smith), as citizens of the Creek Nation, that they have not been listed for enrollment as citizens of said nation, and that their names are not found among of the enumerated tribal rolls of the Creek nation and in possession of the Commission.

Respectfully,

Very truly

Acting Chairman

COPY.

Cherokee Freedmen
#651 & 652.

Muskogee, Indian Territory, July 13, 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 Louisa Drew, et al., granting the application for the enrollment of Louisa Drew, DeWitt Drew, Ellen Keys and Annanias Keys, and rejecting the application for the enrollment of Charles and Samuel Keys and Jesse, Frederick, Savannah and Odessa Drew, as Cherokee Freedmen.

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,

T. B. Needles,

Commissioner in Charge.

Enc. H-135.

DEPARTMENT OF THE INTERIOR,

W.H.

Commission to the Five Civilized Tribes,

Tahlequah, I. T. July 21, 1903.

Cherokee F. 651-2.

In the matter of the application for the enrollment of Louisa Drew et al as Cherokee Freedmen consolidating the cases of

Louisa Drew et al---C. F. 651

Ellen Keys et al Cherokee F--652.

Protest of the Cherokee Nation.

Comes now the Cherokee Nation and protests against the enrollment of the applicants in this case and prays an appeal to the Honorable Secretary of the Interior from the Decision of the Commission rendered on July 1st 1903.

o-o-o-o-o-o-o-o-o

These two cases have heretofore been listed on straight Cherokee Freedmen cards by the Commission and all of the testimony in this case is not on file with the branch office of the Commission at Tahlequah I.T. hence we can not review the testimony on file in the case but in as much as the record shows that one member of the Commission Ex-Gov W. E. Stanley has dissented from the majority finding of the Commission we think that the case should be appealed to the Honorable Secretary of the Interior for review.

The other relatives seem to have selected their allotments in the Creek Nation and we do not believe that people can sleep on their rights until the rolls are closed in the Creek Nation and then betake themselves to another Nation and successfully make applications for enrollment.

Respectfully,

L. B. Bell

W. W. Hastings

J. S. Davenport

Attorneys for the Cherokee Nation.

J. C. A.

303

COPY.

Cherokee Freedmen
651

Muskogee, Indian Territory, July 28, 1903.

Louisa Drew,

Muskogee, 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 and your seven minor children, Charles and Samuel Keys, and Jesse, Frederick, Savannah, Odessa and DeWitt Drew, as Cherokee freedmen, together with a copy of the Commission's decision dated July 1, 1903, granting your application as to yourself and your minor child, DeWitt Drew, and rejecting your application as to your other children above named.

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

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

COPY.

-2-

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

Respectfully,

T. B. Needles,

Commissioner in Charge.

Enc. D-134

Register.

COPY.

Cherokee F 651-2.

Muskogee, Indian Territory, July 28, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Louisa Drew et al., including the Commission's decision dated July 1, 1903, rejecting said application as to Charles and Samuel Keys, Jesse, Frederick, Savannah and Odessa Drew, and granting said application as to Louisa and DeWitt Drew and Ellen and Annanias Keys as Cherokee freedmen.

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

Respectfully,

T. B. Needles,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-136

(COPY)

Refer in reply to
the following:
LAMB
48547-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Jan'y 16, 1904.

(C O P Y)

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 Louisa Drew, for the enrollment of herself and her minor children, Charles and Samuel Keys, and Jesse, Frederick, Savanna, Odessa and De Witt Drew, and the application of Ellen Keys, for herself and her minor child, Ananias Keys; all as Cherokee freedmen.

On July 1, 1903, the Commission rendered a decision in this case finding from the records of the Commission that prior to her application herein, the said Louisa Drew, by the name of Eliza Drew, made application for the admission of the said Charles and Samuel Keys and Jesse, Frederick, Savanna and Odessa Drew, under the following names respectively-- Charley, Sam, Jessie, Fred, Savanna and Odessa Drew, as citizens of the Creek Nation, and that in accordance with Departmental decision under date of November 22, 1903, in the matter of said application, the Commission enrolled the said applicants by the names of Charley, Sam, Jessie, Fred, Savanna and Odessa Drew, as

citizens by adoption of the Creek Nation. The Commission recites that part of Section 28 of the Act of Congress approved July 1, 1902, which provides that "No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation." The Commission then finds from the evidence that the said Louisa Drew is identified on the 1880 authenticated Cherokee roll under her maiden name Louisa Keys, and that it is presumed from this enrollment that the Cherokee Nation recognized that she complied with the terms of the treaty of 1866; that the said Ellen Keys and De Witt Drew are the descendants of Louisa Drew and derive their rights as Cherokee freedmen from her; that the evidence further shows that the said Louisa Drew has resided in the Creek Nation, Indian Territory, for more than twelve years immediately preceding the date of her application herein; and that Ellen Keys being a minor on June 28, 1898, is considered to have resided from her birth therein up to and including said date, and that the residence of Ananias Keys, who was born since June 28, 1898, is considered to be the same as that of his mother.

By reason of the foregoing facts and findings the Commission is of the opinion that Louisa Drew, together with her descendants, Ellen Keys, Ananias Keys and De Witt Drew, who were born since 1866, should be enrolled as Cherokee freedmen in accordance with the provisions of Section 21, of the Act of Congress approved June 28, 1898, (30 Stats. 498), and that the application for the enrollment of the other parties named herein as Cherokee freedmen should be denied under the provis-

ions of Section 28, of the Act of Congress approved July 1, 1902, above quoted.

Attached to this record is a protest of the Cherokee Nation praying an appeal to the Secretary of the Interior from said decision of the Commission, in which protest it is set out by the attorneys for the Nation that the two cases of Louisa Drew, et al., and Ellen Keys, et al., has heretofore been listed on straight Cherokee freedmen cards by the Commission and all of the testimony in the case is not on file with the branch office of the Commission at Tahlequah, I. T., and for that reason they cannot review the testimony on file in the case, but that inasmuch as the record shows that one member of the Commission, W. E. Stanley, has dissented from the majority finding of the Commission, the attorneys think that the case should be appealed. All the evidence of record as to Mr. Stanley's dissenting from the opinion of the Commission is a yellow slip of paper attached to the first page of the record, upon which is the following: "Findings not satisfactory. W.E.S." I presume this is the dissenting opinion that the attorneys for the Cherokee Nation refer to in their protest.

I have examined the testimony in this case and am of the opinion that the decision of the Commission is correct, and inasmuch as neither the attorneys for the Nation nor Commissioner Stanley set out any reasons for holding that these parties should not be enrolled as citizens of the Cherokee Nation, I am unable to determine upon what grounds they have indicated that they are not satisfied with the

decision of the majority of the members of the Commission. I presume the objection to these parties is on the ground that Louisa Keys or Drew has for some years been a resident of the Creek Nation and has lost her citizenship by reason thereof in the Cherokee Nation, but I do not consider the fact that she has resided in the Creek Nation for several years affects her citizenship in the Cherokee Nation, for the reason that her name appears upon the 1880 authenticated roll of said Nation, and as she has always resided in the Indian Territory, I consider that she is still a citizen of the Cherokee Nation and entitled to enrollment as such. I therefore recommend that the decision of the Commission be affirmed by the Department.

Very respectfully,

(Signed) W. A. Jones.

Commissioner.

W.C.B.-LC.

D C 3481-1904.

(COPY)

VGP

I.T.D. 336-1904.

DEPARTMENT OF THE INTERIOR,

J.P.

LRS.

Washington.

WHE

January 25, 1904.

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

Gentlemen:

July 28, 1903, you transmitted the record of proceedings had in the consolidated case involving the applications for enrollment as Cherokee freedmen of Louisa Drew for herself and her minor children, Charles and Samuel Keys and Jesse, Frederick, Savannah, Odessa and DeWitt Drew; and of Ellen Keys for herself and her minor child, Annanias Keys.

It appears that prior to the application herein, the said Louisa Drew, under the name of Eliza Drew, made application to your Commission for the enrollment of said Charles and Samuel Keys, and Jesse, Frederick, Savannah and Odessa Drew, under the following names, respectively: Charley, Sam, Jessie, Fred, Savannah and Odessa Drew, as citizens of the Creek Nation; that in accordance with departmental decision of November 22, 1902, you enrolled said applicants by the names of Charley, Sam, Jessie, Fred, Savannah and Odessa Drew, as citizens by adoption of the Creek Nation.

It further appears that said Louisa Drew is identified on

the 1880 authenticated roll of Cherokee freedmen, under her maiden name, Louisa Keys; that Ellen Keys and DeWitt Drew are the descendants of Louisa Drew, and that Ellen Keys is also identified on the 1880 roll of Cherokee freedmen.

The evidence further shows that Louisa Drew has resided in the Creek Nation for more than twelve years immediately preceding the date of her application herein, and that the said Ellen Keys has resided in the Creek Nation most all of her life. Annanias Keys is the son of Ellen Keys, and was born since June 28, 1898.

In your decision of July 1, 1903, you held that Louisa Drew, together with her descendants Ellen Keys, Annanias Keys, and DeWitt Drew, who were born since 1866, should be enrolled as Cherokee freedmen in accordance with the provisions of Section 21 of the act of Congress approved June 28, 1898 (30 Stat., 495), and that the application for the enrollment of Charles Keys, Samuel Keys, Jesse Drew, Frederick Drew, Savannah Drew and Odessa Drew, as Cherokee freedmen, should be denied, under the provisions of Section 28 of the act of Congress approved July 1, 1902 (32 Stat., 716), which provides that-

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

The Cherokee Nation protests against your decision, claiming that one member of the Commission, W. E. Stanley, has dissented from the majority finding of the Commission; also relying upon the fact that the other relatives selected their allotments in the Creek

Nation, and claiming that it does not believe

"That people can sleep on their rights until the rolls are closed in the Creek Nation and then betake themselves to another nation and successfully make applications for enrollment."

Reporting in the matter January 16, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be affirmed. A copy of his letter is inclosed.

The Department finds nothing in the record to show that Commissioner Stanley dissented from the majority finding of the Commission, except a slip of paper attached to the record, upon which is written "Findings not satisfactory. W.E.S."

Inasmuch as said Louisa Drew is identified on the 1880 roll of Cherokee freedmen, and as her descendants Ellen Keys, Annanias Keys and DeWitt Drew were born since the Cherokee treaty of 1866, the Department is of the opinion that they should be enrolled as Cherokee freedmen, and that under the provisions of Section 28 of the act of Congress approved July 1, 1902, the application of Charles Keys, Samuel Keys, Jesse Drew, Frederick Drew, Savannah Drew, and Odessa Drew, as Cherokee freedmen, should be denied. Your decision is therefore approved.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
#651.

Muskogee, Indian Territory, February 4, 1904.

Louisa Drew,

Muskogee, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 1, 1903, granting, among others, your application for the enrollment of yourself and your minor child, DeWitt Drew, and rejecting your application for the enrollment of your six minor children, Charles and Samuel Keys, and Jesse, Frederick, Savannah and Odessa Drew, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 25, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
#651 & #652

Muskogee, Indian Territory, February 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 1, 1903, in the consolidated case of Louisa Drew et al., granting the applications for the enrollment of Louisa and DeWitt Drew and Ellen and Annanias Keys, and rejecting the application for the enrollment of Charles and Samuel Keys and Jesse, Frederick, Savannah and Odessa Drew as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 25, 1904.

Respectfully,

Commissioner in Charge.

(COPY).

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

FPT
CR

In the matter of the application for the enrollment of
Louisa Drew, et al. as Cherokee freedmen, consolidating the applica-
tions of

Louisa Drew, et al.,.....Cherokee Freedmen 651

Ellen Keys, et al.,.....Cherokee Freedmen 652

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 Louisa Drew for herself and her minor children, Charles and Samuel Keys and Jesse, Frederick, Savannah, Odessa and DeWitt Drew; and by Ellen Keys for herself and her minor child, Annanias Keys.

It appears from the records of this Commission that prior to her application herein, the said Louisa Drew, by the name of Eliza Drew, made application to this Commission for the enrollment of the said Charles and Samuel Keys and Jesse, Frederick, Savannah and Odessa Drew, under the following names, respectively, Charley, Sam, Jessie, Fred, Savanna and Odessa Drew as citizens of the Creek Nation; that in accordance with the Departmental decision, under date of November 22, 1902, in the matter of said application, the Commission enrolled the said applicants by the names of Charley, Sam, Jessie, Fred, Savanna and Odessa Drew as citizens by adoption of the Creek Nation.

Section 28 of the Act of Congress, approved July 1, 1902 (Public--No.241.), provides as follows:

"No person whose name appears upon the roll made by the Dawes Commission as a citizen or freedman of any other tribe shall be enrolled as a citizen of the Cherokee Nation."

The evidence further shows that the said Louisa Drew is identified on the 1880 authenticated Cherokee roll, under her maiden name, Louisa Keys; and it is presumed from this enrollment that the Cherokee Nation recognized that she complied with the terms of the treaty of 1866. The said Ellen Keys and DeWitt Drew are the descendants of Louisa Drew, and derive their rights as Cherokee Freedmen through her.

The evidence further shows that the said Louisa Drew has resided in the Creek Nation, Indian Territory, for more than twelve years immediately preceding the date of her application herein. Ellen Keys, being a minor on June 28, 1898, is considered to have resided with her mother from her birth up to and including said date; and the residence of Annanias Keys, who was born since June 28, 1898, is considered to be the same as that of his mother.

It is, therefore, the opinion of this Commission that Louisa Drew, together with her descendants, Ellen Keys, Annanias Keys and DeWitt Drew, who were born since 1865, should be enrolled as Cherokee Freedmen in accordance with the provisions of Section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495); and that the application for the enrollment of Charles Keys, Samuel Keys, Jesse Drew, Frederick Drew, Savannah Drew, and Odessa Drew as Cherokee Freedmen should be denied under the law above quoted, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby

T. B. Needles

C. R. Breckinridge

Dated at Muskogee, Indian Territory,

this JUL 1 - 1903

REGISTRY RETURN RECEIPT.

Received from the Postmaster at Muskogee, I. T.
Registered letter No. 11111, from Muskogee, Ind. Ter.
Addressed to Louisa Drew
(Name of addressee)

Date _____, 190
(Date of delivery)

Eliza Drew
(Signature or name of addressee)

When delivery is made to an agent
of the addressee, both addressee's
name and agent's signature must
appear in this receipt.

(Signature of addressee's agent)

A registered article must not be delivered to any one but
the addressee, except upon the addressee's written order. When the
above receipt has been properly signed, it must be postmarked with
name of delivering office and actual date of delivery and mailed to
its address, without envelope or postage.

This card must be neatly and correctly made up and address-
ed at the postoffice where the article is registered.
The postmaster who delivers the registered article must see
that this card is properly signed, postmarked, and mailed to the
sender.

Postmark of Delivering Office
Muskogee, Ind T
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Cher. Fr. R. 228

Cher. Fr. R. 228

Mallette & Smith for the applicants
W. F. Hastings for the Cherokee Nation

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

In the matter of the application of Eliza Bryant for the enrollment of herself and three children as Cherokee Freedmen; she being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. ELIZA Bryant.
Q How old are you? A. I guess I is about 36.
Q What is your post office address? A. Hudson.
Q In what district do you live? A. Galloway.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A. Yes sir.
Q Is your name on the roll of 1885? A. No sir.
Q Is your name on any of the rolls of the Cherokee Nation? A. Wallace and Kern Clifton rolls.
Q Do you desire to have enrolled besides yourself? A. Three children and myself.
Q What are the names of your children? A. Lewis Bryant.
Q How old? A. 9 years.
Q Next? A Charles Bryant.
Q How old? A. 5.
Q Next? A. Homer Bryant.
Q How old? A.
Q What is your father's name? A. Jerry Martin.
Q Is he living? A. No sir.
Q What is your mother's name? A. Julie Scott.
Q Is she living? A. I dont know.
Q Are you married? A. A widow.
Q You have been married? Yes sir.
Q What was your husbands name? A. Ef Bryant.
Q Was he a Cherokee freedman? A Yes sir.
Q Was his name on the 1885 roll? A. I dont know.
Q Did you draw strip money? A. Yes sir.
Q For these children also? A No sir.

The 1885 roll examined and the name of the applicant not found thereon, neither the name of her deceased husband.

The 1885 census roll examined and name of the applicant found thereon.

Kern Clifton roll examined and the applicant found as follows:
Page 115, No. 2215, Eliza Bryant, Illinois district.

By Mr. Mallette:

- Q How old are you? A. I am about 36.
Q Where do you live? A. On Big creek.
Q How long have you lived there? A. Yes sir.
Q How long have you lived there? A. Ever since I have been married.
Q Your father's name was Jerry Martin was it? A. Yes sir.
Q What did he die? A. I dont know.
Q How long ago? A. I dont know, uncle Dave can tell you about it.
Q Do you remember your father? A. No sir.

By the Commission:

- Q Where were you born? A. I dont know sir, where I was born, I have been raised here all the time.
Q Were those children all born in the Cherokee Nation? A. Yes sir.
Q And they are living here now are they? A. Yes sir.

By W. F. Hastings:

Elisa Bryant 2.

- Q Your mothers name was Julia Scott you say? A. Yes sir.
Q Your father and mother were married in Kansas were they not? A. I dont know.
Q You were born in Kansas? A. I dont know where I was born.
Q Where were you told that you were born? A. I dont where I was born I was raised here.
Q Where were you told that you were born? A. No sir, they never told me where I was born and I dont know.
Q You never were told by any of your people where you were born? A. No sir.
Q Where were you living when you were old enough to remember anything? A Soosneck Bend.
Q Where on Soosneck Bend? A. At my grand-mothers, Nancy Martin.
Q How long did you live with Nancy Martin? A. I dont know, until she died, I wasn't grown then.
Q Do you know about how old you were? A. No sir.
Q You dont know anything about your early history? A. I know my grandmother raised me.
Q The first that you can remember was at Soosneck Bend? A. Yes sir.
Q Where were you married? A. On Big creek.
Q When? A. 1891.
Q What is your eldest child's name? A. Lewis Bryant.
Q Is his name Bryant? A. Yes sir.
Q Was he ever known as Lewis Little? A. I call him Lewis Bryant.
Q I didn't ask you what you called him, was he ever called Lewis Little? A. No sir not in particular.
Q Well did you ever hear him called Lewis Little? A. No sir.
Q Was EF Bryant his father? A. Yes sir.
Q Was he born before you and he were married? A. No sir, we married in '91.
Q Wasn't this child born before that time? A. No sir.
Q Did you ever go by the name of Little? A. No sir.
Q Did you ever have a child by a man by the name of Little? A. What makes you ask me that question?
Q I want you to answer it, was you ever called Little or did you ever have a child by a man named Little? A. He is called Lewis Bryant.
Q Now you know if you had a child by a man named Little or not? A. Yes I got one.
Q Who was the father of this Lewis Bryant, it wasn't EF Bryant was it? A No sir.
Q You had a child by a man named William Mays also? A. No sir.
Q Did you ever have a child by a man named Mays? A No sir not as I know of.
Q Well you would know it if you had wouldn't you? A. Well I guess so.

DAVE MARTIN, called and sworn as a witness, testified as follows for the applicant-

By Bellette:

- Q What is your name? A. Dave Martin.
Q What is your age? A. 24.
Q Where do you live? A. In Soosneck Bend.
Q Texas? A. No sir, in the Cherokee Nation.
Q How long have you lived in the Cherokee Nation? A. All my life off and on.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes sir.
Q Are you on the 1890 authenticated roll? A. No sir.
Q Do you know Jerry Martin, the father of the applicant? A. Yes sir.

- Q. Do you know if he was a slave or not? A. Yes sir.
Q. Who did he belong to? A. Joe Martin.
Q. Was Joe Martin a recognized citizen of the Cherokee Nation? A. Yes sir.
Q. Where did they live? A. On Grand river where Hoolley Bell used to live.
Q. Where did the father of this applicant go during the war? A. I don't know.
Q. Did you ever see him after the war? A. Yes sir.
Q. Where did you first see him? A. South west of Coffeyville, where I now live.
Q. What time did you first see him after the war? A. In 1863.
Q. You don't know when he first came back? A. No sir.

By W. V. Hastings:

- Q. Where did he come from? A. I don't know, he was living with his mother.
Q. Where was this girl married? A. Here on Grand river.

By the Commission.

- Q. Where was she born? A. In the Nation at her father's and mother's on Grand river, and her grand-mother's.

By Hastings:

- Q. You don't know that of your own knowledge? A. She was living there with them.
Q. You didn't know her until '63? A. They was living there in '63.
Q. You said you didn't know her until '63? A. I know her then.
Q. How many years ago is '63? A. 21 years ago.
Q. Did you know her before '63? A. Yes sir.
Q. Where did you see her last? A. Timber Hill.
Q. What year did you see her there? A. I took her there in '63.

By Hallett:

- Q. Hadn't you seen Jerry Martin before that? A. Yes sir.
Q. Where? A. At Coffeyville.
Q. When did you first see him after the war? A. I saw him at Big creek, his mother was living there.
Q. What was that? A. In '78 I think.
Q. Who was Jerry Martin living with at that time? A. With his mother.
Q. Did they have a place there? A. Yes sir.
Q. Did it look like an old place or a new place? A. An old place, they went from there to Passow creek and then to Timber Hill.

By Hastings:

- Q. Are you on the roll of 1860? A. No sir.

By the Commission:

- Q. Do you know this girl's mother? A. Yes sir.
Q. Was she a slave? A. Yes sir.
Q. Who did she belong to? A. The Nation.
Q. Was she taken out of the Cherokee Nation during the war? A. I guess so.
Q. When did you first see her mother Julia after the war? A. On Big creek and Passow creek.

Miss Bryant 4.

Q What A. In '72.

Q Wasn't that time if they got back here in '68 or 1867 A. No sir.

By V. V. Hartigan:

Q Was there children here when you first saw them over there? A. No sir I don't think they was.

CONTINUED BY STENOGRAPHER BRUCE G. JONES.

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

Chas von Weiss

Subscribed and sworn to before me this 15th of June, 1901 at Chelsea I. T.

[Signature]

Commissioner.

Eliza Bryant et al.
(Continued from testimony taken by Stenographer Chas. von Weise,
June 6, 1901.)

Allen Lynch, being duly sworn and examined, testified as follows:

- Mr. Mellette: What is your name? A Allen Lynch.
Q Where do you live? A Winita.
Q How old are you? A 31.
Q Are you a Freedman citizen of the Cherokee Nation? A Yes, sir.
Q On the authenticated roll? A Yes, sir.
Q Do you know the applicant here? A Eliza Bryant, yes I know
just slightly know her.
Q Did you know her father Jerry Martin? A Yes, sir.
Q Do you know when he returned to the Cherokee Nation after the
war? A No, sir.
Q Where did you first see him after the war? A I don't know as I
have ever seen Jerry since he came to the country, I just knew him
and knew who he belonged to.
Q Who did he belong to? A Belonged to Joe Martin.
Q Was Joe Martin a citizen of the Cherokee Nation? A Yes, sir.
Q You don't know anything about him after he returned to this
country? A No, sir.

Mr. Mellette: I would ask permission to introduce more
testimony if there is any.

Commissioner: Eliza Bryant applies for the enrollment
of herself and three children, Lewis, Charlie and Bower. Her
name cannot be found upon the authenticated roll of 1880 or
the census roll of 1890. She is duly identified upon the Kera-
glifton roll. The names of her three children are not identi-
fied upon any roll. She will now be listed for enrollment as
a Cherokee Freedman upon a doubtful card, as well as her three
children. It will be necessary for her to file satisfactory
proof as to the birth of the three children, their names not
appearing upon any of the rolls.

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

Bruce G. Jones

Sworn to and subscribed before me this the 10th of June, 1901.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., May 31, 1902.

In the latter of the application of FERRY ALMS for enrollment as a Cherokee Freedman:

Applicant appears by Hallette & Smith, Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make three certified copy of the decree of the Court of Claims in the case of Moses Whitacre, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 478, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Miss Bryant, D 151;

By W. W. Hastings:

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

Commission:

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

By Mr. Smith:

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

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

W. W. Hastings:

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

The Commission:

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

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

(Signed) E. G. Rothenberger.

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

(SEAL)

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

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

E. C. Bagwell

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

F. G. Reuter

Notary Public.

Jas
Bl

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

In the matter of the application of Eliza Bryant for the enrollment of herself and minor children, Lewis, Charles and Homer Bryant, as Cherokee Freedmen:

DECISION

The record in this case shows that on June 6, 1901, Eliza Bryant appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of herself and minor children, Lewis, Charles and Homer Bryant, as Cherokee Freedmen. The evidence shows that the applicant, Eliza Bryant, has been born since 1866 and is a descendant of and claims right to enrollment through her father, Jerry Martin, and her mother, Julia Scott.

The evidence further shows that the said Jerry Martin and Julia Scott 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. All the other applicants herein are the minor children of the said Eliza Bryant and claim right to enrollment through her.

The names of the said Jerry Martin, Julia Scott and Eliza Bryant are not found on the 1860 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Eliza Bryant, Lewis Bryant, Charles Bryant and Homer Bryant, 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.



Chairman.



Commissioner.

C. A. ...

Commissioner.

W. E. ...

Commissioner.

Mustagee, Indian Territory,

this JUL 10 1903

COMMISSIONERS.

HENRY L. DAVIS,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. W. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Nowata, Indian Territory, June 21st, 1901.

Received of the Commission to the Five Civilized Tribes,
one copy of the original testimony of June 6th, 1901, in the
matter of the application of Eliza Bryant et al for enrollment
as Freedmen of the Cherokee Nation.

M. W. W. W. W.

Attorney for Applicants.

Cherokee F. #0561.

COPY.

Cherokee Freedman
D-561

Muskogee, Indian Territory, July 23, 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 Eliza Bryant for the enrollment of herself and her three minor children, Lewis, Charles and Homer Bryant, as Cherokee freedmen, including the Commission's decision dated July 10, 1903, rejecting said application.

Respectfully,

I. B. Needles.

Commissioner in Charge

Through the
Commissioner of Indian Affairs

Enc. D-55

COPY.

Cherokee Freedmen
D-561

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 Eliza Bryant for the enrollment of herself and her three minor children, Lewis, Charles and Homer Bryant, 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-24

COPY.

Cherokee Freedmen
D-561

Muskogee, Indian Territory, July 23, 1903.

Walter Smith,

Attorney for Elias Bryant et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 18, 1903, rejecting the application of Elias Bryant for the enrollment of herself and her three minor children, Lewis, Charles and Homer Bryant, 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. E. Nesbitt

Commissioner in Charge.

W. D. B.

Register.

COPY

Cherokee Freedmen
D-861

Muskogee, Indian Territory, July 23, 1903.

Eliza Bryant,

Hudson, Indian Territory.

Dear Madam:

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 and your three minor children, Lewis, Charles and Homer Bryant, as Cherokee freedmen. 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, 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,

W. H. C. C. C.

Commissioner in Charge.

Enc. D-22

Register.

(COPY)

Refer in reply to the
following: Land. 47052-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, January 21, 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 Eliza Bryant for the enrollment of herself and her minor children, Lewis, Charles and Homer B., as Cherokee freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the applicant Eliza Bryant has been born since 1856, and is a descendant of and claims right to enrollment through her father, Jerry Martin and her mother, Julia Scott; that the evidence further shows that the said Jerry Martin and Julia Scott 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 herewith are the minor children of the said Eliza Bryant, and claim right to enrollment through her; and that the names of the names of the said Jerry Martin, Julia Scott and Eliza Bryant are not found on the 1860 authenticated roll of the

Cherokee Nation; by reason of which findings the Commission is of the opinion that the application for the enrollment of these parties as Cherokee freedmen should be denied under the provisions of Section 21 of the act of Congress approved June 28, 1898 (30 Stats. 495).

I cannot concur in the said decision of the Commission that the evidence shows that the said Jerry Martin and Julia Scott did not return to the Cherokee Nation until after January 19, 1867. The principal applicant testifies that she is twenty-six years old, and she does not undertake to say that her father and mother returned to the Cherokee Nation. The witness Dave Martin testifies that he is sixty-four years old; that he has lived in the Cherokee Nation all his life off and on; that he is a freedman citizen of said Nation; knew the father of the applicant, Jerry Martin; states that he was the slave of Joe Martin, a recognized Cherokee citizen, but does not know where he went during the war; saw him the first time after the war in 1882; but states that he does not know when he first came back. On further examination the witness testifies that he saw Jerry Martin in 1873, he thinks; that he was then living with his mother in Big Creek. The witness further testifies that he knew the girl's mother; that she was a slave and belonged to the Scotts. He guesses she was taken out of the Cherokee Nation during the war, and he first saw the mother on Big Creek and 'Possum Creek in 1873, but does not know whether she got back in the Nation in 1866 or not.

The witness Allen Lynch testifies that he is sixty-one years old; is a freedman citizen of the Cherokee Nation; is slightly acquainted with the applicant, Eliza Bryant; knew her father, Jerry Martin, but does not know when he returned to the Cherokee Nation after the war, and further states that he does not know that he has ever seen Jerry Martin since he came to the country; that he just knew him and knew to whom he belonged, and that he knows nothing about him after he returned to the Nation.

I submit that there is nothing whatever in said testimony which in any way satisfactorily shows that the father and mother of this principal applicant did not return to the Cherokee Nation within the time prescribed by the treaty of 1866, nor is there anything in the record tending to show that they did so return, and as the record now stands I can form no opinion whatever as to whether or not this applicant and her children are entitled to the rights they claim. On the last page of the testimony, Mr. Mellette, who I presume is acting as the attorney for the applicants, although the record does not say so, makes the following statement: "I would ask permission to introduce more testimony if there is any." As to what effort Mr. Mellette made to secure additional testimony is not shown in the record, and the Nation presumably holding that the burden of proof is on the applicant furnishes no testimony whatever to clear the situation.

-4-

I consider that this case should be returned to the Commission with instructions to procure if possible more testimony upon which a decision therein can be based.

Very respectfully,

(signed) A. C. Tonner

Acting Commissioner.

W.C.B. -L.C.

3642-1904.

J. P. THE I.T.D. 544-1904.
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

January 28, 1904.

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

Gentlemen:

The Department has considered the case involving the application of Eliza Bryant, for the enrollment of herself and her three minor children, Lewis, Charles and Homer Bryant, as Cherokee freedmen, transmitted with your letter of July 23, 1903.

It appears from your decision of July 10, 1903, adverse to the applicants, that the principal applicant, Eliza Bryant, was born since 1866, and is a descendant of and claims right to enrollment through her father, Jerry Martin, and her mother, Julia Scott. The evidence shows that said Jerry Martin and Julia Scott were slaves of Cherokee citizens at the commencement of the civil war, and it appears that during said war they left the Cherokee Nation. You held that the evidence showed that they did not return until after January 19, 1867.

The names of Jerry Martin, Julia Scott and Eliza Bryant are not found on the 1880 authenticated roll of the Cherokee Nation, nor upon the 1896 census roll. Eliza Bryant is duly identified upon the Karn-Clifton roll.

Reporting in the matter January 21, 1904, the Acting Commissioner of Indian Affairs sets out most of the material statements of the witnesses in the case. His conclusion is that there is nothing in the testimony which in any way satisfactorily shows that the father or mother of the principal applicant did not return to the Cherokee Nation within the time prescribed by the treaty of 1866, nor is there anything in the record tending to show that they did so return. He recommends that the case be returned to you with instructions to procure, if possible, more testimony upon which a decision may be based. A copy of his letter is inclosed.

The burden of proof was on the principal applicant to show that she was entitled to enrollment as a Cherokee freedman. She was 26 years of age in 1901, when the testimony in the case was taken and necessarily her rights depend on whether her parents (who were slaves of Cherokee citizens at the commencement of the civil war and apparently left the Nation during that war), or one of them returned to the Cherokee Nation prior to February 11, 1867. She is shown to be absolutely without any information relative to her parents bearing upon this important question, and the witnesses she produces are unable to state whether either of said parents returned to the Cherokee Nation as the treaty of 1866 required, though they claim to have seen them in the Nation some years subsequent to that time.

The Department does not concur in the Acting Commissioner's recommendation that the case be remanded. Under the circumstances, your decision was justified and is hereby affirmed.

The attorney for the applicants, and the principal applicant, were advised of your decision July 23, 1903, and no motion for a rehearing has been filed.

Respectfully,

(signed) Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-561.

Muskogee, Indian Territory, February 8, 1904.

Eliza Bryant,
Hudson, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision, dated July 10, 1903, rejecting your application for the enrollment of yourself and your three minor children, Lewis, Charles and Homer Bryant, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 28, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-561.

Muskogee, Indian Territory, February 5, 1904.

Edgar Smith,

Attorney for Eliza Bryant et al.,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision, dated July 10, 1903, rejecting the application of Eliza Bryant for the enrollment of herself and her three minor children, Lewis, Charles and Homer Bryant, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 28, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-561.

Muskogee, Indian Territory, February 5, 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 of Eliza Bryant for the enrollment of herself and her three minor children, Lewis, Charles and Homer Bryant, as Cherokee freedmen, was affirmed by the Secretary of the Interior on January 28, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
R-228

Muskogee, Indian Territory, May 28, 1906.

Elisa Bryant,
Hudson, 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.

LC

Muskogee, Indian Territory, May 28, 1906.

Blue & Bulger,

Attorneys for Eliza A. Arnold, et al.,

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 filed by you September 7, 1906 for review in the Cherokee Freedmen enrollment cases of Eliza A. Arnold and others named in said letter.

Respectfully,

Commissioner.

LMC

Muskogee, Indian Territory, May 29, 1906.

Bell, Hastings & Davenport,

Attorneys for Cherokee Nation,

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 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

Cherokee Freedmen
R 228

Muskegee, Indian Territory, December 28, 1906

Eliza D. Bryant,
Dewey, Indian Territory.

Dear Madam:

In reply to your letter of December 10, in which you ask to be advised the status of the Cherokee freedmen case of yourself and children, you are advised that the records of this office show that the application of Eliza Bryant for the enrollment as Cherokee freedmen of herself and children, Lewis, Charles and Homer Bryant, was refused by the Secretary of the Interior on January 28, 1904. The records further show that a motion for review of said case, filed by the attorneys for the applicants on September 7, 1906, was denied by the department on May 2, 1906.

Respectfully,

Acting Commissioner

L M B

CHEROKEE FREEDMAN.

2501

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IN RE

Application for Enrollment of

INFANT CHILD

Sears Conant

as a citizen of

CHEROKEE

Nation.

Approved: *[Signature]* 1901
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 27 1901

[Signature]
ATTORNEY GENERAL

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

CHEROKEE.

IN RE Application for Enrollment, as a citizen of the Cherokee Nation,
of Lewis Bryant, born on the 29th day of December, 1892.
(Here insert name of child.)
Name of Father: Ephraim Bryant, a citizen of the Cherokee Nation.
Name of Mother: Eliza Bryant, a citizen of the Cherokee Nation.
Post-office, Hudson, I.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Eliza Bryant, on oath state that I am 26
years of age and a citizen, by Treaty, of the Cherokee Nation;
that I am the lawful wife of Ephraim Bryant, who is a citizen, by
Treaty, of the Cherokee Nation, that a male child was
born to me on the 29th day of December 1892 that said child has been
named Lewis Bryant, and is now living.

WITNESSES TO MARK

Eliza Bryant

(Must be Two Witnesses)

Subscribed and sworn to before me this 9th day of July 1901.
W. E. Twichell
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Northern District.

I, Virginia Little, Midwife, on oath state that I
attended on Mrs. Eliza Bryant, wife of Ephraim Bryant,
on the 29th day of December 1892 that there was born to her on
said date a male child; that said child is now living and is said to have been
named Lewis Bryant.

WITNESSES TO MARK:

Virginia Little

(Must be Two Witnesses)

Lewis, Conn
L. J. Johnson

Subscribed and sworn to before me this 9th day of July 1901.
W. E. Twichell
NOTARY PUBLIC.

CHEROKEE FREEDMAN. *J. J. [unclear]*

A

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IN RE

Application for Enrollment of

INFANT CHILD

Charley Bryant
a citizen of

CHEROKEE

Nation.

Approved. *[Signature]* 1901
[Signature]
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUL 27 1901

[Handwritten scribble]

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

CHEROKEE.

IN RS Application for Enrollment, as a citizen of the CHEROKEE Nation,
of Charley Bryant, born on the 7 day of Aug, 1892
(Here insert name of child.)
Name of Father: Ephraim Bryant, a citizen of the Cherokee Nation.
Name of Mother: Eliza Bryant, a citizen of the Cherokee Nation.
Post-office, Nudron I T

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Cooma District.

I, Eliza Bryant, on oath state that I am 26
years of age and a citizen, by Birth, of the Cherokee Nation;
that I am the lawful wife of Ephraim Bryant, who is a citizen, by
Birth, of the Cherokee Nation, that a male child was
(male or female)
born to me on the 7 day of Aug, 1892, that said child has been
named Charley Bryant, and is now living.

WITNESSES TO SIGN:

(Must be Two Witnesses) { Elsie Madair
Winona V. Blair

Elizzia Bryant

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

J. W. Blair
NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, Offie Mayhew, midwife, on oath state that I
attended on Mrs. Eliza Bryant, wife of Ephraim Bryant
on the 7 day of Aug, 1892, that there was born to her on
said date a male child; that said child is now living and is said to have been
named Charley Bryant.

WITNESSES TO SIGN:

(Must be Two Witnesses) { Elsie Madair
Winona V. Blair

Offie Mayhew
mark

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

J. W. Blair
NOTARY PUBLIC.

IN RE

Application for Enrollment of

INFANT CHILD

Homer Bryant

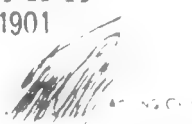
as a citizen of

_____ Nation.

Approved,  1901
Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
JUL 27 1901



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

IN RE Application for Enrollment as a citizen of the CHEROKEE Nation,
of Homer Bryant, born on the 1 day of June, 1898
(Here insert name of child)
Name of Father: Ephraim Bryant, a citizen of the Cherokee Nation.
Name of Mother: Eliza Bryant, a citizen of the Cherokee Nation.
Post-office, Hudson I.T.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
Cherokee District.

I, Eliza Bryant, on oath state that I am 26
years of age and a citizen, by Birth, of the Cherokee Nation;
that I am the lawful wife of Ephraim Bryant, who is a citizen, by
Birth, of the Cherokee Nation, that a Male child was
(male or female.)
born to me on the 1 day of June, 1898; that said child has been
named Homer Bryant, and is now living.

WITNESSES TO MARK

(Must be Two Witnesses) { Elsie Madair
Winona N. Blair

Subscribed and sworn to before me this 4 day of July, 1904.
J. W. Blair NOTARY PUBLIC.

AFFIDAVIT OF ATTENDING PHYSICIAN, OR MIDWIFE.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
District.

I, Offie Mayhew, on oath state that I
attended on Mrs. Eliza Bryant, wife of Ephraim Bryant
on the 1 day of June, 1898; that there was born to her on
said date a male child; that said child is now living and is said to have been
named Homer Bryant.

WITNESSES TO MARK:

(Must be Two Witnesses) { Elsie Madair
Winona V. Blair

Subscribed and sworn to before me this 4 day of July, 1904.
J. W. Blair NOTARY PUBLIC.

1875
1876
1877
1878
1879

Cherokee S. G.
 MEMORANDUM OF APPLICATION
 Cherokee Nation

CHEROKEE FREEDMEN.

Date JUN 6 1901
 Post Office Studson, I. O.
 District COOWEESCOOWEE.

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

Parents:
 Father Citizenship
 Mother Citizenship

2. Name of wife Eliza Bryant Age 26
 Owner's name Citizenship
 Year I. O. Page 113 No. 9813 District Illinois

Parents:
 Father Wm. Martin dead Citizenship Colored
 Mother Quilla Scott Citizenship ..

Names of Children:

No.	Name	Year	Page	No.	Dist.
3	<u>Lenna Bryant</u>				
4	<u>Shesley</u>				
5	<u>Amos</u>				
6.					
7.					
8.					
9.					
10.					
11.					
12.					

Application made by W. H. M. Stenographer Edw. W. Wiser
B. C. Jones

~~Horace Wallace with P. M.~~

No. 2-3-4. Birth certificates to be supplied.

Represented by Mallett & Smith, Santa Fe

359

ON TO
MAY 12 1902
REAR 1002

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Eliza Bryant,
Hudson, I.T.
Cherokee F-D-561
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 229

Cher. Fr. R. 229

75-1059

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

FEB 10

5 1901



ACTING CHAIRMAN

DEPARTMENT OF THE INTERIOR,
 COMMISSION TO THE FIVE CIVILIZED TRIBES,
 FORT WILSON, I.T., SEPTEMBER 24, 1901.

In the matter of the application of William H. Sims for the enrollment of six orphan children, ALBERT SHAW, et AL., as Cherokee Freedmen, said Sims being sworn and examined by Commissioner Hurdles, testified as follows:

APPEARANCES:

A. C. Huber, Attorney for applicant;
 Mr. W. E. Hastings, for Cherokee Nation.

Q What is your name? A William H. Sims.
 Q What is your age? A 26.
 Q Post Office address? A Muskogee.
 Q For whom do you apply for enrollment? A For the children of
 Abe Shaw.
 Q Abe Shaw deceased? A Deceased.
 Q What is the mother's name of the children? A Ann Shaw.
 Q Is she deceased? A Deceased.
 Q They have no guardian? A An administrator was appointed immediately after his death, but he got away with the property and left the country.
 Q They have no next of relatives that could make this application? A Not as I know of.
 Q Please give me the names of the children? A Albert Shaw.
 Q How old is Albert? A This I got from the record of the Court he was 19 at that time.
 Q When was that? A He has been dead about three years and this is a copy of the record.
 Q He is of age now? A Yes, sir.
 Q He will have to apply for himself. A Yes, sir, and there is George and Vergie at that time she was 16, makes her 19.
 Q The next one? A Tennis, she would be now 14.
 Q The next one? A Anderson Shaw.
 Q How old is that? A 13 now.
 Q The next one? A Emanuel Shaw, 12.
 Q The next one? A Augusta, 11, Wooster.
 Q How old is Wooster? A He will now be eight.
 Q Was Ann Shaw, the mother of these children, a Cherokee Freedman? A She was not; the father was.
 Q Was his name on the roll of 1867? A I don't know about the roll of 1867; he drew the Cherokee money.

The 1860 Authenticated Roll and 1896 Census Roll of Cherokee Freedmen examined and names of parents of children not found therein.

Q Has ever strip money did he? A Yes, sir.

The Kern-Clifton Roll of Cherokee Freedmen examined and names of applicants and their deceased father found therein as follows:

- Page 121, #3088, Abe Shaw, Muskogee district.
- Page 121, #3100, Vergie Shaw, Sequoyah district.
- Page 121, #3011, Fanny Shaw, Sequoyah district.
- Page 121, #3010, Anderson Shaw, Sequoyah district.
- Page 121, #3012, Emanuel Shaw, Sequoyah district.

Q It appears that he didn't draw for the two youngest children? A Yes, Vooster at the time of the payment must have been a boy, probably not born.
 Q Well, Augusta ought to have been there? A Yes, sir; Augusta and Wooster.
 Q Well, what proof have you got, Vooster, that Abe Shaw was a Cherokee Freedman? A I have no proof to offer, Vol. Hurdles, et

Albert Shaw, et al.

cept that I am interested in the children, and I am informed that his name is on the roll.

Q His name is not on the roll of 1880 and there is nothing conclusive about his citizenship unless his name was on the roll of 1880? A I am told that he made proof before.

Q It will be necessary for proof to be made; now, first place it will be necessary for proof to be made that he was a Cherokee Freedmen entitled to enrollment; that is, that he was a slave of a Cherokee citizen and resided in the Cherokee Nation; and it will be necessary to prove his marriage to his wife Ann, and prove that he had no other living wife at the time he married Ann, and that she had no other husband, and that these children were the children of Abe Shaw and Ann Shaw born while they were living together as man and wife, and also the proof of birth as to Augusta and Wooster.

COM'R NEEDLES: William H. Sims applies as an exfriend for the enrollment of Vergie, Tennie, Anderson, Emanuel, Augusta and Wooster Shaw. He avers that they are the children of Abe and Ann Shaw, now deceased. The name of Abe Shaw cannot be identified upon the authenticated roll of 1880, but is identified upon the Kern-Clifton payroll according to the page and number of the roll as indicated in the testimony. The names of his children, Vergie, Tennie, Anderson and Emanuel, are identified upon the Kern-Clifton roll. It will be necessary for him to file satisfactory proof as to the birth of his two younger children, Augusta and Wooster. From the fact that the name of Abe Shaw does not appear upon the authenticated roll of 1880 and no proof is made of his marriage to his wife Ann, the application for the enrollment of the children as enumerated herein will be suspended and their names will be placed upon a doubtful card awaiting further consideration of the Commission.

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

J. O. Rosson

Subscribed and sworn to before me this October 24, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., February 24, 1902.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
VIRGIE SHAW, ET AL., as Cherokee Freedmen; introduced on part of
applicants:

Appearances:

A. S. McRea, Muskegee, I.T., Attorney for applicants;
W. W. Hastings, Cherokee Representative.

ALICE DIXON, being first duly sworn, testified as follows
on behalf of applicants:

MR. McREA:

Q What is your name? A Alice Dixon.

Q Your age? A 48 or 9.

Q Post office address? A Muskegee.

Q Mrs. Dixon, were you acquainted with Abe Shaw in his life-time?

A Yes, sir.

Q Was he a slave in the Cherokee Nation before the war of the
rebellion? A Yes, sir.

Q To whom did he belong? A Charlotte Fields.

Q Was she a Cherokee citizen by blood? A Yes, sir.

Q Did he go out of the Cherokee Nation during the war or before the
war? A Went out before the war; yes, sir.

Q Where did he go to? A Choctaw Nation.

Q Did he return to the Cherokee Nation? A Yes, sir.

Q When did he return? A 1866.

Q What time of the year, 1866? A In the summer-like, in the
spring.

Q Has he resided in the Cherokee Nation continuously from the time
of his return in 1866 up to the time of his death? A Yes, sir.

Q Did he marry? A Yes, sir.

Q What was his wife's maiden name? A Annie Dean.

Q Where were they married at? A Down in Sequoyah district.

Q Cherokee Nation? A Yes, sir.

Q Did they have any children born to them? A Yes, sir.

Q Do you remember their names? A Yes, sir.

Q What were their names? A Albert Shaw, George Shaw, Virgie
Shaw, Alice Shaw, Augustus Shaw, Annie Shaw and Rebecca Shaw and
Rufus Shaw.

Q Did he and Annie live together as man and wife from the time
of their marriage to the time of her death? A Yes, sir.

Q Did she have any living husband before she married him? A No,
sir.

Q Did he have any living wife before he married her? A No, sir.

MR. HASTINGS:

Q Where did you live before the war? A I lived in the Choctaw
Nation.

Q Before the war? A Well, I lived here in the Cherokee Nation
and went there.

Q But where did you live when the war came up? A In the Choctaw
Nation.

Q Where did you live just before the war came up? A In the Choctaw
Nation.

Q To whom did you belong? A Charlotte Fields.

Q In the Choctaw Nation? A No, sir.

Q Did she take you from here to the Choctaw Nation?

A Yes, sir.

- Q Who was in charge of you? A I was with my mother.
Q You weren't old enough to know? A No, sir.
Q You weren't old enough to know about yourself? A No, sir.
Q You weren't old enough to know about this old man Shaw?
A Yes, sir.
Q Then you knew more about him than you did yourself? A No, sir.
Q What is your name now? A Alice Dixon.
Q Did Abe Shaw, the father of these children, come back with you?
A Yes, sir.
Q At the same time you came? A Yes, sir.
Q Where did he come to? A He came to the Choctaw Nation and from there to the Sequoyah district.
Q What part of Sequoyah? A Down there by Mrs. Mayfields.
Q Who came with him? A We all came with him, he came with some cow drivers, run away from us.
Q Where did you first come back to the Cherokee Nation, now, to after the war? A We came back down in the Choctaw Nation.
Q I am not asking you about that nation, I am asking you about the Cherokee Nation? A I don't know what year it was.
Q Well, as much as '86; you think that is about 15 or 16 years ago?
A Yes, sir.
Q Is that the first time you came back? A No, sir.
Q How old were you;—you married in the Choctaw Nation didn't you?
A Yes, sir.
Q And you married before you came back up here? A Yes, sir.
Q How many children did you have before you came back up here?
A Not any.
Q How long had you been married before you came up to the Cherokee Nation after the war? A About six years.
Q Well, now, about how long was it after you war before you came?
A About the same, I married about the year—
Q You were married about six or seven, about six years after that; in 1873 is when you first came to the Cherokee Nation after the war; then if you weren't in the Cherokee Nation, you could not have seen Abe Shaw? A Yes, sir.
Q You could not have seen him if you were not here yourself?
A I seen him.
Q Haven't you just now admitted that you never came here yourself until about six years after you married? A I came back to Sequoyah.
Q That was about six years after you married? A Yes, sir.
Q Now, when did you first come back to the Cherokee Nation after the war? A I don't know.
Q You said it was about six years after you married?
A I don't know about when I married.
Q That was when you first came here? A No, sir, I was here before that.
Q Who did you come with? A I came with my mother and then.
Q Well, how long was it after the war when you came with your mother and then? A I don't know.
Q About how many years after the war? (No response.)
Q As much as ten? A I don't know just how many.
Q As much as eight? A I don't know just how many it was.
Q As much as 25? A I don't know; I don't know just how long it was.
Q Would you give us any judgment at all? A I just know I came up, to say what year we came—
Q That was after you were married? A Yes, sir.
Q You never was in the Cherokee Nation until after you were married? A Yes, sir.
Q After the war? A I seen him in the Cherokee Nation before that? A

Q When was it? A I just don't know when it was; I was small, little bitty children.

Q What year is this? A 1902 I suppose.

Q 1902? A 1902.

Q Well, whom did you first come back to the Cherokee nation with after the war? A Come back with my mother when she came.

Q That was after you were married? A Yes, sir.

Q About seven years after you were married? A I don't know just how long it was.

Q Where did you first see Abe after the war, on whose place?

A Miss Charlotte fields.

Q Where is that? A That is down here at Gibson.

Q That is after the war I am asking you about; where did you first see Abe in the Cherokee Nation after the war? A Down by widow Mayfield's somewhere.

Q Somewhere? A Yes, sir.

Q That is very indefinite? A I saw him at his home, living now, little shanty.

Q That was after you were married? A Yes, sir.

Q About seven years after you were married? A I don't know.

Q Well, about how long? A I reckon about seven or eight years after that.

Q That was the first time you saw him after the war in the Cherokee Nation? A Yes, sir.

MR. McREA:

Q Now, Mrs. Dixon, during the time you were in the Choctaw Nation you said Abe, your brother, went off with some cattle drivers and came to the Cherokee Nation; is that what you stated? A Yes, sir.

Q He left you in the Choctaw Nation? A Yes, sir.

Q Now, how long was it before he left you in the Choctaw Nation before you seen him in the Cherokee Nation? A Seven, eight or nine years, I don't know just how many.

Q Well, did you have information as to his whereabouts when you were in the Choctaw Nation? A Yes, sir.

Q Where was he?

Mr. Hastings: I object to that; it is purely hearsay.

Commission: Objection will be noted; answer the question!

Mr. Hastings: Comes now the representative of the Cherokee Nation and want to most strongly protest against this testimony, as it is purely hearsay and in the interest of the applicant and by a sister of the father of these children.

MR. McREA:

Q Through what medium or source did you get the information as to your brother being in the Cherokee Nation? A He wrote to us.

Q You had correspondence with him did you? A Yes, sir.

Q And when you visited him you found him in the Cherokee Nation? A Yes, sir.

Q Was he married then? A Yes, sir.

MR. HASTINGS:

Q What was the post office address when you first get information by letter? A Malárew.

Q That is where he was living was it? A Yes, sir.

Q That was the name of the post office? A Yes, sir.

McREA:

Q That was the name of your brother's post office? A Yes, sir.

Q What was the name of your post office in the Choctaw Nation?

A I don't know, I could have brought the letter.

Q You had a post office there did you? A Yes, sir.

MR. HASTINGS:

Q Did you know that Malárew was not established until about 1898?

A wasn't no house there but there is where we got it, it was through there.

Commission: This testimony will also be filed with and made a part of the record in Cherokee freedmen doubtful case #1107.

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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 reported the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this February 26, 1902.



Commissioner

"R"

Cherokee Freedmen D 1059

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., March 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of Virgie Shaw for the enrollment of herself, sister and brothers as Cherokee Freedmen.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

Appearances:

A.S. McRea, attorney for the applicants;
W.W. Hastings, of attorneys for the Cherokee Nation.

J.H. BOWERS, being first duly sworn, and being examined, testified as follows:

BY MR. HASTINGS:

Q What is your name? A J. H. Bowers.

Q What is your age? A 63.

Q What is your post-office address? A Muldrow.

Q How long has Muldrow been your post-office? A It was established in December, 1867.

Q The post-office was established in December 1867? A Yes sir.

Q Were you living there at the time it was established? A No sir, living three miles from there.

Q Where were you living, in the neighborhood? A Yes, three miles from there.

Q Was there no postoffice named Muldrow anywhere near there at that time? A No sir.

Q Was there any post-office named Muldrow there in '66? A No sir.

Q How long have you been in that country down there? A I have been there ever since March, 1867.

Q No post-office named Muldrow there then? A No sir.

Q Wasn't established there until about '87? A December, 1867.

Q That was after this Valley Road went through there? A They was building the road, and there was two or three houses put up there Jeff Watts went to Washington and made application to have a post-office established there and name it Muldrow in honor of the Congressman Muldrow of Tennessee I believe, and Wilse Bruton was appointed post-master; in January, 1869, I was appointed postmaster at Muldrow; he was postmaster from December 1867 until January, little over a year.

Q Did you ever know a colored man down there named Abe Shaw? A Yes sir.

Q When did you first see him? A About twenty years ago.

Q You know where he came from? A When I got acquainted with him he was driving a team for old man Stonerew, hauling hay; I was cutting hay in the Cherokee Nation and Abe Shaw was driving one of his teams, old man Stonerew bought hay from me three or four summers, three summers anyway, and Abe Shaw drove one of his teams when I first got acquainted with him.

Q Were you living down there in the bottom between where Muldrow now is and Fort Smith? A I was living three miles from where Muldrow is now, at that time.

Q Where were you in '68 and '9? A In the river bottom about five miles from Fort Smith.

Q You were acquainted with everybody in that locality at that time? A I knew every man in that country.

Q You never knew Abe Shaw? A No sir.

Q You never saw him down there until about twenty years ago? A That is the first time I saw him.

Q You were postmaster down there somewhere? A I was postmaster on Camp Creek, three miles from Muldrow; the post-office was established at Camp Creek in '78 on the Starr Route, and I applied for post-office to be established and I was postmaster there eleven years.

Q You didn't know Abe Shaw there at that time? A No sir, and after Muldrow was established I had my office discontinued and I went over there and was appointed postmaster there in January 1869.

Q Did you ride deputy marshal down there awhile? A I was deputy marshal from '69 until '74, I was deputy marshal in that country.

Q You say you were pretty well acquainted with everybody around in that country at that time? A I knew everybody in that country. there was very few people in that country at that time; it was thinly settled.

Q You never knew Abe Shaw? A No sir.

BY MR. MARRA:

Q I understood you to say you learned to know Abe Shaw about 20 years ago? A Yes, about '81 or '2.

Q You knew whether he was a slave in the Cherokee Nation prior to the war of 1861? A No.

Q You know whether he was owned by a citizen of the Cherokee Nation? A I don't know.

Q How far were you living from Webbers Falls in '67? A 45 miles.

Q How far were you living from there 20 years ago? A 40 miles.

Q How far are you living from there now? A 38 miles.

Q And you had no acquaintance with people or person living in and around Webbers Falls prior to 20 years ago? A No, I knew a few people in there, I knew Cal Hanks and I knew Bob Hanks and Bob Blackstone; several Cherokees in there.

Q Did you know a Mrs. Fields? A No sir, I never knew her, I know the name, I have heard of Fields in there; there are a number of Fields in the Cherokee Nation; I am acquainted with some living in Sequoyah District, Bird Fields.

Q You acquainted with the Fields, of Sequoyah District? A I have heard of Bud Fields, living down there now; they call him Bud Fields.

Q Are you acquainted with Mrs. Charlotte Fields? A No.

Q You are positive that you met Abe Shaw in the Cherokee Nation in Sequoyah District 20 years ago? A He was hauling hay and driving one of Mr. Stenerow's teams.

Q If he had been there prior to that time you didn't know anything about it? A No sir.

Q He could have been there in that country without your knowing anything about it? A Not in that country, not in that part of the country; I knew every man in that country; I was at political meetings.

Q About what was the population of Sequoyah district at that time? A I don't know what the population was at that time, I know the vote was about 250; there never was no census taken in 1860.

Q You could not have possibly known everybody in Sequoyah District, at that time? A I knew every man, I couldn't tell what the population was; I knew every man that was in that country.

Q If Mrs. Charlotte Fields said that she brought Abe Shaw to the Cherokee Nation here in 1866 she is mistaken then is she?

BY MR. HASTINGS: I object to that; it is a matter of presumption and this woman has never been on the stand and has never said it.

BY COMMISSION: Note the objection; answer the question.

A I don't know anything about it at all whether she is mistaken or not, I don't know the woman and I don't know anything about it, how could I say she was mistaken, because I don't know anything about it.

BY MR. HASTINGS:

Q Now suppose the alleged aunt of these children said that she got a letter in 1866 from Abe Shaw and it was dated at Muldrow, I.T. what about that, written in 1866? A There wasn't a post-office there in '67, there wasn't but one in Sequoyah district in '70.

BY MARRA: We object to that; I don't think she made that statement, in '66.

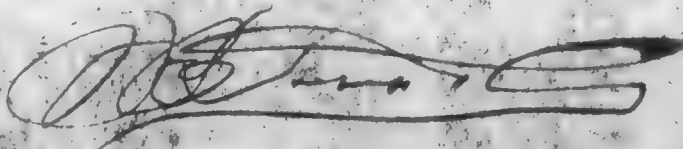
BY COMMISSION: This testimony will also be filed and made a

part of the record in Cherokee Freedman case D 1107.

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

M.D. Green

Subscribed and sworn to before me this March 4, 1902.



Commissioner.

Freedman B-1059.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Virgie Shaw for the enrollment of himself, brothers and sisters as Cherokee Freedmen; the testimony in behalf of applicant. Applicant appearing by A. S. McRea; Cherokee Nation by J. S. Davenport.

Harrison Foreman, being duly sworn and examined, testified as follows

By A. S. McRea: What is your name? A Harrison Foreman.

Q What is your age? A About 48 or '9.

Q What is your postoffice address? A Catoosa.

Q Mr. Foreman, were you acquainted with Abe Shaw in his life time?

A Yes sir.

Q When and where was the first time that you met him in the Cherokee Nation? A Along in the summer of '66.

Q At what point in the Cherokee Nation? A Right at the landing at Fort Smith where Gil Payne lives.

Q Did you continue to know him in the Cherokee Nation from the time you first met him in '66 up until the time of his death? A Yes sir.

Q Do you know whether or not he was married? A Yes sir, he was married.

Q Do you remember the name of his wife? A Yes sir.

Q What was her name? A Ann was her name, Ann Shaw after she was married, I don't know what she first went by.

Q These alleged children of Abe and Ann Shaw, Virgie, Tenny, Anderson, Manuel, August, Wooster and George, were you acquainted with them?

A I am acquainted with three of the children.

Q Which three? A The three oldest and a little one that is living at my house, four of them.

J. S. Davenport: Who was it you saw at the ferry at Arkansas River?

A Abe Shaw.

Q What relation is Abe Shaw to these applicants? A He is their father.

Q How do you know? A I know it is.

Q Don't you know you never were present at the house where these children were living and when they were born? A O, yes, I was living in Sequoyah and was present when he married.

Q Where did Abe Shaw move to in the Cherokee Nation and live? After he married? A He moved down in Jacktown.

Q How far was that from Fort Smith? A Three miles and a half northwest.

Q Who was Abe Shaw? A I don't know, he belonged to the Fields that said.

Q You haven't studied this quite enough? A He belonged to Miss Schinsher's sister.

Q Don't you know now it is the women folks' side that belonged to the Fields? A It was his mother.

Q Don't you know anything about it? A No sir.

Q Don't you know the mother of Virgil Shaw belonged to the Fields and not Abe? A No sir, it wasn't her.

Q Then Mrs. Fields is mistaken if she said she belonged to the Fields? A No, she didn't belong to them.

Q Well Mrs. Fields is mistaken? A She is the Fields to whom these parties belonged, the old lady lived at Webbers Falls? A Yes sir, somewhere in that district.

Q And you say that Abe Shaw and his family came back in '66? A He never had any family then.

Q You don't know whether Abe Shaw was a slave before the war or not?

A No sir.

Q You don't know whether his wife was a slave before the war or not?

A No sir.

Q Do you know where his wife was in '66? A No sir.

2- Virgie Shaw-

Q Do you know where his wife was in '66? A No sir.

Q When was the first time you ever saw her? A I couldn't tell you, about one year before they married.

Q When did they marry? A I couldn't tell you what year it was, I never paid any attention.

Q Has it been fifteen or ten years ago? A Longer than that.

Q How long ago? A I never paid any attention to it, I don't recollect.

Q Was it 35 or 40 years ago? A About 25 years ago.

Q Where was the mother living at the time they married? A I couldn't tell you that. She was living around in the states somewhere I guess.

Q Was the mother a state woman? A She says she is.

Q Well, where was the father, Abe Shaw, living at the time? A He was working for Captain Davenport on Lee Creek. I mean Capt. Allison, I mean.

Q They both lived on Lee Creek did they? A Yes sir, that is right, when they were married I think he was working for Davenport.

Q That was when? A I don't know when that was.

Q Haven't you no idea when that was? A No sir, I don't know.

Q Do you undertake to say that Capt. Davenport was living on Lee Creek as far back as '80? A O, yes, he was.

Q You don't assume to know as much about that as I do, he is a kin to me? A But he was living on Lee Creek when I knew him.

Q Isn't it a fact that Captain Davenport lived on Lee Creek, seven miles north of Van Buren, Arkansas, and in the state of Arkansas, in 1881? A I don't know he might have been living there.

Q How often did you see Abe Shaw after you met him down there? A Off and on ever since I lived in Sequoyah, when I moved in '84.

Q If Mrs. Fields testified that they come back in the early eighties, is that a fact or not? A I don't know anything about what she testifies, I am telling you what I know. I was ferrying and

Captain John Childers run a ferry boat ferrying customers across the river that were trading.

Q Had you ever known Abe Shaw before the time you met him there? A No sir, he was a perfect stranger.

Q I want you to name to me another negro or white man that you met the same year that you met Abe Shaw that you had seen before? A I don't know that I can name them, I seen lots of them.

Q Name me one of them (No answer.)

A. S. McRee: I object to that for the reason that it is incompetent, irrelevant, immaterial and does not tend in any manner to show any issue in this case.

Commission: Answer the question.

A. I couldn't tell you who I met. We was running skiff there and I didn't pay any attention to the people, not even to Abe only in coming backward and forward on Saturdays.

J. S. Davenport: When did you first think and remember the year you first saw Abe passing the river there by Fert Smith, when did you first think about that was the first year you saw Abe? A I thought about it all the time, I know I ferried him across the river.

Q Did you ever know Abe Shaw when he was living in the Choctaw Nation? A No sir.

Q Did he ever live in the Choctaw Nation after the war? A I don't know.

Q Would you have known it? A No sir, because I never went over there.

Q Where was he living when you put him across the river at that time? A He was working at Captain Allison's.

Q Where did he live? A On Lee Creek.

Q In the nation or Arkansas? A In the nation.

Q Where is Capt. Allison living now? A He is dead a long time.

Q How far from the line was Captain Allison living? A I don't know.

Q Were you ever at his place? A Many times.

Q How far was it from Sequoyah Court House? A About fifteen miles, I guess.

Q And he come down from Lee Creek and across the Arkansas River and ferried? A Yes, they all traded in Arkansas, we run a free skiff.

3- Virgil Shaw-

Q What season of the year was it? A Along in the summer like,
Q About what month do you think it was? A It must have been in
June or July of '66.

Q Might it not have been earlier than that? A No sir, I never
helped John Childers run a skiff until then and Brown put in some
skiffs and I helped run them. The high rise was in May. It might
have been, I think it was in June.

Q It wasn't an overflow or a rise? A It was a rise and not an
overflow; there is a difference, the overflow goes all over the
bottoms.

Q Well, that rise was in '67 wasn't it? A No sir, I didn't ferry
in '67.

Q After you put him across the river in June '66 when did you next
see him to know that is the same man? A They had a church where a
colored family lived on Gale Starrs place, or Zeka Starr I mean.

Q Which is it, Gale or Zeke? A He belonged to one of the Starrs,
they had a church there.

Q Who preached? A Old man Walker

Q You was there? A Yes sir.

Q When did you see him after that to know it was the same man that
you ferried across the river? A Plumb up until I moved away from
there.

Q Who was with him? A He and Joe Allison, a colored fellow, they
called him that because he worked for Allison.

Q How far did you live from there? A I stayed about eight miles
from there.

Q Do you swear positively that this man Abe Shaw lived continuously
in the Cherokee Nation from the time you ferried him across the river
as you say, in June or July '66, up until '84, when you moved away
from Sequoyah? A He didn't live continuously, he worked for
Davenport a while, he made his home there and when he worked for
Allison he made his home there.

Q Did he have a family at this time? A No sir.

Q You never knew him after he married and had a family? A I knew
him up until he married.

Q Did he die without having a family? A He had a family before he
died.

Q Where was he living? A He was living down at Jacktown after he
married a while.

Q Where is Jacktown? A This side of the Cherokee Station.

Q In the Cherokee Nation? A Yes, in the Cherokee Nation.

Q Who lived with him down there that are now living? A There are
lots of them. Henry Barker's wife.

Q Was there any Cherokees or white men living down there? A Bill
Harnage.

Q Tahlequah Bill Harnage? A Yes.

Q Who else, Cherokees? A Walk Mayfield, was the only one there,
the others were colored people.

Q Was Walk Mayfield living there when you first saw Abe? A Yes
he was living in Sequoyah.

Q Was he living there at that time? A No, not when I first saw
Abe he wasn't, he wasn't living there when I first saw Abe, neither
was Harnage. I thought you asked me who lived there.

Q When you first saw this man Abe Shaw who was living near where
Allison lived, of the Cherokees? A Steve Tague lived way this
side of Allison's, Bill Holt was about the closest one.

Q Is he living or dead? A I don't know.

Q How long since you have been in that country? A I haven't
been in Sequoyah District since the old settler payment.

Q How long ago was that? A That has been five or six years ago.

Q When did Abe Shaw die? A I heard he died after this payment. I
don't know when he died, I never heard it until quite a while after
that.

Q You have one of his children at your house? A Yes sir.

4-Virgie Shaw-

Q How long have you had that? A Since last fall; his aunt went and got it.

Q Who is his aunt? A Mollie Love.

Q Is she a freed-woman? A Yes sir.

Q A citizen of the Cherokee Nation? A They said she used to belong to the same people.

Q Is she a recognized citizen? A No sir.

Q She is one of the parties who is a claimant in this case? A Yes sir.

Q She is one of the parties who went to Mrs. Fields and asked her to testify? A No sir.

A. S. McRea: Objected to for the reason that it is wholly immaterial, irrelevant, has no bearing whatever on this case.

Q Do you mean to be understood that you have not talked to Mollie Love or other applicants in this case and that you have not talked to them as to who they applied to to testify for them? A No sir.

Q Have you talked with them? A Yes sir.

Q Then didn't Mollie Love tell you that she and Virgie Shaw both applied to the lady who it is claimed the parents belonged prior to the war to testify for them? A No sir.

Q When did you first decide that you knew anything in this case? A I decided all the time I knowed it all the time, I said I wasn't going to come until the last, until I had finished my plowing.

Q Not until the last day? A I came day before yesterday, I didn't wait until the last day.

Q You didn't offer to testify yesterday? A I said I come yesterday morning.

Q You know that there had been testimony taken as to the return of these parties? A Not of these children, I knew they had registered once or twice.

Q Do you mean to say you didn't know that testimony had been taken in this case? A No sir.

Q How did you happen to come? A I knew Miss Love had. I didn't know anything about these children.

Q Who did you come to testify for? A For these children.

Q Did you come to make application for these children? A Yes sir, I come to swear for them.

Q Then you come to swear for them and not to make an application for them did you? A No sir.

Q What did you come for? A I come to swear for them.

Q I asked you what it was for? A You didn't understand me.

Q You living about Gatoosa, Coowescoowee District? A Yes sir.

Q Wasn't you at Fort Gibson a greater part of the time while they were enrolling there? A No sir, I wasn't there and stayed three days.

Q Wasn't Virgie Shaw there while you were there? A I don't know, I didn't see her.

Q Wasn't Mollie Love there? A No sir, I didn't see her.

A. S. McRea: You are a recognized citizen of the Cherokee Nation are you Mr Foreman? A Yes sir.

J. B. Davenport: Your name appears on the authenticated roll of 1880? A Yes sir.

Cherokee Nation? A Yes sir.

Q You come under the treaty stipulations, that is the way you get your rights in the Cherokee Nation? A Yes sir.

← Virgie Shaw

John Melton, being sworn and examined, testified as follows in behalf of applicant:

By A. S. McEea: What is your name? A John Melton.

Q Your age? A 65.

Q What is your postoffice address? A Bengo.

Q Mr. Melton, 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.

Mr. Davenport: I object to that way of proving it, prove it by the roll.

A. S. McEea: Have the roll examined.

Commission: The 1880 roll examined and the name of John Milton is found in Sequoyah District on page 708, No. 829, Colored.

Q Were you acquainted with Abe Shaw in his life time? A Yes sir.

Q When and where was the first time you ever saw or met him? A The first time I ever saw him, I don't recollect exactly whether it was - in what year it was in; that was in Texas the first time I ever saw him.

Q Was that before the war? A No, it was in the time of the war.

Q Well? A And after the war I seen him here; the first was on the other side of the river in Fort Smith and I seen him along from time to time over there and I had been called before this Court, that is a different Court, in his case, I was a witness for him before the Wallace Court but they wasn't using this six months limit there and I was a witness to who he belonged to; and then I was called on in the rebuttal court as to what time I first saw him here and I couldn't remember that, I couldn't raise no grounds to go upon. Since that I remember of seeing him come across the river from the Choctaw side, out in the woods and I went to make some boards for a man, he crossed the river with some boys, I don't know whether he went right back or what.

Q What time was that? A That was in the winter of '66, in the fall.

Q Was that in the Cherokee Nation when you met him? A I was on the Choctaw side, he came across the river into the Cherokee Nation.

Q When was the next time you seen him in the Cherokee Nation? A I couldn't remember just the next time; only one time I knowed I owed a boy a little bit and I paid him on the 18th day of January.

Q In what year? A In '67. And this Abe Shaw was with him; I remember them two times.

Q Was that meeting in the Cherokee Nation when you paid off this boy? A Yes sir, in the Cherokee Nation.

Q Abe Shaw was with boy in January, 1867? A Yes sir.

Q Have you continued to know Abe Shaw up until the time of his death? A All the time. I never was from him long enough to know him.

Q Have you seen him continuously in the Cherokee Nation up until the time of his death? A Yes sir, ~~from the time I met him~~

Q From the time you met him in January 1867, when you paid this boy up until the time of his death? A Yes sir, I met him in the Cherokee Nation every time I seen him. I might have seen him in Fort Smith a few times.

Q Did you know his wife? A Yes sir.

Q What was her name? A His last wife was called Ann Davenport, not Ann Davenport either, she stayed with Ann Davenport. She was a state woman.

5-Virgie Shaw-

Q Did Abe Shaw and his wife have any children? A Yes sir.

Q Do you remember any of their names? A Some of them.

Q Which ones? A He had one boy named George, one Albert, he is older than George, I forget the oldest daughter's name, had one named Tenny, a younger one.

Q Did he have one by the name of Virgie? A That is the one I was trying to think of. He had one named Wooster, I did know all the names, I can't recollect the young ones.

Q Was he the father of these children you mentioned? A Yes sir, he is said to be the father.

Q And Ann the mother? A Yes sir.

Q Were you acquainted with Mrs. Charlotte Fields? A No sir.

Q You have no acquaintances with her? A No sir, not by that name.

Q You don't know to whom he belonged to before the war, Abe Shaw?

A Yes sir.

Q To whom did he belong to? A A man by the name of Shaw, I forgot his other name.

Q Then if Mrs. Charlotte Fields stated that Abe Shaw never came back to the Cherokee Nation until the 10th or 12th years ago, I think she said, she is mistaken is she? A Undoubtedly she is mistaken about that.

Q Now make your statement? A Abe Shaw ran away from his people just after peace was made and come to Fort Smith, his father lived there, Abraham Main was his father.

Q Anything else? A Not that I know; that is something you wanted to know. He was here before ten or twelve years ago, I can prove that by plenty people.

Q Was this man Shaw whom you reputed as having owned him, was he a Cherokee citizen by blood, or was he a recognized Cherokee citizen?

A Now him himself, I have heard said he was a Cherokee, I don't know. His wife from all accounts was and he died and left him in the hands of this woman.

J. S. Davenport: Do you know whether he was a Cherokee by blood? A I don't know myself. You can get other people to say that, I couldn't say that.

Q Did you say you knew Abe Shaw before the war? A In the time of the war.

Q You met him where? A In Paris, Texas, the first time I ever seen him.

Q With whom was he living then? A I don't know who taken him in charge at that time. They had started back from Texas to the Cherokee Nation with a six mule team.

Q You don't know who he was living with? A No sir, I don't know.

Q Well now, where were you and how did you happen to be at Paris Texas, when you saw him? A I was sent out there by the man I belonged to.

Q You belonged to Martin? A To Dr. Thompson.

Q Well, Dr. Thompson's family was outthere to about that time? A No sir.

Q Do you know what part of Texas Abe Shaw went to during the war?

A He was in Paris; I forget what county that was in.

Q In Lamar County? A Yes, Lamar County, I reckon.

Q How old were you when the war closed? A I guess I was about 17, I think.

Q You had a family of your own had you? A No sir.

Q What time of the year did you come back to the Cherokee Nation?

A In '55.

Q With whom did you return? A I come from Texas with a man by the name of Glyne.

Q You come direct to Fort Smith from Texas? A Yes sir.

Q You were living on the Cherokee side of the river when you first

saw this applicant's father? A When I saw his camp across the river

I was working on the river on the Cherokee side.

Q You had no family? A I was with my mother.

Q Was your mother living on the Cherokee side?

6- Virgie Shaw-

- A At that time we were on the Choctaw side, on the government reserve.
- Q How old was this Abe Shaw at that time? A I don't know how old he was a good big boy.
- Q Was he grown? A No, he was younger than I was.
- Q You had never known him before the war? A No sir.
- Q Or his people? A No sir.
- Q There were two boys as I understand you crossed the river when you first saw him? A There was four of them.
- Q What was the names of the other three boys? A I don't know, they were strangers to me.
- Q He was a stranger? A I knowed him personally.
- Q What made you tell me you never knew anything about him before?
- A I said I saw him often in Fort Smith. He was a stranger to me in Texas.
- Q You came back in '65 did you? A Yes sir, backward and forward.
- Q When did you get back and stay? A In the last of '66 when I moved here.
- Q What time did you move here? A In Christmas week of '66 I moved my mother over.
- Q How long was it after you moved your mother over until you saw this boy cross that river? A That was before that I saw him cross the river.
- Q You and your mother and all had lived in the Choctaw Nation and lived in the Choctaw Nation until Christmas of '66? A No sir, I was working over here and I never moved my mother here until '68.
- Q What work had you been doing in the Cherokee Nation? A Cutting wood and making rails.
- Q For whom did you make rails and cut wood? A For the Government.
- Q In what country? A In the Cherokee Nation.
- Q What government? A The United States Government was having it cut.
- Q What was the United States Government doing with any wood they were having cut? A That was in '65.
- Q What did they do with it? A They carried a lot of it over there, and after the laws were over there ---?
- Q Answer the question? A They carried a lot of it in Fort Smith and the rest of it was left which hundreds of cords was left here.
- Q On whose place was it left? A A part of it was left on Miss Franklin's and Mr. Alexander owns the land and part of it to Mr. Payne.
- Q How did it happen that they crossed the river and ferried it to get wood when the entire country surrounding Fort Smith, in the state, was a timbered country? A I can't tell that: I can prove that was done.
- Q Who was the boss or contractor for whom you worked when you cut this wood? A E. B. Shaw, and I forget the other man.
- Q Was Shaw a white man or Cherokee? A A white man.
- Q Well now, what Cherokee families lived in the bottom there in '66 when you cut this wood? A This was in '65.
- Q What Cherokee families lived there in '65? A George Johnson was living the nearest to us I believe.
- Q He is dead is he? A Yes sir.
- Q Can you name a white family or Cherokee family that was there in '65 that is now living when you were cutting the wood? A I don't know of a one, there was such a few people.
- Q Where was Neal Pryor living at that time do you know him? A I don't know him.
- Q Do you mean to say you lived in Sequoyah District from '65 up until this time and you don't know him? A No sir, I don't know him by that name.

7-Virgie Shaw.

Q Where was Joe Bowers' living at that time? A He was living in Fort Smith. He can help me out in this. He was living in Fort Smith.

Q Did you ever know a man by the name of Kennedy, he was living in Fort Smith about that time? A Yes sir, Jerry Kennedy.

Q Where was he living? A He was living in Fort Smith.

Q Was he running his mill and machinery there then? A Yes sir.

Q What part of the city was that machinery located? A I couldn't tell you who owns the ground now, but when I am there I can show the place; I reckon it is just above Mr. Miles' store on the right side of the street from the river.

Q How did you happen to come up here today? A This woman want after me.

Q Which woman? A The mister, Nellie Leve.

Q You were in Fort Gibson last September were you when she applied during the time the Commission was sitting there? A No sir, I guess it was earlier than that.

Q In April? A Yes sir.

Q When did she come down to see you about this matter? A Day before yesterday.

Q When did you first think of the fact that you saw this Abe Shaw cross the river there in '66? A That was along - oh, it has been a year or more.

Q You were examined now before the Wallace Court? A Yes sir.

Q And the Kern Clifton Court? A Yes sir.

Q And never thought of the fact that you saw him cross the river?

A I don't know, I never thought about it, but what made me think of it me and the other fellows was together.

Q What was his name? A I don't know his name. And one of the boys Jack was at the river and dropped a gun in the river and a talk come up about that.

Q Did this talk come up about a year ago? A Yes, a year or more.

Q You were talking about past times and you can't remember a single name except the father of these applicants, can you? A No sir, they were all strangers to me.

Q Do you remember this transaction of the boy crossing the river with three other boys in '66 and that you were called as a witness to testify before the Wallace Court and the Kern Clifton Court and didn't think of it and until about a year ago you had a conversation with a man who called it to your mind and that now you can't think of that man's name? A Yes sir, I mean that. That man was a stranger too as well as the others.

Q Did you have this incident called to your mind by a stranger and allowed him to separate from you without asking him his name? A We weren't on citizenship business.

Q I never said a thing about citizenship business, leave your mind off citizenship business? A I was just telling you that. He called it to my mind and I didn't find out his name, I wasn't think of anything about this.

Q Did the man who called your attention to the fact that you had seen Abe Shaw cross the river raise the subject with you? A No sir, he didn't raise it to me in particular.

Q Did he tell you where he lived? A No sir.

Q What kind of a man was he? A He was a black fellow.

Q Was he a thousand years old or fifteen? A I don't suppose either one, he was between a thousand and fifteen I suppose.

Q Where was he at the time this conversation took place? A We were down here close to Dora.

Q In Arkansas? A In the Indian Nation.

Q When did the conversation take place, last week? A Well, I couldn't tell exactly how long it has been. It took place something like a year or more.

Q It took place since Mrs. Fields deposition was taken last April? A No, I guess not; Last April, no sir, it has been before that.

Q When did you first tell the applicant that you remember the incident of the boy crossing the river? A Not until last night.

S-Virgie Shaw-

Q How did she find out that you knew anything about it? A They always thought I knew Abe, but they didn't even then know I knew this much.

Q Did they have you subpoenaed when the application was made? A No sir.

Q They knew it then, about as much as you knew about it as they do now, didn't they, when they made application in April? A They didn't know anything about that.

Q You had testified once before for them in the Wallace Court? A For Abe, I testified who he belonged to.

Q Didn't you testify to the truth in the matter? A I testified I knew he belonged to Shaw.

Q You didn't know that by your own knowledge? A I know that the same as other things.

Q Did you know he belonged to Shaw? A Yes.

Q Where was he living? A Shaw was in the grave, he was dead when I first saw him, but his wife was yet living at the time, they started to run away and they come back and she had a team, and the rebel soldiers captured them and taken them back to Paris.

Q Are you telling about the giving up of the team from what you heard or of your own knowledge? A That is all I know.

Q You never was at Mr. Shaw's house? A No sir.

Q And you know nothing about his ownership before the war? A Nothing only what I have heard.

Q I am not asking you what you heard. When you first met him the emancipation proclamation had been issued? A No sir.

Q When did you meet him? A The emancipation proclamation was made.

Q He was a free man when you met him? A They had him yet under bondage.

Q He had him under bondage? A I couldn't swear who owned black people only what I heard.

Q Don't you know it is a fact that you yourself didn't go to Texas until after the war was declared? A No sir.

Q How long had you been in Texas before you saw this boy? A I didn't exactly remember just exactly how long that was.

Q When was the Wallace Court in session, when did it make the Wallace Roll? A In '90, I reckon.

Q When was the Kern Clifton Court? A In '96 I reckon.

Q You knew more about this family and the early history of them in '90 and '96 than you know to-day, didn't you? A I knew as much, but I have forgot.

Q What was the man's name that Abe Shaw was with when you first met him in Texas? A These parties had him in the wagon that captured him.

Q Answer the question? A I can't tell.

Q What was the man's name when you next seen him at Fort Smith that he was with? A I couldn't tell who he was with only I remember of seeing him.

Q When did you first know of your own knowledge of Abe Shaw living in the Cherokee Nation? A That I can't say to tell for his living.

Q With whom or near whom was he living when you first remember, of your own knowledge, he was living in the Cherokee Nation? A I don't remember, I won't tell a false. I don't know whom he was living with.

Q After he married with whom was he living? A The first I knowed of him after he was married he was in the states; I can't think of the man's name.

Q Then they lived on Lee Creek about seven miles north of Van Buren, Arkansas, in the state? A Something like that.

Q About when was that? A Now stop — That was with Ann I am speaking about. He was married before that.

Q What was his first wife's name? A Harriett Necker.

Q Where did they live when he married her? A They lived with Paul Blackburn.

Q Where did Paul Blackburn live? A He lived about two miles west

of Paris.
Q In the Cherokee Nation? A Yes, in the Cherokee Nation.

9-Virgie Shaw-

- Q Was he living in the Cherokee Nation when he married Harriett?
A Yes sir.
- Q Where were they living when Fennie was born? A I don't know, sir.
- Q Where were they living when Virgie was born? A I couldn't tell who they were living with when these children were born.
- Q Do you know where they were living when either one of their children was born? A I couldn't tell which ones of them.
- Q Where were they living when his wife Harriett died? A She didn't die; she isn't dead yet.
- Q Well, where does she live? A She lives about three miles southwest of Muldrow.
- Q What is she a freed woman or a state woman? A She is a state woman.
- Q Do you know where she was raised; did you ever see her any place else except in the Cherokee Nation? A In Texas I saw her, she was raised in Texas.
- Q Didn't Harriett & Abe live in the Cherokee Nation quite a while?
A I don't know.
- Q Do you know what Harriett's name is now? A Jackson is the man's name now.
- Q Do you know whether her postoffice is Muldrow? A I don't know whether it is Muldrow or Foreman.
- Q When Abe moved up there how far did he live from Muldrow? A When he moved up where?
- Q In Sequoyah District, Cherokee Nation? A I don't know, six or seven miles I reckon.
- Q Was Muldrow his postoffice then? A There was no Muldrow then.
- Q When Virgie and them moved over there what was their postoffice?
A I don't know whether there was a postoffice there then.
- Q When Virgie moved there? A When they first moved there.
- Q Do you undertake to say that any of these children of Abe Shaw ever lived in the Cherokee Nation? A Not that I know of.
- Q Could they have lived there and you not have known it? A Not long, they could have been there a short time.
- Q Don't you know that one of the applicants in this case testified that they lived in the Cherokee Nation and got a letter from one of their brothers, post marked Muldrow, and then the father and them moved up there? A If they lived in the Cherokee Nation I don't know it.
- Q If one of the applicants testified that their postoffice was Muldrow was that true or could it not have been true? A It could not have been true. This girl when she came to the nation there was no Muldrow.
- Q They were old enough to remember were they not when they came?
A I don't reckon they could.
- Q Which one do you think wouldn't know when they came? A I don't think any of them would know.
- Q How old was the eldest child when they moved to the Cherokee Nation after the war? A I couldn't tell that.
- Q Was there any of them born by Harriett? A They never had any children. I thought you were talking about the other woman, Ann.
- Q Was Ann the first woman or last wife? A His last wife.
- Q Didn't Harriett and him have no children? A No sir.
- Q How many children were born to Ann when they moved to the Cherokee Nation? A They had one or two.
- Q You don't remember their names? A I know the three eldest children's names.
- Q What are their names? A I forget the eldest, George and Albert is the eldest, and Fennie.
- Q Where is Albert living now, he is the fellow that has always lived in the Cherokee Nation where he was born and raised? A He wasn't born and raised there.
- Q If he said so it isn't true? A No sir, it isn't true.
- Q How long since you have known where Albert was living? A In the last three years I don't know much about him.

10-Virgie Shaw-

Q Was he living in Sequoyah District? A Yes, I have seen him there in the last three years.

Q Is he living there? A I don't know where he is living; he is not living there.

Q Where is the oldest one living? A I think he is dead.

Q So all you know about the return of the father of these children, you claim to have seen him and three other boys cross the river in the Cherokee Nation in '66? A Yes sir.

Q What part of '66 was that? A That was along in the winter like.

Q Of '65 and '66 or '66 and '67? A Before Christmas in '66.

Q And you remember him and can't remember another man that was with him? A The others was strangers; I knowed him, I can't know one man and not know the others.

A. S. McRea: Did I understand you to say Mr. Walton, that you testified in behalf of Abe Shaw before the Kern-Glifton Commission?

A No sir.

Q You didn't make no statement? A I don't remember what time he got back.

Q Then you didn't remember what time he got back? You state positively now that you seen him in the Cherokee Nation in the winter of '66? A I seen him come across the river; I seen him on the other side of the river.

Q Do you know of any one that did testify in his behalf, of your own knowledge, before the Kern-Glifton Commission? A No sir.

Q Mrs. Fields testified that Abe Shaw in her opinion came back here and all the rest of his family sometime in the '80s, is her statement correct relative to that particular time and return? A To the Cherokee Nation - Abe was living with me in '85.

Q I am speaking of '80, is her statement correct? A No sir, because Abe was living with me in '75, not '85, in '75 at the time of the first payment.

McRea: explanation: As I understand you, you testified for the applicant before the Wallace Court? A Yes sir.

Q And for the Cherokee Nation before the Kern-Glifton Court? A Yes sir.

Q Now in regard to Mrs. Fields' statement there, you don't seem to remember names very well in '66, do you? A I remember names alright but names I didn't know I can't.

Q You say her statement is incorrect as to Abe Shaw and his family returning in '80, what family did Abe have in '80? A As that being another time; but in the first time Abe had no family, then he had another family, he may have returned in '80 with his last family.

Q You say he has always lived continuously in the Cherokee Nation since 1866? A All the time I have seen him, off and on.

Q How much off and how much on? A I never failed to see him once a year.

Q How near to him have you been living since '66? A I don't believe we ever lived ten miles apart or over.

Q And you are positive he never lived in the Choctaw Nation since the war? A I never have known him to live there; if he lived there it was a short time.

Q And you don't know whether his oldest son Albert is living now? A No sir.

Q And you don't know where he has been living? A Not for the last few years.

Q Do you know where George Shaw is living? A They tell me he is dead, I don't know.

Q Where was he living the last time you knew of his living at all? A I don't know whether he is living or not.

Q In what country did he live when he was living? A I seen him in Fort Smith the last time.

Q Do you know where he lived when he kept house? A I never knew him to keep house.

11-Virgie Shaw-

A. S. McKee, being sworn, testified as follows:
By Commission: What is your name? A. S. McKee.
Postoffice, Muskogee.

The attorney in behalf of the applicants desires to state that before filing affidavit requesting the Commission to ~~take~~ the Commission to take deposition of Mrs. Charlotte Fields that I had before that time had corresponded with Mrs. Charlotte Fields relative to her knowledge as to the ownership and return of Abe Shaw, the father of these applicants.

A. S. DAVENPORT: I desire to have that that correspondence be attached to as part of his testimony, and object to any oral testimony being given as to what the correspondence was.

A. S. McKee: I will file the correspondence.

Commission: The attorney for applicant is directed to file the correspondence which he had with Mrs. Charlotte Fields relative to depositions heretofore taken in this case.

This testimony will also be filed with and made a part of the record in the case of George Shaw, D-1170, also represented by A. S. McKee.

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



Subscribed and sworn to before me this 11th day of June, 1908.



Notary Public.

COPY.

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

In the matter of the application for the enrollment of
Vergie Shaw et al. as Cherokee Freedmen, consolidating the applica-
tions of

Vergie Shaw, et al. ----- Cherokee Freedmen D 1059,
George Shaw, ----- Cherokee Freedmen D 1107.

D E C I S I O N.

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by William H. Simms, for Vergie Shaw and her minor brothers and sisters, Tennie Shaw, Anderson Shaw, Emanuel Shaw, Augustus Shaw and Wooster Shaw, and by George Shaw, for himself.

The evidence shows that all of the applicants herein have been born since 1866 and are the descendants of and claim right to enrollment through one Abe Shaw, deceased.

The evidence further shows that the said Abe Shaw was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that, during said war, he was taken out of said nation into the State of Texas, and that he did not return to said nation until after January 19, 1867.

None of the names of the applicants herein 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 Vergie Shaw, Tennie Shaw, Anderson Shaw, Emanuel Shaw, Augustus Shaw, Wooster Shaw and George Shaw, as Cherokee Freedmen, should be denied under the provisions of Section twenty-one of the Act of Congress approved June 20, 1866 (16 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Dixby.

(SIGNED) T. B. Needles.

(SIGNED) C. R. Breckinridge.

(SIGNED) W. E. Stanley.

Headquarters, Indian Territory,

this Jul 2-1888.

C E R T I F I C A T E.

UNITED STATES OF AMERICA,)
INDIAN TERRITORY, ; SS.
NORTHERN DISTRICT.)

I, N. D. Woods, Jr., a Notary Public within and for the Northern District, Indian Territory, do certify that the foregoing deposition of Charlette Fields was taken before me and read to her in my presence at the time and place and in the action mentioned in the caption, the said Charlette Fields having been first duly sworn by me that the evidence she should give herein should be the truth, the whole truth and nothing but the truth, and that her statement was reduced to writing by me in her presence, the applicant being present at the examination _____

(Note: Here fill in which of the parties were present at the examination and the manner in which they were present, whether in person or by attorney.)

Given under my hand and seal of office on this the 21 day of April, 1902.

Notary Public.

(Affix seal here)

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE EXTINCT AND
DIE FILE
5 1901

U.S. GEOLOGICAL SURVEY
WASHINGTON, D.C.

W. A. W.

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.

Ambridge J Dec 5 1901

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Virgie Shaw et al for enrollment as
Freedmen of the Cherokee Nation.

Isaac V M Rea
Attys for applicants.

No. 401059

COMMISSION TO TAKE DEPOSITIONS.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskegee, I. T., March 22, 1902.

THE COMMISSION TO THE FIVE CIVILIZED TRIBES to any officer
authorized to take Depositions.

KNOW YE, that we, reposing confidence in your prudence and
fidelity, do, by these presents, give unto you authority diligently
to examine CHARLOTTE FIELDS as a witness in a certain application
now pending before the Commission to the Five Civilized Tribes for
the enrollment as Freedmen citizens of the Cherokee Nation of Virgie
Shaw et al.

THEREFORE, we desire that you cause the said witness to
come before you on the 21 day of April, 1902, between the hours of
8 o'clock A. M. and 6 o'clock P. M., and first duly swearing her to
testify the whole truth in the premises, that you cause her to be
examined by the parties to this application, or by their attorneys,
and that you cause said examination to be reduced to writing, either
by yourself or by the witness in your presence, setting forth first
the direct questions and the answers thereto, and then following
with the cross-examination and the answers thereto; and the whole
when completed to be read over to the witness and by her subscribed;
and when you shall have completed the taking of said deposition, then
that you send the same without delay, duly certified, with the Com-
missioner's caption, exhibits, and certificate attached, closed under
your seal, with an endorsement on the envelope showing it to be a
deposition, and the style of the application in which it was taken,
addressed to the undersigned at Muskegee, Indian Territory.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

By _____
Commissioner.

Dated at Muskegee, Indian
Territory, this _____ day
of _____, A.D., 1902.

CAPTION OF DEPOSITION.

The deposition of Charlotte Fields taken on the 21 day of April, 1902, between the hours of 8 o'clock A. M., and 6 o'clock P. M., at the office of H. D. Woods, Jr., Notary Public for the Northern District of the Indian Territory, in the city of Webbers Falls, Indian Territory, to be read in evidence in the matter of the application of Virgie Shaw et al, for enrollment as citizens of the Cherokee Nation pending before the Commission to the Five Civilized Tribes and the Department of the Interior.

Cherokee Freedmen No-D-1059

Muskogee, Indian Territory, March 28th 1902.

Mr. A. S. Hulse,

Attorney at Law,

Muskogee, Indian Territory,

Dear Sir:-

As requested in your letter of March 6, there is enclosed
you herewith Commission issued for the taking of depositions of
Charlotte Fields, on March 21, 1902, at the office of H. D. Woods,
Jr., Notary Public, Webbers Falls, Indian Territory.

Yours truly,

Commissioner in Charge.

Enc. 3-10.

Mustagee, Indian Territory, March 22, 1902.

L. B. Bell, W. W. Hastings, and J. Davenport,
Attorneys for the Cherokee Nation,
Mustagee, Indian Territory.

Gentlemen:-

You are hereby notified that on the application of A. K. Mc
Rae attorney for the applicant, the Commission has this day issued
a commission authorizing the taking of the depositions of Charlotte
Fields at the office of H. B. Woods, Jr., Notary Public, Webers
Falls, Indian Territory, on April 21, 1902, between the hours of
8 o'clock A. M., and 5 o'clock P. M.; the depositions to be read
as evidence in the application for enrollment as Freedmen citizens
of the Cherokee Nation of Virgie Shaw et al, Cherokee Freedmen-
1059.

Respectfully,

Committed over in Charge.

INDEXED.

5831

Sims, William W.,
Muskogee, I. T.,
April 8, 1902.

Enc. marriage certificate
of Virgie Shaw. Says the name
of Augustus Shaw is correct as
written on his birth certificate.

CHEROKEE

A. S. McREA
Attorney at Law.

MUSKOGEE, IND. FEB., *April 8th* 1908.

The Hon. The Commission to the Fine Arts
Muskogee Ind.

I sighted Jackson Fine
Certificate of Marriage of Virgie Shaw to Mr
Thomas E. Jones Executed Sept 28th 1901,
which will serve to explain her change
of name since her enrollment. You are
also informed that the name of Augustus
Shaw as appears in his birth certificate
is his correct name and not August as
listed by the Commission.

Very respectfully
Wm. H. Sims not friend, to
Virgie Shaw et-al.

Cherokee F-D-1059.

Muskegee, Indian Territory, April 10, 1902.

Mr. William H. Sims,

Muskegee, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of April 8, enclosing marriage license and certificate showing the marriage of Virgie Shaw and Thomas H. Jones; your letter also stating that the correct name of the child for whose enrollment as a Freedman citizen of the Cherokee Nation you have heretofore made application is Augustus Shaw.

This marriage license and certificate is herewith returned to you a copy of same having been made for the Commission's files. The birth affidavits heretofore received as to the births of Wooster Shaw and Augustus Shaw, have also been duly filed.

Yours truly,

Commissioner in Charge.

Cherokee F.B-1078

Muskogee, Indian Territory, December 30, 1902.

Tennie Banks,

In care of Thomas Banks,

Muskogee, Indian Territory.

Dear Madam:-

The marriage license and certificate filed with the Commission, showing your marriage on June 28, 1902, to Thomas Banks, is herewith returned to you, a copy having been made and filed with your application for enrollment as a Cherokee Freedman.

Respectfully,

Commissioner in Charge.

Enc. M-150

COPY.

Cherokee F.D-1107

Muskogee, Indian Territory, July 13, 1903.

George Shaw,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, 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,

S. D. Needles.

Commissioner in Charge.

Enc. D-67

Register.

COPY

Cherokee F. D. 1000
1104

Muskogee, Indian Territory, July 13, 1908.

A. H. Hubert,

Attorney for Vergie Shaw et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1908, in the consolidated case of Vergie Shaw et al., rejecting the applications for the enrollment of Vergie, Tennie, Anderson, Emanuel, Augustus, Webster and George Shaw, as Cherokee freedmen. There has heretofore been furnished you 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 opinion. 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

Ms. 242

Register

COPY

Cherokee F.D-1089-
1107

Kuskogee, Indian Territory, July 11, 1908.

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 1, 1908, in the consolidated case of Vergie Shaw et al., rejecting the applications for the enrollment of Vergie, Fennie, Anderson, Emanuel, Augustus, Webster and George Shaw, 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,

T. B. Needles.

Commissioner in Charge.

Enc. D-89

COPY.

Cherokee F.D-1059-1107.

Muskogee, Indian Territory, July 13, 1903.

The Honorable

the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Vergie Shaw et al., together with a copy of the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Vergie, Tannie, Anderson, Emanuel, Augustus, Wooster and George Shaw, as Cherokee freedmen.

Respectfully,

I. D. Jacobs
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-90

(COPY)

Refer in reply to
the following:
Land.
44,227-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Dec. 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from the Commission to the Five Civilized Tribes, dated July 13, 1903, transmitting the record relative to the application of Virgie Shaw, et al., for enrollment as a Cherokee freedman.

Virgie Shaw applies for enrollment of herself and her minor brothers and sisters, Tennie, Anderson, Emanuel, Augustus and Webster Shaw, and George Shaw applies for the enrollment of himself as a Cherokee freedman.

July 1, 1903, the commission held that the applicants were not entitled to enrollment as Cherokee freedmen.

The record in the case shows that the applicants were born since 1866, and that they are descendants of Abe Shaw, deceased. Abe Shaw was the slave of a Cherokee citizen at the commencement of the late civil war and was taken out of the nation into the State of Texas. None of the applicants are identified by the 1890 roll. Abe Shaw, it appears, belonged to Charlotte Fields. Alice Dixon testified that Abe Shaw returned to the Cherokee Nation in 1868 "in the

summer like." J. H. Bowen testified that he did not see Abe Shaw in the Cherokee Nation until about 20 years ago, which would be in 1862. Harrison Foreman testified that Abe Shaw returned to the Cherokee Nation "along in the summer of 1866." Charlotte Fields testified that Abe Shaw belonged to old man Shaw when the war broke out; that he belonged to her sister, Mrs. Joel B. Mayes "when a little boy;" that he was taken south during the war and that she does not know when he returned to the Cherokee Nation.

From the testimony of John Bowen it appears that Abe Shaw could not have been a resident of the Cherokee Nation in 1866 or 1867 without said Bowen having known him.

All of the applicants, except Augustus, Wooster and George Shaw, are identified by the Kern-Clifton roll.

In view of the record and as it seems that the ancestor of these applicants did not return to and settle within the limits of the Cherokee Nation within the time limit fixed by the treaty of 1866, they are not entitled to enrollment as Cherokee freedmen, and the approval of the commission's decision adverse to them is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

(G.A.W.) P.

B C 25171-1903

(COPY)

J.P.

ITD 2702-1903.

DEPARTMENT OF THE INTERIOR,

OKR

L.R.S.

WASHINGTON.

December 18, 1903.

The Commission

to the Five Civilized Tribes.

gentlemen:

December 11, 1903, the Commissioner of Indian Indian Affairs submitted the case involving the application for the enrollment of Virgie, Tansie, Anderson, Emanuel, Augustus, Webster, and George Shaw, as Cherokee freedmen, submitted with your letter of July 18, 1903, you having rendered your decision in the case July 1, 1903, holding that the application should be denied under the provisions of section 51 of the act of June 25, 1896 (29 Stat., 495).

It appears, as stated in your decision, that the applicants were born since the year 1800 and are descendants of Abe Shaw, deceased; that Abe Shaw was a slave of a Cherokee citizen at the commencement of the civil war and was taken out of the nation to Texas; that none of the applicants is identified on the 1800 roll. All of the applicants, except Augustus, Webster, and George Shaw are identified on the Kern-Klifton roll.

The Commissioner states that in view of the record and as it seems that the ancestor of these applicants did not return to or stay within the limits of the Cherokee Nation within the time fixed

-2-

by the treaty of 1866 (14 Stat., 799, Art. 9), they are not entitled to enrollment as Cherokee freedmen.

The Department entertaining the same views in regard to the matter, your decision is hereby affirmed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

1 inclosure.

Acting Secretary.

Cherokee freedmen
D 1069
D 1107

Muskogee, Indian Territory, March 18, 1904.

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

Dear Sir:

You are hereby advised that the commission's decision dated July 1, 1903, rejecting the application of William H. Sims for the enrollment of George, Vergie, Tenny, Anderson, Emanuel, Augustus and Wooster Shaw, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 18, 1903.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
B 1089
B 1107

Muskegee, Indian Territory, March 18, 1904.

A. S. McRae,

Attorney for George Shaw, et al.,
Muskegee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the application of William H. Sims for the enrollment of George, Vergie, Tenny, Anderson, Emanuel, Augustus and Webster Shaw, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 18, 1903.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 1089
D 1107

Muskogee, Indian Territory, March 18, 1904.

William H. Sims,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting your application for the enrollment of George, Vergie, Tenny, Anderson, Emanuel, Augustus and Webster Shaw, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 18, 1903.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
DEC 20 1902

Notary Public.

ACTING CHAIRMAN

Sworn to and subscribed before me this 20th day of December, 1902.

~~Chief Clerk Cherokee Division.~~

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

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., December 20, 1902.

as a citizen of the Cherokee Nation.

hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do

Muskegee, I. T.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Deputy.

By

Clerk.

Chas. A. Davidson

Territory, this 30 day of _____ A. D. 1902

WITNESS my hand and seal of said Court at Muskegee, in said

and duly recorded in Book _____ Marriage Record, Page _____
that for record in my office the 30 day of _____ 1902 at _____

7th District, Indian Territory, do hereby certify that the instrument in

CERTIFICATE OF RECORD.

United States of America,
INDIAN TERRITORY,
Northern District.

I, Charles A. Davidson, Clerk of the United States Court in the Northern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for record in my office the 30 day of June 1902, at _____ M., and duly recorded in Book M, Marriage Record, Page 86.

WITNESS my hand and seal of said Court at Muskogee, in said Territory, this 30 day of June, A. D. 1902.

Chas. A. Davidson Clerk.

By _____ Deputy.

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

Muskogee, I. T., _____ I

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and correct copy of the original offered in evidence in the matter of application for enrollment of _____

as _____ citizen _____ of the Cherokee Nation.

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

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

[Signature]
Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 20th day of December, 1902.

[Signature]
[Signature] Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
DEC 20 1902

(17)
MARRIAGE LICENSE.

United States of America, }
INDIAN TERRITORY. } ss.
Northern District

No. 202

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between Mr. Thomas Banks, of Checotah, in the Indian Territory, aged 29 years, and Miss Tennie Shaw, of Checotah, in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 19th day of June A. D. 1902

Chas. A. Davidson
Clerk of the U. S. Court.

(SEAL)

By P. M. Ford Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, }
INDIAN TERRITORY. } ss.
Northern District

I, J. E. Anderson Minister of the Gospel, DO HEREBY CERTIFY, that on the 19 day of June, A. D. 1902, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 19 day of June A. D. 1902

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A Page 52 of 54

J. E. Anderson
A Minister of the Gospel.

COMMISSION TO THE FORE OFFICERED THIS

F. L. D.

DEC 2 1902

2061 03 010

Notary Public

CHIEF CHAIRMAN

Sworn to and subscribed before me this 20th day of December, 1902.

Chief Clerk Cherokee Division

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

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

as a citizen of the Cherokee Nation.

evidence in the matter of application for enrollment of
hereby certify that the above and foregoing is a true and correct copy of the original offered in
I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do

Muskogee, I. T.,

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

Deputy

By

Clerk

Chas. A. Davidson

Territory, this 30 day of June, A. D. 1902

WITNESS my hand and seal of said Court at Muskogee, in said

and duly recorded in Book

Marriage Record, Page

88

filed for record in my office the

30 day of

June

1902

M.

in District, Indian Territory do hereby certify that the instrument to which this was

CERTIFICATE OF RECORD.

United States of America, }
INDIAN TERRITORY. } ss.
Northern District.

I, **Charles A. Davidson**, Clerk of the United States Court in the North-
ern District, Indian Territory, do hereby certify that the instrument hereto attached was
filed for record in my office the **30** day of **June**, **1902**, at **.....** M.,
and duly recorded in Book **.....**, Marriage Record, Page **88**.

WITNESS my hand and seal of said Court at Muskogee, in said
Territory, this **30** day of **June**, A. D. **1902**

Chas. A. Davidson Clerk.

By **.....** Deputy.

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

Muskogee, I. T., **.....**

I, the undersigned, a Stenographer to the Commission to the Five Civilized Tribes, do
hereby certify that the above and foregoing is a true and correct copy of the original offered in
evidence in the matter of application for enrollment of **.....**
..... as **.....** citizen **.....** of the Cherokee Nation.

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

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


Chief Clerk Cherokee Division.

Sworn to and subscribed before me this 20th day of December, 1902.


Notary Public.

FILED
DEC 20 1902
COMMISSION TO THE FIVE CIVILIZED TRIBES

MARRIAGE LICENSE.

United States of America, }
INDIAN TERRITORY. } ss.
Northern District.

No. 955

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commauded to Solemnize the Rite and publish the Bans of Matrimony between Mr. Thomas Banks, of Checotah, in the Indian Territory, aged 29 years, and Miss Tennie Shaw, of Checotah, in the Indian Territory, aged 18 years, according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory, this 19th day of June A. D. 1902.

(SEAL)

Sam. A. Davidson
Clerk of the U. S. Court.

By P. M. Ford Deputy.

CERTIFICATE OF MARRIAGE.

United States of America, }
INDIAN TERRITORY. } ss.
Northern District.

I, J. E. Amerson, a Minister of the Gospel, DO HEREBY CERTIFY, that on the 18 day of June, A. D. 1902, I did duly and according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans of Matrimony between the parties therein named.

WITNESS my hand this 20 day of June A. D. 1902

My credentials are recorded in the office of the Clerk of the United States Court, Indian Territory, Northern District, Book A, Page 25

COPIED TO THE ARCHIVES
FILED
1902
Minister of the Gospel.

CERTIFICATE OF RECORD,

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

I, **Charles A. Davidson**, Clerk of the United States Court in the North-
ern District, Indian Territory, do hereby certify that the instrument hereto attached was filed for
record in my office the **2** day of **November**, **1901**, at **189X**, at **189X** M., and duly
recorded in Book **L**, Marriage Record, Page **366**.

WITNESS my hand and seal of said Court at Muskogee, in said Territory,
this **16** day of **November**, A. D. **1901**, **189X**.

(Signed) **Chas A. Davidson** Clerk.

By _____ Deputy.

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

Muskogee, I. T., **April 10** 190 **2**

I, the undersigned, do hereby certify that the above and foregoing is a true and correct copy of
the original offered in evidence in the matter of the application for enrollment of **Virgil**
Shaw, et al citizen of the Cherokee Nation.

Commissioner.

Handwritten signature of the Commissioner and a circular stamp containing the text "COMMISSION TO THE FIVE CIVILIZED TRIBES" and "APR 10 1902".

491059

MARRIAGE LICENSE.

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

No. 279.

To any Person Authorized by Law to Solemnize Marriage—Greeting:

You are hereby commanded to Solemnize the Rite and publish the Bans of Matrimony between
Mr. Thomas E. Jones, of Chocotah, in
the Indian Territory, aged 22 years, and M. iss Virgil Shaw,
of Chocotah, in the Indian Territory, aged 19 years,
according to law, and do you officially sign and return this license to the parties therein named.

WITNESS my hand and official seal at Muskogee, Indian Territory this 20 day of
September A. D. ~~1900~~ 1901.

(SEAL)

(Signed) Chas. A. Davidson.
Clerk of the U. S. Court.

By (Signed) P. M. Ford Deputy.

CERTIFICATE OF MARRIAGE.

UNITED STATES OF AMERICA, }
INDIAN TERRITORY, } ss.
NORTHERN DISTRICT;

I, Rev H. Keyes, a Minister of the Gospel, Do HEREBY CERTIFY,
that on the 28 day of Sept, A. D. 189, I did duly and
according to law as commanded in the foregoing License, solemnize the Rite and publish the Bans
of Matrimony between the parties therein named.

WITNESS my hand this 21 day of Oct, 1901 A. D. 189.

My credentials are recorded in the office of the Clerk of the United States Court, Indian Ter-
ritory, Northern District, Book 2 Page 102

(Signed) H. Keyes

A Minister of the Gospel.

10

701029

U. S. DEPARTMENT OF THE INTERIOR
COMMISSIONER OF LAND OFFICES

FILED

MAR 8 1909

NOTICE!

IN THE MATTER OF the application of Virgie Shaw,
for enrollment as Cherokee Freedmen:

Case No. F. D. 1059.

To Virgie Shaw, or A. S. Morhea, her Attorney:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on March 3rd, 1902. at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 25, 1902.

L B Bell

W. W. Hastings
J. D. Davenport
Attorneys for the Cherokee Nation.



71 10 29

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE FIVE CIVILIZED TRIBES

SEP 10 1901

[Handwritten signature]

AUG 10 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Sept 24, 1901
Post Office Muskegeya, 27
District

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

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Large handwritten signature: J. A. Rose

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

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

*Alb. Shaw dead. Initial No. sealed.
Annus " " " " " "*

Names of Children:
Parents

No.	Name	Year	Page	No.	Dist.
1.	Alb. Shaw				14
2.	Annus				
3.	Virginia Shaw	1866	Page 121	No. 3009	Dist. Sequoyah 19
4.	Jenny " "	"	Page 121	No. 3011	Dist. " 14
5.	Anderson " "	"	Page 121	No. 3010	Dist. " 13
6.	Caroline " "	"	Page 121	No. 3012	Dist. " 12
7.	Augusta " "	"	Page 121	No. " "	Dist. " 11
8.	W. Foster " "	"	Page " "	No. " "	Dist. " 8

Application made by *William H. Sims* Stenographer *J. A. Rose*

*No. 1 on H. L. Roll as
2 on H. L. " " " "*
*Margie Shaw
Jenny Shaw*

*Proof of citizenship of father
5 and 6 Birth Certs. required*

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

W. M. G. G. G.

Muskogee, I. T.

1059.

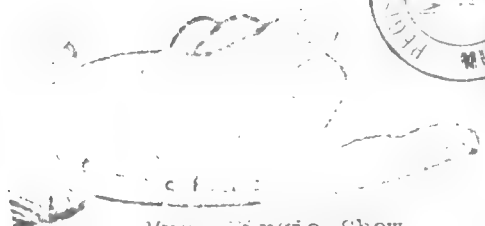
1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mrs. Virgie Shaw,

Muskogee, Indian Territory.

Cher. Fr. R. 230

See Cher. Fr. R. 229

Cher. Fr. R. 230

"R"

Cherokee Freedmen.

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

In the matter of the application of William H. Sims for the enrollment of GEORGE SHAW as a Cherokee Freedman. Said Sims being sworn and examined, testified as follows:

Appearances:

A.S. McRea, as attorney for the applicant;
W.V. Hastings, of attorneys for the Cherokee Nation.

BY COMMISSION:

William H. Sims appears before the Commission with power of attorney duly executed, authorizing him to present the application of George Shaw before the Commission to the Five Civilized Tribes for enrollment as a Cherokee Freedman.

- Q What is your name? A William H. Sims.
Q How old are you? A 39 my next birth-day.
Q What is your post-office address? A Muskogee, Indian Territory.
Q For whom do you desire to make application? A George Shaw.
Q Is he a Cherokee Freedman? A Cherokee Freedman.
Q Why does he not appear in person before the Commission? A He is sick.
Q Physically unable to appear? A Physically unable to appear.
Q Is he confined to his bed? A Confined to his bed, yes sir.
Q How long has he been confined? A Must be eight or nine weeks.
Q What was his father's name? A Abe Shaw.
Q Is his father living or dead? A He is dead.
Q Was he a freedman or a state man? A Freedman.
Q What is the child's mother's name? A Ann Shaw.
Q Is she living? A She is dead also.
Q Was she a Freedman or a state woman? A She was a state woman I understand.
Q How old is George Shaw? A Why I don't know.
Q About how old? A He must be 25 or '4.
Q Where does he live? A Muskogee.
Q Is this his post-office address? A This is his post-office address.
Q Has he ever resided in the Cherokee Nation? A All his life.
Q How long have you known him? A Oh some five years.
Q You don't know anything about him prior to that time? A No sir.

1880 authenticated roll and 1896 census roll of citizens of the Cherokee Nation examined and applicant George Shaw is not identified thereon.

Kern-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 121 No. 3006
Georgie Shaw, Sequoyah District.

Wallace roll of citizens of the Cherokee Nation examined and applicant not identified thereon.

BY MR. McREA:

- Q Doctor, is the applicant for whom you make application a relative of Virgie, Jennie, Anderson, Emanuel, Augustus and Worcester Shaw? A Brother.
Q Is he a son of the same parents? A Yes sir.
Q How long has he lived in the Cherokee Nation? A I don't know, born there, lived there all his life.
Q Was he living in the Cherokee Nation prior to June 30, 1898?
A Yes sir.

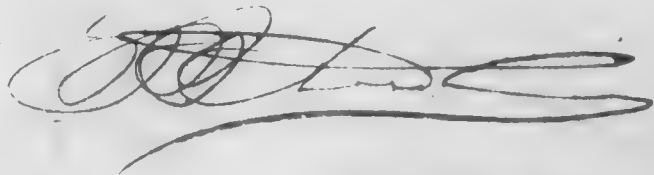
NO CROSS EXAMINATION.

BY COMMISSION: William H. Sims appears before the Commission, duly authorized by power of attorney to make application for the enrollment of George Shaw as a Cherokee Freedman. Said George Shaw is identified on the Kern-Clifton pay roll of Cherokee Freedman; his name does not appear upon any of the other tribal rolls. By reason of this fact, final judgment as to his application for enrollment as a Cherokee Freedman will be suspended, and his name will be placed upon a doubtful card. Reference is made to the card of his brothers, and sisters, Cherokee Freedman D 1059.

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

M.D. Green

Subscribed and sworn to before me this February 14, 1902.



Commissioner.

File with case C.F.D.#1107.

Supl.-C.F.D.#1069.

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

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
VIRGIE SHAW, ET AL/? as Cherokee Freedmen; introduced on part of
applicants:

Appearances:

A. S. McRea, Muskogee, I.T., Attorney for applicants;
W. W. Hastings, Cherokee Representative.

ALICE DIXON, being first duly sworn, testified as follows
on behalf of applicants:

MR. McREA:

- Q What is your name? A Alice Dixon.
Q Your age? A 49 or 9.
Q Post office address? A Muskogee.
Q Mrs. Dixon, were you acquainted with Abe shaw in his life-time?
A Yes, sir.
Q Was he a slave in the Cherokee Nation before the war of the
rebellion? A Yes, sir.
Q To whom did he belong? A Charlotte Fields.
Q Was she a Cherokee citizen by blood? A Yes, sir/
Q Did he go out of the Cherokee Nation during the war or before the
war? A Went out before the war; yes, sir.
Q Where did he go to? A Choctaw Nation.
Q Did he return to the Cherokee Nation? A Yes, sir.
Q When did he return? A 1866.
Q What time of the year, 1866? A In the summer-like, in the
spring.
Q Has he resided in the Cherokee Nation continuously from the time
of his return in 1866 up to the time of his death? A Yes, sir.
Q Did he marry? A Yes, sir.
Q What was his wife's maiden name? A Annie Dean.
Q Where were they married at? A Down in Sequoyah district.
Q Cherokee Nation? A Yes, sir.
Q Did they have any children born to them? A Yes, sir.
Q Do you remember their names? A Yes, sir.
Q what were their names? A Albert Shaw, George Shaw, Virgie
Shaw, Alice Shaw, Augustus shaw, Annie shaw and Rebecca Shaw and
Rufus shaw.
Q Did he and Annie live together as man and wife from the time
of their marriage to the time of her death? A Yes, sir.
Q Did she have any living husband before she married him?
A No, sir.
Q Did he have any living wife before he married her? A No, sir.
Q MR. HASTINGS:
Q where did you live before the war? A I lived in the choctaw
Nation.
Q Before the war? A Well, I lived here in the Cherokee Nation and
went there.
Q But where did you live when the war came up? A In the choctaw
Nation.
Q Where did you live just before the war came up?
A In the Choctaw Nation.

- Q To whom did you belong? A Charlotte Fields.
Q In the Choctaw Nation? A No, sir.
Q Did she take you from here to the Choctaw Nation?
A We was run out.
Q Who was in charge of you? A I was with my mother.
Q You weren't old enough to know? A No, sir.
Q You weren't old enough to know about yourself? A No, sir.
Q You weren't old enough to know about this old man Shaw?
A Yes, sir.
Q Then you knew more about him than you did yourself? A No, sir.
Q What is your name now? A Alice Dixon.
Q Did Abe Shaw, the father of these children, come back with you?
A Yes, sir.
Q At the same time you came? A Yes, sir.
Q Where did he come to? A He come to the Choctaw Nation and from there to the sequoyah district.
Q What part of sequoyah? A Down there by Mrs. Mayfield's.
Q Who came with him? A We all came with him, he came with some cow drivers, run away from us.
Q Where did you first come back to the Cherokee Nation, now, to after the war? A We came back down in the Cherokee Nation.
Q I am not asking you about that Nation, I am asking you about the Cherokee Nation? A I don't know what year it was.
Q Well, as much as '86; you think that is about 15 or 16 years ago?
A Yes, sir.
Q Is that the first time you came back? A No, sir.
Q How old were you;-you married in the Choctaw Nation didn't you?
A Yes, sir.
Q And you married before you came back up here? A Yes, sir.
Q How many children did you have before you came back up here?
A Not any.
Q How long had you been married before you came to the Cherokee Nation after the war? A About six years.
Q Well, now, about how long was it after ~~you~~ the war before you came? A About the same, I married about the year-
Q You were married about six or seven, about six years after that; in 1873 is when you first came to the Cherokee Nation after the war; then if you weren't in the Cherokee Nation, you could not have seen Abe Shaw? A Yes, sir.
Q You could not have seen him if you were not here yourself?
A I seen him.
Q Haven't you just now admitted that you never came here yourself until about six years after you married? A I came back to Sequoyah.
Q That was about six years after you married? A Yes, sir.
Q How, when did you first come back to the Cherokee Nation after the war? A I don't know.
Q You said it was about six years after you married?
A I don't know about when I married.
Q That was when you first came here? A No, sir, I was here before that.
Q Who did you come with? A I come with my mother and them.
Q Well, how long was it after the war when you come with your mother and them? A I don't know.
Q About how many years after the war? A (No response.)
Q As much as ten? A I don't know just how many.
Q As much as eight? A I don't know just how many it was.
Q As much as 25? A I don't know; I don't know just how long it was.
Q Would you give us any judgement at all? A I just knew I came up, to say what year we came-
Q That was after you were married? A Yes, sir.

Q You never was in the Cherokee Nation until after you were married? A Yes, sir.

Q After the war? A I seen him in the Cherokee Nation before that.

Q When was it? A I just don't know when it was; I was small, little bitty children.

Q What year is this? A 1992 I suppose.

Q 1992? A 1902.

Q Well, whom did you first come back to the Cherokee Nation with after the war? A Come back with my mother when she came.

Q That was after you were married? A Yes, sir.

Q About seven years after you were married? A I don't know just how long it was.

Q Where did you first see Abe after the war, on whose place? A Miss Charlotte Fields.

Q Where is that? A That is down here at Gibson.

Q That is after the war I am asking you about; where did you first see Abe in the Cherokee Nation after the war? A Down by widow Mayfield's somewhere.

Q Somewhere? A Yes, sir.

Q That is very indefinite? A I saw him at his home, living now, little shanty.

Q That was after you were married? A Yes, sir.

Q About seven years after you were married? A I don't know.

Q Well, about how long? A I reckon about seven or eight years after that.

Q That was the first time you saw him after the war in the Cherokee Nation? A Yes, sir.

MR. McCREA:

Q Now, Mrs. Dixon, during the time you were in the Choctaw Nation you said Abe, your brother, went off with some cattle drivers and came to the Cherokee Nation; is that what you stated? A Yes, sir.

Q He left you in the Choctaw Nation? A Yes, sir.

Q Now, how long was it before he left you in the Cherokee Nation before you seen him in the Cherokee Nation? A Seven, eight or nine years, I don't know just how many.

Q Well, did you have information as to his whereabouts when you were in the Choctaw Nation? A Yes, sir.

Q Where was he?

Mr. Hastings: I object to that; it is purely hearsay.

Commission: Objection will be noted; answer the question.

Mr. Hastings: Comes now the representatives of the Cherokee Nation and want to most strongly protest against this testimony, as it is purely hearsay and in the interest of the applicant and by a sister of the father of these children.

McCREA:

Q Through what medium or source did you get the information as to your brother being in the Cherokee Nation? A He wrote to us.

Q You had correspondence with him did you? A Yes, sir.

Q And when you visited him you found him in the Cherokee Nation?

A Yes, sir.

Q Was he married? A Yes, sir.

MR. HASTINGS:

Q What was the post office address when you first got information by letter? A Muldrow.

Q That is where he was living was it? A Yes, sir.

Q That was the name of the post office? A Yes, sir.

McCREA:

Q That was the name of your brother's post office? A Yes, sir.

Q What was the name of your post office in the Cherokee Nation?

A I don't know, I could have brought the letter.

Q You had a post office there did you? A Yes, sir.

MR. HASTINGS:

Q Did you know that Muldrow was not ~~not~~ established until about 1889?

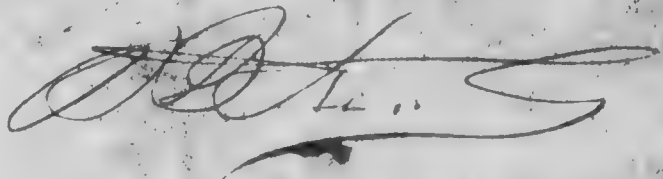
A Wasn't he house there but there is where we got it, it was through there.

Commission: This testimony will also be filed with and made a part of the record in Cherokee freedmen doubtful case #1107.

---ooo000ooo---

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

Subscribed and sworn to before me this February 23, 1902.



Commissioner.

File copy in F. D. 1107

"R"

Cherokee Freedmen D 1089

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. March 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the appli-
cation of Virgie Shaw for the enrollment of herself, sister and
brothers as Cherokee Freedmen.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

J. H. Bowers, being first duly sworn, and being examined
testified as follows:

By Mr. Hastings:

- Q What is your name? A J. H. Bowers.
- Q What is your age? A 63
- Q What is your post office address? A Muldrow.
- Q How long has Muldrow been your post office? A It was established
in December 1887.
- Q The post office was established in December 1887? A Yes sir.
- Q Were you living there at the time it was established? A No sir.
- Q Living three miles from there.
- Q Were you living in the neighborhood? A Yes, three miles from
there.
- Q Was there no post office named Muldrow any where near there at
that time? A No sir.
- Q Was there any post office named Muldrow there in '66? A No sir.
- Q How long have you been in that country down there? A I have been
there ever since March, 1867.
- Q No postoffice named Muldrow there then? A No sir.
- Q Was 'nt established there until about '87? A December 1887.
- Q That was after this Valley Road went through there? A They was
building the road, and there was two or three houses put up there.
Jeff Watts went to Washington and made application to have a post-
office established there and name it Muldrow in honor of the Con-
gressman Muldrow of Tennessee I believe, and Wilse Bruton was ap-
pointed post-master; in January 1889, I was appointed postmaster at
Muldrow; he was postmaster from December 1887 until January a little
over a year.
- Q Did you ever know a colored man down there named Abe Shaw? A Yes
sir.
- Q When did you first see him? A About twenty years ago.
- Q You know where he came from? A When I got acquainted with him
he was driving a team for old man Stonerow, hauling hay; I was out-
ting hay in the Cherokee Nation and Abe Shaw was driving one of his
teams, old man Stonerow bought hay from me three or four summers, ^{the}
three summers any way, and Abe Shaw drove one of his teams when I
first got acquainted with him.
- Q Were you living down there in the bottom between where Muldrow
now is and Fort Smith? A I was living three miles from where
Muldrow is now, at that time.
- Q Where were you in '68 and 69? A In the river bottom about five
miles from Fort Smith.
- Q You were acquainted with everybody in that locality at that time?
A I know every man in that country.
- Q You never knew Abe Shaw? A No sir.
- Q You never saw him down there until about twenty years ago? A That
is the first time I saw him.
- Q You were postmaster down there somewhere? A I was postmaster
on Camp Creek, three miles from Muldrow; the post-office was estab-
lished at Camp Creek in '78 on the Starr Route, and I applied for

post-office to be established and I was postmaster there eleven years.

Q You did'nt know Abe Shaw there at that time? A No sir, and after Muldrow was established I had my office discontinued and I went over there and was appointed postmaster there in January 1899.

Q Did you ride deputy marshall down there a while? A I was deputy marshall from '69 until '74, I was deputy marshall in that country.

Q You say you were pretty well acquainted with every one around in that country at that time? A I knew everybody in that country. T There was very few people in that country at that time; it was thinly settled.

Q You never knew Abe Shaw? A No sir.

By Mr. MCREA:

Q I understood you to say you learned to know Abe Shaw about 20 years ago? A Yes about '81 or '82.

Q You know whether he was a slave in the Cherokee Nation prior to the war of 1861? A No.

Q You know whether he was owned by a citizen of the Cherokee Nation?

A I dont know.

Q How far were you living from Webber's Falls in '67? A 45 miles.

Q How far were you living from there 20 years ago? A 40 miles.

Q How far are you living from there now? A 38 miles.

Q And you had no acquaintance with people or persons living in and around Webbers Falls prior to 20 years ago? A No, I knew a few people in there, I knew Cal Hanks and I knew Bob Hanks and Bob Blackstone; several Cherokees in there.

Q Did you know a Mrs. Fields? A No sir, I never knew her, I know the name, I have heard of Fields in there; there are a number of Fields in the Cherokee Nation; I am acquainted with some one living in Sequoyah District, Bird Fields.

Q You acquaint ted with the Fields of Sequoyah District? A I have heard of Bud Fields, living down there now; they call him Bud Fields.

Q Are you acquainted with Mrs. Charlotte Fields? A No.

Q You are positive that you met Abe Shaw in the Cherokee Nation in Sequoyah District 20 years ago? A He was hauling hay and driving one of Mr. Stonerow's teams.

Q If he had been there prior to that time you did'nt know anything about it? A No sir.

Q He could have been there in that country without your knowing it?

A Notsir.that country, not in that part of the country, I knew every man in that country; I was at political meetings.

Q About what was the population of Sequoyah District at that time?

A I dont know what the population was at that time, I know the vote was about 250; there never was no census taken in 1880.

Q You could not have possibly known everybody in Sequoyah District, at that time? A I knew every man that was in that country.

Q If Mrs. Charlotte Fields said that that she brought Abe Shaw to the Cherokee Nation here in 1866 she is mistaken then is she?

By MR. HASTINGS: I object to that; it is a matter of presumption and this woman has never been on the stand and has never said it.

BY COMMISSION: Note the objection; answer the question.

A I dont know anything about it at all whether she is mistaken or not, I dont know the woman and I dont know anything about it, how could I say she was mistaken, because I dont know anything about it.

BY MR. HASTINGS:

Q Now suppose the alleged aunt of these children said that she got a letter in 1866 from Abe Shaw and it was dated at Muldrow, I.T. what about that, written in 1866? A There was'nt a postoffice there in '62, there was'nt but one in Sequoyah District in '70.

By MCREA: We object to that, I dont think she made that statement in '66.

BY COMMISSION: This testimony will also be filed and made a part of the record in Cherokee Freedman case D. 1107.

D 1009 - 3 -

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

Signed, M. D. Green.

Subscribed and sworn to before me this March 4, 1902.

Signed, J. B. Hodges,
Commissioner.

I, the undersigned, do certify as stenographer to the Commission to the Five Civilized Tribes, that the foregoing is a true and correct copy of the Original transcript.

John M. Slaney

File with D-1107, Freedmen.
"R"

Cherokee Freedmen D 1088.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., March 3, 1902.

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the
application of Virgie Shaw for the enrollment of herself, sister
and brothers as Cherokee Freedmen.

TESTIMONY ON BEHALF OF THE CHEROKEE NATION.

Appearances:

A. S. McRea, attorney for the applicants;
W. W. Hastings, of attorneys for the Cherokee Nation.

J. H. BOWERS, being first duly sworn, and being examined, tes-
tified as follows:

BY MR. HASTINGS:

Q What is your name? A J. H. Bowers.

Q What is your age? A 63.

Q What is your postoffice address? A Muldrow.

Q How long has Muldrow been your postoffice? A It was established
in December, 1887.

Q The postoffice was established in December, 1887? A Yes, sir.

Q Were you living there at the time it was established? A No, sir,
living three miles from there.

Q Where were you living, in the neighborhood? A Yes, three miles
from there.

Q Was there no postoffice named Muldrow anywhere near there at
that time? A No, sir.

Q Was there any postoffice named Muldrow there in '88? A No, sir.

Q How long have you been in that country down there? A I have been
there ever since March, 1887.

Q No postoffice named Muldrow there then? A No, sir.

Q Wasn't established there until about '87? A December, 1887.

Q That was after this Valley Road went through there? A They was
building the road, and there was two or three houses put up there
Jeff Watts went to Washington and made application to have a
postoffice established there and name it Muldrow in honor of the
Congressman Muldrow of Tennessee I believe, and Wilco Kraton was
appointed postmaster; in January, 1888, I was appointed postmaster
at Muldrow; he was postmaster from December 1887 until January,
little over a year.

Q Did you ever know a colored man down there named Abe Shaw? A
Yes, sir.

Q When did you first see him? A About twenty years ago.

Q You know where he came from? A When I got acquainted with him he
was driving a team for old man Stonerow, hauling hay; I was cutting
hay in the Cherokee Nation and Abe Shaw was driving one of his
teams, old man Stonerow bought hay from me three or four summers,
three summers anyway, and Abe Shaw drove one of his teams when I
first got acquainted with him.

Q Were you living down there in the bottom between where Muldrow
now is and Fort Smith? A I was living three miles from where
Muldrow is now, at that time.

Q Where were you in '88 and '87? A In the river bottom about five
miles from Fort Smith.

Q You were acquainted with everybody in that locality at that
time? A I knew every man in that country.

Q You never knew Abe Shaw? A No, sir.

Q You never saw him down there until about twenty years ago? A That
is the first time I saw him.

Q You were postmaster down there somewhere? A I was postmaster
on Camp Creek, three miles from Muldrow; the postoffice was es-
tablished at Camp Creek in '78 on the Starr Route, and I applied
for postoffice to be established and I was postmaster there eleven
years.

Q You didn't know Abe Shaw there at that time? A No, sir, and after Muldrow was established I had my office discontinued and I went over there and was appointed postmaster there in January, 1888.

Q Did you ride deputy marshal down there awhile? A I was deputy marshal from '69 until '74, I was deputy marshal in that country.

Q You say you were pretty well acquainted with everybody around in that country at that time? A I knew everybody in that country, there was very few people in that country at that time; it was thinly settled.

Q You never know Abe Shaw? A No, sir.

BY MR. McREA:

Q I understood you to say you learned to know Abe Shaw about 20 years ago? A Yes, about '81 or '2.

Q You know whether he was a slave in the Cherokee Nation prior to the war of 1861? A No.

Q You know whether he was owned by a citizen of the Cherokee Nation? A I don't know.

Q How far were you living from Webbers Falls in '67? A 45 miles.

Q How far were you living from there 20 years ago? A 40 miles.

Q How far are you living from there now? A 38 miles.

Q And you had no acquaintance with people or person living in and around Webbers Falls prior to 20 years ago? A No, I knew a few people in there, I knew Gal Harks and I knew Bob Harks and Bob Blackstone; several Cherokees in there.

Q Did you know a Mrs. Fields? A No, sir, I never knew her, I know the name, I have heard of Fields in there; there are a number of Fields in the Cherokee Nation; I am acquainted with some living in Sequoyah District, Bird Fields.

Q You acquainted with the Fields, of Sequoyah District? A I have heard of Bud Fields, living down there now; they call him Bud Fields.

Q Are you acquainted with Mrs. Charlotte Fields? A No.

Q You are positive that you met Abe Shaw in the Cherokee Nation in Sequoyah District 20 years ago? A He was hauling hay and driving one of Mr. Stonerow's teams.

Q If he had been there prior to that time you didn't know anything about it? A No, sir.

Q He could have been there in that country without your knowing anything about it? A Not in that country, not in that part of the country; I knew every man in that country; I was at political meetings.

Q About what was the population of Sequoyah District at that time? A I don't know, what the population was at that time, I know the vote was about 250; there never was no census taken in 1880.

Q You could not have possibly known everybody in Sequoyah District, at that time? A I knew every man; I couldn't tell what the population was; I knew every man that was in that country.

Q If Mrs. Charlotte Fields said that she brought Abe Shaw to the Cherokee Nation here in 1886 she is mistaken then is she?

BY MR. HASTINGS: I object to that; it is a matter of presumption and this woman has never been on the stand and has never said it.

BY COMMISSION: Note the objection; answer the question.

A I don't know anything about it at all whether she is mistaken or not, I don't know the woman and I don't know anything about it, how could I say she was mistaken, because I don't know anything about it.

BY MR. HASTINGS:

Q Now suppose the alleged aunt of these children said that she got a letter in 1886 from Abe Shaw and it was dated at Muldrow, I.T. what about that, written in 1886? A There wasn't a postoffice there in '67, there wasn't but one in Sequoyah District in '70.

BY McREA: We object to that; I don't think she made that statement, in '86.

BY COMMISSION: This testimony will also be filed and made a

part of the record in Cherokee Freedmen case B 1107.

M. H. 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. H. Green,

Subscribed and sworn to before me this March 4, 1908.

F. B. Needles,
Commissioner.

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

Arthur S. Greninger

Subscribed and sworn to before me this 15th day of April, 1908.

Philip R. Carter
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1903.

In the matter of the application of Virgie Shaw for the enrollment of himself, brothers and sisters as Cherokee Freedmen; the testimony in behalf of applicant. Applicant appearing by A. S. McRea; Cherokee Nation by J. S. Davenport.

Harrison Foreman, being duly sworn and examined, testified as follows:

By A. S. McRea: What is your name? A Harrison Foreman.

Q What is your age? A About 48 or '9.

Q What is your postoffice address? A Catoosa.

Q Mr. Foreman, were you acquainted with Abe Shaw in his life time?

A Yes sir.

Q When and where was the first time that you met him in the Cherokee Nation? A Along in the summer of '66.

Q At what point in the Cherokee Nation? A Right at the landing at Fort Smith where Gil Payne lives.

Q Did you continue to know him in the Cherokee Nation from the time you first met him in '66 up until the time of his death? A Yes sir.

Q Do you know whether or not he was married? A Yes sir, he was married.

Q Do you remember the name of his wife? A Yes sir.

Q What was her name? A Ann was her name, Ann Shaw after she was married, I don't know what she first went by.

Q These alleged children of Abe and Ann Shaw, Virgie, Tenny, Anderson, Manuel, August, Wooster and George, were you acquainted with them?

A I am acquainted with three of the children.

Q Which three? A The three oldest and a little one that is living at my house, four of them.

J. S. Davenport: Who was it you saw at the ferry at Arkansas River?

A Abe Shaw.

Q What relation is Abe Shaw to these applicants? A He is their father.

Q How do you know? A I know it is.

Q Don't you know you never were present at the house where these children were living and when they were born? A O, yes, I was living in Sequoyah and was present when he married.

Q Where did Abe Shaw move to in the Cherokee Nation and live? After he married? A He moved down in Jacktown.

Q How far was that from Fort Smith? A Three miles and a half northwest.

Q Who was Abe Shaw? A I don't know, he belonged to the Fields that said.

Q You haven't studied this quite enough? A He belonged to Miss Schrimsher's sister.

Q Don't you know now it is the women folks' side that belonged to the Fields? A It was his mother.

Q Don't you know anything about it? A No sir.

Q Don't you know the mother of Virgil Shaw belonged to the Fields and not Abe? A No sir, it wasn't her.

Q Then Mrs. Fields is mistaken if she said she belonged to the Fields? A No, she didn't belong to them.

Q Well Mrs. Fields is mistaken? She is the Fields to whom these parties belonged, the old lady lived at Webbers Falls? A Yes sir, somewhere in that district.

Q And you say that Abe Shaw and his family came back in '66? A He never had any family then.

Q You don't know whether Abe Shaw was a slave before the war or not?

A No sir.

Q You don't know whether his wife was a slave before the war or not?

A No sir.

Q Do you know where his wife was in '66? A No sir.

2-Virgie Shaw-

- Q Do you know where his wife was in '66? A Nosir.
- Q When was the first time you ever saw her? A I couldn't tell you, about one year before they married.
- Q When did they marry? A I couldn't tell you what year it was, I never paid any attention.
- Q Has it been fifteen or ten years ago? A Longer than that.
- Q How long ago? A I never paid any attention to it, I don't recollect.
- Q Was it 35 or 40 years ago? A About 35 years ago.
- Q Where was the mother living at the time they married? A I couldn't tell you that. She was living around in the states somewhere I guess.
- Q Was the mother a state woman? A She says she is.
- Q Well, where was the father, Abe Shaw, living at the time? A He was working for Captain Davenport on Lee Creek. I mean Capt. Allison, I mean.
- Q They both lived on Lee Creek did they? A Yes sir, that is right, when they were married I think he was working for Davenport.
- Q That was when? A I don't know when that was.
- Q Haven't you no idea when that was? A No sir, I don't know.
- Q Do you undertake to say that Capt. Davenport was living on Lee Creek as far back as '80? A O, yes, he was.
- Q You don't assume to know as much about that as I do, he is a kin to me? A But he was living on Lee Creek when I know him.
- Q Isn't it a fact that Captain Davenport lived on Lee Creek, seven miles north of Van Buren, Arkansas, and in the state of Arkansas, in 1881? A I don't know he might have been living there.
- Q How often did you see Abe Shaw after you met him down there? A Off and on ever since I lived in Sequoyah, when I moved in '84.
- Q If Mrs. Fields testified that they come back in the early eighties, is that a fact or not? A I don't know anything about what she testifies, I am telling you what I know. I was ferrying and Captain John Childers run a ferry boat ferrying customers across the river that were trading.
- Q Had you ever known Abe Shaw before the time you met him there? A No sir, he was a perfect stranger.
- Q I want you to name to me another negro or white man that you met the same year that you met Abe Shaw that you had seen before?
- A I don't know that I can name them, I seen lots of them.
- Q Name ^{the} one of them (No answer.)
- A. S. McRea: I object to that for the reason that it is incompetent, irrelevant, immaterial and does not tend in any manner to show any issue in this case.
- Commission: Answer the question.
- A I couldn't tell you who I met. We was running skiff there and I didn't pay any attention to the people, not even to Abe only in coming backward and forward on Saturdays.
- J. S. Davenport: When did you first think and remember the year you first saw Abe passing the river there by Fort Smith, when did you first think about that was the first year you saw Abe? A I thought about it all the time, I know I ferried him across the river.
- Q Did you ever know Abe Shaw when he was living in the Choctaw Nation? A No sir.
- Q Did he ever live in the Choctaw Nation after the war? A I don't know.
- Q Would you have known it? A No sir, because I never went over there.
- Q Where was he living when you put him across the river at that time? A He was working at Captain Allison's.
- Q Where did he live? A On Lee Creek.
- Q In the nation or Arkansas? A In the nation.
- Q Where is Capt. Allison living now? A He is dead a long time.
- Q How far from the line was Captain Allison living? A I don't know.
- Q Were you ever at his place? A Many times.
- Q How far was it from Sequoyah Court House? A About fifteen miles, I guess.
- Q And he come down from Lee Creek and across the Arkansas River and ferried? A Yes, they all traded in Arkansas, we run a free skiff.

3-Virgie Shaw-

Q What season of the year was it? A Along in the summer like.

Q About what month do you think it was? A It must have been in June or July of '66.

Q Might it not have been earlier than that? A No sir, I never helped John Childers run a skiff until then and Brown put in some skiffs and I helped run them. The high rise was in May. It might have been, I think it was in June.

Q It wasn't an overflow or a rise? A It was a rise and not an overflow; there is a difference, the overflow goes all over the bottoms.

Q Well, that rise was in '67 wasn't it? A No sir, I didn't ferry in '67.

Q After you put him across the river in June '66 when did you next see him to know that is the same man? A They had a church where a colored family lived on Gale Starrs place, or Zeke Starr I mean.

Q Which is it, Gale or Zeke? A He belonged to one of the Starrs, they had a church there.

Q Who preached? A Old man Walker.

Q You was there? A Yes sir.

Q When did you see him after that to know it was the same man that you ferried across the river? A Plumb up until I moved away from there.

Q Who was with him? A He and Joe Allison, a colored fellow, they called him that because he worked for Allison.

Q How far did you live from there? A I stayed about eight miles from there.

Q Do you swear positively that this man Abe Shaw lived continuously in the Cherokee Nation from the time you ferried him across the river as you say, in June or July '66, up until '84, when you moved away from Sequoyah? A He didn't live continuously, he worked for Davenport a while, he made his home there and when he worked for Allison he made his home there.

Q Did he have a family at this time? A No sir.

Q You never knew him after he married and had a family? A I knew him up until he married.

Q Did he die without having a family? A He had a family before he died.

Q Where was he living? A He was living down at Jacktown after he married a while.

Q Where is Jacktown? A This side of the Cherokee Station.

Q In the Cherokee Nation? A Yes, in the Cherokee Nation.

Q Who lived with him down there that are now living? A There are lots of them. Henry Barker's wife.

Q Was there any Cherokees or white men living down there? A Bill Harnage.

Q Tablequah Bill Harnage? A Yes.

Q Who else, Cherokees? A Walk Mayfield was the only one there, the others were colored people.

Q Was Walk Mayfield living there when you first saw Abe? A Yes he was living in Sequoyah.

Q Was he living there at that time? A No, not when I first saw Abe he wasn't, he wasn't living there when I first saw Abe, neither was Harnage. I thought you asked me who lived there.

Q When you first saw this man Abe Shaw who was living near where Allison lived, of the Cherokees? A Steve Tulse lived way this side of Allison's, Bill Holt was about the closest one.

Q Is he living or dead? A I don't know.

Q How long since you have been in that country? A I haven't been in Sequoyah District since the old settler payment.

Q How long ago was that? A That has been five or six years ago.

Q When did Abe Shaw die? A I heard he died after this payment. I don't know when he died, I never heard it until quite a while after that.

Q You have one of his children at your house? A Yes sir.

4-Virgie Shaw.

Q How long have you had that? A Since last fall; his aunt went and got it.

Q Who is his aunt? A Mollie Love.

Q Is she a freed-woman? A Yes sir.

Q A citizen of the Cherokee Nation? A They said she used to belong to the same people.

Q Is she a recognized citizen? A No sir.

Q She is one of the parties who is a claimant in this case? A Yes sir.

Q She is one of the parties who went to Mrs. Fields and asked her to testify? A No sir.

A. S. Moran: Objected to for the reason that it is wholly immaterial, irrelevant, has no bearing whatever on this case.

Q Do you mean to be understood that you have not talked to Mollie Love or other applicants in this case and that you have not talked to them as to who they applied to to testify for them? A No sir.

Q Have you talked with them? A Yes sir.

Q Then didn't Mollie Love tell you that she and Virgie Shaw both applied to the lady who it is claimed the parents belonged prior to the war to testify for them? A No sir.

Q When did you first decide that you knew anything in this case? A I decided all the time I knowed it all the time, I said I wasn't going to come until the last, until I had finished my plowing.

Q Not until the last day? A I came day before yesterday, I didn't wait until the last day.

Q You didn't offer to testify yesterday? A I said I come yesterday morning.

Q You know that there had been testimony taken as to the return of these parties? A Not of these children, I know they had registered once or twice.

Q Do you mean to say you didn't know that testimony had been taken in this case? A No sir.

Q How did you happen to come? A I knew Miss Love had. I didn't know anything about these children.

Q Who did you come to testify for? A For these children.

Q Did you come to make application for these children? A Yes sir, I come to swear for them.

Q Then you come to swear for them and not to make an application for them did you? A No sir.

Q What did you come for? A I come to swear for them.

Q I asked you what it was for? A You didn't understand me.

Q You living about Ocoosa, Cooweescoowee District? A Yes sir.

Q Wasn't you at Fort Gibson a greater part of the time while they were enrolling there? A No sir, I went there and stayed three days.

Q Wasn't Virgie Shaw there while you were there? A I don't know, I didn't see her.

Q Wasn't Mollie Love there? A No sir, I didn't see her.

A. S. Moran: You are a recognized citizen of the Cherokee Nation are you Mr. Foreman? A Yes sir.

Q Your name appears on the authenticated roll of 1880? A Yes sir.

J. S. Davenport: You are a colored citizen, a freedman of the Cherokee Nation? A Yes sir.

Q You come under the treaty stipulations, what is the way you get your rights in the Cherokee Nation? A Yes sir.

4- Virgie Shaw-

John Melton, being sworn and examined, testified as follows in behalf of applicant:

By A. S. McRea: What is your name? A John Melton.

Q Your age? A 65.

Q What is your postoffice address? A Benge.

Q Mr. Melton, 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.

Mr. Davenport: I object to that way of proving it, prove it by the roll.

A. S. McRea: Have the roll examined.

Commission: The 1880 roll examined and the name of John Milton is found in Sequoyah District on page 708, No. 829, Colored.

Q Were you acquainted with Abe Shaw in his life time? A Yes sir.

Q When and where was the first time you ever saw or met him? A The first time I ever saw him, I don't recollect exactly whether it was in what year it was in; that was in Texas the first time I ever saw him.

Q Was that before the war? A No, it was in the time of the war.

Q Well? A And after the war I seen him here; the first was on the other side of the river in Fort Smith and I seen him along from time to time over there and I had been called before this Court, that is a different Court, in his case, I was a witness for him before the Wallace Court but they wasn't using this six months limit there and I was a witness to who he belonged to; and then I was called on in the rebuttal court as to what time I first saw him here and I couldn't remember that, I couldn't raise no grounds to go upon. Since that I remember of seeing him come across the river from the Choctaw side, out in the woods and I went to make some boards for a man, he crossed the river with some boys, I don't know whether he went right back or what.

Q What time was that? A That was in the winter of '66, in the fall.

Q Was that in the Cherokee Nation when you met him? A I was on the Choctaw side, he came across the river into the Cherokee Nation.

Q When was the next time you seen him in the Cherokee Nation? A I couldn't remember just the next time; only one time I knowed I owed a boy a little bit and I paid him on the 18th day of January.

Q In what year? A In '67. And this Abe Shaw was with him; I remember them two times.

Q Was that meeting in the Cherokee Nation when you paid off this boy? A Yes sir, in the Cherokee Nation.

Q Abe Shaw was with boy in January, 1867? A Yes sir.

Q Have you continued to know Abe Shaw up until the time of his death? A All the time. I never was from him long enough not to know him.

Q Have you seen him continuously in the Cherokee Nation up until the time of his death? A Yes sir.

Q From the time you met him in January 1867, when you paid this boy up until the time of his death? A Yes sir, I met him in the Cherokee Nation every time I seen him. I might have seen him in Fort Smith a few times.

Q Did you know his wife? A Yes sir.

Q What was her name? A His last wife was called Ann Davenport, not Ann Davenport either, she stayed with Ann Davenport. She was a state woman.

E - Virgie Shaw-

- Q Did Abe Shaw and his wife have any children? A Yes sir.
- Q Do you remember any of their names? A Some of them.
- Q Which ones? A He had one boy named George, one Albert, he is older than George. I forget the oldest daughter's name, had one named Tenny, a younger one.
- Q Did he have one by the name of Virgie? A That is the one I was trying to think of. He had one named Wooster, I did know all the names, I can't recollect the young ones.
- Q Was he the father of these children you mentioned? A Yes sir, he is said to be the father.
- Q And Ann the mother? A Yes sir.
- Q Were you acquainted with Mrs. Charlotte Fields? A No sir.
- Q You have no acquaintance with her? A No sir, not by that name.
- Q You don't know to whom he belonged to before the war, Abe Shaw?
- A Yes sir.
- Q To whom did he belong to? A A man by the name of Shaw. I forgot his other name.
- Q Then if Mrs. Charlotte Fields stated that Abe Shaw never came back to the Cherokee Nation until the 10 or 12 years ago, I think she said, she is mistaken is she? A Undoubtedly she is mistaken about that.
- Q Now make your statement? A Abe Shaw run away from his people just after peace was made and come to Fort Smith, his father lived there, Abraham Main was his father.
- Q Anything else? A Not that I know of; that is something you wanted to know. He was here before ten or twelve years ago, I can prove that by plenty people.
- Q Was this man Shaw whom you reputed as having owned him, was he a Cherokee citizen by blood, or was he a recognized Cherokee citizen?
- A Now him himself, I have heard said he was a Cherokee, I don't know. His wife from all accounts was and he died and left him in the hands of this woman.
- J. S. Davenport: Do you know whether he was a Cherokee by blood?
- A I don't know myself. You can get other people to say that, I couldn't say that.
- Q Did you say you knew Abe Shaw before the war? A In the time of the war.
- Q You met him where? A In Paris, Texas, the first time I ever seen him.
- Q With whom was he living then? A I don't know who taken him in charge at that time. They had started back from Texas to the Cherokee Nation with a six mule team.
- Q You don't know who he was living with? A No sir, I don't know.
- Q Well now, where were you and how did you happen to be at Paris Texas, when you saw him? A I was sent out there by the man I belonged to.
- Q You belonged to Melton? A To Dr. Thompson.
- Q Well, Dr. Thompson's family was out there to about that time?
- A No sir.
- Q Do you know what part of Texas Abe Shaw went to during the war?
- A He was in Paris; I forget what county that was in.
- Q In Lamar County? A Yes, Lamar County, I reckon.
- Q How old were you when the war closed? A I guess I was about 27, I think.
- Q You had a family of your own have you? A No sir.
- Q What time of the year did you come back to the Cherokee Nation?
- A In '65.
- Q With whom did you return? A I come from Texas with a man by the name of Glyn.
- Q You came direct to Fort Smith from Texas? A Yes sir.
- Q You were living on the Choctaw side of the river when you first saw this applicant's father? A When I saw him come across the river I was working on the river on the Choctaw side.
- Q You had no family? A I was with my mother.
- Q Was your mother living on the Cherokee side?

6- Virgie Shaw -

A At that time we were on the Choctaw side, on the government reserve.

Q How old was this Abe Shaw at that time? A I don't know how old he was a good big boy.

Q Was he grown? A No, he was younger than I was.

Q You had never known him before the war? A No sir.

Q Or his people? A No sir.

Q There were two boys as I understand you crossed the river when you first saw him? A There was four of them.

Q What was the names of the other three boys? A I don't know, they were strangers to me.

Q He was a stranger? A I knowed him personally.

Q What made you tell me you never knew anything about him before?

A I said I saw him often in Fort Smith. He was a stranger to me in Texas.

Q You came back in '85 did you? A Yes sir, backward and forward.

Q When did you get back and stay? A In the last of '86 when I moved here.

Q What time did you move here? A In Christmas week of '86 I moved my mother over.

Q How long was it after you moved your mother over until you saw this boy cross that river? A That was before that I saw him cross the river.

Q You and your mother and all had lived in the Choctaw Nation and lived in the Choctaw Nation until Christmas of '86? A No sir, I was working over here and I never moved my mother here until '86.

Q What work had you been doing in the Cherokee Nation? A Cutting wood and making rails.

Q For whom did you make rails and cut wood? A For the Government.

Q In what country? A In the Cherokee Nation.

Q What government? A The United States Government was having it cut.

Q What was the United States Government doing with any wood they were having cut? A That was in '85.

Q What did they do with it? A They carried a lot of it over there, and after the laws were over there

Q Answer the question? A They carried a lot of it in Fort Smith and the rest of it was left which hundreds of cords was left here.

Q On whose place was it left? A A part of it was left on Miss Franklin's and Mr. Alexander's the land and part of it to Mr. Payne.

Q How did it happen that they crossed the river and ferried it to get wood when the entire country surrounding Fort Smith, in the state, was a timbered country? A I can't tell that; I can prove that was done.

Q Who was the boss or contractor for whom you worked when you cut this wood? A E. E. Shaw, and I forget the other man.

Q Was Shaw a white man or Cherokee? A A white man.

Q Well now, what Cherokee families lived in the bottom there in '85 when you cut this wood? A This was in '85.

Q Well Cherokee families lived there in '85? A George Johnson was living the nearest to us I believe.

Q He is dead is he? A Yes sir.

Q Can you name a white family or Cherokee family that was there in '85 that is now living when you were cutting the wood? A I don't know of a one, there was such a few people.

Q Where was Neal Fryor living at that time do you know him? A I don't know him.

Q Do you mean to say you lived in Sequoyah District from '85 up until this time and you don't know him? A No sir, I don't know him by that name.

7-Virgie Shaw-

Q Where was Joe Bowers' living at that time? A He was living in Fort Smith. He can help me out in this. He was living in Fort Smith.

Q Did you ever know a man by the name of Kennedy, he was living in Fort Smith about that time? A Yes sir, Jerry Kennedy.

Q Where was he living? A He was living in Fort Smith.

Q Was he running his mill and machinery there then? A Yes sir,

Q What part of the city was that machinery located? A I couldn't tell you who owns the ground now, but when I am there I can show the place; I reckon it is just above Mr. Miles' store on the right hand side of the street from the river.

Q How did you happen to come up here today? A This woman went after me.

Q Which woman? A The sister, Mollie Love.

Q You were in Fort Gibson last September were you when she applied during the time the Commission was sitting there? A No sir, I guess it was earlier than that.

Q In April? A Yes sir.

Q When did she come down to see you about this matter? A Day before yesterday.

Q When did you first think of the fact that you saw this Abe Shaw across the river there in '66? A That was along - oh, it has been a year or more.

Q You were examined now before the Wallace Court? A Yes sir.

Q And the Kern Clifton Court? A Yes sir.

Q And never thought of the fact that you saw him cross the river?

A I don't know, I never thought about it, but what made me think of it me and the other fellow was together.

Q What was his name? A I don't know his name. And one of the boys Jack was at the river and dropped a gun in the river and a talk come up about that.

Q Did this talk come up about a year ago? A Yes, a year or more.

Q You were talking about past times and you can't remember a single name except the father of these applicants, can you? A No sir, they were all strangers to me.

Q Do you remember this transaction of the boy crossing the river with three other boys in '66 and that you were called as a witness to testify before the Wallace Court and the Kern Clifton Court and didn't think of it and until about a year ago you had a conversation with a man who called it to your mind and that now you can't think of that man's name? A Yes sir, I mean that. That man was a stranger too as well as the others.

Q Did you have this incident called to your mind by a stranger and allowed him to separate from you without asking him his name?

A We weren't on citizenship business.

Q I never said a thing about citizenship business, leave your mind off citizenship business? A I was just telling you that. He called it to my mind and I didn't find out his name, I wasn't thinking anything about this.

Q Did the man who called your attention to the fact that you had seen Abe Shaw cross the river raise the subject with you? A No sir, he didn't raise it to me in particular.

Q Did he tell you where he lived? A No sir.

Q What kind of a man was he? A He was a black fellow.

Q Was he a thousand years old or fifteen? A I don't suppose either one, he was between a thousand and fifteen I suppose.

Q Where was he at the time this conversation took place? A We were down here close to Dora.

Q In Arkansas? A In the Indian Nation.

Q When did the conversation take place, last week? A Well, I couldn't tell exactly how long it has been. It took place something like a year or more.

Q It took place since Mrs. Fields deposition was taken last April? A No, I guess not. Last April, no sir, it has been before that.

Q When did you first tell the applicant that you remember the incident of the boy crossing the river? A Not until last night.

8-Virgie Shaw-

Q How did she find out that you knew anything about it? A They always thought I knew Abe, but they didn't even then know I knew this much.

Q Did they have you subpoenaed when the application was made? A No sir.

Q They know it then, about as much as you knew about it as they do now, didn't they, when they made application in April? A They didn't know anything about that.

Q You had testified once before for them in the Wallace Court? A For Abe, I testified who he belonged to.

Q Didn't you testify to the truth in the matter? A I testified I knew he belonged to Shaw.

Q You didn't know that by your own knowledge? A I know that the same as other things.

Q Did you know he belonged to Shaw? A Yes.

Q Where was he living? A Shaw was in the grave, he was dead when I first saw him, but his wife was yet living at the time, they started to run away and they come back and she had a team, and the rebel soldiers captured them and taken them back to Paris.

Q Are you telling about the giving up of the team from what you heard or of your own knowledge? A That is all I know.

Q You never was at Mr. Shaw's house? A No sir.

Q And you know nothing about his ownership before the war? A Nothing only what I have heard.

Q I am not asking you what you heard. When you first met him the emancipation proclamation had been issued? A No sir.

Q When did you meet him? A The emancipation proclamation was made.

Q He was a free man when you met him? A They had him yet under bondage.

Q He had him under bondage? A I couldn't swear who owned black people only what I heard.

Q Don't you know it is a fact that you yourself didn't go to Texas until after the war was declared? A No sir.

Q How long had you been in Texas before you saw this boy? A I didn't exactly remember just exactly how long that was.

Q When was the Wallace Court in session, when did it make the Wallace Roll? A In '90, I reckon.

Q When was the Kern Clifton Court? A In '96 I reckon.

Q You knew more about this family and the early history of them in '90 and '96 than you know to-day, didn't you? A I knew as much, but I have forgot.

Q What was the man's name that Abe Shaw was with when you first met him in Texas? A These parties had him in the wagon that captured him.

Q Answer the question? A I can't tell.

Q What was the man's name when you next seen him at Fort Smith that he was with? A I couldn't tell who he was with only I remember of seeing him.

Q When did you first know of your own knowledge of Abe Shaw living in the Cherokee Nation? A That I can't say to tell for his living.

Q With whom or near whom was he living when you first remember of your own knowledge, he was living in the Cherokee Nation? A I don't remember, I won't tell a false, I don't know whom he was living with.

Q After he married with whom was he living? A The first I knowed of him after he was married he was in the states; I can't think of the man's name.

Q Then they lived on Lee Creek about seven miles north of Van Buren, Arkansas, in the state? A Something like that.

Q About when was that? A Now stop - That was with Ann I am speaking about. He was married before that.

Q What was his first wife's name? A Harriett Hooker.

Q Where did they live when he married her? A They lived with Phil Blackburn.

Q Where did Phil Blackburn live? A He lived about two miles west of Dora.

Q In the Cherokee Nation? A Yes, in the Cherokee Nation.

9-Virgie Shaw:

Q Was he living in the Cherokee Nation when he married Harriett?
A Yes sir.

Q Where were they living when Fennie was born? A I don't know, sir.

Q Where were they living when Virgie was born? A I couldn't tell who they were living with when these children were born.

Q Do you know where they were living when either one of their children was born? A I couldn't tell which ones of them.

Q Where were they living when his wife Harriett died? A She didn't die; she isn't dead yet.

Q Well, where does she live? A She lives about three miles southwest of Muldrow.

Q What is she a freed woman or a state woman? A She is a state woman.

Q Do you know where she was raised; did you ever see her any place else except in the Cherokee Nation? A In Texas I saw her, she was raised in Texas.

Q Didn't Harriett & Abe live in the Cherokee Nation quite a while?
A I don't know.

Q Do you know what Harriett's name is now? A Jackson is the man's name now.

Q Do you know whether her postoffice is Muldrow? A I don't know whether it is Muldrow or Foreman.

Q When Abe moved up there how far did he live from Muldrow? A When he moved up where?

Q In Sequoyah District, Cherokee Nation? A I don't know, six or seven miles I reckon.

Q Was Muldrow his postoffice then? A There was no Muldrow then.

Q When Virgie and them moved over there what was their postoffice?
A I don't know whether there was a postoffice there then.

Q When Virgie moved there? A When they first moved there.

Q Do you undertake to say that any of these children of Abe Shaw ever lived in the Choctaw Nation? A Not that I know of.

Q Could they have lived there and you not have known it? A Not long, they could have been there a short time.

Q Don't you know that one of the applicants in this case testified that they lived in the Choctaw Nation and got a letter from one of their brothers, postmarked Muldrow, and then the father and them moved there? A If they lived in the Choctaw Nation I don't know it.

Q If one of the applicants testified that their postoffice was Muldrow was that true or could it not have been true? A It could not have been true. This girl when she came to the nation there was no Muldrow.

Q They were old enough to remember were they not when they came?
A I don't reckon they could.

Q Which one do you think wouldn't know when they came? A I don't think any of them would know.

Q How old was the oldest child when they moved to the Cherokee Nation after the war? A I couldn't tell that.

Q Was there any of them born by Harriett? A They never had any children. I thought you were talking about the other woman, Ann.

Q Was Ann the first woman or last wife? A His last wife.

Q Didn't Harriett and him have no children? A No sir.

Q How many children were born to Ann when they moved to the Cherokee Nation? A They had one or two.

Q You don't remember their names? A I know the three oldest children's names.

Q What are their names? A I forget the oldest. George and Albert is the oldest, and Fennie.

Q Where is Albert living now, he is the fellow that has always lived in the Choctaw Nation where he was born and raised? A He wasn't born and raised there.

Q If he said so it isn't true? A No sir, it isn't true.

Q How long since you have known where Albert was living? A In the last three years I don't know much about him.

Q Was he living in Sequoyah District? A Yes, I have seen him there in the last three years.

Q Is he living there? A I don't know where he is living; he is not living there.

Q Where is the oldest one living? A I think he is dead.

Q So all you know about the return of the father of these children, you claim to have seen him and three other boys cross the river in the Cherokee Nation in '66? A Yes sir.

Q What part of '66 was that? A That was along in the winter like.

Q Of '65 and '66 or '66 and '67? A Before Christmas in '66.

Q And you remember him and can't remember another man that was with him? A The others was strangers; I knowed him, I can't know one man and not know the others.

A. S. McRea: Did I understand you to say Mr. Melton, that you testified in behalf of Abe Shaw before the Kern-Clifton Commission?

A No sir.

Q You didn't make no statement? A I don't remember what time he got back.

Q Then you didn't remember what time he got back? You state positively now that you seen him in the Cherokee Nation in the winter of '66? A I seen him come across the river; I seen him on the other side of the river.

Q Do you know of any one that did testify in his behalf, of your own knowledge, before the Kern-Clifton Commission? A No sir.

Q Mrs. Fields testified that Abe Shaw in her opinion came back here and all the rest of his family sometime in the '80s, is her statement correct relative to that particular time and return? A To the Cherokee Nation - Abe was living with me in '65.

Q I am speaking of '80s is her statement correct? A No sir, because Abe was living with me in '75, not '65, in '75 at the time of the first payment.

Recross-examination: As I understand you, you testified for the applicant before the Wallace Court? A Yes sir.

Q And for the Cherokee Nation before the Kern Clifton Court? A Yes sir.

Q Now in regard to Mrs. Fields' statement there, you don't seem to remember names very well in '66 do you? A I remember names alright but names I didn't know I can't.

Q You say her statement is incorrect as to Abe Shaw and his family returning in '80, what family did Abe have in '80? A As that being another time; but in the first time Abe had no family, then he had another family, he may have returned in '80 with his last family.

Q You say he has always lived continuously in the Cherokee Nation since 1866? A All the time I have seen him, off and on.

Q How much off and how much on? A I never failed to see him once a year, to him

Q How near have you been living since '66? A I don't believe we ever lived ten miles apart or over.

Q And you are positive he never lived in the Choctaw Nation since the war? A I never have known him to live there; if he lived there it was a short time.

Q And you don't know where his oldest son Albert is living now?

A No sir.

Q And you don't know where he has been living? A Not for the last few years.

Q Do you know where George Shaw is living? A They tell me he is dead, I don't know.

Q Where was he living the last time you knew of his living at all?

A I don't know whether he is living or not.

Q In what country did he live when he was living? A I seen him in Fort Smith the last time.

Q Do you know where he lived when he kept house? A I never knew him to keep house.

-El Virgie Shaw-

A. S. McRea, being sworn, testified as follows:
By Commission: What is your name? A. A. S. McRea.
Postoffice, Muskogee.

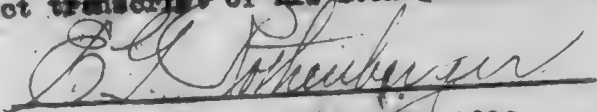
The attorney in behalf of the applicants desires to state that before filing affidavit requesting the Commission to ask the Commission to take deposition of Mrs. Charlotte Fields that I had before that time had corresponded with Mrs. Charlotte Fields relative to her knowledge as to the ownership and return of Abe Shaw, the father of these applicants.

J. S. Davenport: I desire to move that that correspondence be attached to as part of his testimony, and object to any oral testimony being given as to what the correspondence was.

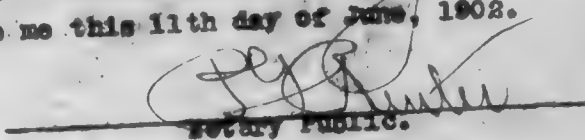
A. S. McRea: I will file the correspondence.
Commission: The attorney for applicant is directed to file the correspondence which he had with Mrs. Charlotte Fields relative to depositions heretofore taken in this case.

This testimony will also be filed with and made a part of the record in the case of George Shaw, B-1170 (1107), also represented by A. S. McRea.

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



Subscribed and sworn to before me this 11th day of June, 1902.


Notary Public.

DOPY.

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

In the matter of the application for the enrollment of
Vergie Shaw et al. as Cherokee Freedmen, consolidating the applica-
tions of

Vergie Shaw, et al.-----Cherokee Freedmen D 1059,
George Shaw,-----Cherokee Freedmen D 1107.

D E C I S I O N .

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by William H. Simms, for Vergie Shaw and her minor brothers and sisters, Tennie Shaw, Anderson Shaw, Emanuel Shaw, Augustus Shaw and Wooster Shaw, and by George Shaw, for himself.

The evidence shows that all of the applicants herein have been born since 1866 and are the descendants of and claim right to enrollment through one Abe Shaw, deceased.

The evidence further shows that the said Abe Shaw was the slave of a Cherokee citizen at the commencement of the war of the rebellion; that, during said war, he was taken out of said nation into the State of Texas, and that he did not return to said nation until after January 19, 1867.

None of the names of the applicants herein 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 Vergie Shaw, Tennie Shaw, Anderson Shaw, Emanuel Shaw, Augustus Shaw, Wooster Shaw and George Shaw, 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.

(SIGNED).

T. B. Needles.

(SIGNED).

C. R. Breckinridge.

(SIGNED).

W. E. Starbuck.

Muskogee, Indian Territory,

this Jul 1-1903.

Power of Attorney

From

G. Shaw

To

Dr. Mrs. S. Jones

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

FEB 13 1902



Power of Attorney.

Know all men by these Presents,
That I George Shaw of the City
of Muscogee Indian Territory, do
here by make, Constitute, and appoint
Doctor Wm H. Jones of Muscogee
Indian Territory my true sufficient
and lawful Attorney, for me in my
name to present my application
to the Commission to the Five Civilized
Tribes for enrollment as a Cherokee
freeman for the reason that I am
not ^{ably attend} ~~to~~ ^{to} myself by reason of
sickness, and to do and perform
all necessary ⁱⁿ the execution and
prosecution of the aforesaid business
in as full and useful a manner
as I might do if I were personally
present.

In witness whereof I have hereunto set my
hand and Seal this 17th February 1902.
~~Wm H. Jones~~ ^{Geo Shaw}

Signed sealed and delivered in the presence
of

Subscribed and sworn
before me this 17 day of Feb. 1902

Attest J. J. Jones

COPY.

Choctaw F.D-1059

Muskogee, Indian Territory, July 13, 1903.

William H. Sims,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, reflecting, among others, your application for the enrollment of Yergie, Tannie, Anderson, Emanuel, Augustus and Wooster Shaw 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,

T. B. Needles

Commissioner in Charge

Enc. 2-22

Register

COPY.

Cherokee F.D-1089
-1107-

Muskogee, Indian Territory, July 13, 1903.

A. S. McRea,

Attorney for Vergie Shaw et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Vergie Shaw et al., rejecting the applications for the enrollment of Vergie, Tennie, Anderson, Emanuel, Augustus, Wooster and George Shaw, as Cherokee freedmen. There has heretofore been furnished you 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,

T. J. [Signature]
Commissioner in Charge.

Enc. D-88

Register.

COPY.

Cherokee F&D-1089-
1107

Muskogee, Indian Territory, July 13, 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 1, 1903, in the consolidated case of Vergie Shaw et al., rejecting the applications for the enrollment of Vergie, Jennie, Anderson, Emanuel, Augustus, Wooster and George Shaw, 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,

T. B. N. S. S.

Commissioner in Charge.

Enc. D-89

COPY

Cherokee F.D-1089-1107.

Muskogee, Indian Territory, July 13, 1903.

The Honorable

the Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Vergie Shaw et al., together with a copy of the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Vergie, Tennie, Anderson, Emanuel, Augustus, Webster and George Shaw, as Cherokee freedmen.

Respectfully,

T. D. Needles

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-90

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 F.D-1107

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, July 13, 1903.

George Shaw,

Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting, among others, your application for the enrollment of yourself as a Cherokee freedman. There has heretofore been furnished your attorney, A. S. McRea, 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,



Commissioner in Charge.

Enc. 2-07
Register.

(COPY)

Refer in reply to
the following:
Land.
44,287-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, Dec. 11, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, a report from the Commission to the Five Civilized Tribes, dated July 13, 1903, transmitting the record relative to the application of Virgie Shaw, et al., for enrollment as a Cherokee freedman.

Virgie Shaw applies for enrollment of herself and her minor brothers and sisters, Tennie, Anderson, Emanuel, Augustus and Wooster Shaw, and George Shaw applies for the enrollment of himself as a Cherokee freedman.

July 1, 1903, the commission held that the applicants were not entitled to enrollment as Cherokee freedmen.

The record in the case shows that the applicants were born since 1866, and that they are descendants of Abe Shaw, deceased. Abe Shaw was the slave of a Cherokee citizen at the commencement of the late civil war and was taken out of the nation into the State of Texas. None of the applicants are identified by the 1880 roll. Abe Shaw, it appears, belonged to Charlotte Fields. Alice Dixon testified that Abe Shaw returned to the Cherokee Nation in 1866 "in the

summer like." J. H. Bowen testified that he did not see Abe Shaw in the Cherokee Nation until about 20 years ago, which would be in 1882. Harrison Foreman testified that Abe Shaw returned to the Cherokee Nation "along in the summer of 1866." Charlotte Fields testified that Abe Shaw belonged to old man Shaw when the war broke out; that he belonged to her sister, Mrs. Joel B. Mayes "when a little boy;" that he was taken south during the war and that she does now know when he returned to the Cherokee Nation.

From the testimony of John Bowen it appears that Abe Shaw could not have been a resident of the Cherokee Nation in 1866 or 1867 without said Bowen having known him.

All of the applicants, except Augustus, Wooster and George Shaw, are identified by the Kern-Clifton roll.

In view of the record and as it seems that the ancestor of these applicants did not return to and settle within the limits of the Cherokee Nation within the time limit fixed by the treaty of 1866, they are not entitled to enrollment as Cherokee freedmen, and the approval of the commission's decision adverse to them is recommended.

Very respectfully,

W. A. Jones,

Commissioner.

(G.A.W.) P.

D C 35171-1903

(COPY)

J.P.

ITD 8782-1903.

DEPARTMENT OF THE INTERIOR,

CMR

L.R.S.

WASHINGTON.

December 18, 1903.

The Commission

to the Five Civilized Tribes.

gentlemen:

December 11, 1903, the Commissioner of Indian Indian Affairs submitted the case involving the application for the enrollment of Virgie, Tennie, Anderson, Emanuel, Augustus, Wooster, and George Shaw, as Cherokee freedmen, submitted with your letter of July 13, 1903, you having rendered your decision in the case July 1, 1903, holding that the application should be denied under the provisions of section 21 of the act of June 28, 1898 (30 Stat., 495).

It appears, as stated in your decision, that the applicants were born since the year 1866 and are descendants of Abe Shaw, deceased; that Abe Shaw was a slave of a Cherokee citizen at the commencement of the civil war and was taken out of the nation to Texas; that none of the applicants is identified on the 1880 roll. All of the applicants, except Augustus, Wooster, and George Shaw are identified on the Kern-Clifton roll.

The Commissioner states that in view of the record and as it seems that the ancestor of these applicants did not return to or stay within the limits of the Cherokee Nation within the time fixed

-2-

by the treaty of 1866 (14 Stat., 799, Art. 9), they are not entitled to enrollment as Cherokee freedmen.

The Department entertaining the same views in regard to the matter, your decision is hereby affirmed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee freedmen
D 1059
D 1107

Muskegee, Indian Territory, March 18, 1904.

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

Dear Sir:

You are hereby advised that the commission's decision dated July 1, 1903, rejecting the application of William H. Sims for the enrollment of George, Vergie, Tenny, Anderson, Emanuel, Augustus and Wooster Shaw, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 18, 1903.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 1089
D 1107

Muskogee, Indian Territory, March 18, 1904.

A. S. McRae,

Attorney for George Shaw, et al.,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the application of William H. Sims for the enrollment of George, Vergie, Tenny, Anderson, Emanuel, Augustus and Wooster Shaw, as Cherokees freedmen, was affirmed by the Secretary of the Interior on December 18, 1903.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D 1089
D 1109

Muskogee, Indian Territory, March 18, 1904.

William H. Sims,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting your application for the enrollment of George, Vergie, Tenny, Anderson, Emanuel, Augustus and Webster Shaw, as Cherokee freedmen, was affirmed by the Secretary of the Interior on December 18, 1903.

Respectfully,

Commissioner in Charge.

RECEIVED
FILED
MAY 13 1902

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MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN. Muskogee, I. T.

Date February 12, 1907

Post Office Muskogee,

District

1. Name George Shaw Age 24

Owner's name Citizenship

Year K C Page 121 No. 3008 District Sequoyah

Parents:

Father Abe Shaw - d Citizenship Ci. In

Mother Ann Shaw - d Citizenship Mrs

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 W. S. Smith, Muskogee, I. T. Stamp: W. R. Green

On K. C. roll as George Shaw
Not on Wallace roll

Represented by A. S. M & Co.
Ref to C. 1057

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

U. S. GOVERNMENT,

MUSKOGEE, I. T.

FILED-1107.

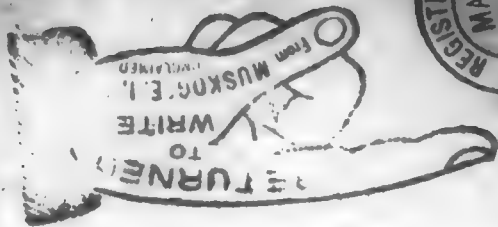
Director.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

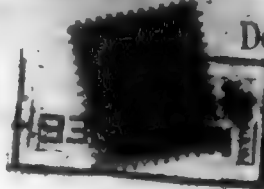
Penalty for private use, \$300.

5387

Mr. George Shaw,

Muskogee, Indian Territory.

10251



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

George Shaw,

Muskogee, Indian Territory.

SEP 4 1903



Cher. Fr. R. 231

See Cher. Fr. 1280

Cher. Fr. R. 231

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 14th, 1901.

In the matter of the application of Bessie Chapman for the enrollment of herself and one child as Cherokee Freedmen; said Chapman being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your full name? A Bessie Martin.
Q Who is it you want to apply for? A Myself and one child.
Q How old are you? A I am 25 years old.
Q What is your post office? A Chelsea.
Q In what district do you live? A In Cooweescoowee I guess.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Are you a recognized Freedman of the Cherokee Nation? A No, sir, I don't know.
Q You call yourself a Freedman in the Cherokee Nation don't you? A Yes, sir.
Q Have you been put on the rolls of the Cherokee Nation heretofore? A On the Clifton roll.
Q You drew Cherokee strip money did you? A Yes, sir.
Q Give me the name of your father? A Tobe Martin.
Q Is he living? A No, sir.
Q How long has he been dead? A About four months.
Q Give me the name of your mother? A Ellen McNair.
Q Is she dead? A Yes, sir.
Q How long has she been dead? A I don't know, sir.
Q Died when you were a baby? A Yes, sir.
Q Have you been married? A Yes, sir.
Q To whom were you married? A I married a Chapman now.
Q What is his full name? A Gus Chapman.
Q Your husband at the present time is Gus Chapman? A Yes, sir.
Q Well, your name is Bessie Chapman? A Yes, sir.
Q Why, didn't you say so? A I used to be Martin.
Q Is your husband a Cherokee Freedman? A No, sir.
Q You make no application for him? A No, sir.
Q When did you marry this husband? A About a year ago, going on two years now.
Q Were you ever married except to him? A Yes, sir.
Q How many times were you married before you married this husband? A Just once.
Q Give me the name of your first husband? A Rufus Bean.
Q Is he living? A No, sir.
Q Was he a Cherokee Freedman? A Yes, sir; said to be.
Q How long has he been dead? A About four years as near as I can remember.
Q Give me the name of your child? A Beulah.
Q Beulah what? A Beulah Bean.
Q Is she a child of your first husband? A Yes, sir.
Q How old is that child? A Eight years old.
Q Is this child living now? A Yes, sir.

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

- Q Did this child, Beulah, have any name except Beulah? A Yes, sir; she had Ruble, and Papa enrolled her as Ruble.

The Kerns-Clifton Roll of Freedmen of the Cherokee Nation examined and the names of applicants found thereon as follows:

Page 142, #3531, Bessie Martin, Cooweescoowee District.
Page 142, #3532, Ruben Martin, Cooweescoowee District.

Q Is this child a girl or boy? A It is a girl.
Q You want it called now Beulah? A No, sir, I want it to go by the name my father enrolled it.
Q It is on the roll as Ruben, but Ruben is not its exact name?
A No, sir, I usually call her Beulah.
Q Well, that other name you spoke of, is it Ruble or Buby? A Ruby.
Q Well you want the child enrolled as Rubis? A Yes, sir.
Q Well now, it seems that neither you nor your father nor mother are on the roll of 1880, and your husband you say is a state man and none of you are on the roll of 1896; how can you account for your being left off of these rolls? A I don't know, sir.
Q Well, you were too young to know anything about the war and your father and mother are both dead; are there any of the old people here who can tell anything about your mothers rights or your fathers rights? A Yes, sir, my father's right, Jim Alberty.

JIM ALBERTY, being sworn and examined by Commissioner
C. R. Breckinridge, testified as follows:

Q Give me your name? A Jim Alberty.
Q How old are you? A 70 years old I guess.
Q What is your post office? A Chateau.
Q In what district do you live? A Saline.
Q How long have you lived in the Cherokee Nation? A All my life, this 70 years I spoke of.
Q All your days? A Yes, sir.
Q Do you know this applicant here, Bessie Chapman? A I know her people.
Q What was her father's name? A Tobe Martin.
Q And her mother, what was her name? A Ellen Martin, was McNair before she married him.
Q Do you know her to be the daughter of Tobe and Ellen? A Yes, sir.
Q How long have you known this woman? A I known her when she was born, she was born on my place.
Q She is married now is she? A Well, I can't tell that, haven't seen her for a long time.
Q Haven't seen her for how long? A I haven't seen her for several years.
Q Haven't been keeping the run of her? A No, sir.
Q What name does she go by now? A I do not know, sir, I never asked what name she goes by; I haven't saw her before until now, seen her this morning, never did ask her her husband's name at all.
Q Well now, this woman's mother, Ellen, was she a Cherokee slave at the beginning of the war? A Yes, sir.
Q To whom did she belong? A McNair was her first owner, Jim McNair.
Q Where did he live? A He lived on Grand River, I don't know how far from here.
Q He was a Cherokee citizen was he? A Yes, sir.
Q Lived near you? A Yes, sir.
Q Were you a slave in the Cherokee Nation? A Yes, sir.
Q Who was your master? A John Alberty.
Q How far did you live from Mr. McNair's? A About four or five miles.
Q What became of this woman's mother during the war, where did she go? A I can't tell, don't know.
Q How long has this woman's mother been dead? A Well, she has been dead, I don't know how long, it must have been about 14 or 15 years, as nigh as I can guess.
Q Did you see much of Ellen McNair before she died? A No, sir, much of her how?
Q Met her in the same neighborhood? A Oh, yes, sir...
Q Did she die in your neighborhood? A Died right at my house till she, when they moved from my house, just then she died, she died right across the Creek, about a quarter of a mile.

- Q How long has she been living there close to you, when she died?
A She didn't live close to me; she lived on my place, she had been living there a year or two, she made a crop there.
Q That was just before she died? A Yes, sir, well her man was making a crop on my place; she died right across the creek.
Q Where did you first see her after the war closed? A Right there.
Q Had she lived right there from the time the war closed down to the time of her death? A Yes, sir.
Q When did she first come there? A Well, she come there in '66 the fall.
Q Where did she come from? A Why, she come from North I guess, what they said.
Q What did they say? A Come from North.
Q Do you remember where she had been up North? A No, sir.
Q Did she never tell you anything about her experience up there?
A No, sir, nothing more than that she had been up there.
Q Well now, Tobe Martin, what do you know about him since the war?
A Well, I saw him here about that time.
Q Are you certain about when you saw him as about when you saw his wife, Ellen? A Yes, sir, pretty well.
Q They were not married when the war closed were they? A I don't know.
Q They were married when you first met Ellen? A Yes, sir; I was thinking about the wife he has got now.
Q Wife who has got? A Tobe.
Q Tobe is dead isn't he? A I never heard it; the last time I was up in that way I saw him, that was along about a year ago.
Q He was living then? A Yes, sir.
Q Has it been as long as two years ago? A No, sir, it has not been two years ago, well probably it was two.
Q Maybe as much as two years ago? A It maybe, I ain't positive.
Q But not over two years ago, you don't think? A No, I don't think it is.

BY J. S. DAVENPORT, Cherokee Representative:

- Q How many Tobe Martins did you ever know in this country? A I knowed of two.
Q Well, where did the other one live besides the one you have been telling about? A Lives here at Vinita.
Q Now, you were living on what Creek when Ellen and Tobe came back to your house after the war? A Big Creek.
Q How long had you been living there? A I had been living there, I built that house directly after the war.
Q How long after the war? A Right there, it was not hardly six months.
Q Was it four months? A No, I guess not.
Q Where were you when the war closed? A I was in the army.
Q In what Army? A In the Northern army, the 57th colored.
Q Where were you when the war broke out? A I was right here on Pryor Creek.
Q To whom did you belong at the time the war broke out? A John Alberty.
Q You hadn't been sold by John Alberty to a man in the States before the war broke out? A No, sir.
Q You are positive of that? A Yes, sir.
Q You are positive you were here in the Cherokee Nation when the war closed? A Yes, sir.
Q Where were you mustered out? A I wasn't mustered out.
Q How did you get away? A I ran off.
Q You were a deserter? I suppose so, that is the way I got here.
Q You know, Jack, how you got here? A Of course.
Q Now, who was living on Big Creek when you went up there to settle your place? A Ward and Sanders.
Q Tuck Sanders? A Yes, sir.
Q Who were the Cherokees? A Albert Morris was there.

Bessie Chapman, et al.--4.

- Q Where was Jim Martin living? A He was not living there.
- Q Where was Bill Martin living? A I don't know.
- Q Tuck Sanders was living there? A Yes, sir.
- Q He will know exactly when you came there and settled your place? A I reckon he will.
- Q Don't you know he will? A I don't know; I don't know what Tuck will know.
- Q Are you a recognized Freedman of the Cherokee Nation? A You can judge that, I don't know.
- Q You know whether you have been recognized or not? A Recognized which way?
- Q Are you on the 1880 roll? A No, and you know I ain't.
- Q Are you on the 1896 roll, made by the Cherokee Nation? A No, sir.
- Q Are you on any of the rolls the Cherokees have made? A I don't know.
- Q Jim I want to know how long it has been since you saw Tobe Martin living? A I don't know, I can't keep the run of it; I can't hardly more than tell you the day of the week.
- Q Where was he living the last time you saw him? A On Panther Creek.
- Q And that has been something like a year or more ago? A I don't know.
- Q Really you don't know whether you have seen him since the war do you? A Yes, sir, I do.
- Q You don't know how long it has been? A No, sir.
- Q You remember 1866 very distinctly? A Yes, sir, people like you told me that was the time.
- Q Now what white men told you it was 1866? A I don't know.
- Q There was not any people living up there hardly? A No, sir.
- Q From Kansas on down here there was not half a dozen houses? A I don't know.
- Q Now, Uncle Jim, when you come back from the war how did you come down to Big Creek? A By foot.
- Q Walked all the way? A Yes, sir.
- Q You came to Vinita at that time didn't you? A There was not no Vinita.
- Q Was there a post office? A I don't know.
- Q Where did you get your mail? A I didn't get none.
- Q Didn't have any post offices? A There might have been post offices, but there is nothing there for me.
- Q Do you know whether or not this woman's mother and father, Tobe Martin, are recognized citizens of the Cherokee Nation? A I don't know.
- Q Don't you know they were not? A No, sir, I don't know that; there was mighty few recognized citizens of our people.
- Q Quite a number are on the 1880 roll? A I don't know.
- Q Whom came to your house with this Ellen Martin? A Her husband.
- Q Tobe? A Yes, sir.
- Q No one else? A Yes, sir.
- Q Do you know how old this girl was? A This girl was not born then.
- Q How long did she stay there by you? A Something like ~~two~~ years.
- Q And then she died there? A Yes, sir.
- Q She came down to your house in 1866? A Yes, sir.
- Q And made a crop there? A Yes, sir.
- Q Lived there about one year? A Yes, sir.
- Q And then the mother of this girl died there? A Yes, sir, did.
- Q The girl was about a year old wasn't she? A I don't know.
- Q She was born? A Yes, sir; she was born there.
- Q Before her mother died? A Yes, sir.
- Q And she came there just after the war along in 1866? A Yes, sir.
- Q And didn't stay there only to make one crop? A Yes, sir.
- Q And her mother died while they were making that crop? A Yes, sir.

BY W. W. HASTINGS, Cherokee Representative:

- Q You are positive about that? A I am positive that they stayed there at my house.

JERRY RILEY, being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

- Q Give me your name? A Jerry Riley.
Q How old are you? A About 47 or 48.
Q What is your post office? A Chelsea.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know the applicant here, Bessie Chapman? A Yes, sir.
Q What is her husband's name? A Chapman.
Q His given name? A I don't know his first name, we always called him Chapman.
Q What was her name before she married? A Bessie Martin.
Q Is she a daughter of Teber Martin? A Yes, sir.
Q Was she ever married before she married Chapman? A Yes, sir.
Q Who was she married to? A Rufus Bean.
Q Bean is dead isn't he? A Yes, sir.
Q Has she got a child of that marriage? A She has got a child, I don't know whether it is Bean's or not.
Q How many children has she got? A Only one as I know of.

COM'R BRECKINRIDGE:--The applicant applies for the enrollment of herself and one child, the child being by a former marriage: The applicant claims to have lived in the Cherokee Nation all her life. A She is identified on the Kerns-Clifton roll, but she is not identified on the roll of 1880 or upon the roll of 1896. Her mother appears to have died before 1880 and her father is not identified upon any roll. The testimony in this case is of a conflicting character and for its further consideration the applicant will now be listed for enrollment as a Cherokee Freedman on a doubtful card. Her change of name arising from marriage is established in a satisfactory manner. The child which she desires enrolled as Ruby Bean is identified on the Kerns-Clifton roll and not upon the roll of 1896. The child is living and will be listed for enrollment as a Cherokee Freedman upon a doubtful card.

SUPPLEMENTAL TESTIMONY TO THE ABOVE APPLICATION:

BESSIE CHAPMAN, the Applicant, re-called, testified as follows:

- Q How old was your husband, Rufus Bean, when he died? A I don't know.
Q Well, about how old was he much older than you? A Yes, sir, away older than me.
Q Considerably older than you? A Yes, sir.
Q Nancy Bryant, do you know whether that was in his family? A Yes, sir.
Q What was the name of Rufus Bean's mother? A Nancy Bryant.

The 1880 Authenticated Roll of Freedmen of the Cherokee Nation examined and the name of applicant's former husband found thereon, page 619, #168, Rufus Bean, Saline District.

- Q Were you ever married before you married Rufus Bean? A No, sir.
Q How many times had he been married before he married you? A Once.
Q Was his first wife dead when he married you? A No, sir.
Q Had he ever been divorced from her? A I don't know, sir; he said he had, I don't know.
Q You don't know about that? A No, sir, I don't.

Ressie Chapman, et al.--6.

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 May 15th, 1901.

Signed C R Breckinridge,
Commissioner.

-----:0:-----

I, D. C. Skaggs, stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a full, true and correct copy of the original now on file with the records of the Commission.

Subscribed and sworn to before me this 21st day of April 1904.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 4th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
Bessie Chapman as a Cherokee Freedman, introduced on part of the
Cherokee Nation:

APPEARANCES:

Mr. W. W. Hastings, of Counsel for Cherokee Nation.

Proof of service made, applicant fails to appear after
being called.

JOHN CROSS, being duly sworn by Commissioner Needles, testified
as follows, on part of Cherokee Nation:

MR. HASTINGS: What is your name? A John Cross.

Q What is your age, Mr. Cross? A 63.

Q What is your post office? A Mapleton, Burton County, Kansas.

Q How long have you lived there? A I have lived there since '62.

Q Did you know a colored man by the name of Tobe Martin?

A Yes, sir.

Q Did you know his wife's name? A Yes, sir; his wife's name was
Ellen.

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

Q Do you remember the names of any of them. A I don't remember the
names of any.

Q When did you first know Tobe Martin? A Well, I can't tell
exactly the date, but then along about after '62 sometime on until
he left there.

Q Well, about how long now did you know him? A Sometime along the
latter part of '60's until 1884.

Q Did he live around there continuously that length of time? A I
think he did, but his wife, first wife, died before that and he
married again.

Q Do you know whether he owned any property there or not? A Yes,

Q What? A He owned a piece of land there on the river. I don't
know just how many acres.

Q Now, why do you remember that he lived there until '84? A I had
a note from him, the way I know that.

Q Do you know whether he claimed to have ever belonged down in this
country or not, do you know anything about that? A No, sir.

Q You don't know where he came from when he came up there? A He
came from the Nation I believe, come with other colored people.

Q You don't know the applicant, Bessie Chapman? A No.

Q How far did they live from you, from Mapleton? A About a mile
and a half.

Q What direction? A Southwest.

COM'R NEEDLES: Did you know you say Ellen Martin? A Yes, sir.

Q She was the wife of Tobe? A Yes, sir.

Q Do you know where she died? A She died there.

Q Where, in the State of Kansas? A Yes, sir, mile and a half from
Mapleton.

Q About what year was that? A I could not tell you just what
year it was.

Q Well, about what year? A Oh, it must have been about '79 or
'80, I should judge.

Q Now, how long did I understand you to say that you had known her?
A I don't know from the latter part of the '60's until that time.

Q She lived there from the latter part of the '60's until the date
of her death in Kansas? A Yes, sir.

Q Wouldn't latter part of '60's would that include 1866, do you know
where she lived in 1866? A I suppose she lived there.

Q With her husband Tobe? A Yes, sir.

Q Did you know any of her children's names? A No, sir.
Q You don't know then the applicant, Bessie Chapman? A No, I can't know.

THOMAS HAMILTON, being duly sworn by Commissioner Needles, testified as follows on part of Cherokee Nation.

MR. HASTINGS: What is your name? A Thomas Hamilton.
Q What is your age? A 73.
Q Where do you live? A Mapleton, Kansas.
Q Did you know a colored man by the name of Tobe Martin? A I did.
Q Did you know his wife? A I did.
Q What was her name? A I forget; Ellen I think it was, I forgot what her name was.
Q When did you first learn to know Tobe? A About '62.
Q Where did you first see him? A I first saw him, I think the first time I seen him was at Fort Scott.
Q Do you know where he come from? A Well, they all claimed that they come from the Nation; I belonged to the Sixth Kansas the first trips we come in here and they come up with me.
Q Did you know them after the war? A Yes, sir.
Q How long after the war did you know them? A I don't know how long it was quite a long time, it was a long time.
Q Lived there near Mapleton? A I should think about two miles and a half from town.
Q Own a farm there? A Owned a little piece of land, six or seven acres.
Q Do you know whether Ellen is alive or not? A No, sir, she died up there.
Q About how long did you know Tobe Martin up there, I mean by that about what time did he live there, your best judgment? A I should think he left up there about some 15 or 16 years or maybe more, I would not be positive.
Q Do you know whether they had children or not? A Yes, sir, they had family of children.
Q You don't remember their names? A No, sir, I do not remember their names, I expect I did know all the names but I forgot.
Q You don't know the applicant, Bessie Chapman? A I do not, one of the girls was married to a man up there by the name of Shields but I forget her name.
Q But one of them married Shields? A Yes, sir, one of the girls married Ed Shields.
Q Do you know where she married? A Married there at Mapleton, she died.
COM'R NEEDLES: Do you know, Mr. Hamilton, that Tobe Martin and Ellen Martin was the father and mother of Bessie Chapman? A I do not.
Q I understand you to say that Tobe and Ellen went when they went from the Cherokee Nation? A Yes, sir.
Q That was during the war? A That was in '62.
Q You were in the in the United States service as a soldier? A Yes, sir, Sixth Kansas Cavlary.
Q Do you know whether they ever returned to the Cherokee Nation before that or not? A I don't think they did.
Q They lived there at Mapleton then from that time until both died? A I don't know whether he died at all or not.
Q You know she died? Yes, sir.
Q And she lived there from the time she went up there with you until her death? A Yes, sir.
Q Were they married when they went up there or were they married since? A I think they were married when they went, they lived together.
Q You don't know who they belonged to before the war, or do you? A No, sir, I don't; I don't know nothing about that only they used to say they went by their master's name.
Q Do you recollect what they said was their master's name? A No, sir.

Q You know they went up there? A They went and took some things from their master's.

Q Did you ever know a colored man named Jim Alberty? A No, sir, seems to me I heard of the name, but I don't know him.

Q Do you know what this Ellen's name was before she married Tobe?

A I do not.

MR. HASTINGS: You are certain that this Ellen, the wife of the Tobe you speak of, died near Mapleton? A Yes, sir, died with Consumption if I remember right.

Q Now what became of Tobe after that; did he remain up there in the country or did he leave? A Well, sir, it seems to me that he remained sometime but not very long, I would not swear positively.

Q He is not up there now is he? A No, sir, and has not been for a long time.

Q You don't know where he went to? A No, sir.

COM'R NEEDLES: Do you recollect or Tobe Martin and Ellen moving from Mapleton, from Kansas, to the Cherokee Nation and then going back? A I do not.

Q Well, if they had of moved away from there you would recollect, having known them? A Yes, sir, I seen them pretty nigh every week anyway.

F. G. MYERS, being sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation.

MR. HASTINGS: What is your name? A F. G. Myers.

What is your age, Mr. Myers? A 64 years old.

Q Where do you live? A At Mapleton, or near Mapleton.

Q When did you first commence living at Mapleton or near there?

A In '66, December 5th.

Q Do you know a colored man by the name of Tobe Martin? A Yes, sir, I once knowed the man.

Q Did he have a wife? A Yes, sir.

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

Q What was her name? A Name was Ellen.

Q Where did you know them, Mr. Myers? A I first got acquainted with them on my place.

Q They lived on your place? A Yes, they lived on my place.

Q When? A Well, it was near about '63 and '4 I think that Tobe and the Martin family was all there on my place, I think about '63 or '4. Yes, in '64, it was.

Q How long did you continue to know Tobe Martin and his wife?

A Well, positively up until '74.

Q Positively until then? A Yes, sir.

Q Well, did you leave that country temporarily at that time? A Yes, sir.

Q Well, do you know that they were living around Mapleton at that time? A Yes, sir.

Q Did they have some children? A Yes, sir.

Q Do you remember any of their names? A No, sir, I do not.

The was small children, good big girls two of them was, but I could not call their names.

Q When did you come back to Mapleton I believe you stated you were temporarily absent? A In the fall of '77.

Q Did you ever know this family after that? A No sir, I don't; I think that Ellen died in the '70's, I don't think I ever saw her after that to know her positively.

Q Do you know what became of Tobe? A No, sir.

Q Did you know from any conversation with him as to where he had been before the war? A Yes, sir.

Q Where did he say he was from? A From the Cherokee Nation belonged to Joe Martin.

COM'R NEEDLES: Mr. Myers, what is your occupation? A Farmer and stockraiser at this time.

Q You say that you knew Tobe Martin and Ellen continuously from 1863 until '74? A Yes, until Ellen died, I don't recollect what time she did die.

Q That was in the State of Kansas? A Yes, sir, I knowed them off and on up until then.

Q Did you ever know of them moving to the Cherokee Nation within that time? A No, sir, not that I know of.

Q Do you know who Ellen claimed to have been her owner? A No, sir, I don't recollect who her owner should have been.

Q You don't know the applicant, Bessie? A No, sir.

MR. HASTINGS: Do you know whether Tobe and his wife owned any property, lan, up there or not? A Well, they lived on a piece of land and it was always called their, it was considered theirs.

Thomas Hamilton, recalled, further testified:

COM'R NEEDLES: Mr. Hamilton, what is your occupation?

A Farmer now.

D. J. HESSONG, being duly sworn by Commissioner Needles, testified as follows: On part of Cherokee Nation:

MR. HASTINGS: What is your name? A D. J. Hesson.

Q What is your post office? A Mapleton, Kansas.

Q How long have you lived in about Mapleton? A Right close to 44 years, little bit over 44.

Q Did you know a colored man by the name of Tobe Martin? A I did.

Q When did you first lean to know him? A Right along about war times, when the darkies all moved in there.

Q Did you know him after the war? A Yes, sir.

Q Well, how long did you know him after the war? A Oh, I don't know how long, quite a number of years; he used to live right there on the Fort Scott road and I passed his place very often, every time I go to Scott passed his place; it was years; long enough to raise good orchard and such things as that.

Q Long enough to raise a good orchard? A Yes, sir.

Q Well, you knew him 15 or 20 years, something like that? A Yes, sir, I would not say the number of years.

Q Did he have a wife? A Yes, sir.

Q Family? A Yes, sir.

Q Did you know his wife's name? A I might have known her name then but I have forgot it now.

Q Did he own a place there? A Yes, sir.

Q Do you know whether his wife died there or not? A Yes, sir, she died there.

Q You don't know this applicant, Bessie? A No, not that I know of; not to distinguish her, knew that they had a family of children, she was small then.

COM'R NEEDLES: Do you know whether Tobe Martin ever married again after his wife's death? A I think he did marry, I ain't positive as to that.

Q Do you know where Tobe is now? A No, sir.

Q Did he leave your neighborhood? A Yes, sir, he lived there.

Q That was after his wife died? A Yes, sir.

Q What is your occupation? A Run a Livery Stable and Hotel now.

Q I believe you said you didn't know whether he married again or not?

A Not for certain, but I think he did.

Q Did you state what year Ellen died? A No, I don't know what year she died.

JOHN CROSS, recalled, further testified:

COM'R NEEDLES: Do you know whether Tobe Martin married again after the death of his wife Ellen? A Yes, sir, he married again.

Q Do you know who he married? A No, sir. I don't recollect her name she was a widow woman.

Q Married in Kansas? A Yes, sir.

Q Do you know whether he had any children by that wife or not?

A No, I don't.

Q Do you know whether that wife is living or not? A No, sir.

Q You don't know where Tobe is now? A No, sir, I heard he was dead.

Q I believe you said you didn't know the name of any of his children by his first wife? A No, sir, I don't recollect the names of any of them.

J. W. BAINUM, being sworn by Commissioner Needles, testified as follows; on behalf of Cherokee Nation:

MR. HASTINGS: What is your name? A J. W. Bainum, Mapleton, Kas.

Q Do you know a colored man by the name of Tobe Martin? A Yes, sir.

Q What is your occupation? A I don't do much of anything now.

Q You have been in the Mercantile business there a long time?

A Yes, sir.

Q Something like 20 years.

Q Did Tobe Martin have a wife? A Yes, sir.

Q Do you remember her name? A I think it was Ellen.

Q When did you first learn to know Tobe Martin? A Oh sometime after '64, after November '64, on within a year or such a matter, I can't tell when.

Q Up until about when? A Oh, good while ago.

Q Did you know him 05 or 20 years? A I knew him up until '80 I think; let me see, at that time I lived on the farm some little distance from there, way from Mapleton and though I seen him frequently I had no intimate acquaintance with him.

Q Do you know whether Ellen died up there or not? A I don't know.

Q Do you know whether Tobe owned a farm up there? A He did.

Q Do you know whether he had any children or not? A Yes, he had quite a family, but I don't know how many. I did know the names of the older ones, but I am not certain.

Q You don't recollect this Bessie? A Well, if I knew her at all she was very small, I don't know her at all.

Q Do you know where Tobe was from originally? A Not in any other way than by common rumor, he was understood to be from the Cherokee Nation; we had what was called Cherokee Nation darkes and Mississouri darkes; there was always distinction between them.

COM'R NEEDLES: You have been in the Mercantile business?

A Yes, sir.

Q These people trade with you? A Not at the time I knew them; they probably did trade with me after I went into the store business but I have no definite recollection.

Q Did you know about the death of Ellen? A No, sir; Oh, I probably heard of it, but I don't know nothing particular.

Q But you knew that Tobe Martin was there until many years after the war? A Yes, sir.

Q You don't know whether he ever married again? A No, sir, I don't know nothing about that.

Com'r Needles: This testimony will be filed in the case.

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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.

Signed

J. O. Reason

Subscribed and sworn to before me this October 9th 1901.

Signed

T. B. Needles,
Commissioner.

I, D. C. Skaggs, stenographer to the Commission to the Five Civilized Tribes, on oath state that the above and foregoing is a full, true and correct copy of the original now on file with the records of the Commission.

Subscribed and sworn to before me this 2nd day of April 1904.

Charles H. Sawyer
Notary Public.

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

In the matter of the application of Bessie Chapman for the enrollment of herself and minor child, Ruby Bean, as Cherokee Freedmen:

D E C I S I O N

The record in this case shows that on May 14, 1901, Bessie Chapman appeared before the Commission at Vinita, Indian Territory, and made personal application for the enrollment of herself and minor child, Ruby Bean, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 4, 1901.

The evidence shows that the said Bessie Chapman was twenty-five years of age at the date of this application; that she is the daughter of Tobe Martin and wife, Ellen Martin.

The evidence further shows that the said Tobe Martin and wife, Ellen Martin, were the slaves of Cherokee citizens at the commencement of the rebellion; that they went to Kansas during said rebellion and did not return to the Cherokee Nation until after the year 1874. The evidence further shows that Ruby Bean is the daughter of Bessie Chapman by her former husband, Rufus Bean, who is identified on the 1880 authenticated Cherokee roll as an adopted colored citizen. The said Bessie Chapman is not identified on said roll.

The evidence further shows that the applicant, Ruby Bean, has resided in the Cherokee Nation all her life, up to and including the date of the application herein.

It is, therefore, the opinion of this Commission that the application for the enrollment of Bessie Chapman as a Cherokee Freedman should be denied, under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495); and it is further the opinion of this Commission that Ruby Bean should be enrolled as a Cherokee Freedman, in accordance with the provisions of said Section Twenty-one of the Act of Congress above cited, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamc Dixby.

Chairman.

T. B. Needles.

Commissioner.

C. D. Brockinridge.

Commissioner.

W. E. Stanley

Commissioner.

Muskogee, Indian Territory,

this JUL 20 1901

Refer in reply to the following:
Land. 55261/1903.

Department of the Interior,
Office of Indian Affairs,
Washington, Feb. 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith a report from the Commission to the Five Civilized Tribes, dated August 24, 1903, transmitting the record relative to the application of Bessie Chapman for the enrollment of herself and her minor child, Ruby Bean, as Cherokee Freedmen.

The evidence shows that Bessie Chapman is the daughter of Tobe Martin and Ella Martin, his wife. Tobe and Ella Martin were the slaves of Cherokee citizens at the commencement of the war. They went to the State of Kansas during the war and did not return to the Cherokee Nation until about 1874.

Ruby Bean is the daughter of Bessie Chapman by her former husband, Rufus Bean, who is identified on the 1880 authenticated roll as an adopted colored citizen. Ruby Bean is only about eleven years of age and was therefore born since the 1880 roll was made.

The Commission held that Bessie Chapman should not be enrolled as a Cherokee freedman and that Ruby Bean is entitled to enrollment as such. Bessie Chapman is not entitled to enrollment because her parents did not return to the Cherokee Nation before

February 11, 1867.

If Ruby Bean is entitled to enrollment at all, it is because of the adoption of her father by the Cherokee Nation. From the record it does not appear that her father was adopted because of having returned to the Cherokee Nation within the time limit fixed by the treaty of 1866, but inasmuch as his name appears on the 1880 roll as an "adopted colored citizen", and as Ruby Bean was born subsequent to the date the roll was made, it is recommended that she be enrolled as a citizen of the Cherokee Nation of African descent.

Very respectfully,

A. C. Tonner

Acting Commissioner.

GAW-H.

D.C. 11392-1904.

DEPARTMENT OF THE INTERIOR,

JP
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LRS

IED 1476-1904.

WASHINGTON.

April 7, 1904.

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

Gentlemen:

August 24, 1903, you submitted the case involving the application of Bessie Chapman for the enrollment of herself and her minor child, Ruby Bean, as Cherokee freedmen, having on July 10, 1903, rendered your decision in the case, rejecting the application as to Bessie Chapman, and holding that Ruby Bean is entitled to enrollment.

Transmitting the case February 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be concurred in. A copy of his letter is inclosed.

Finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-273.

Muskogee, Indian Territory, April 16, 1904.

Bessie Chapman,

Chelsea, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 10, 1903, granting your application for the enrollment of your child, Ruby Bean, and rejecting your application for the enrollment of yourself as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedman
D-273.

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, granting the application of Bessie Chapman for the enrollment of her child, Ruby Bean, and rejecting her application for the enrollment of herself, as Cherokee freedman, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

Cher. Fr. R. 232

See Cher. Fr. 1281, 1284, 1288

Cher. Fr. R. 232

To be filed with the case of Malinda Johnson, F.-D.#227.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., MAY 9th, 1901.

In the matter of the application of Berry Thompson for the enrollment of himself and three children as Cherokee Freedmen; said Thompson being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Berry Thompson.
Q How old are you? Mr. Thompson? A About 46.
Q What is your post office address? A Bluejacket.
Q What district do you live in? A Coowescoowee.
Q Do you apply to be enrollee as a Cherokee Freedman? A Yes, sir.
Q Who do you desire to enroll besides yourself?
A I got three children.
Q What are their names of your children? A Oldest one is named Elmer Thompson.
Q How old is Elmer? A 14.
Q The next one? A Leo.
Q How old is Leo? A 13.
Q The next one? A Morrison.
Q How old is Morrison? A Ten.
Q Is that all? A Yes, sir.
Q What is your wife's name? A Bell Thompson.
Q Is she a citizen? A No, sir.
Q Is she the mother of these children? A Yes, sir.
Q What was her father's name? A Holston.
Q Did you ever apply to be enrolled by any other Nation or tribe?
A No, sir.
Q Have you ever been recognized by the Cherokee authorities as a Freedman? (No response.)
Q Kinda half way? A Yes, sir, just like the rest of them.
Q Is your name on the roll of 1880? A No, sir.
Q Is your name on any of the rolls of the Cherokee Nation?
A Yes, sir.
Q Is it on the Kern-Clifton roll? A Yes, sir.
Q Were you married to Bell Thompson? A Yes, sir.
Q Have you any certificate of marriage? A No, sir.
Q Have you any proof of marriage? A Yes, sir.
Q Whom can you prove your marriage by? A Her sisters.
Q Are they here? A Yes, sir.

JOHN NASH, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A John Nash.
Q What is your age? A 35.
Q What is your post office address? A Bluejacket.
Q Do you know Berry Thompson? A Yes, sir.
Q Do you know his wife, Bell? A Yes, sir.
Q Do you know whether they were married or not?
A Yes, sir, they was married.
Q How do you know? A Old man Bluejacket married them.
Q Did you see him marry them? A Yes, sir.
Q Was Bluejacket a minister? A Yes, sir, Uncle Charley Bluejacket.
Q Have they been living together as man and wife ever since their marriage? A Yes, sir.
Q Is Bell Thompson living now, his wife? A Yes, sir.
Q Did they have any children? A Yes, three.
Q Born to them while they were living together as man and wife?
A Yes, sir.
Q What is the names of them, do you recollect? A Elmer.
Q Leo? A Leo and Morris.

BERRY THOMPSON, the Applicant, re-called, testified as follows: EXAMINATION BY MR. SMITH, of the firm of Smith & Mellette, Attorneys for Applicants:

- Q How old did you say you are? Berry? A 46.
- Q Were you a slave? A Yes, sir.
- Q Who was your owner? A John Stover.
- Q Are you related to Eliza Nash or Eliza Gaines? A I am her brother.
- Q Did you go out of the Nation, or were you taken out of the Cherokee Nation during the war? A Yes, sir.
- Q By whom were you taken out? A My Master.
- Q When did you return? A I come back when she did, '66.
- Q When who did? A My sister, Eliza.
- Q When your sister, Eliza Gaines, returned? A Yes, sir.
- Q Have you a farm? A Yes, sir.
- Q Where is it? A It is three miles west of Bluejacket.
- Q How long have you had it? A About 15 years.
- A You say you are on the Kern-Clifton roll? A Yes, sir.
- BY W. W. HASTINGS, Cherokee Representative:
- Q Where were you married? A I was married about three miles and a half from Bluejacket at the lower end of Timbered Hill.
- Q You have heard the statement of your sister, Eliza, and her sister, Jane; did you go the rounds with them? A Yes, sir.
- Q Did you ever live in Kansas? A I worked up there.
- Q Where? A I worked in Chatopa some and Columbus.
- Q How far is Columbus from Chatopa? A About twenty miles.
- Q How long did you work up there? A I worked up there off and on, cooked; I was up there three months I guess.
- Q You were married in the Nation? A Yes, sir.
- Q Did you make your home with your sister before your marriage? A I worked out a good deal of the time, worked at Vinita some, I lived with my mother.
- Q What was your mother's name? A May Stover.
- Q Did she come back from Texas with you? A Yes, sir.
- Q With your two sisters too? A Yes, sir.
- Q Your mother was along too? A Yes, sir.
- Q Is your mother alive? A No, sir.
- Q Where did she die? A She died up at Timberec Hill.
- Q About how long ago? A About 13 years.
- Q You made your home with her until she died? A Yes, sir.
- BY MR. SMITH:
- Q Where was it your mother died? A She died at Timbered Hill in the Cherokee Nation.
- Q What was your mother's name? A Mary Stover.
- Q Do you know whether she was ever on the 1880 roll or not? A I don't know for sure whether she was or not.
- Q How long has it been since she died? A About 13 years.

The 1880 Authenticated 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 names of applicants found thereon as follows:

- Page 162, #4008, Jerry Thompson, Cooweescoowee District.
- Page 162, #4009, Elmer Thompson, Cooweescoowee District.
- Page 162, #4010, Lee Thompson, Cooweescoowee District.
- Page 162, #4011, Morrison Thompson, Cooweescoowee Dist.

COMMISSIONER'S REPORT:--Berry Thompson applies for the enrollment of himself and three children, to-wit: Elmer, Leo and Morrison. His name is not found upon the authenticated roll of 1880 nor the census roll of 1896. His name is found upon the Kern-Clifton Pay roll. The names of his three children were also found upon said roll. He is duly identified according to the page and number of said roll and makes satisfactory

CONFIDENTIAL
JUL 25 1901
Berry Thompson et al --3.

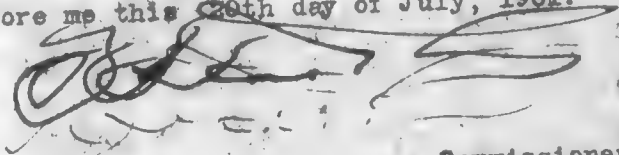
tory proof as to residence. By agreement of the Counsel in this case, the record in the case of Eliza Gain s, D.#200 is referred to and made part of the record in this case. The names of Berry Thompson and his three children as enumerated herein, will be listed upon a doubtful card for the further consideration of the Commission. When the decision of the Commission is arrived at he will be notified by mail. If he desires at any time to introduce any further evidence in his case, the same will be received.

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

J. O. Rosson

Subscribed and sworn to before me this 20th day of July, 1901.



Commissioner.

To be filed with the case of Malinda Johnson, P. D. #227.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
VINET, I. T., MAY 9th, 1901.

In the matter of the application of Eliza Gaines for enrollment as a Cherokee freedman, said Gaines being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Eliza Gaines.
Q How old are you? A I don't know exactly how old.
Q How, about how old? A I got it you can see it. (50)
Q What is your post office address? A Bluejacket.
Q In what district do you live? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Have you ever applied to be enrolled as a freedman of any other Nation or tribe? A No, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A Yes, sir.
Q Is your name on the roll of 1880? A I don't know.
Q Who do you want to enroll besides yourself? A Myself.
Q How many children? A They are on there? (Referring to paper.)
Q Children are all grown? A Yes, sir.

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

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

- Q Did you draw what is known as the strip money? A Yes, sir.

The Kern-Clifton Roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 161, #3968, Eliza Gaines, Cooweescoowee District.

BY MR. SMITH of the firm of Smith & Mallette, Attorneys for Applicant.

- Q Were you a slave? A Yes, sir.
Q Who was your owner? A John Stover.
Q Was he Cherokee citizen? A No, sir, my Mistress was.
Q What was her name? A Charlotte Stover.
Q Where were you during the war? A With my Master.
Q Did you go out of the Nation? A Yes, sir.
Q When did you get back? A '66.
Q Do you remember what time in '66? A I come back in the fall of '66, near Christmas.
Q Where did you come to, what part of the Cherokee Nation?
A I come to Gibson.
Q Where do you live now? A I live at Timbered Hill now.
Q Have you a place there? A Yes, sir.
Q Farm? A Yes, sir.
Q Are you on the Kern-Clifton roll? A I guess I am on it, you will have to look to see.
Q BY W. W. HASTINGS, Cherokee representative:
Q Whom did you come back to the Cherokee Nation with?
A I come back with John Stover.
Q He brought you back? A Yes, sir, brought us to the Chickasaw Nation.
Q Did he die in the Chickasaw Nation? A Yes, sir.
Q He didn't come back here after the war? A No, sir, he died over there but we come back.
Q After he died there you came on up to the Cherokee Nation?
A Yes, sir, I hired a wagon and came on up to Gibson.
Q Now, how many came along in that crowd? A There was not nobody but me and my sister, we hired a man to bring us.

Eliza Gaines.--2:

- Q What was your sister's name? A Jane Webb, she was Jane Brown at that time.
- Q You hired a wagon did you? A Yes, sir.
- Q Do you remember the man's name you hired? A Mr. Brown, he was her husband.
- Q How long did you stay at Fort Gibson? A We stayed there about, we come in the fall before Christ mas, stayed there until I got able to travel again.
- Q About how long? A I guess it was about, nearly, over six months, a year; we stay there and draw rations.
- Q Whom did you stay with at Gibson? A We was in a tent.
- Q Just you two and her husband? A Yes, sir, and the children.
- Q What children did you have at that time? A I had Julia and Georgia and John Henry and Bizzie.
- Q They were all along with you? A Yes, sir.
- Q Who did you work for at Fort Gibson? A I washed for the soldiers.
- Q And where did you go from Fort Gibson? A I stayed there about a year and come up about Mr. Bell's.
- Q Mr. Hoolley Bell? A Yes, sir.
- Q Where was he living at that time? A I can't tell you, but it was somewhere where the old Fort had been and there was doffins there, and anyway I know it was where he lived, I cut corn for him.
- Q For Hoolley Bell? A Yes, sir.
- Q How long did you stay with Hoolley Bell? A Stayed until along in the fall.
- Q You stayed there from the summer until the fall? A Yes, sir.
- Q About six or eight months? A Yes, sir.
- Q And that must have been the fall of 1867 when you stayed up at Hoolley Bell's? A I don't know.
- Q Now, where did you go? A I went to Chetopa and stayed there.
- Q Chetopa, Kansas? A Yes, sir, right across the line.
- Q You didn't go into the States of Kansas? A No, sir.
- Q You only went up near Chetopa on the Cherokee side?
- A Yes, sir, on what they call.
- Q Now, whom did you work for up there? A We was working for ourselves, a man hired us to go out and work on his farm, it was a man named Larkins.
- Q Now, how long did you work for Larkins? A We stayed there a long time.
- Q A number of years? A Yes, sir, until we moved down here.
- Q Until you moved where you live now? A Yes, sir.
- Q After you left Hoolley Bell's place you went up to Larkins place?
- A Yes, sir.
- Q Are any of Mr. Larkins folks alive now? A Not as I know of.
- Q He had a family did he? A Yes, sir, he had four in his family, his wife and two children.
- Q Was Mr. Larkins a citizen of the Cherokee Nation?
- A I don't know, he hired us to work.
- Q Have you ever lived in Kansas since the war? A No, sir.
- Q You never went up there at all? A No, sir, just go up there and come back.
- Q You come back from near Chetopa to where you live now?
- A Yes, sir, I don't live there now, I live on Timbered Hill near Bluejacket.
- Q I mean you come from the Larkins place down to near Bluejacket?
- A Yes, sir.
- Q What direction is that, is it on the Coowescoowee side?
- A Yes, sir.
- Q Towards the sunset from Bluejacket? A Yes, sir.
- Q Did your sister go with you all these rounds you were talking about? A She was with me pretty much of the time.
- Q Did these children go with you? A They was with me some and I had some hired out.
- Q You stayed about three or four years at the Larkins place?
- A Yes, sir.

Eliza Gaines.--3.

Q Did you have any neighbors around there? A There was no neighbors but one family.
Q What was the family? A John Shafer.
Q Did he live in the Cherokee Nation? A Yes, sir.
Q Now, about how far from Chetopa were you, about how many miles to the best of your knowledge? A I guess it was about three or four miles.
Q Down on the Cherokee side? A Yes, sir.
Q South of Chetopa? A Yes, sir.
Q Were you living there when the railroad come there? A No, sir, wasn't no railroad, living there long before the railroad was built.
Q You were living there when the railroad was built? A Yes, sir, there wasn't no houses when the railroad come thorough.
Q Were you living at Larkins when the railroad come there?
A Yes, sir.
Q Now, Aunty, how far from the railroad track, the M. K. & T., were you living? A I don't know, we could not hear the train.
Q On the south of the track? A That was on this side of the track over in Coowascoowee.

BY MR. SMITH:

Q Who are your children? A John Henry.
Q John Henry what? A John Henry Nash, Julia Nash, Lizzie, Georgia Ann, Walinda, Etta, Berry, the other three is dead.
Q How many? A Three is dead.
Q How many are alive now that you name? (no response.)
Q You don't mean that any of those whose names you give are dead?
A No, sir.
Q Do they go by this name; are they still named Nash, or are they married? A They are married.
Q What are the names of the girls? A Walinda John and John Nash, he goes by his daddy's name, Georgia Jones and Lizzie Martin and Carrie Harrison.
Q Are they here? A There is Mary Mayberry.

CHARLEY CHAMBERS, called as a witness on the part of Applicant, sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Charley Chambers.
Q How old are you, Mr. Chambers? A 78.
Q What is your post office address? A Hudson.

BY MR. SMITH:

Q Do you know Eliza Nash or Eliza Gaines? A Yes, sir.
Q How long have you known her? A Well, I have known her somewhere about in '66.
Q Where did you know her? A When I first known her she was at my first knowing her, I seen her at Fort Gibson.
Q Are you a freedman? A Yes, sir.
Q Are you on the 180 roll, or not? A Yes, sir.
Q Where were you during the war; did you go out of the Cherokee Nation? A Yes, sir; Yes, sir; I went out of the Cherokee Nation but I was in the Territory, the Choctaw.
Q The Choctaw Nation? A Yes, sir.
Q Do you remember when you got back to the Cherokee Nation?
A Yes, sir.
Q When was it? A I come back in '65, I come back in '65, this side of Fort Smith over there down in the bottom on this side of the river.
Q How long was it after you come back before you became acquainted with or see Eliza Nash, or Eliza Gaines? A Well I come back in along in the summer and I come up from there and come up to Table Rock where my old folks was living and it was that winter, about the next, I seen the next year, the winter I was over to Fort Gibson, and seen her there.

Eliza Gaines.--4.

Q About what season of the year was it you got back?

A Along in the summer, spring like.

Q Of 1865? A Yes, sir.

Q And the following winter? A No, it was the year we called t here, that winter and the next winter, come in t he same winter, that i right, the same winter.

Q Well, which was it, the followin g winter after you come back in the summer? Yes, sir.

Q Do you know her children, know what their names are all of them, or not? A No, sir, I don't know; I never seen any of the children the, I didn't know anybody but her and she was up there, up there drawing Government rations then when I seen her.

BY W. W. HASKINGS:

Q Did you see her there then the one time, Mr. Chambers?

A No, sir, I seen her there as much as twice I know of; it was the first time I saw her there it was.

Q That was in the fall after you come back in the spring or summer?

A Yes, sir; after I come up from Fort Smith, I come up then to see my old folks that raised me and while I was there I went on there to Fort Gibson and seen her there.

Q You are positive you saw her? A Yes, sir, I am positive I saw her there.

Q Are you positive about the year you saw her? A It is the same winter after I come there; you see I stayed tere all that summer down there to Fort Smith and along in the fall I come up here.

Q And that is the fall you saw her? A Yes, sir, that wint er I seen her.

Q You know that? A Yes, sir, I know that to be fact.

Q You come here you say in the spring or summer of 1865?

A Yes, sir.

Q And say it was the next winter you saw her? A Yes, sir, I stayed that summer there at Fort Smith in the bottom, understand me right; I stayed there that summer in the bottom and that winter I come up to see my old folks who raised me; well that fall I stayed there all fall and that fall I went down to Gibson, riding about as usual and stayed around there a little while and I seen her and I was always a pretty good hand to notice women.

Q And you noticed her among all t hat bunch? A Yes, sir.

Q You remember seeing her? A Yes, sir.

Q Well when did you next see her? A I seen her again a short time after that I saw her there in a store the next time I saw er.

Q Whose store? A I can't call the man's name now; but anyhow it was the store George Sanders was working in; I guess you know don't you, don't you rec all.

Q I was not there. A There at Fort Gibson.

Q When did you next see her? A I never seen her from over there, I never seen her any more un til I saw her up there where she is living now, at Timbered Hill.

Q How long was that after you saw her at Fort Gibson?

A Four or five years.

Q You don't know where she had been in the meantime? A No, sir, but I don't think she had been anywhere but, I heard of her living up by William Tucker's.

Q You never did see her up there? A No, sir.

Q Have you ever been arrested? A Yes, sir.

Q What for? A For several things.

Q How many times? A Twice, three times, one time for selling liquor and the next time for selling cedar posts.

Q What Court? A Cherokee; arrested one time by the United States Court.

Q What for? A For shooting at a man.

Q And was done with you? A Never done anything with me.

Q Did they try you? A Yes, sir, never done anything.

Q What did they do with you in the Cherokee Court? A Nothing.

Q And what did they do with you in the United States Court?

Eliza Gaines, --5.

- Q Never was convicted? A No, sir.
Q You don't remember seeing anybody but this woman in 1866?
A Oh, I seen lots others.
Q I mean of her family? A If I did I didn't know 'em.

JAMES ALBERTY, being sworn and examined by Commissioner T. P. Needles, testified as follows:

- Q What is your name? A James Alberty.
Q What is your post office address? A Chouteau.
Q How old are you, James? A I am near 70 or older, I don't know.
Q Are you a citizen of the Cherokee Nation? A Yes, sir, I drew money, votes.
Q Is your name on the roll of 1880? A No, sir.

BY MR. SMITH:

- Q Do you know Eliza Gaines? A Yes, sir.
Q Sometimes called Nash? A I know her.
Q How long have you known her? A I don't know how long, I know her when she was with her old Master, I don't know how long that has been.
Q Who was that? A Mr. Stover.
Q Well, where were you during the war; did you go out of the Cherokee Nation? A Yes, sir, south.
Q When did you return to the Cherokee Nation?
A I returned in '66, before the Treaty was made.
Q Did you know where Eliza Nash was at that time? (No response.)
Q When did you see Eliza Nash? A When I come back.
Q When was the first time you saw her? A At Gibson.
Q When? A In '66.
Q Can you state at what time it was? A In the fall.
Q Did you know any of her family, any of her children?
A No, sir, I could not tell anything about them.
Q Did you know her sister? A Yes, sir.
Q What was her sister's name? A Lydia was one and Jane she was one and if I don't mistake, Mary was one, that I recollect.
Q Do you remember seeing any of them? A Yes, sir.
Q Who did you see? A Lydia, that I noticed.
Q That you remember? A Yes, sir.
Q Do you know of your own personal knowledge whether they, or any of them, went out of the Cherokee Nation, and if so, when they came back? A No, sir, I don't know.

BY MR. W. W. HASTINGS:

- Q Whom did you belong to when the war broke out? A John Alberty.
Q John Alberty sold you out of here before the war?
A No, sir, he didn't; he sold paves though.
Q You swear that you belonged to him at the time of the war?
A Yes, sir, I never belonged to anyone else that I know of.
Q He never sold you out? A No, sir.
Q Where were you living when the war come up? A Right at Pryor Creek, right at the toll bridge.
Q Where was this woman living when the war come up? A At Stover's.
Q How far was that from where you were living?
A It trained horses right there by Wilson's.
Q Whom did you train horses for? A Trained horses for Jim Kell.
Q And you know Eliza before the war? A Yes, sir.
Q What were you doing at Fort Gibson when you saw her there?
A Nothing, just riding about, getting drunk; that is all I done is them days; I had money and didn't work.
Q Was Eliza living at Fort Gibson when you saw her?
A She was there washing, I don't know where she was living.
Q How do you happen to remember seeing her? A I stopped there there she was and I alked with her.
Q Did you see her just once? A The next time I saw her, ask me.
Q Where did you see her next? A On cabin creek.

Eliza Gaines.---6.

- Q Where is that? A Don't know which way it is from here.
Q How far from Vinita? A Good ways.
Q Near whose place? A Bill Tucker's.
Q On Cabin Creek? A Yes, sir.
Q When was that you saw her there? A I don't know, it may
have been a year or more, he more.
Q She was living up there then? A Yes, sir, in the house not
far from Mr. Tucker's.
Q Where did you see her the next time? A Where she lives now.
Q About how long was that after that? A I don't know.
Q She moved from where she lived on Cabin Creek to where she lives
now? A Yes, sir.
Q West of Bluejacket? A Yes, sir, west of Bluejacket.
Q Jim, were you ever tried for anything by the Courts?
A No, sir.
Q Never was arrested? A No, sir, not by Courts, I was not.
Q By Marshalls? A No, sir, I used to be a Marshall myself, I
never was arrested for any crime of any kind, never was.

COM'R NEEDLES:--Eliza Gaines applies for the enrollment
of herself as a Cherokee freedman. Her name is not found
upon the authenticated roll of 1880 or any rolls now in the
possession of this Commission except the Kern-Clifton roll,
and her name is found thereon according to the page and
number of the roll as indicated in the testimony. Her name
will now be placed upon a doubtful card for the further
consideration by the Commission. The final decision of
the Commission will be made known to the applicant at her
post office address by due course of mail. If at any time
she desires to introduce any additional testimony the same
will be received.

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

J. O. Rogson

Subscribed and sworn to before me this 20th day of July, 1901.

J. O. Rogson

Commissioner

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May, 9th 1901.

In the matter of the application of Eliza Grooms for the enrollment of herself and five children as Cherokee Freedmen; She being sworn by Commissioner T. B. Needles, testified as follows:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicant

Examination by Com'r Needles:

- Q What is your name? A Eliza Grooms.
Q How old are you? A 26.
Q What is your post office address? A Blue Jacket.
Q In what district do you live? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes sir.
Q Who do you desire to have enrolled besides yourself? A Five children.
Q What are the names of your children? A Martha.
Q How old is she? A 11.
Q Next child? A Donie.
Q How old is she? A 7.
Q Next child? A Peter Watson.
Q How old is he? A 5.
Q Next child? A Lucretha.
Q How old is she? A 3.
Q Next child? A Ennis.
Q How old is this one? A One year old.
Q Are you a recognized citizen of the Cherokee Nation? A Yes sir.
Q Is your name on the authenticated roll of 1880? A Yes sir.
Q Have you ever applied to be enrolled as a Freedman of any other tribe? A No sir.
Q Are you married? A Yes sir.
Q What is the name of your husband? A Gus Grooms.
Q Is he a citizen? A No sir.
Q What is your fathers name? A Henry Nash.
Q What is your mothers name? A Eliza Gaines.
Q Are these children all alive and living with you at this time?
A Yes sir.
Q How long have you lived in the Cherokee Nation? A All my life.

The 1880 authenticated roll of the Cherokee Nation examined and the name of the applicant not found thereon.

The 1885 census roll of the Cherokee Nation examined and the name of the applicants not found thereon.

The Kerne-Clifton roll of the Cherokee Nation examined and the name of the applicants identified thereon as follows:
Page 162, No. 3995, Eliza Grooms, Cooweescoowee district.
Page 162, No. 3996, Martha Grooms,
Page 162, No. 3997, Dona Grooms,

By Edgar Smith, attorney for Applicant.

- Q Eliza Gains is your mother? A Yes sir.
Q Is she the same Eliza Gaines who testified here in her own behalf?
A Yes sir.

Eliza Grooms----2.

- Q Are you related to Berry Thornton? A Yes sir he is my uncle.
Q Are you related to Jane Webb? A Yes sir.
Q What relation is she to you? A My aunt.

By W. W. Hastings, Cherokee attorney:

- Q Where were you born? A In the Cherokee Nation.
Q What part? A I dont know.
Q Where were you when you were old enough to remember? A On Cabin Creek.
Q How old are you? A 26.
Q Where were you married? A On Timber Hill.
Q Have you always lived in the Cherokee Nation? A Yes sir.
Q Never lived in Kansas? A No sir.
Q Were all these children born here? A Yes sir.

Com'r Needles,- Eliza Grooms applies for the enrollment of herself, and five children, Martha, Donie, Peter Watson, Lueretha and Ennis Grooms as Cherokee Freedmen. Upon an examination of the authenticated roll of 1880 her name cannot be found; her name and the names of her two oldest children, Martha and Donie Grooms are found on the Kerns-Clifton pay roll. They are all duly identified and made satisfactory proof as to residence, and will be listed for enrollment as Cherokee Freedmen of a doubtful card; it will be necessary for her to file with the Commission certificates of the birth of her three youngest children, their names not being on the Kerns-Clifton roll. By agreement of counsel for the Cherokee Nation and for the applicant, the testimony taken in the case of Eliza Gaines on D. card No 220, and Berry Thompson D. Card No. 223, is hereby referred to and made a part of this case. When the Commission arrives at a final decision in this case the applicant will receive a copy of same, mailed to him at his present post office address.

O-O-O-C-O-O-C-C-O-O

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 10th of May, 1901 at Vinita, I. T.

(Signed) T. B. Needles,
Commissioner.

O-O-C-C-C-C-C-O-O-O

H. M. 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.

H. M. Vance

Subscribed and sworn to before me this the 20th day of April, 1904.

Charles H. Sawyer
Notary Public.

Supl.C.F.-D.#220.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VENETA, I.T., OCTOBER 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ELIZA GAINES as a Cherokee Freedman, introduced on part of the
Cherokee Nation:

APPEARANCES:

Mr. Mellette, of Counsel for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

JOHNATHAN GORE being duly sworn, testified as follows on
behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A. Johnathan Gore.

Q Where do you live? A. I live near Bluejacket, in the Cherokee
Nation.

Q How long have you lived in the Cherokee Nation? A. I have made
that my home since '78; I have lived in the Nation longer than that,
but that has been my home since '78.

Q What you located at Bluejacket or near where Bluejacket is now,
were you over that section of country very much? A. Yes, sir, I
was around there quite often.

Q Are you acquainted with Eliza Gaines? A. Yes, sir, I know Mrs.
Gaines and her people.

Q How long have you been acquainted with Eliza Gaines? A. Well,
I don't know, I can't recollect the first time I ever met her, but
it was along in '85 or '8, I ain't positive as to dates.

Q Do you know what they call Timbered Hill out there northwest
from where Bluejacket is? A. Yes, sir.

Q Do you know where she lives now? A. I know where the old man
lives, I suppose she lives with him, I never was right in the house,
I have been right close to it.

Q Well, that section of country, were you through that section of
country when you located at Bluejacket up to '81 or '2? A. Yes,
sir, I live near there and I was through the hill quite often, I
had sto'ck up there once.

Q When did these people settled up there to the best of your knowledge?
A. I can't tell you the exact time they settled there, it must have
been '82 or '83; I never saw these people there in '79, '80 or '81,
they might have come there in '82.

Q Well, were you over the country where they located there, where
their improvements are? A. Yes, sir.

Q Could they have had a place and you not know it? A. There was
no place where Mrs. Gaines lives now; that is name except the Cris
Young place and he built his house in '81, and I assisted him in
building it and was familiar with nearly everybody that lives on
Timbered Hill at that time and there were no colored people liv-
ing there.

MR. MELLETT: When did you get acquainted with Eliza Gaines?
A. Well, sir, I can't state as to the time I got acquainted with
her, I have seen her in town and the people said that was Mrs.
Gaines, I can't give the exact date.

Q How, you don't know whether you got acquainted with them
when they first came up there about Bluejacket or not, do you?

A. I could not state positively when they came there at the exact
time, I know there was some living there at the time I was putting
assisted Cris Young built his house and got quite a while afterwards.

Q You don't know anything about them being at Fort Gibson after
the war? A. Nothing in the war is about it.

Q And about them living down about Kelley Hill's place? A. No,
nothing in the world about it.

Q And living up near ~~Chatopa~~ at the Larkins place? A No, nothing about it.

GEORGE WALKER, being duly sworn testified as follows,
on behalf of Cherokee Nation:

- MR. DAVENPORT: What is your name? A George Walker.
- Q Where do you live, Mr. Walker? A Live on Cabin Creek.
- Q What is your post office? A Henson.
- Q Cherokee Nation? A Yes, sir.
- Q How old are you? A I am 71.
- Q How long have you lived in the Cherokee Nation, Mr. Walker?
- A Well, I guess I have lived there all the time.
- Q Well, how long have you lived up in the neighborhood where you now live, up in that section of country? A Well, I moved up there towards Chatopa there in the fall of '66.
- Q Been living in that locality since that time? A Yes, sir.
- Q Do you know a man by the name of Larkins who at one time lived up near Chatopa, Kansas? A Yes, sir.
- Q Where was he living when you first knew him, Mr. Walker? A Well, I don't recollect exactly but I think I was living where I am living now.
- Q Well, where was he living with reference to where you were living, Larkins? A He built him a house close to Chatopa there.
- Q In the Cherokee Nation or State? A In the State.
- Q Well, after you knew him living there, did he live on that place?
- A I could not tell you.
- Q Well, did he afterwards live in the Cherokee Nation? A Well, I think he lived on Russell Creek.
- Q In the Cherokee Nation? A Yes, sir.
- Q Now, when was that he moved on Russell creek with reference to the time the railroad came through that country? A I can't recollect.
- Q Do you know what the place he lived on is known by now, what place? A I believe Holderman owns it now.
- Q Has it ever been known ~~xx~~ by any other name besides Larkins left it, besides Larkins and Holderman? A No, sir.
- Q How far from the Boudinot ranch place? A About three miles.
- Q And he lived there after the railroad came through? A Yes, sir.
- MR. MELLETTIE: Now, Mr. Walker, you say that Larkins built a house in or close to Chatopa? A Yes, sir.
- Q How far across the line was it? A It is right in the edge of town.
- Q Then, there was his place in the Cherokee Nation? A I am a little bit too fact, I think a man by the name of Reed first built it and Larkin got it away from him.
- Q How far is Chatopa from the Cherokee line? A It is about two miles and a half.
- Q Where was Larkins' place in the Cherokee Nation? A It was up Russell Creek about something near three miles.
- Q Three miles from where he lived near Chatopa? A It is about four I guess.
- Q He owned that place there all the time, Larkins place on Russell Creek? A No, he didn't stay there powerfully long.
- Q Well, didn't he own the place I saw? A I don't think he owned it, it was down in somebody else's name.
- Q What? A He didn't own it.
- Q He was a noncitizen? A Yes, sir.
- Q How far did you live from Larkins' place? A About seven or eight miles, seven miles I guess.
- Q Didn't he cultivate that place all the time he lived up there near Chatopa? A Yes, he cultivated it around it down.

Q That is before he moved down on it? A I don't know about that, I can't recollect.
Q Russell creek is right close to Chatopa, isn't it? A About three miles and a half.
Q Now, the Holderman place you speak of as being the old place Larkins moved to, that is in the Cherokee Nation, isn't it?
A Yes, sir.

J. R. HURST, being duly sworn, testified as follows on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. R. Hurst.
Q Where do you live, Mr. Hurst? A I live down at Claremore.
Q How old are you? A I am 48 years old.
Q Where were you raised? A I was raised, I was born up here, at Chatopa, Kansas, and principally raised right around there.
Q Well, you have been residing in the Territory practically and lived here the greater portion of your life? A Yes, sir, that was in the Cherokee Nation then.
Q Where were you living when the war closed, Mr. Hurst, or near what place? A I was living, let's see, in '66 we lived on Neosho river right at the mouth of Russell creek.
Q Well, after the war did you become acquainted with a man by the name of Larkins? A Yes, sir.
Q How long did you know him, from the time shortly after the war, until the time of his death? A Why I knew him; I think the first time I ever met Mr. Larkins it was in '68.
Q Well, he was a United States citizen; I mean by that was he a Cherokee citizen or United States citizen? A He was a United States citizen.
Q Where was he when you met him, Mr. Hurst? A He was in Chatopa, Kansas.
Q After that time did you have any business transactions with Mr. Larkins? A I hired for him and worked two years.
Q Where did you work? A I worked right on the head of Elk Creek.
Q In the Cherokee Nation or where? A Cherokee Nation.
Q Whose place was it? A I think Boudinot claimed it; first it started in my name and afterwards I think Boudinot got it in his name.
Q Now, that year was that place started after you got acquainted with Larkins in '68? A Yes, sir.
Q How long did you stay with Larkins on the place?
A I stayed there about two years.
Q Where did you go when you left there? A I went to Texas.
Q Do you remember about what year you went to Texas? A It was about '70.
Q I will ask you whether or not after you left Mr. Larkins place, which had been run in your name part of the time, to go to Texas, was any colored people working for Larkins on that place?
A Not that I know of, I worked on the place all the time; I had it in my possession and tended cattle, had 640 head of cattle.
Q When, if you know, did any colored people come around that ranch there, or if any come, before you went to Texas?
A There wasn't any come at all before I went to Texas.
Q And you went in 1870? A Yes, sir.
Q Do you know who that place belongs to now, or have you been up there in a good many years? A No, sir.
MR. WELLS: I believe you said, Mr. Hurst, it was the old Boudinot place? A I don't know, I think Boudinot owns it, afterwards.
Q Any land in cultivation on it? A Yes, sir, afterwards.
Q I am not talking about afterwards, I mean while you were there?
Q Oh, yes, we broke out about 160 acres while I was there.
Q Well, you stayed there just about a year? A About two years.
Q Were you confined almost about your work? A All the time, right there about the place, stayed right there.

Q How far is that from the Holderman place? A It must be about mile and a half or two miles, I don't know but what the Holderman place joins it now.

Q Did you keep track of everybody that was there in that country?

A Why, at that time I did.

Q How far did your range extend, how far did you know the people?

A Well, my range extended from Neosho river over to the head of Cabin creek.

Q You watched everybody that came in? A I knowed everybody, nearly everybody.

Q Have you ever been convicted of any crime?

Mr. Davenport: I object to that.

Commission: The objection will be noted, and answer the question.

Q Were you convicted? A Yes, sir.

Q Were you sent to the penitentiary? A Yes, sir.

Q Where from? A I was sent from Oswego, Kansas.

Q How long ago? A Let's see, it was in '74.

Q What charge? A Grand Larceny.

Q How long did you serve? A Five years.

Mr. Mellette: I ask that his testimony be stricken out?

Commission: The objection will be noted, and the testimony will be considered for what it is worth.

MR. DAVENPORT: Did you serve your time? A Yes, sir.

Q You were in charge of the ranch for Mr. Jarkins? A Yes, sir.

GRANDVILLE CRAIG, being duly sworn, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Grandville Craig.

Q Where do you live, Mr. Craig? A Big Cabin.

Q What is your post office? A Bluejacket.

Q How old are you? A 50.

Q How long have you lived in the neighborhood of Bluejacket?

A Since '75.

Q How far do you live from Timbers Hill out west of Bluejacket?

A About a mile.

Q How long have you lived in that section? A All the time.

Q When you came down in that country in 1873 who was living in that country? A Nobody.

Q Do you know Eliza Gaines? A Yes, sir.

Q How long have you known her? A Since '62.

Q Where was she when you first got acquainted with her? A Right there where she lives now.

Q Did they have improvements when you got acquainted with them, and what was the circumstance of your seeing them? A They was building a cabin there.

Q How far is that from where you live? A About three miles.

Q You had been living up in that country from '72 or '5 up until now? A Yes, sir.

Q What had you been doing there? A Raising and live stock.

Q Had they lived in that neighborhood from the time you went in there until you saw them there building that cabin in 1862?

A No, sir.

Q You isn't know where they came from? A No, sir.

Q Did you ever know a man by the name of Larkins that lived up there by Chatopa? A Yes, sir.

Q Where was he living when you got acquainted with him?

A In Chatopa, right at the edge of Chatopa.

Q Do you know where he had that ranch down there in Russell creek?

A I could not say what time he ran the ranch there.

Q How far is that from this Timbers Hill where you live?

A That is some 12 or 14 miles.

Q Do you know whether he was handling that ranch after the M. K. & T. railroad came through or before? A I think he was handling it at the time the railroad came through and some time afterwards.

Q You don't remember when he began? A No, sir.

MR. MELLETTE: Well, Mr. Craig, you spoke of knowing Eliza Gaines living at the place she is living now? A Yes, sir.

Q she located there in '82? A Yes, sir.

Q And lived there continuously since that time? A Yes, sir.

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

Q You don't know where she lived before that? A No, sir.

MR. DAVENPORT: Do you know any of her family, to show it was the same Eliza Gaines; do you know any of their children?

A Yes, sir, I know some of them, I know John Nash and Ed and used to know two or three girls that worked around there over the country

C. C. YOUNG, being duly sworn, testified as follows, on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A C. C. Young.

Q Where do you live, Mr. Young? A Two miles west of Bluejacket.

Q How old are you? A 50 years old.

Q How long have you lived in that neighborhood, Mr. Young? A Since '81.

Q How far do you live from what is known as Timbered Hill northwest of Bluejacket, or west of Bluejacket? A I live about a quarter of a mile northeast of the main timbered Hill.

~~How~~ How long have you lived there at that place?

A Settled there in '81.

Q When you built there were there any colored people living near where you built? A Yes, sir.

Q Do you know Eliza Gaines? A Yes, sir.

Q Do you know any of her family? A Yes, sir.

Q What were their names? A I know John, Eliza, Malinda.

Q What does John go by? A Name of John Nash.

Q Now, when did they come into that country and establish any improvements? A The first I know of them they come there in '82; I seen them go over there in the Spring of '82 in an ox team and in the fall of '82 they put up a small cabin.

Q In the fall you say they come from what direction were they coming? A They was coming a little southeast.

Q And they came back in the fall and located that year? A Yes, sir.

Q How far did they locate from where you had your place, Mr. Young?

A About a mile west.

Q They have been living there since that time? A Yes, sir.

MR. MELLETTE: You don't know where they lived before that?

A Well, some of them said they lived over in the Jenkins settlement.

Q Where is that? A That is west of Timbered Hill.

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

J. W. CLARK, being duly sworn, testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. W. Clark.

Q Where do you live, Mr. Clark? A I live in the Territory here, you may call my home here in Vinita.

Q Your wife stays here doesn't she? A Yes, sir.

Q How old are you? A I am 58 years old.

Q Were you living in the Cherokee Nation at the close of the war, Judge? A Yes, sir, lived here all my life.

Q What place were you living? A When the war closed?

Q Yes. A I was soldier at Fort Gibson, mustered out there last May, '65.

Q Well, after you were mustered out where did you go? A I lived on Grand river in the vicinity of where I am living now.

Q Well, did you afterwards have anything to do in latter years as what is known as the Hookey Bell place? A Hookey Bell place now, but wasn't then; I lived about seven or eight miles then, it was known as the Joe Martin place then, that is the Hookey Bell place.

Q Well, were you on that place or had anything to do with it the year after the war? A Yes, sir, I had a bunch of cattle there from August to September.

Q What year? A '66.

Q Was any land in cultivation? A No, sir, the rails had all been burned by the soldiers and people passing and before the house was built there, there wasn't no thing there but a stockade built there during the war, there was a right smart of trouble around there and built a Fort there.

Q Was there any cultivated land there in '67? A There was not any, Captain Bell moved back on the place in the fall of '67.

L. B. BELL, being duly sworn, testified as follows on part of Cherokee Nation:

MR. DAVENPORT:

Witness: L. B. Bell; 62; Vinita.

Q Where were you living at the close of the war, Mr. Bell? A My family was in Russ County, Texas, I reckon I was living there.

Q When did you come back to the Cherokee Nation? A I come back here in 1867.

Q Well, when did you move to the place which is known as the Joe Martin place, just after the war; what is now known as Hookey Bell place? A Well, I moved up to that Joe Martin place at the crossing of the Military road on Cabin Creek, in Tahlequah district; I think I moved into the house in November 1867, I built the house there.

Q That the place they had a kind of a Fort there at the time of the war? A Yes, sir, there was a stockade there.

Q Had you any improvements made on that place in 1867? A No, I will tell you, I moved here in 1867 and made a crop about eight or ten miles down below that place on the same side of Grand river, and on Grand river, and I built my house there, or commenced it in September or October and finished it in November and moved in it in November; there was no house there, there was no field there, the old field, the plowed ground that had been before that, but there was no fence around it.

Q Do you know Eliza Gaines? A No, sir.

Q Do you know whether or not she and her family cut any corn for you since the war? A Well, along about 1869 is when I raised a crop there, I guess she come, there was some negroes there that belonged to old John Stover, stopped and cut the corn.

Q Do you know from what direction they came when they came up there; did you have any conversation as to where they came from? A No, sir, I wasn't at home and my wife hired them to do the corn cutting and I got there about the time that got through; that is my understanding is they was right up from Fort Gibson, moving home, but I don't have any distinct recollection of having had any conversation with them directly about where they had come from, or as to whether they had just come into the country or not.

Q It was the first corn crop you had cut on the place? A Well, I told you I didn't have any field there; in 1867 I made a little patch, in '68 probably three or four acres and didn't have anything like a field until '69, it was in '68, is my recollection when they cut that corn; that is when I had the corn cut, and I understood it was these Stover negroes that done the cutting.

MR. WELLS: Now, Col. Bell, Eliza Gaines belonged to John Stover, a Cherokee, at the beginning of the war, didn't she? A I said a while ago I didn't know Eliza Gaines. I lived in the neighborhood and John Stover he had a lot of slaves and I understood from them that they was John Stover's slaves and I go took it, and believe it vet.

Q Well, now, when you see Eliza Gaines after the war? A I don't know that I ever saw Eliza Gaines after the war.

Q Well, now, Col. Bell, you made an application for her before the Wallace Court? A I guess I did.

Q When John W. Wallace was making a roll of Cherokee Freedmen and you made an affidavit-

Mr. Davenport: I object to it unless he is going to introduce the affidavit.

Mr. Mellette: I am going to introduce the affidavit.

Q When did you say you saw them? A In '68 I don't remember that I had any corn before that.

Q I will ask you if you didn't make this affidavit before John W. Wallace, U. S. Commissioner, who was making a roll of the Freedmen? Now I will read you your affidavit: "In the matter of the claim of Eliza Gaines: L. B. Bell, being sworn, states that to the best of his recollection she was a slave and belonged to one John Stover, who I lived in

for many years near (two miles) of where he lived in the Cherokee, and that he has had said Eliza Gaines in his employ in about the year 1867 or 1868. I am a citizen of the Cherokee Nation have been such all my life. (Signed) E. B. Bell.

Note: L. B. Bell is a member of the Cherokee National Council/ Subscribed and sworn to before me this September 11th, 1889. John W. Wallace, Commissioner."

A The only employment I recollect of giving her, that is the woman who claims to be that woman was to cut this corn.

Q Now, Col. Bell, this is a certified copy of your affidavit from the Secretary of the Interior and wasn't your recollection better then of the matter than it is now? A I don't know, well, my recollection is no better then than it is now about the crop raising to a certainty, as I said a while ago it could not have been earlier than 1868 I cut the corn and I never lived on the place until 1868.

Q You stated here in this affidavit it was about '67 or '68, you don't put it as early as '67 now? A It could not have been '67, I don't have any recollection of employing her, if she is the woman I employed, in any other capacity except cutting that corn, and I don't think they stayed there only a few days.

Q Did you know Nancy Dameron, she was a witness for Eliza Gaines before Mr. Wallace at the same time you were? A Yes, sir.

Q Was she a Cherokee Indian? A Yes, sir, she was John Stover's daughter.

Q Is she dead or alive? A She is dead I think she resided in this town here.

Q I have here a statement of Eliza Gaines made before John W. Wallace, U. S. Commissioner, on the 11th day of September, 1889, stating that she was a slave of John Stover, a Cherokee Indian, at the beginning of the war, that she left the Cherokee Nation during the war, and that she returned to the Cherokee Nation in 1866; also giving the names of her children. I want to introduce a certified copy from the secretary of the Interior.

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the statement of Eliza Gaines before the Wallace Court for the reason that it is incompetent and immaterial; she, Eliza Gaines, being alive and having testified in her original application in this case.

Mr. Mellette: I ask not to introduce the affidavit of Nancy Dameron, who is dead, which affidavit is as follows:

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the affidavit for the reason that it is an ex parte statement of the witness and not a proceeding in Court taken after due notice to all parties.

interested, and because of the further fact that it is incompetent and immaterial, and there are living witnesses by whom the same facts can be established--Mrs. Dameron's sister and others are now living, who know the same facts that Mr. Dameron know and one of whom is now in the town of Vinita for the purpose of giving evidence in cases to-day.

Commission: The objection will be noted, and affidavit will be filed and considered for what it is worth.

Mr. Fallette: Now, the attorney for the Applicant files the affidavit of Nancy Dameron, which is certified to as correct by the Commissioner of Indian Affairs.

Commission: This testimony will be made part of the record in the following Freedmen cases. D.#221, D.#221, D.#222, D.#223, D.#224, D.#225, D.#226, D.#227, D.#228, D.#229, D.#230, #D.307, D.#247, D.#322, D.#231, D.#232, D.#716, and also in the case of Eliza Gains, D.#220.

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

J. O. Rosson

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

[Signature]

Commissioner.

RECORDED
INDEXED
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To be filed with U. S. D. 200, Malinda Jones et al.

Department of the Interior
Commission on the Five Civilized Tribes,
Wash. D. C., May 19, 1902.

In the matter of the application of ELIZABETH GAINES for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL to D-200.

APPEARANCES:

Mellette & Smith for applicants,
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence the following decision of the Commission on Citizenship rendered on the 25th day of September, A. D. 1882, as found of record from docket and decisions, Commission on Citizenship, from page 116. Said judgment is signed by Thomas Reese and Alex Wolfe, and countersigned by D. W. C. Runch, Clerk of the Commission, and reads as follows:

Office Commission on
Citizenship, Tanlequah
C. N. September 26 1881.

No. 112. Mary Stover,
Eliza Stover,
Jane Stover,
Fanny Stover,
Lydia Stover,
Angelina Stover,
Mary Stover,
Do
Cherokee Nation.

PETITION FOR CITIZENSHIP,

J. H. Bryan,
Atty for Claimant.

Continued by the plaintiff.

Oct. 3, 1881.
Continued by Commission till Sept. term, Feb. 3rd, 1882.
Submitted by Claimant Sept. 20th, 1882.
Submitted by the Solicitor September 28th, 1882.

And now on this 25th day of September, A. D. 1882, this cause coming on for final hearing, and all the evidence in the case being fully read and considered by the Commission, it was adjudged and determined by the Commission on Citizenship that the claimants, being colored persons and having failed to return to the Cherokee Nation within six months from the 15th day of July, 1866 as provided by the Treaty of 1866, are not entitled to the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that their claim therefor should be and the same is hereby rejected, said claimants being the above named Mary Stover, Eliza Stover, Jane Stover, Fanny Stover, Lydia Stover, Angelina Stover, and Mary Stover.

Thos. Reese, Pres. of Commission,
Alex Wolfe, Commissioner.

Thompson, Court Reporter, Dismissing

D. W. C. Runch,
Clerk of Com.

MR. SMITH: The counsel objects to the above offer of testimony and for reason states that there is no showing that the persons named in said alleged judgment are identical with the applicants herein or either of them; that the same is immaterial, incompetent, irrelevant, and does not tend to prove any issue in this case, and because the same is not properly authenticated and proven, and because a copy of said judgment is not the best evidence thereof, it appearing that the entry and book itself would be better evidence, and because it is incompetent to prove said alleged judgment in the manner and form sought to be used in this case.

W. W. Hastings, being first duly sworn testified as follows:

My name is W. W. Hastings; I am 35 years old; my postoffice is Tahlequah. This book is a book that is now in the custody of this Commission, being the Commission to the Five Civilized Tribes, and given them by the officials of the Executive Department of the Cherokee Nation, and this judgment that is introduced here is the original judgment from that book.

MR. SMITH: Mr. Hastings, this is not signed in the handwriting of the men whose names appear at the bottom of the record, is it?

A Not signed in the handwriting?

Q Yes, A Well I am not familiar with their handwriting.

Q Well look at it; don't you take all those names to be signed by the same person? A I take them all to be signed by D. W. C. Duncan there.

Q The same man that wrote them? A Yes, sir.

Q The same handwriting; all seems to be in the same handwriting?

A Yes, sir, seems to be all written by the same man.

Q What do you call this book? A That is a citizenship judgment book.

Q Of what date and what year? A Well it takes from 1820 to 1834, inclusive.

Q Now this book is in the custody of the Commission to the Five Civilized Tribes? A Yes, sir.

Q Now that is this little book we had here a while ago, that has the decisions of 1871, what is that called? Has that been introduced in this case? Do you want that to be taken down as a record in this case? That other book that's introduced from which I read those judgments, are judgments which were rendered by the Supreme Court in 1871, that was setting as a court of Commission, with jurisdiction to try and determine all of these doubtful cases, not only Cherokee but colored.

Q How many of those books which show judgments against freedmen are there? A I wouldn't know till I count them up; I don't know but the three, right here now present, I think there's one more that I know of.

Q Are all of those in the custody of the Commission? A No, sir, none of them are in my custody.

Q Which ones are in your custody? A Well all that I spoke of here this morning, I think, except this one.

Q Except this one? A The one at the bottom, this one. - I am mistaken, this here top one is in the custody of the Commission.

COMMISSION: This testimony will be filed in the following freedmen cases: Jane Webb, D-221, Mary Mayberry, D-222, Berry Thompson, D-223, Julia Nash, D-224, Georgia Jones et al, D-225, John H. Nash et al, D-226, Malinda Jones et al, D-227, Eliza Groves et al, D-228, Berry Nash, D-229, Edward

Brown et al, D-247, Lydia Carter et al, D-718, and in the case of Eliza Gaines, the same being the case at bar, D-220. It appears from the records of the Commission that the above applicants are all represented by Hellatte & Smith.

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

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 29th day of May, 1902.

(SEAL)

(Signed) F. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the foregoing is a true and complete copy of the original notes on file with the Commission, as the same were copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 18th day of Aug., 1902.

B. C. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment
as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified
copy of the decree of the Court of Claims in the case of
Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation,
No. 17209, filed in the Mariah Hayden case F. D. 498, a part of the
record in this case and the cases hereinafter mentioned by refer-
ence to the said case of the said Mariah Hayden, and if it be
deemed necessary that a copy of the said decree be filed in this
case and in the following cases, to-wit:

Malinda Johnson, B 227;

By W. W. Hastings:

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

Commission:

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

Mr. Smith:

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

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

W. W. Hastings:

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

The Commission:

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

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

(Signed) E. G. Rothenberger.

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

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

(SEAL)

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

E. C. Bagwell

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

P. G. Reuter
Notary Public.

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

JAC

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

Eliza Gaines-----	Cherokee Freedmen D 220,
Jane Webb-----	Cherokee Freedmen D 221,
Mary Mabry et al.-----	Cherokee Freedmen D 222,
Berry Thompson et al.-----	Cherokee Freedmen D 223,
Julia Nash-----	Cherokee Freedmen D 224,
Georgia Jones et al.-----	Cherokee Freedmen D 225,
John H. Nash et al.-----	Cherokee Freedmen D 226,
Malinda Johnson et al.-----	Cherokee Freedmen D 227,
Eliza Grooms et al.-----	Cherokee Freedmen D 228,
Berry Nash-----	Cherokee Freedmen D 229,
Edward Nash-----	Cherokee Freedmen D 230,
Carrie Harris et al.-----	Cherokee Freedmen D 231,
Ella Humes-----	Cherokee Freedmen D 232,
Aaron Martin-----	Cherokee Freedmen D 235,
Michael Martin-----	Cherokee Freedmen D 236,
George Martin et al.-----	Cherokee Freedmen D 237,
Joshua Martin-----	Cherokee Freedmen D 238,
Edward Brown et al.-----	Cherokee Freedmen D 247,
Israel Martin et al.-----	Cherokee Freedmen D 307,
Mollie Brown et al.-----	Cherokee Freedmen D 319,
Harriett Tucker et al.-----	Cherokee Freedmen D 697,
Lydia Carter-----	Cherokee Freedmen D 716,
Allie McElroy et al.-----	Cherokee Freedmen D 717,
Robert Harper-----	Cherokee Freedmen D 718,
Jorden Harper-----	Cherokee Freedmen D 721.

DECISION

The record herein shows that applications were made to this Commission for enrollment, as Cherokee Freedmen, by Eliza Gaines, for herself; by Jane Webb, for herself; by Eliza Gaines, for her daughter, Mary Mabry; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Frank Mabry; by Berry Thompson, for himself and minor children, Elmer, Leo and Morrison Thompson; by Julia Nash, for herself; by Georgia Jones, for herself and minor children, John H., Ellen, Charlie, Susie, Walter, Rexie, McKinley and Centralia Jones; by John H. Nash, for himself and minor children, Allie, Jesse H., Ollie and Lucy Nash; by Malinda Johnson, for herself and minor children, Lettie, Lizzie, Belle, Eva, Annie,

Peter McKinley, Reuben and Lewis Johnson; that, subsequent to the date of the original application, birth affidavits, which are made a part of the record herein, were filed with the Commission showing the birth of George and Julia Johnson; by Eliza Grooms, for herself and minor children, Martha, Dona, Peter W., Lauretha and Ennis Grooms; by Berry Nash, for himself; by Edward Nash, for himself; by Carrie Harris, for herself; that, subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Delilah Harris; by Ella Humes, for herself; by Aaron Martin, for himself and others (said other parties being differently classified and not embraced in this decision); by Michael Martin, for himself; by George Martin, for himself, his wife, Alice, and minor children, Martha, Clifton, Ethel and Jane Martin; by Joshua Martin, for himself; by Edward Brown, for himself and minor children, Henry and Stella Brown; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Laura Brown; by Israel Martin, for himself, his wife, Lizzie, and minor children, Maggie, Louis, Laura and Lottie Martin; by Nellie Brown, for herself and minor children, Roxie, Moses, Jennie, William and Michael Brown; by Harriett Tucker, for herself and minor children, Clem Martin, Emma Bean, Henrietta Bean, George Tucker and Floyd Tucker; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Sarah M. Tucker; by Lydia Carter, for herself; by Allie McElroy, for herself and minor child, Etta Taylor; by Robert Harper, for himself; and by Jordan Harper, for himself.

The evidence shows that Eliza Gaines, Jane Webb, Berry Thompson, Lydia Carter, Aaron Martin, George Martin, Israel Martin, Julia Nash and Georgia Jones are the principal applicants herein, and that all the other applicants in these several cases have been born since 1866 and, with the exception of Ella Humes and Alice Martin, are descendants of some of said principal applicants and claim right to enrollment through them; that all of said principal applicants were slaves of Cherokee citizens at the commencement of the rebellion and left the Cherokee Nation during said rebellion, but returned thereto in 1866.

The evidence further shows that Ella Humes is the daughter of Rosa Mango, sister of Eliza Gaines, one of said principal applicants, and claims right to enrollment through her; that the said Rosa Mango was the slave of a Cherokee citizen at the commencement of the rebellion and was residing in the Cherokee Nation on July 19, 1866.

The said Alice Martin is duly identified on the 1880 authenticated roll of the Cherokee Nation as an adopted colored citizen.

All of the applicants herein have resided in the Cherokee Nation since 1866, or from date of birth where born since the year 1866, up to and including the date of the application herein, excepting occasional trips of a temporary nature outside of the territory; that all of said applicants were residing in said Cherokee Nation on June 28, 1898.

It appears from affidavits, made a part of the record herein, that the applicant, George Johnson, died in January, 1902; that the applicant, Eliza Grooms, died in October, 1901; and that the applicant, Ennis Grooms, died in August, 1902.

Section Twenty-five of the Act of Congress approved July 1, 1902 (32 Stats., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that Eliza Gaines, Jane Webb, Mary Mabry, Frank Mabry, Berry Thompson, Elmer Thompson, Leo Thompson, Morrison Thompson, Julia Nash, Georgia Jones, John H. Jones, Ellen Jones, Charlie Jones, Susie Jones, Walter Jones, Roxie Jones, McKinley Jones, Centralia Jones, John H. Nash, Allie Nash, Jesse H. Nash, Ollie Nash, Lucy Nash, Malinda Johnson, Lettie Johnson, Lizzie Johnson, Belle Johnson, Eva Johnson, Annie Johnson, Peter McKinley Johnson, Reuben Johnson, Lewis Johnson, Julia Johnson, Martha Grooms, Dona Grooms, Peter W. Grooms, Leuretha Grooms, Berry Nash, Edward Nash, Carrie Harris, Delilah Harris, Ella Humes, Aaren Martin, Michael Martin, George Martin, Alice Martin, Martha Martin, Clifton Martin, Ethel Martin, Jane Martin, Joshua Martin, Edward Brown, Henry Brown, Stella Brown, Laura Brown, Israel Martin, Lizzie Martin, Maggie Martin, Louis Martin, Laura Martin, Lottie Martin, Nellie Brown, Roxie Brown, Moses Brown, Jennie Brown, William Brown, Michael Brown, Harriett Tucker, Glen Martin, Emma Bean, Henrietta Bean, George Tucker, Floyd Tucker, Sarah M. Tucker, Lydia Carter, Allie McElroy, Etta Taylor, Robert Harper and Jordan Harper should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered; and it is further ordered by this Commission that the applications for the enrollment of George Johnson, Eliza Grooms and Ennis Grooms, as Cherokee Freedmen, be, and the same are hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tans Bixby, _____
Chairman.

(Signed) T. B. Needles, _____
Commissioner.

Commissioner.

(Signed) W. E. Stanley, _____
Commissioner.

Muskogee, Indian territory,
this SEP 5-1903

Refer in reply to
the following:
LAND
63877-1903

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, January 29, 1904.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to enclose herewith report from the Commission to the Five Civilized Tribes, dated September 3, 1903, transmitting the record relative to the application of Eliza Gaines and others for enrollment as Cherokee freedmen.

Eliza Gaines applied for the enrollment of herself. Jane Webb applied for the enrollment of herself. Eliza Gaines applied for the enrollment of her daughter, Mary Mabry and subsequently she applied for the enrollment of Frank Mabry, child of Mary Mabry, which child is properly identified by birth affidavit.

Berry Thompson applied for the enrollment of himself and his children, Elmer, Leo and Morrison Thompson.

Julia Nash applied for the enrollment of herself.

Georgia Jones applied for the enrollment of herself and her children, John H., Ellen, Charlie, Susie, Walter, Roxie, McKinley and Centralia Jones.

John Nash applied for the enrollment of himself and his minor children Allie, Jesse H., Ollie and Lucy Nash.

Malinda Johnson applied for the enrollment of herself and minor children, Lottie, Lizzie, Belle, Eva, Annie, Peter McKinley, Reuben and Lewis Johnson, and subsequent to the date of her original application she applied for the enrollment of George and Julia

Johnson, her infant children who were born after the date of her original application. These minor children are properly identified by birth affidavits.

Eliza Grooms applied for the enrollment of herself and her children, Martha, Dona, Peter, Lauretha and Ennis Grooms.

Ferry Nash applied for the enrollment of himself, as well as did Edward Walsh and Carrie Harris. Carrie Harris subsequently applied for the enrollment of her minor child, Delilah Harris, who is properly identified by birth affidavit.

Ella Humes applied for the enrollment of herself, as also did Aaron Martin. Aaron Martin also applied for the enrollment of other parties, but the Commission in its decision says they are differently classed and are not therefore included in the decision.

Michael Martin applied for the enrollment of himself.

George Martin applied for the enrollment of his wife, Alice Martin and their minor children, Martha, Clifton, Ethel and Jane Martin.

Joshua Martin applied for the enrollment of himself.

Edward Brown applied for the enrollment of himself and his minor children, Henry and Stella Brown, and he subsequently applied for the enrollment of Laura Brown, his minor child born after the date of his original application. This minor is properly identified by birth affidavit.

Izrael Martin applied for the enrollment of himself, his wife, Bessie Martin and their children, Maggie, Louis, Laura and Lottie Martin.

Lellie Brown applied for the enrollment of herself and minor children Roxie, Moses, Jennie, William and Michael Brown.

Marfiet Tucket applied for the enrollment of herself and minor children, Clem Martin, Emma Bean, Henrietta Bean, George and Floyd Tucker; subsequent to the date of her application she also applied for the enrollment of Sarah ... Tucker, a child born after the date of her original application, who, the Commission says is properly identified by birth affidavit and made a part of the record; the office has been unable to find the birth affidavit referred to and it is presumed that the Commission neglected to file it with the record in the case.

Lydia Carter applied for the enrollment of herself and Allie McElroy applied for the enrollment of herself and minor child Etta Taylor McElroy.

Robert Harper applied for the enrollment of himself.

Jordan Harper applied for the enrollment of himself.

September 5, 1903 the Commission held that all of the applicants above named except George Johnson, who died in January 1902, Eliza Grooms, who died in October 1901 and Emma Grooms, who died in August 1902 were entitled to enrollment as Cherokee freedmen.

As to the parties last mentioned, their applications were dismissed by the Commission.

Eliza Gaines, Jane Webb, Berry Thompson, Lydia Carter, Adam Martin, George Martin, Israel Martin, Julia Mash and Georgia Jones appear to be the principal applicants in this case. All of the other

applicants were born since 1866 and are descendants of some of the principal applicants, except Ella Humes and Alice Martin.

All of the principal applicants, the record shows were slaves of citizens of the Cherokee Nation at the commencement of the rebellion; that they left the nation during the rebellion, but returned prior to the time limit fixed by the treaty of 1866; in fact, the record shows they returned during the year 1866.

Ella Humes is a daughter of Rosa M. Sango, who was a sister of Eliza Gaines. Rosa M. Sango, deceased, belonged at the commencement of the rebellion to Nancy Dameron, a citizen of the Cherokee Nation, and Alice Martin, wife of George Martin, the record shows is duly identified by the 1860 roll as "an adopted colored citizen."

Eliza Gaines belonged to John Stever and his wife, Charlotte Stever at the commencement of the late civil war. John Stever was not a citizen of the Cherokee Nation, but his wife was.

Jane Webb, Berry Thompson and Lydia Carter also belonged to Charlotte Stever.

Aaron Martin belonged to John Martin, a citizen of the Cherokee Nation.

Israel Martin is a son of Eliza Gaines. Julia Nash and Georgia Jones are her daughters. John Nash is her son.

Malinda Jones, Eliza Grooms, Berry Nash, Edward Nash and Carrie Nash are also her children.

Michael and George Martin are sons of Aaron Martin, as is also Joshua Martin.

Edward Brown is a son of Jane Webb, and Nellie Brown (nee

Martin) and Harriet Tucker are daughters of Aaron Martin.

Alice Martin, the wife of George Martin appears to be the daughter of Cesso Alberty and his wife, Jane Alberty. Her father was drowned in the Spring of 1876 and her mother died in 1878 or 1879. However, as above stated, she is identified by the 1880 Cherokee roll as "an adopted colored person."

The Cherokee Nation protests against the Commission's decision. From the record in this case it appears that the decision is correct and the office therefore recommends that it be approved and that all of the applicants be declared entitled to enrollment as Cherokee freedmen except George Johnson, Eliza Grooms and Ennis Grooms, who died before September 1, 1902.

Attention is invited to the Commission's statement concerning the birth affidavit relative to the identification of Sarah M. Tucker. The office has been unable to find this among the papers, but it is believed that the Commission's statement that such affidavit has been filed with it is sufficient to warrant the Department in holding that she is entitled to enrollment unless there be some good reason not known to this office why she should not be enrolled.

Very respectfully,

(Signed) A. C. Tonner.

Acting Commissioner.

GAN/LM

5 enclosures.

D C 10862-1904.

COPY.

IED 833-1904.

DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

VHR.

April 4, 1904.

Commission to the

Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 29, 1904, the Acting Commissioner of Indian Affairs submitted the consolidated case involving the applications of Eliza Gaines and others for enrollment as Cherokee freedmen, and recommended that your decision in favor of the applicants, except George Johnson, Eliza Groome and Maria Groome, whose applications were rejected, be concurred in.

The names of the persons held to be entitled to enrollment are given in your decision and in the letter of the Acting Commissioner, except in his letter there appears several errors. John Nash on page 1 should be John R. Nash; Edward Walsh on page 2 should be Edward Nash; Peter Groome on the same page should be Peter W. Groome and Etta Taylor McElroy on page 3 should be Etta Taylor.

Finding no reason to disturb your decision it is hereby affirmed.

A copy of the Acting Commissioner's report is inclosed.

Respectfully,

(Signed) Thos Egan

Acting Secretary.

1 (inclosure)

Cher. Fr. R. 233

See Cher. Fr. 1281-1284-1289

Cher. Fr. R. 233

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., MAY 9th, 1901.

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

- Q What is your name? A Malinda Johnson.
Q How old are you, Malinda? A 28.
Q What is your post office address? A Vinita.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My children.
Q How many? Eight.
Q Well give me the name of the oldest child? A Lottie.
Q How old is Lottie? A About 15.
Q The next child? A Lizzie.
Q How old is Lizzie? A About 12.
Q The next one? A Bell.
Q How old is Bell? A About ten.
Q The next one? A Eva.
Q How old is Eva? A About eight.
Q The next one? A Anna. Anna's five.
Q The next one? A Peter McKinley Johnson four years old.
Q What is the next one? A Reubin.
Q How old is Reubin? A Three years.
Q The next one? A Lewis.
Q How old is Lewis? A One year.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Lewis Johnson.
Q Is he a citizen? A No, sir.
Q What is your father's name? A Henry Nash.
Q Is he living? A No, sir.
Q What is your mother's name? A Eliza Gaines.
Q Is she living? A Yes, sir.
Q Is your name on the roll of 1880? A No, sir.

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

The 1896 Census Roll of Freedmen of the Cherokee Nation examined and applicants names not found thereon.

- Q Did you draw what is known as the strip payment money? A Yes, sir.
Q What your is on what is known as the Kerns-Clifton roll?
A Yes, sir.
Q You never applied to be enrolled by any other Nation or tribe, did you? A No, sir.

BY MR. SMITH, of the firm of Smith & Mellette, Attorneys for Applicants:

- Q Your mother's name you say is Eliza Gaines? A Yes, sir.
Q She is the same Eliza Gaines who has just testified here in her own case? A Yes, sir.
Q Are you related to Berry Thompson? A My uncle.
Q Are you related to Jane Webb? A My aunt.
Q Where do you live? A Vinita.
Q How long have you been in Vinita? A Two years.
Q Where did you live before you came to Vinita? A Bluejacket.

Malinda Johnson--2.

Q How long have you lived in the Cherokee Nation? A Ever since I knowed him.

BY W. W. HASTINGS: Cherokee Representative:

Q Where were you married? A Bluejacket.
Q Who married you? A Mr. Ward.
Q Peter Ward? A No, sir, Abram Ward.
Q Were all these children born in the Cherokee Nation? A Yes, sir.
Q None of them born in Kansas? A No, sir.
Q You have never lived in Kansas? A No, sir.
Q You have always lived in the Cherokee Nation? A Yes, sir.

COM'R NEEDLES:

Q Are these children all alive and living with you? A Yes, sir.
Q Were you ever married before you married Lewis Johnson? A No, sir.
Q You are living with Lewis Johnson now? A Yes, sir.

The Kerns-Clifton Roll of citizens of the Cherokee Nation examined and the names of applicants found thereon as follows:
Page 161, #3990, Malinda Nash, Cooweescoowee District.
Page 161, #3991, Lottie Johnson, Cooweescoowee District.
Page 161, #3992, Lizzie Johnson, Cooweescoowee.
Page 161, #3993, Bell Johnson, Cooweescoowee District.
Page 161, #3994, Eva Johnson, Cooweescoowee District.

COM'R NEEDLES:--Malinda Johnson applies for the enrollment of herself and eight children, to-wit: Lottie, Lizzie, Bell, Eva, Anna, Peter McK., Reubin and Lewis. She avers that she is a child of Elizabeth Gaines. She avers that she has been married to one Lewis Johns, a non-citizen, whos the father of the children for whom she applies for enrollment. Her name is not found upon the authenticated roll of 1880, but is found upon the Kerns-Clifton pay roll, under the name of Malinda Nash, but she is duly identified as the applicant. The names of her four older children are found upon the Kerns-Clifton roll. The names of Anna, Peter McK, Reubin and Lewis, are not found upon said roll, having been born after the said rolls were compiled. They are all duly identified according to the page and number of the roll and make satisfactory proof as to residence. By agreement of the Attorney for the Applicant and the Cherokee Nation the testimony taken in the matter of the enrollment of Eliza Gainst, on D. Card #220, and of Berry Thomspen, on D. Card #223, is referred to and made a part of the record in the case of the applicant. Consequently Malinda Johnson and the names of her children, as enumerated herein, will be placed upon a doubtful card for the farther consideration of this Commission. She will be duly notified when the Commission arrives at a decision in her case. It will be necessary for her to file with this Commission satisfactory proof of the birth of her four younger children whose names do not appear upon the Kerns-Clifton pay roll. In the meantime if she want to offer any other testimony the same will be received.

o-o-o-o-o-o-o-o

J. C. Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he correctly recorded

Malinda Johnson--3.

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 10th day of May, 1901.

(Signed) C. R. Breckinridge,
Commissioner.

o-o-o-o-o-o-o-o

H. M. 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.

H. M. Vance

Subscribed and sworn to before me this the 20th day of April, 1904.

Charles A. Sawyer
Notary Public.

70558

W

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
JUL 1880

- Q Was Eliza living at Fort Gibson when you saw her? A. She was there washing; I dont know where she was living.
- Q How do you happen to see her seeing her? A. I stopped there where she was and talked with her.
- Q Did you see her there the next time? A. The next time I saw her, ask me
- Q Where did you see her there? A. Cabin creek.
- Q Where is that? A I dont know where way it is from here.
- Q How far from Vinita? A. Good ways.
- Q Near whose place? A. Bill Tucker's.
- Q On Cabin creek? A. Yes sir.
- Q When was that you saw her there? A I dont know, it may have been a year or maybe more.
- Q She was living up there then? A. Yes sir, in the house not far from Mr. Tucker's
- Q Where did you see her the next time? Where she lives now.
- Q About how long was that after that? A I dont know.
- Q She moved from where she lived on Cabin creek to where she lives now? A. Yes sir.
- Q West of Bluejacket? A. Yes sir, west of Bluejacket.
- Q Jim, were you ever tried for anything by the Courts? A. No sir.
- Q Never was arrested? A. No sir, not by Courts, I was not.
- Q By Marshalls? A No sir, I used to be a Marshal myself, I never was for any crime or any kind, never was.

Com'r Needles; Eliza Gaines applies for the enrollment of herself as a Cherokee Freedman. Her name is not found upon the authenticated roll of 1880 or any rolls now in the possession of this Commission except the Keen Clifton roll, and her name is found thereon according the the page and number as indicated in the testimony. Her name will now be placed upon a doubtful card for the further consideration by the Commission. The final decision of the Commission will be made known to the applicant at her post office address by due course of mail. If at any time she desires to introduce any additional testimony the same will be received.

... Rosson, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes she correctly recorded testimony and...

To be filed in the case of Eliza Grooms C. F. D. 228.

=====
Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. May 9th 1901.

In the matter of the application of Elize Gaines for enrollment as a Cherokee freedman; said Gaines being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Eliza Gaines.
Q How old are you? A. I don't know exactly how old.
Q How, about how old? A I got it you can see it (60)
Q What is your post office address? A. Bluejacket.
Q In what district do you live? A. Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Have you ever applied to be enrolled as a Freedman of any other Nation or tribe? A. No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee freedman? A Yes sir.
Q Is your name on the roll of 1880? A. I don't know.
Q Who do you want to enroll besides yourself? A. Myself.
Q How many children? A They are on there (referring to paper.)
Q Children are all grown? A. Yes sir.

The 1880 authenticated roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 census roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.

- Q Did you draw what is known as strip money? A. Yes sir.

The Kern Clifton roll of citizens of the Cherokee Nation examined and applicant's name found thereon, page 161, #5968, Eliza Gains, Cooweescoowee district.

BY MR. SMITH, of the firm of Smith & Mallette, Attorneys for applicant:

- Q Were you a slave? A. Yes sir.
Q Who was your owner? A John Stover.
Q Was he a Cherokee citizen? A. No sir, my Mistress was.
Q What was her name? A Charlotte Stover.
Q Where were you during the war? A. With my Master.
Q Did you go out of the Nation? A. Yes sir.
Q When did you get back? A '66.
Q Do you remember what time in '66? A I come back in the fall of '66 near Christmas.
Q Where did you come to, what part of the Cherokee Nation? A I come to Gibson.
Q Where do you live now? A I live at Timbered Hill now.
Q Have you a place there? A. Yes sir.
Q Farm? A Yes sir.
Q Are you on the Kern Clifton roll? A I guess I am on it, you will have to look to see.

By W. W. Hastings, Cherokee representative-

- Q Whom did you come back to the Cherokee Nation with? A. I come back with John Stover.
Q He brought you back? A. Yes sir, brought us to the Chickasaw Nation
Q Did he die in the Chickasaw Nation? A. Yes sir.
Q He didn't come back here after the war? A. No sir, he died over there but we come back.
Q After he died then you come on up to the Cherokee Nation? A Yes sir, I hired a wagon and come on up to Gibson.

Q Now, how many came along in that crowd? A. There was not nobody but my and mye sister, we hired a man to bring us.

Q What was your sister's name? A. Jane Webb, she was Jane Brown ~~the~~ at that time.

Q You hired a wagon did you? A. Yes sir.

Q, Do you remember the man's name you hired? A. Mr. Brown, he was her husband.

Q How long did you stay at Fort Gibson? A. We staid there about, we come in the fall before Christmas, staid there until I got able to travel again.

Q About how long? A. I guess it was about nearly, over six months, a year; we staid there and drawed rations.

Q Whom did you stay with at Gibson? A We was in a tent.

Q Just you two and her husband? A. Yes sir, and the children.

Q What children did you had at that time? A. I had Julia and Georgia and John Henry; and Lizzie.

Q They were all along with you? A. Yes sir.

Q Who did you work for at Fort Gibson? A. I washed for soldiers.

Q And where did you go from Fort Gibson? A. I staid there about a year and come up about Mr. Bell's.

Q Mr. Hooley Bell's? A Yes sir.

Q Where was he living at that time? A. I can't tell you, but it was somewheres wherethe old Fort had been and there was coffins there and any way I know it was where he lived, I cut corn for him.

Q For Hooley Bell? A Yes sir.

Q How long did you stay with Hooley Bell? A. I staid until along in the fall.

Q You staid there from the summer until the fall? A. Yes sir,

Q About six or eight months? A. Yes sir.

Q And that must have been in the fall of 1867 when you staid up at Hooley Bell's? A I dont know.

Q Now, where did you go? A. I went to Chatopa and staid there.

Q Chatopa, Kansas? A. Yes sir, right there across the line.

Q You didn't go into the state of Kansas? A. No sir.

Q You only went up near Chatopa on the Cherokee side? A Yes sir, on what they call.

Q Now, whom did you work for up there? A We was working for ourselves, a man hired us to go out and work on his farm, it was a man named Larkins.

Q Now, how long did you work for Larkins? A We staid there a long time.

Q A number of years? A. Yes sir, until we moved down here.

Q Until you moved where you live now? A. Yes sir.

Q After you left Hooley Bell's place you went up to the Larkins ~~pal~~ place? A. Yes sir.

Q Are any of Mr. Larkins folks alive now? A. Not as I know of.

Q He had a family did he? A. Yes sir, he had four in his family, his wife and two children.

Q Was Mr. Larkins a citizen of the Cherokee Nation? A. I dont know, he hired us to work.

Q Has you ever lived in Kansas since the war? A. No sir.

Q You never went up there at all? A. No sir, just go up there and come back.

Q You come back from near Chatopa to where you live now? A. Yes sir; I dont live there now, I live on Timber Hill near Bluejacket.

Q, You mean you come from the Larkins place down near Bluejacket? A. A Yes sir.

Q What direction is that, is it on the Cooweescoowee side? A. Yes sir

Q Towards the sunset from Bluejacket? A, Yes sir.

Q Did your sister go with you all these round you were talking about? A She was with me pretty much of the time.

Q Did these children go with you? A. They was with me some and I had

some hired out.

Q You staid about three or four years at the Larkins place? A. Yes sir

Q Did you have any neighbors around there? A. There was no neighbors but one family.

Q What was that family? A. John Shafer

Q Did he live in the Cherokee Nation? A. Yes sir.

Q Now, about how far from Chatopa were you, about how many miles to the best of your knowledge? A I guess it was about three or four miles

Q Down on the Cherokee side? A. Yes sir.

Q South of Chatopa? A. Yes sir.

Q Were you living there when the railroad come there? A. No sir, wasn't no railroad, living there long before the railroad was built

Q You were living there when the railroad was built? A. Yes sir, there wasn't no houses when the railroad come through.

Q Were you living at Larkins when the railroad come through there? A Yes sir.

Q Now, Aunty, how far from the railroad track, the M. K. & T., were you living? A I dont know, we could not hear the train.

Q On the south side of the track? A. That was on this side of the track over in Ooweesadowee.

By Mr. Smith-

Q Who are your children? A John Henry.

Q John Henry what? A. John Henry Nash, Lissie, Georgia Ann, Malinda, Etta, Berry, the other three is dead.

Q How many? A. Three is dead.

Q How many are alive now that you name? A. (No response.)

Q You dont mean that any of those whose names you give are dead? A.

A No sir.

Q Do they go by this name now; are they still named Nash, or are they married? A They are married.

Q What are the names of the girls? A. Malinda Johnson and John Nash, he goes by his daddy's name, Georgia Jones and Lissie Martin and Carrie Harrison.

Q Are they here? A. There is Mary Hayberry.

CHARLEY CHAMBERS, called as a witness on the part of Applicant, sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A. Charley Chambers.

Q How old are you Mr. Chambers? A 78'

Q What is your post office address? A. Hudson.

By Mr. Smith-

Q Do you know Eliza Nash or Eliza Gains? A Yes sir.

Q How long have you known her? A. Well, I have known her somewhere about '88

Q Where did you know her? A. When I first known her she was at, my first knowing her, I seen her at Fort Gibson.

Q Are you a Freedman? A. Yes sir.

Q Are you on the 1880 roll, or not? A. Yes sir.

Q Where were you during the war; did you go out of the Cherokee Nation? A No sir; Yes sir; I went out of the Cherokee Nation, but I was in the Territory, the Choctaw.

Q The Choctaw Nation? A. Yes sir.

Q Do you remember when you got back to the Cherokee Nation? A. Yes sir.

Q What was it? A I come back in '88, I come back in '88; this side of Fort Smith over there down in the bottom on this side of the river

Q How long was it after you come back before you become acquainted

with or see Eliza Nash, or Eliza Gains? A Well I come back in, along, in the Summer and I come up from there and come up to ~~Washita~~ Tahlequah where my old folks was living and it was that winter about the next, I mean the next year, the winter I was over to Fort Gibson and seen her there.

Q About what season of the year was it you got back? A. Along in the summer, spring like.

Q Of 1865? A Yes sir.

Q And the following winter? A No it was the year we called there, that winter and the next winter, come in the same winter, that is right, the same winter.

Q Well, which was it, the following winter after you come back in the summer? A Yes sir.

Q Do you know her children, know what their names are all of them, or not? A. No sir; I dont know; I never seen any of the children then, I didn't know anybody but her and she was up there, up there drawing Government rations then when I seen her.

By W. W. Hastings-

Q Did you see her there then the one time, Mr. Chambers? A. No, sir, I seen her there as much as twice I know of; it was the first time I saw her there it was.

Q That was in the fall after you come back in the spring or summer?

A Yes sir; after I come up from Fort Smith, I come up then to see my old folks that raised me and while I was there I went on there to Fort Gibson and seen her there.

Q You are positive you saw her? A. Yes sir; I am positive I saw her there.

Q Are you positive about the year you saw her? A. It is the same winter after I come there; you see I staid there all that summer down there to Fort Smith and along in the fall I come up there.

Q And that is the fall you saw her? A. Yes sir, that winter I seen her.

Q You know that? A. Yes sir, I know that to be fact.

Q You come here you say in the spring or summer of 1865? A. Yes sir.

Q And say it was the next winter you saw her? A Yes sir, I staid that summer there at Fort Smith in the bottom, understand me right; I staid there that summer in the bottom and that winter I come up to

see my old folks who raised me; well that fall I staid there all fall and that fall I went down to Gibson, riding about as usual and staid around there a little while and I seen her and I was always a pretty good hand to notice women.

Q And you noticed her among all that bunch? A. Yes sir.

Q You remember seeing her? A Yes sir.

Q Well when did you next see her? A. I seen her agin a short time after that I saw her there in a store the next time I saw her.

Q Whose store? A. I can't call the man's name now; but anyhow it was the store George Sanders was working in; I guess you ~~must~~ know dont you, dont you recall.

Q I was not there. A There at Fort Gibson.

Q When did you next see her? A. I never seen her from over there, I never seen her any more until I saw her up there where he is living now, at Timbered Hill.

Q How long was that after you saw her at Fort Gibson? A. Four or five years.

Q You dont know where she had been in the meantime? A. No sir; but I dont think she had been anywhere but I heard of her living up by William Tucker's

Q You never did see her up there? A. No sir.

Q Have you ever been arrested? A. Yes sir.

Q What for? A. For several things.

Q How many times? A. Twice, three times, one time for selling bows and the next time time for selling cedar posts.

Q What Court? A. Cherokee; arrested on time by the United States court,

Q What for? A. For shooting at a man.

Q What was done with you? A. Never done anything with me.

- Q Did they try you? A. Yes sir, never done anything.
 Q What did they do with you in the Cherokee court? A Nothing, turned me loose and let me go home.
 Q Never was convicted? A. No sir.
 Q You dont remember seeing anybody but this woman in 1866? A Oh I seen lots others.
 Q I mean of her family? A If I did, I didn't know 'em.

JAMES ALBERTY, being sworn and examined by Commissioner T. B. Needles testified as follows:

- Q What is your name? A. James Alberty.
 Q What is your post office address? A. Chouteau.
 Q How old are you, James? A. I am near 70 or older, I dont know.
 Q Are you a citizen of the Cherokee Nation? A Yes sir, I drew money, votes.
 Q Is your name on the roll of 1880? A No sir.

By Mr. Smith

- Q Do you know Eliza Gains? A. Yes sir.
 Q Sometimes called Nash? A I know her.
 Q How long have you known her? A. I dont know how long, I known her when she was with her old Master, I dont know how long that has been.
 Q Who was that? A. Mr. Stover.
 Q Well, where were you during the war; did you go out of the Cherokee Nation? A. Yes, sir, south.
 Q When did you return to the Cherokee Nation? A. I returned in '66, before the Treaty was made.
 Q Did you know where Eliza Nash was at that time? A. (No response)
 Q When did you see Eliza Nash? A. When I come back.
 Q When was the first time you saw her? A. At Gibson.
 Q When? A. '66
 Q Can you state at what time it was? . A In the fall.
 Q Did you know any of her family, any of her children? A No sir, I could not tell anything about them.
 Q Did you know her sister? A. Yes sir.
 Q What was her sisters name? A. Lydia was one and Jane she was one and if I dont mistake, Mary was one, that I recollect.
 Q Do you remember seeing any of them? A Yes sir.
 Q Who did you see? A Lydia that I noticed.
 Q That you remember? A Yes sir.
 Q Do you know your own personal knowledge whether they, or any of them, went out of the Cherokee Nation, and if so, when they came back? &
 A No sir, I dont know.

By W. W. Hastings

- Q Whom did you belong to when the war broke out? A. John Alberty.
 Q John Alberty sold you out of here before the war? A. No sir, he didn't; he sold Dave though.
 Q You swear that you belonged to him at the time of the war? A. Yes sir, I never belonged to anyone else that I know of.
 Q He never sold you out? A. No sir.
 Q Where were you living when the war came up? A. Right at Fryer Creek, right at the toll bridge.
 Q Where was this woman living when the war came up? A. At Stover's
 Q How far was that from where you were living? A. I trained horses right there at Wilson's
 Q Whom did you train horses for? A. Trained horses for Jim Kell.
 Q And you knew Eliza before the war? A. Yes sir.
 Q What were you doing at Fort Gibson when you saw her there? A. Nothing, just riding about getting drunk; that is all I done in them days; I had money and didn't work.

- Q Was Eliza living at Fort Gibson when you saw her? A. She was there washing; I dont know where she was living.
- Q How do you happen to ~~see~~ remember seeing her? A. I stopped there where she was and talked with her.
- Q Did you see her there just once? A. The next time I saw her, ask me
- Q Where did you see her next? A. Cabin creek.
- Q Where is that? A I dont know which way it is from here.
- Q How far from Vinita? A. Good ways.
- Q Near whose place? A. Bill Tucker's
- Q On Cabin creek? A. Yes sir.
- Q When was that you saw her there? A I dont know, it may have been a year or maybe more.
- Q She was living up there then? A. Yes sir, in the house not far from Mr. Tucker's
- Q Where did you see her the next time? A. Where she lives now.
- Q About how long was that after that? A I dont know.
- Q She moved from where she lived on Cabin creek to where she lives now? A. Yes sir.
- Q West of Bluejacket? A. Yes sir, west of Bluejacket.
- Q Jim, were you ever tried for anything by the Courts? A. No sir.
- Q Never was arrested? A. No sir, not by Courts, I was not.
- Q By Marshalls? A No sir, I used to be a Marshal myself, I never was for any crime or any kind, never was.

Com'r Needles; Eliza Gaines applies for the enrollment of herself as a Cherokee Freedman. Her name is not found upon the authenticated roll of 1880 or any rolls now in the possession of this Commission except the Kern Clifton roll, and her name is found thereon according to the page and number as indicated in the testimony. Her name will now be placed upon a doubtful card for the further consideration by the Commission. The final decision of the Commission will be made known to the applicant at her post office address by due course of mail. If at any time she desires to introduce any additional testimony the same will be received.

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 10th day of May, 1901.

(signed)

O. R. Breckinridge

Commissioner.

=====

I, Chas. von Weise, upon my oath state that the above is a true copy of the original.

Subscribed and sworn to before me this the 22d of July, 1901.

(His name)


Commissioner.

To be filed in the case of Eliza Groome, C. D. D. 228'

Department of the Interior,
Commission to the Five Civilized Tribes
Vinita, I. T. May 9th 1901.

In the matter of the application of Berry Thompson for the enrollment of himself and three children as Cherokee freedmen; said Thompson being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Berry Thompson.
Q How old are you, Mr. Thompson? A. About 45
Q What is your post office address? A. Bluejacket.
Q What district do you live in? A. Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you desire to enroll besides yourself? A I got three children
Q What are the names of your children? A Oldest one is named Elmer Thompson.
Q How old is Elmer? A 14.
Q The next one? A. Leo.
Q How old is Leo? A 15.
Q The next one? A. Morrison.
Q How old is Morrison? A. Ten
Q Is that all? A. Yes sir.
Q What is your wifes name? A. Bell Thompson.
Q Is she a citizen? A. Yes sir.
Q Is she the mother of these children? A. Yes sir.
Q What was her fathers name? A. Holston.
Q Did you ever apply to be enrolled by any other Nation or tribe? A No sir.
Q Have you ever been recognized by the Cherokee Authorities as a freedman? A (No response)
Q Kinda half way? A. Yes sir, just like the rest of them.
Q Is your name on any of the rolls of the Cherokee Nation? A. Yes sir
Q Is your name on the roll of 1880? A. No sir.
Q Is it on the Kern Clifton roll? A. Yes sir.
Q Were you married to Bell Thompson? A. Yes sir.
Q Have you any certificate of marriage? A. No sir.
Q Have you any proof of marriage? A. Yes sir.
Q Who can you prove your marriage by? A Her sisters.
Q Are they here? A. Yes sir.

JOHN NASH, being sworn and examined by Commissioner T. B. Needles testified as follows-

- Q What is your name? A. John Nash
Q What is your age? A. 35
Q What is your post office address? A. Bluejacket.
Q Do you know Berry Thompson? A. Yes sir.
Q Do you know his wife, Bell? A Yes sir.
Q Do you know whether they were married or not? A. Yes sir they was married.
Q How do you know? A. Old man Bluejacket married them.
Q Did you see him marry them? A. Yes sir.
Q Was Bluejacket a minister? A Yes sir, uncle Charley Bluejacket.
Q Have they been living together as man and wife ever since their marriage? A. Yes sir.
Q Is Bell Thompson living now, his wife? A Yes sir.
Q Did they have any children? A Yes three.
Q Born to them while they were living together as man and wife? A Yes sir.
Q What is the names of them do you recollect? A Elmer.
Q Leo? A. Lee and Morris.

Berry Thompson, the applicant recalled, testified as follows-
Examined by Mr. Smith, of the firm of Smith & Mallette attorneys for applicants-

- Q How old did you say you are, Berry? A. 46.
- Q Were you a slave? A. Yes sir.
- Q Who was your owner? A John Stever.
- Q Are you related to Eliza Nash, or Eliza Gains? A I am her brother
- Q Did you go out of the Nation, or were you taken out of the Cherokee Nation during the war? A. Yes sir.
- Q By whom were you taken out? A. My Master.
- Q When did you return? A I come back when she did, '66.
- Q When who did? A. My sister, Eliza.
- Q When your sister Eliza Gains returned? A. Yes sir.
- Q Have you a farm? A. Yes sir
- Q Where is it? A. It is three miles west of Bluejacket.
- Q How long have you had it? A. About 15 years.
- Q You say you are on the Kern Clifton roll? A. Yes sir.

By W. W. Hastings, Cherokee representative-

- Q Where were you married? A. I was married about three miles and a half from Bluejacket at the lower end of Timber Hill.
- Q You had heard the statement of your sister, Eliza and sister Jane, did you go the rounds with them? A. Yes sir.
- Q Did you ever live in Kansas? A. I worked up there
- Q Where? A. I worked at Chetopa some and Columbus.
- Q How far is Columbus and from Chetopa? A About twenty miles.
- Q How long did you work up here? A. I worked up there off and on, c cooked; I was up there three months I guess.
- Q You were married in the Nation? A. Yes sir.
- Q Did you make your home with your sister before your marriage? A. I worked out a good deal of the time, worked at Vinita, some, I lived with my mother.
- Q What was your mothers name? A. May Stever.
- Q Did she come back from Texas with you? A. Yes sir.
- Q With your two sisters too? A. Yes sir.
- Q Your mother was along too? A Yes sir.
- Q Is your mother alive? A. No sir.
- Q Where did she die? A. She died up at Timbered Hill.
- Q About how long ago? A. About 13 years.
- Q You made your home with her until she died? A. Yes sir.
- BY MR. SMITH:
- Q Where was it your mother died? A. She died at Timbered Hill in the Cherokee Nation.
- Q What was your mother's name? A. Mary Stever.
- Q Do you know whether she was ever on the 1880 roll or not? A. I don't know for sure whether she was or not.
- Q How long has it been since she died? A. About 13 years.

The 1880 authenticated roll of Cherokee freedmen examined and applicant's names not found thereon.

The Kern Clifton roll of Freedmen of the Cherokee Nation examined and the names of applicants found thereon as follows:
 Page 168, #4008, Jerry Thompson, Cooweescoowee district.
 page 168, #4009, Elmer Thompson, Cooweescoowee district.
 page 168, #4010, Lee Thompson, Cooweescoowee district.
 page 168, #4011, Morrison Thompson, Cooweescoowee district.

Com'r Keebles.- Berry Thompson applies for the enrollment of himself and three children, to-wit: Elmer, Lee and Morrison. His name is not found upon the authenticated roll of 1880, nor the census roll of 1898. His name is found upon the Kern Clifton Pay roll. The names of his three children are also found upon said roll. He is duly identified according to the page and number of said roll and makes satisfactory proof as to residence. By agreement of counsel, in this case, the record in the case of Eliza Gains, D. #222 is referred to and made a part of the record in this case. The names of Berry Thompson and his three children, as enumerated herein, will now be listed here upon a doubtful

card card for the further consideration of the Commission. When the decision of the Commission is arrived at he will be notified by mail. If he desires at any time to introduce any further evidence, in his case, the same will be received.

COMMUNICATIONS SECTION
DEPARTMENT OF JUSTICE
MAY 11 1961

J. S. Rosen, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he 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. S. Rosen

Subscribed and sworn to before me this 10th day of May, 1961.

(signed) C. R. Brockbridge,
Commissioner

.....

I, Chas. von Weise, upon my oath state that the above is a true copy of the original.

Chas von Weise

Subscribed and sworn to before me this 28th of July, 1961.

[Signature]
Commissioner

Supl.C.F.-D.#220.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 12th, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of
ELIZA GAINES as a Cherokee Freedman, introduced on part of the
Cherokee Nation:

APPEARANCES:

Mr. Mallette, of Counsel for Applicant;
Mr. Davenport, of Counsel for Cherokee Nation.

JOHNATHAN GORE being duly sworn, testified as follows on
behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A Johnathan Gore.

Q Where do you live? A I live near Bluejacket, in the Cherokee
Nation.

Q How long have you lived in the Cherokee Nation? A I have made
that my home since '78; I have lived in the Nation longer than that,
but that has been my home since '78.

Q When you located at Bluejacket or near where Bluejacket is now,
were you over that section of country very much? A Yes, sir, I
was around there quite often.

Q Are you acquainted with Eliza Gaines? A Yes, sir, I know Mrs.
Gaines and her people.

Q How long have you been acquainted with Eliza Gaines? A Well,
I don't know, I can't recollect the first time I ever met her, but
it was along in '85 or '86, I ain't positive as to dates.

Q Do you know what they call Timbered Hill out there northwest
from where Bluejacket is? A Yes, sir.

Q Do you know where she lives now? A I know where the old man
lives, I suppose she lives with him, I never was right in the house,
I have been right close to it.

Q Well, that section of country, were you through that section of
country when you located at Bluejacket up to '81 or '82? A Yes,
sir, I live near there and I was through the hill quite often, I
had stuck up there once.

Q When did these people settled up there to the best of your knowledge?
A I can't tell you the exact time they settled there, it must have
been '82 or '83; I never saw these people there in '79, '80 or '81,
they might have come there in '82.

Q Well, were you over the country where they located there, were
their improvements there? A Yes, sir.

Q Could they have had a place and you not know it? A There was
no place where Mrs. Gaines lives now; that is none except the Eric
Young place and he built his house in '81, and I assisted him in
building it and was familiar with nearly everybody that lives on
Timbered Hill at that time and there were no colored people liv-
ing there.

MR. MALLETT: When did you get acquainted with Eliza Gaines?
A Well, sir, I can't state as to the time I got acquainted with
her; I have seen her in town and the people said that was Mrs.
Gaines, I can't give the exact date.

Q Now, you don't know whether you got acquainted with them
when they first came up there about Bluejacket or not, do you?

A I could not state positively when they came there at the exact
time, I know there was none living there at the time I was putting,
assisted Eric Young built his house and for quite a while afterwards.

Q You don't know anything about them being at Fort Chisum right
after the war? A Nothing in the world about it.

Q And about them living down about Holly Bell's place? A No,
nothing in the world about it.

Q And living up near Chetopa ~~xx~~ at the Larkins place? A No, nothing about it.

GEORGE WALKER, being duly sworn testified as follows, on behalf of Cherokee Nation:

- MR. DAVENPORT: What is your name? A George Walker.
- Q Where do you live, Mr. Walker? A Live on Cabin Creek.
- Q What is your post office? A Henson.
- Q Cherokee Nation? A Yes, sir.
- Q How old are you? A I am 71.
- Q How long have you lived in the Cherokee Nation, Mr. Walker?
- A Well, I guess I have lived there all the time.
- Q Well, how long have you lived up in the neighborhood where you now live, up in that section of country? A Well, I moved up there towards Chetopa there in the fall of '66.
- Q Been living in that locality since that time? A Yes, sir.
- Q Do you know a man by the name of Larkins who at one time lived up near Chetopa, Kansas? A Yes, sir.
- Q Where was he living when you first knew him, Mr. Walker? A Well, I don't recollect exactly but I think I was living where I am living now.
- Q Well, where was he living with reference to where you were living, Larkins? A He built him a house close to Chetopa there.
- Q In the Cherokee Nation or State? A In the State.
- Q Well, after you knew him living there, did he live on that place?
- A I could not tell you.
- Q Well, did he afterwards live in the Cherokee Nation? A Well, I think he lived on Russell Creek.
- Q In the Cherokee Nation? A Yes, sir.
- Q Now, when was that he moved on Russell creek with reference to the time the railroad came through that country? A I can't recollect.
- Q Do you know what the place he lived on is known by now, what place? A I believe Holderman owns it now.
- Q Has it ever been known ~~xx~~ by any other name besides Larkins left it, besides Larkins and Holderman? A No, sir.
- Q How far from the Baudinot ranch place? A About three miles.
- Q And he lived there after the railroad came through? A Yes, sir.
- MR. MELLETTTE: Now, Mr. Walker, you say that Larkins built a house in or close to Chetopa? A Yes, sir.
- Q How far across the line was it? A It is right in the edge of town.
- Q Then, there was his place in the Cherokee Nation? A I am a little bit too fast, I think a man by the name of Reed first built it and Larkin got it away from him.
- Q How far is Chetopa from the Cherokee line? A It is about two miles and a half.
- Q Where was Larkins' place in the Cherokee Nation? A It was up Russell Creek about something near three miles.
- Q Three miles from where he lived near Chetopa? A It is about four I guess.
- Q He owned that place there all the time, Larkins place on Russell Creek? A No, he didn't stay there powerfully long.
- Q Well, didn't he own the place I saw? A I don't think he owned it, it was down in somebody else's name.
- Q What? A He didn't own it.
- Q He was a noncitizen? A Yes, sir.
- Q How far did you live from Larkins' place? A About seven or eight miles, seven miles I guess.
- Q Didn't he cultivate that place all the time he lived up there near Chetopa? A Yes, he cultivated it or had it done.

- Q That is before he moved down on it? A I don't know about that, I can't recollect.
- Q Russell creek is right close to Chetopa, isn't it? A About three miles and a half.
- Q Now, the Holderman place you speak of as being the old place Larkins moved to, that is in the Cherokee Nation, isn't it?
- A Yes, sir.

J. R. HURST, being duly sworn, testified as follows on part of Cherokee Nation:

- MR. DAVENPORT: What is your name? A J. R. Hurst.
- Q Where do you live, Mr. Hurst? A I live down at Claremore.
- Q How old are you? A I am 48 years old.
- Q Where were you raised? A I was raised, I was born up here at Chetopa Kansas, and principally raised right around there.
- Q Well, you have been residing in the Territory practically and lived here the greater portion of your life? A Yes, sir, that was in the Cherokee Nation then.
- Q Where were you living when the war closed, Mr. Hurst, or near what place? A I was living, let's see, in '68 we lived on Neosho river, right at the mouth of Russell creek.
- Q Well, after the war did you become acquainted with a man by the name of Larkins? A Yes, sir.
- Q How long did you know him, from the time shortly after the war, until the time of his death? A Why I knew him; I think the first time I ever met Mr. Larkins it was in '68.
- Q Well, he was a United States citizen; I mean by that was he a Cherokee citizen or United States citizen? A He was a United States citizen.
- Q Where was he when you met him, Mr. Hurst? A He was in Chetopa, Kansas.
- Q After that time did you have any business transactions with Mr. Larkins? A I hired for him and worked two years.
- Q Where did you work? A I worked right on the head of Elk Creek.
- Q In the Cherokee Nation or where? A Cherokee Nation.
- Q Whose place was it? A I think Boudinot claimed it; first it started in my name and afterwards I think Boudinot got it in his name.
- Q Now, what year was that place started after you got acquainted with Larkins in '68? A Yes, sir.
- Q How long did you stay with Larkins on the place?
- A I stayed there about two years.
- Q Where did you go when you left there? A I went to Texas.
- Q Do you remember about what year you went to Texas? A It was about '70.
- Q I will ask you whether or not after you left Mr. Larkins place, which had been run in your name part of the time, to go to Texas, was any colored people working for Larkins on that place?
- A Not that I know of, I worked on the place all the time; I had it in my possession and tended cattle, had 640 head of cattle.
- Q When, if you know, did any colored people come around that ranch there, or if any come, before you went to Texas?
- A There wasn't any come at all before I went to Texas.
- Q And you went in 1870? A Yes, sir.
- Q Do you know who that place belongs to now or have you been up there in a good many years? A No, sir.
- MR. MELLETT: I believe you said, Mr. Hurst, it was the old Boudinot place? A I don't know, I think Boudinot owns it, afterwards.
- Q Any land in cultivation on it? A Yes, sir, afterwards.
- Q I don't talk about afterwards, I mean while you were there?
- A Oh, yes, we broke out about 160 acres while I was there.
- Q Will you stay there just about a year? A About two years.
- Q Were you confined closely about your work? A All the time, right there about the place, stayed right there.

Q How far is that from the Holdeman place? A It must be about mile and a half or two miles, I don't know but what the Holdeman place joins it now.

Q Did you keep track of everybody that was there in that country?

A Why, at that time I did.

Q How far did your range extend, how far did you know the people?

A Well, my range extended from Neosho river over to the head of Cabin creek.

Q You watched everybody that came in? A I knowed everybody, nearly everybody.

Q Have you ever been convicted of any crime?

Mr. Davenport: I object to that.

Commission: The objection will be noted, and answer the question.

Q Were you convicted? A Yes, sir.

Q Were you sent to the penitentiary? A Yes, sir.

Q Where from? A I was sent from Oswego, Kansas.

Q How long ago? A Let's see; it was in '74.

Q What charge? A Grand Larceny.

Q How long did you serve? A Five years.

Mr. Mollette: I ask that his testimony be stricken out?

Commission: The objection will be noted, and the testimony will be considered for what it is worth.

MR. DAVENPORT: Did you serve your time? A Yes, sir.

Q You were in charge of the ranch for Mr. Larkins? A Yes, sir.

GRANDVILLE CRAIG, being duly sworn, testified as follows, or part of Cherokee Nation:

MR. DAVENPORT: What is your name? A Granville Craig.

Q Where do you live, Mr. Craig? A Big Cabin.

Q What is your post office? A Bluejacket.

Q How old are you? A 50.

Q How long have you lived in the neighborhood of Bluejacket?

A Since '75.

Q How far do you live from Timbered Hill out west of Bluejacket?

A About a mile.

Q How long have you lived in that section? A All the time.

Q When you came down in that country in 1873 who was living in that country? A Nobody.

Q Do you know Eliza Radest? A Yes, sir.

Q How long have you known her? A Since '82.

Q When was she when you first got acquainted with her? A Right there where she lives now.

Q Did they have improvements when you got acquainted with them, and what was the circumstance of your seeing them? A They was building a cabin there.

Q How far is that from where you live? A About three miles.

Q You had been living up in that country from '42 or '43 up until now? A Yes, sir.

Q What had you been doing there? A Farming and live stock.

Q Had they lived in that neighborhood from the time you went in there until you saw them there building that cabin in 1882?

A No, sir.

Q You don't know where they came from? A No, sir.

Q Did you ever know a man by the name of Larkins that lived up there by Chetopa? A Yes, sir.

Q Where was he living when you got acquainted with him?

A In Chetopa, right at the edge of Chetopa.

Q Do you know where he had that ranch down there on Russell creek?

A I could not say what time he ran the ranch there.

Q How far is that from this Timbered Hill where you live?

A That is some 12 or 14 miles.

Q Do you know whether he was handling that ranch after the M. K. & T. railroad came through or before? A I think he was handling it at the time the railroad came through and some time afterwards.

Q You don't remember when he began? A No, sir.

MR. BELLETTE: Well, Mr. Craig, you spoke of knowing Eliza Gaines living at the place she is living now? A Yes, sir.

Q She located there in '82? A Yes, sir.

Q And lived there continuously since that time? A Yes, sir.

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

Q You don't know where she lived before that? A No, sir.

MR. DAVENPORT: Do you know any of her family, to show it was the same Eliza Gaines; do you know any of their children?

A Yes, sir, I know some of them, I know John Nash and Ed and used to know two or three girls that worked around there over the country

C. C. YOUNG, being duly sworn, testified as follows, on part of Cherokee Nation:

MR. DAVENPORT: What is your name? A C. C. Young.

Q Where do you live, Mr. Young? A Two miles west of Bluejacket.

Q How old are you? A 50 years old.

Q How long have you lived in that neighborhood, Mr. Young? A Since '81.

Q How far do you live from what is known as Timbered Hill northwest of Bluejacket, or west of Bluejacket? A I live about a quarter of a mile northeast of the main timbered Hill.

~~How~~ How long have you lived there at that place?

A Settled there in '81.

Q When you built there were there any colored people living near where you built? A Yes, sir.

Q Do you know Eliza Gaines? A Yes, sir.

Q Do you know any of her family? A Yes, sir.

Q What were their names? A I know John, Eliza, Malinda.

Q What does John go by? A Name of John Nash.

Q Now, when did they come into that country and establish any improvements? A The first I know of them they come there in '82; I seen them go over there in the Spring of '82 in an ox team and in the fall of '82 they put up a small cabin.

Q In the fall you say they came from what direction were they coming? A They was coming a little southeast.

Q And they came back in the fall and located that year? A Yes, sir.

Q How far did they locate from where you had your place, Mr. Young?

A About a mile west.

Q They have been living there since that time? A Yes, sir.

MR. BELLETTE: You don't know where they lived before that?

A Well, some of them said they lived over in the Jenkins settlement.

Q Where is that? A That is west of Timbered Hill.

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

J. W. CLARK, being duly sworn, testified as follows on behalf of Cherokee Nation:

MR. DAVENPORT: What is your name? A J. W. Clark.

Q Where do you live, Mr. Clark? A I live in the Territory here, you may call my home here in Vinita.

Q Your wife stays here doesn't she? A Yes, sir.

Q How old are you? A I am 56 years old.

Q Were you living in the Cherokee Nation at the close of the war, Judge? A Yes, sir, lived here all my life.

Q What place were you living? A When the war closed?

Q Yes. A I was soldier at Fort Gibson, mustered out there last May, '55.

Q Well, after you were mustered out where did you go? A I lived on Grand river in the vicinity of where I am living now.

Q Well, did you afterwards have anything to do in latter years as what is known as the Hooley Bell place? A Hooley Bell place now, but wasn't then; I lived about seven or eight miles then, it was known as the Joe Martin place then, that is the Hooley Bell place.

Q Well, were you on that place or had anything to do with it the year after the war? A Yes, sir, I had a bunch of cattle there from August to September.

Q What year? A '66.

Q Was any land in cultivation? A No, sir, the rails had all been burned by the soldiers and people passing and before the house was built there, there wasn't notheing there but a stockade built there during the war, there was a right smart of trouble around there and built a Fort there.

Q Was there any cultivated land there in '67? A There was not any, Captain Bell moved back on the place in the fall of '67.

L. B. BELL, being duly sworn, testified as follows on part of Cherokee Nation:

MR. DAVENPORT:

Witness: L. B. Bell; 62; Vinita.

Q Where were you living at the close of the war, Mr. Bell?

A My family was in Russ County, Texas, I reckon I was living there.

Q When did you come back to the Cherokee Nation? A I come back here in 1867.

Q Well, when did you move to the place which is known as the Joe Martin place, just after the war; what is now known as Hooley Bell place? A Well, I moved up to that Joe Martin place at the crossing of the Military road on Cabin Creek, in Tahlequah district; I think I moved into the house in November 1867, I built the house there.

Q That the place they had a kind of a Fort there at the time of the war? A Yes, sir, there was a stockade there.

Q Had you any improvements made on that place in 1867? A No, I will tell you, I moved here in 1867 and made a crop about eight or ten miles down below that place on the same side of Grand river, and on Grand river, and I built my house there, or commenced it in September or October and finished it in November and moved in it in November; there was no house there, there was no field there, the old field, the plowed ground that had been before that, but there was no fence around it.

Q Do you know Eliza Gaines? A No, sir.

Q Do you know whether or not she and her family cut any corn for you since the war? A Well, along about 1869 is when I raised a crop there, I guess she come, there was some negroes there that belonged to old John Stover, stapped and cut the corn.

Q Do you know from what direction they came when they came up there; did you have any conversation as to where they came from? A No, sir, I wasn't at home and my wife hired them to do the corn cutting and I got there about the time they got through; that is my understanding is they was right up from Fort Gibson, moving home, but I don't have any distinct recollection of having had any conversation with them directly about where they had come from, or as to whether they had just come into the country or not.

Q It was the first corn crop you had cut on the place? A Well, I told you I didn't have any field there; in 1867 I made a little patch, in '68 probably three or four acres and didn't have anything like a field until '69, it was in '69, is my recollection when they cut that corn; that is when I had the corn cut, and I understood it was these Stover negroes that done the cutting.

MR. BELLEFLORE: Now, Col. Bell, Eliza Gaines belonged to John Stover, a Cherokee, at the beginning of the war, didn't she?

A I said a while ago I didn't know Eliza Gaines. I lived in the neighborhood and John Stover he had a lot of slaves and I understand from them that they was John Stover's slaves and they took it, and believe it yet.

Q Well, now, when you see Eliza Gaines after the war? A I don't know that I ever saw Eliza Gaines after the war.

Q Well, now, Col. Bell, you made an application for her before the Wallace Court? A I guess I did.

Q When John W. Wallace was making a roll of Cherokee Freedmen and you made an affidavit-

Mr. Davenport: I object to it unless he is going to introduce the affidavit.

Mr. Mellette: I am going to introduce the affidavit.

Q When did you say you saw them? A In '68 I don't remember that I had any corn before that.

Q I will ask you if you didn't make this affidavit before John W. Wallace, U. S. Commissioner, who was making a roll of the Freedmen? Now I will read you your affidavit: "In the matter of the claim of

Eliza Gaines: L. B. Bell, being sworn, states that to the best of his recollection she was a slave and belonged to one John Stover, who I lived in

for many years near (two miles) of where he lived in the Cherokee, and that he has had said Eliza Gaines in his employ in about the year 1867 or 1868. I am a citizen of the Cherokee Nation have been such all my life. (Signed) L. B. Bell.

Note: L. B. Bell is a member of the Cherokee National Council/ Subscribed and sworn to before me this September 11th, 1889. John W. Wallace, Commissioner."

A The only employment I recollect of giving her, that is the woman who claims to be that woman was to cut this corn.

Q Now, Col. Bell, this is a certified copy of your affidavit from the Secretary of the Interior and wasn't your recollection better then of the matter than it is now? A I don't know. Well, my recollection is no better than it is now about the crop raising to a certainty, as I said a while ago it could not have been earlier than 1868 I cut the corn and I never lived on the place until 1868.

Q You stated here in this affidavit it was about '67 or '68, you don't put it as early as '67 now? A It could not have been '67, I don't have any recollection of employing her, if she is the woman I employed, in any other capacity except cutting that corn, and I don't think they stayed there only a few days.

Q Did you know Nancy Dameron, she was a witness for Eliza Gaines before Mr. Wallace at the same time you were? A Yes, sir.

Q Was she a Cherokee Indian? A Yes, sir, she was John Stover's daughter.

Q Is she dead or alive? A She is dead I think she resided in this town here.

Q I have here a statement of Eliza Gaines made before John W. Wallace, U. S. Commissioner, on the 11th day of September, 1889, stating that she was a slave of John Stover, a Cherokee Indian, at the beginning of the war, that she left the Cherokee Nation during the war, and that she returned to the Cherokee Nation in 1866; also giving the names of her children, I want to introduce a certified copy from the secretary of the Interior.

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the statement of Eliza Gaines before the Wallace Court for the reason that it is incompetent and immaterial; she, Eliza Gaines, being alive and having testified in her original application in this case.

Mr. Mellette: I ask you to introduce the affidavit of Nancy Dameron, who is dead, which affidavit stands as follows:

Mr. Davenport: The representatives of the Cherokee Nation object to the introduction of the affidavit for the reason that it is an ex parte statement of the witness and not a proceeding in Court taken after due notice to all parties

interested, and because of the further fact that it is incompetent and immaterial, and there are living witnesses by whom the same facts can be established--Mrs. Dameron's sister and others are now living, who know the same facts that Mr. Dameron knew and one of whom is now in the town of Vinita for the purpose of giving evidence in cases to-day.

Commission: The objection will be noted, and affidavit will be filed and considered for what it is worth.

Mr. Mellette: Now, the attorney for the Applicant files the affidavit of Nancy Dameron, which is certified to as correct by the Commissioner of Indian Affairs.

Commission: This testimony will be made part of the record in the following Freedmen cases. D.#221, D.#221, D.#222, D.#223, D.#224, D.#225, D.#226, D.#227, D.#228, D.#229, D.#230, #D.307, D.#247, D.#322, D.#231, D.#232, D.#716, and also in the case of Eliza Gaines, D.#220.

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

J. O. Rosson

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

[Signature]

Commissioner.

To be filed with C. F. No. 287, Eliza Stover et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskege, I. T., May 19, 1902.

In the matter of the application of Eliza Stover for the enrollment of herself as a Cherokee Freedman.

SUPPLEMENTAL to D-220.

APPEARANCES:

Mallett & Smith for applicants.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence the following decision of the Commission on citizenship rendered on the 20th day of September, A. D. 1882, as found of record from docket and decisions, Commission on Citizenship, from page 118. Said judgment is signed by Thomas Tohee and Alex Coffe, and countersigned by D. W. C. Duncan, Clerk of the Commission, and reads as follows:

Office Commission on
Citizenship, Tanlequah
C. N. September 28 1881.

No. 112. Mary Stover,
Eliza Stover,
Jane Stover,
Bessy Stover,
Lydia Stover,
Angelina Stover,
Mary Stover,
vs
Cherokee Nation.

PETITION FOR CITIZENSHIP.

J. W. Bryan,
Atty for Claimant.

Continued by the plaintiff.

Oct. 5, 1881.

Continued by Commission till Sept. Term, Feb. 3rd, 1882.

Submitted by Claimant Sept. 20th, 1882.

Submitted by the solicitor September 28th, 1882.

And now on the 20th day of September, A. D. 1882, this cause coming on for final hearing, and all the evidence in the case being duly read and considered by the Commission, it was adjudged and determined by the Commission on Citizenship that the claimants, being colored persons and having failed to return to the Cherokee Nation within six months from the 18th day of July, 1866 as provided by the Treaty of 1866, are not entitled to the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that their claim therefore should be and the same is hereby rejected; said claimants being the above named Mary Stover, Eliza Stover, Jane Stover, Bessy Stover, Lydia Stover, Angelina Stover, and Mary Stover.

Thos. Tohee, Pres. of Commission.
Alex Coffe, Commissioner.

J. W. Thompson, Commissioner, dissenting.

D. W. C. Duncan,
Clerk of Com.

MR. SMITH: The counsel objects to the above offer of testimony and for reason states that there is no showing that the persons named in said alleged judgment are identical with the applicants herein or either of them; that the same is immaterial, incompetent, irrelevant, and does not tend to prove any issue in this case, and because the same is not properly authenticated and proven, and because a copy of said judgment is not the best evidence thereof, it appearing that the entry and book itself would be better evidence, and because it is incompetent to prove said alleged judgment in the manner and form sought to be used in this case.

W. W. Hastings, being first duly sworn testified as follows:

My name is W. W. Hastings; I am 35 years old; my present office is Tahlequah. This book is a book that is now in the custody of this Commission, being the Commission to the Five Civilized Tribes, and given them by the officials of the Executive Department of the Cherokee Nation, and this judgment that is introduced here is the original judgment from that book.

MR. SMITH: Mr. Hastings, this is not signed in the handwriting of the men whose names appear at the bottom of the record, is it?

A Not signed in the handwriting?

Q Yes. A Well I am not familiar with their handwriting.

Q Well look at it; don't you take all those names to be signed by the same person? A I take them all to be signed by D. W. C. Dinean there.

Q The same man that wrote them? A Yes, sir.

Q The same handwriting; all seems to be in the same handwriting?

A Yes, sir, seems to be all written by the same man.

Q What do you call this book? A That is a citizenship judgment book.

Q Of what date and what year? A Well it takes from 1880 to 1884, inclusive.

Q Now this book is in the custody of the commission to the Five Civilized Tribes? A Yes, sir.

Q Now what is this little book we had here a while ago, that has the decisions of 1871, what is that called? Has that been introduced in this case? Do you want that to be taken down as a record in this case? That other book that's introduced from which I read those judgments, are judgments which were rendered by the Supreme Court in 1871, that was setting as a court of Commission, with jurisdiction to try and determine all of these doubtful cases, not only Cherokee but colored.

Q How many of those books which show judgments against freedmen are there? A I wouldn't know till I count them up; I don't know but the three, right here now present, I think there's one more that I know of.

Q Are all of those in the custody of the Commission? A No, sir, some of them are in my custody.

Q Which ones are in your custody? A Well all that I spoke of here this morning, I think, except this one.

Q Except this one? A The one at the bottom, this one. - I am mistaken, this here top one is in the custody of the Commission.

COMMISSION: This testimony will be filed in the following freedmen cases: Sane Webb, D-221, Mary Mayberry, D-222, Harry Thompson, D-223, Julia Nash, D-224, Georgia Jones et al, D-225, John H. Nash et al, D-226, William Jones et al, D-227, Eliza Crooks et al, D-228, Harry Nash, D-229, ...

Brown et al, D-247, Lydia Carter et al, D-715, and in the case of Eliza Gaines, the same being the case at bar, D-220. It appears from the records of the Commission that the above applicants are all represented by Mallett & Smith.

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

(Signed) Arthur G. Croninger.

Subscribed and sworn to before me this 29th day of May, 1902.

(SEAL)

(Signed) P. G. Reuter.

Notary Public.

I, Arthur G. Evans, a stenographer to the Commission to the Five Civilized Tribes, on oath, state that the foregoing is a true and complete copy of the original now on file with the Commission, as the same was copied by me.

Arthur G. Evans

Subscribed and sworn to before me this 18th day of Aug., 1902.

B. Jones
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mollette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmore, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F. D 492, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Miss Greese, D 220;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1865, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person; Second: Because this plea is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

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

Mr. Smith:

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

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

W. W. Hastings:

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

The Commission:

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

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

(Signed) E. G. Rothenberger.

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

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

(SEAL)

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

E. C. Bagwell

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

P. G. Reuter
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., April 9, 1903.

In the matter of the application of ELIZA GROOMS, for the enrollment of herself and her children, MARTHA, DONA, PETER W., LUERETHA and ENNIS GROOMS, as Cherokee Freedmen:

S. M. STUBBS, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q State your name ? A S. M. Stubbs.
Q How old are you ? A Fifty three.
Q What is your post office ? A Bluejacket.
Q Are you a citizen of the Cherokee Nation ? A No sir.
Q Do you know or did you know Eliza Grooms ?
A Yes sir, I knew her.
Q She was a Cherokee Freedman ? A Yes sir, she was a daughter of Mrs. Nash.
Q Daughter of Eliza Gains, it used to be Eliza Nash ? A Yes sir.
Q Is Eliza Grooms dead ? A Yes sir.
Q How long has she been dead ? A I think about a year and a half, that's just about as near as I can recollect.
Q It was before the first of last September ?
A Oh yes sir, before that.
Q Where did she die ? A Out there in the timber hills.
Q Where she has been living ? A Yes sir, where she lived ever since she was a little girl.
Q Have you seen her children ? A Yes sir I have seen them I aint personally acquainted with them.
Q Are they Martha, Dona, Peter and Lueretha ? A Yes sir.
Q How are you guardian for these children ? A Yes sir, I was appointed by the court.
Q On whose petition ? A Gus Grooms' their father.
Q Is he living ? A Yes sir he's living.
Q Is he a colored man ? A Yes sir.
Q He is not a citizen of the Cherokee Nation ?
A No sir, she married him; he is not a citizen of the nation.
Q How did he come to have you appointed guardian ?
A Well he couldn't give bonds, and it seems there is nobody to take care of them, and I did it against my will, and I have wished I hadn't done it.
Q You say the father petitioned the court to have you appointed ?
A Yes sir.
Q You say you are not acquainted with these children ?
A No, not particularly acquainted with them, I have seen them frequently, but to say I am acquainted with them, I can't say it.
Q Do you know the name of the second one ? A He always called her Dora to me, and he give me their names, I give that to Mr. Wilson.
Q How old is this second child ? A I don't know, the oldest one is fourteen years old, and I don't know just how their ages do run.
Q How many children has he living ? A Just the four, at least that's all he claims.
Q This child that is named in the letters here as Dora is probably the one he enrolled as Dona ? A Yes sir possibly it was.
Q The rest are all girls ? A Yes sir all but Peter.

2

The Commission: Witness presents letters of guardianship issued by the United States Court for the Northern District of Indian Territory, on March 20, 1903, for Martha, Dora, Peter W. and Lucretha Grooms, minors, who are considered to be the same persons enrolled by this Commission under the names of MARTHA, DONA, PETER W. and LUCRETHA GROOMS

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

H. C. Bagwell

Subscribed and sworn to before me this July 28, 1903.

Samuel Foreman

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., April 9, 1903.

In the matter of the application of ELIZA GROOMS, for the enrollment of herself and her children, MARTHA, DONA, PETER W., LUMRETHA and ANNIS GROOMS, as Cherokee Freedmen:

S. M. STUBBS, being first duly sworn, and examined, testified as follows:

Examined by the Commission:

- Q State your name ? A S. M. Stubbs.
Q How old are you ? A Fifty three.
Q What is your post office ? A Bluejacket.
Q Are you a citizen of the Cherokee Nation ? A No sir.
Q Do you know or did you know Eliza Grooms ?
A Yes sir, I knew her.
Q She was a Cherokee Freedman ? A Yes sir, she was a daughter of Mrs. Nash.
Q Daughter of Eliza Gains, it used to be Eliza Nash ? A Yes sir.
Q Is Eliza Grooms dead ? A Yes sir.
Q How long has she been dead ? A I think about a year and a half, that's just about as near as I can recollect.
Q It was before the first of last September ?
A Oh yes sir, before that.
Q Where did she die ? A Out there in the timber hills.
Q Where she has been living ? A Yes sir, where she lived ever since she was a little girl.
Q Have you seen her children ? A Yes sir I have seen them I aint personally acquainted with them.
Q Are they Martha, Dona, Peter and Lueretha ? A Yes sir.
Q How are you guardian for these children ? A Yes sir, I was appointed by the court.
Q On whose petition ? A Gus Grooms' their father.
Q Is he living ? A Yes sir he's living.
Q Is he a colored man ? A Yes sir.
Q He is not a citizen of the Cherokee Nation ?
A No sir, she married him; he is not a citizen of the nation.
Q How did he come to have you appointed guardian ?
A Well he couldn't give bonds, and it seems there is nobody to take care of them, and I did it against my will, and I have wished I hadn't done it.
Q You say the father petitioned the court to have you appointed ?
A Yes sir.
Q You say you are not acquainted with these children ?
A No, not particularly acquainted with them, I have seen them frequently, but to say I am acquainted with them, I can't say it.
Q Do you know the name of the second one ? A He always called her Dona to me, and he give me their names, I give that to Mr. Wilson.
Q How old is this second child ? A I don't know, the eldest one is fourteen years old, and I don't know just how their ages do run.
Q How many children has he living ? A Just the four, at least that's all he claims.
Q This child that is named in the letters here as Dona is probably the one he enrolled as Dona ? A Yes sir possibly it was.
Q The rest are all girls ? A Yes sir all but Peter.

The Commission: Witness presents letters of guardianship issued by the United States Court for the Northern District of Indian Territory, on March 20, 1905, for Martha, Dora, Peter W. and Lucretha Groves, miners, who are considered to be the same persons enrolled by this Commission under the names of MARTHA, DONA, PETER W. and LUCRETHA GROVES

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

E. C. Bagwell.

Subscribed and sworn to before me this July 28, 1905.

Samuel Foreman,

Notary Public.

DEPARTMENT OF THE INTERIOR
 COMMISSION TO THE FIVE CIVILIZED TRIBES.

JAC

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

Eliza Gaines-----	Cherokee Freedmen D 220,
Jane Webb-----	Cherokee Freedmen D 221,
Mary Mabry et al.-----	Cherokee Freedmen D 222,
Berry Thompson et al.-----	Cherokee Freedmen D 223,
Julia Nash-----	Cherokee Freedmen D 224,
Georgia Jones et al.-----	Cherokee Freedmen D 225,
John H. Nash et al.-----	Cherokee Freedmen D 226,
Malinda Johnson et al.-----	Cherokee Freedmen D 227,
Eliza Grooms et al.-----	Cherokee Freedmen D 228,
Berry Nash-----	Cherokee Freedmen D 229,
Edward Nash-----	Cherokee Freedmen D 230,
Carrie Harris et al.-----	Cherokee Freedmen D 231,
Ella Humes-----	Cherokee Freedmen D 232,
Aaron Martin-----	Cherokee Freedmen D 233,
Michael Martin-----	Cherokee Freedmen D 234,
George Martin et al.-----	Cherokee Freedmen D 235,
Joshua Martin-----	Cherokee Freedmen D 236,
Edward Brown et al.-----	Cherokee Freedmen D 237,
Israel Martin et al.-----	Cherokee Freedmen D 238,
Bellie Brown et al.-----	Cherokee Freedmen D 239,
Harriett Tucker et al.-----	Cherokee Freedmen D 240,
Lydia Carter-----	Cherokee Freedmen D 241,
Allie McElroy et al.-----	Cherokee Freedmen D 242,
Robert Harper-----	Cherokee Freedmen D 243,
Jordon Harper-----	Cherokee Freedmen D 244.

DECISION

The record herein shows that applications were made to this Commission for enrollment, as Cherokee Freedmen, by Eliza Gaines, for herself; by Jane Webb, for herself; by Eliza Gaines, for her daughter, Mary Mabry; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Frank Mabry; by Berry Thompson, for himself and minor children, Elmer, Leo and Harrison Thompson; by Julia Nash, for herself; by Georgia Jones, for herself and minor children, John H., Ellen, Charlie, Susan, Walter, Rezie, McKinley and Centralia Jones; by John H. Nash, for himself and minor children, Allie, Jess H., Ollie and Lucy Nash; by Malinda Johnson, for herself and minor children, Lotain, Lisette, Belle, Eva, Annie,

Peter McKinley, Reuben and Lewis Johnson; that, subsequent to the date of the original application, birth affidavits, which are made a part of the record herein, were filed with the Commission showing the birth of George and Julia Johnson; by Eliza Grooms, for herself and minor children, Martha, Dona, Peter W., Leuretha and Ennis Grooms; by Berry Nash, for himself; by Edward Nash, for himself; by Carrie Harris, for herself; that, subsequent to the date of the original application a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Delilah Harris; by Ella Humes, for herself; by Aaron Martin, for himself and others (said other parties being differently classified and not embraced in this decision); by Michael Martin, for himself; by George Martin, for himself, his wife, Alice, and minor children, Martha, Clifton, Ethel and Jane Martin; by Joshua Martin, for himself; by Edward Brown, for himself and minor children, Henry and Stella Brown; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission showing the birth of Laura Brown; by Israel Martin, for himself, his wife, Lizzie, and minor children, Maggie, Louis, Laura and Lottie Martin; by Nellie Brown, for herself and minor children, Roxie, Moses, Jennie, William and Michael Brown; by Henrietta Tucker, for herself and minor children, Clem Martin, Emma Bean, Henrietta Bean, George Tucker and Floyd Tucker; that, subsequent to the date of the original application, a birth affidavit, which is made a part of the record herein, was filed with the Commission, showing the birth of Sarah M. Tucker; by Lydia Carter, for herself; by Allie McElroy, for herself and minor child, Etta Taylor; by Robert Harper, for himself; and by Jordon Harper, for himself.

The evidence shows that Eliza Gaines, Jane Webb, Berry Thompson, Lydia Carter, Aaron Martin, George Martin, Israel Martin, Julia Nash and Georgia Jones are the principal applicants herein, and that all the other applicants in these several cases have been born since 1866 and, with the exception of Ella Humes and Alice Martin, are descendants of some of said principal applicants and claim right to enrollment through them; that all of said principal applicants were slaves of Cherokee citizens at the commencement of the rebellion and left the Cherokee Nation during said rebellion, but returned thereto in 1866.

The evidence further shows that Ella Humes is the daughter of Rosa Mango, sister of Eliza Gaines, one of said principal applicants, and claims right to enrollment through her; that the said Rosa Mango was the slave of a Cherokee citizen at the commencement of the rebellion and was residing in the Cherokee Nation on July 19, 1866.

The said Alice Martin is duly identified on the 1880 authenticated roll of the Cherokee Nation as an adopted colored citizen.

All of the applicants herein have resided in the Cherokee Nation since 1866, or from date of birth where born since the year 1866, up to and including the date of the application herein, excepting occasional trips of a temporary nature outside of the territory; that all of said applicants were residing in said Cherokee Nation on June 28, 1898.

It appears from affidavits, made a part of the record herein, that the applicant, George Johnson, died in January, 1902; that the applicant, Eliza Grooms, died in October, 1901; and that the applicant, Ennis Grooms, died in August, 1902.

Section Twenty-five of the Act of Congress approved July 1, 1902 (32 Stats., 716), provides:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that Eliza Gaines, Jane Webb, Mary Mabry, Frank Mabry, Berry Thompson; Elmer Thompson, Leo Thompson, Morrison Thompson, Julia Nash, Georgia Jones, John H. Jones, Ellen Jones, Charlie Jones, Susie Jones, Walter Jones, Roxie Jones, McKinley Jones, Centralia Jones, John H. Nash, Allie Nash, Jesse H. Nash, Ollie Nash, Lucy Nash, Malinda Johnson, Lottie Johnson, Lizzie Johnson, Belle Johnson, Eva Johnson, Annie Johnson, Peter McKinley Johnson, Reuben Johnson, Lewis Johnson, Julia Johnson, Martha Grooms, Dona Grooms, Peter W. Grooms, Leuretha Grooms, Berry Nash, Edward Nash, Carrie Harris, Delilah Harris, Ella Humes, Aaron Martin, Michael Martin, George Martin, Alice Martin, Martha Martin, Clifton Martin, Ethel Martin, Jane Martin, Joshua Martin, Edward Brown, Henry Brown, Stella Brown, Laura Brown, Israel Martin, Lizzie Martin, Maggie Martin, Louis Martin, Laura Martin, Lottie Martin, Nellie Brown, Roxie Brown, Moses Brown, Jennie Brown, William Brown, Michael Brown, Harriett Tucker, Clem Martin, Emma Bean, Henrietta Bean, George Tucker, Floyd Tucker, Sarah M. Tucker, Lydia Carter, Allie McElroy, Etta Taylor, Robert Harper and Jordon Harper should be enrolled as Cherokee Freedmen, in accordance with the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered; and it is further ordered by this Commission that the applications for the enrollment of George Johnson, Eliza Grooms and Ennis Grooms, as Cherokee Freedmen, be, and the same are hereby, dismissed.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tams Bixby,
Chairman.

(Signed) T. B. Needles,
Commissioner.

Commissioner.

(Signed) W. E. Stanley,
Commissioner.

Muskogee, Indian Territory,

this SEP 5-1903

Refer in reply to
the following:
LAND
63877-1903

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, January 29, 1904.

The Honorable,

The Secretary of the Interior.

Sir:-

I have the honor to enclose herewith report from the Commission to the Five Civilized Tribes, dated September 3, 1903, transmitting the record relative to the application of Eliza Gaines and others for enrollment as Cherokee freedmen.

Eliza Gaines applied for the enrollment of herself. Jane Webb applied for the enrollment of herself. Eliza Gaines applied for the enrollment of her daughter, Mary Mabry and subsequently she applied for the enrollment of Frank Mabry, child of Mary Mabry, which child is properly identified by birth affidavit.

Berry Thompson applied for the enrollment of himself and his children, Elmer, Leo and Morrison Thompson.

Julia Nash applied for the enrollment of herself.

Georgia Jones applied for the enrollment of herself and her children, John K., Eldon, Charlie, Susie, Walter, Rouse, McKinley and Centralia Jones.

John Nash applied for the enrollment of himself and his minor children, Allie, Jesse H., Willie and Lucy Nash.

Malinda Johnson applied for the enrollment of herself and minor children, Lottie, Lisala, Willie, Eva, Annie, Peter McKinley, Deuben and Lewis Johnson, and subsequent to the date of her original application she applied for the enrollment of George and Julia

Johnson, her infant children who were born after the date of her original application. These minor children are properly identified by birth affidavits.

Eliza Grooms applied for the enrollment of herself and her children, Martha, Dona, Peter, Leuretha and Emnis Grooms.

Berry Nash applied for the enrollment of himself, as well as did Edward Walsh and Carrie Harris. Carrie Harris subsequently applied for the enrollment of her minor child, Delilah Harris, who is properly identified by birth affidavit.

Ella Humes applied for the enrollment of herself, as also did Aaron Martin. Aaron Martin also applied for the enrollment of other parties, but the Commission in its decision says they are differently classed and are not therefore included in the decision.

Michael Martin applied for the enrollment of himself.

George Martin applied for the enrollment of his wife, Alice Martin and their minor children, Lartha, Clifton, Ethel and Jane Martin.

Joshua Martin applied for the enrollment of himself.

Edward Brown applied for the enrollment of himself and his minor children, Henry and Stella Brown, and he subsequently applied for the enrollment of Laura Brown, his minor child born after the date of his original application. This minor is properly identified by birth affidavit.

Israel Martin applied for the enrollment of himself, his wife, Lizzie Martin and their children, Maggie, Louis, Laura and Lottie Martin.

Mellie Brown applied for the enrollment of herself and minor children Roxie, Moses, Jennie, William and Michael Brown.

Harriet Tucket applied for the enrollment of herself and minor children, Clem Martin, Emma Bean, Henrietta Bean, George and Floyd Tucker; subsequent to the date of her application she also applied for the enrollment of Sarah M. Tucker, a child born after the date of her original application, who, the Commission says is properly identified by birth affidavit and made a part of the record; the office has been unable to find the birth affidavit referred to and it is presumed that the Commission neglected to file it with the record in the case.

Lydia Carter applied for the enrollment of herself and Allie McElroy applied for the enrollment of herself and minor child Etta Taylor McElroy.

Robert Harper applied for the enrollment of himself.

Jordan Harper applied for the enrollment of himself.

September 5, 1903 the Commission held that all of the applicants above named except George Johnson, who died in January 1902, Eliza Grooms, who died in October 1901 and Ennis Grooms, who died in August 1902 were entitled to enrollment as Cherokee freedmen.

As to the parties last mentioned, their applications were dismissed by the Commission.

Eliza Gaines, Jane Webb, Berry Thompson, Lydia Carter, Adam Martin, George Martin, Israel Martin, Julia Nash and Georgia Jones appear to be the principal applicants in this case. All of the other

applicants were born since 1866 and are descendants of some of the principal applicants, except Ella Humes and Alice Martin.

All of the principal applicants, the record shows were slaves of citizens of the Cherokee Nation at the commencement of the rebellion; that they left the nation during the rebellion, but returned prior to the time limit fixed by the treaty of 1866; in fact, the record shows they returned during the year 1866.

Ella Humes is a daughter of Rosa L. Sango, who was a sister of Eliza Gaines. Rosa L. Sango, deceased, belonged at the commencement of the rebellion to Nancy Dameron, a citizen of the Cherokee Nation, and Alice Martin, wife of George Martin, the record shows is duly identified by the 1860 roll as "an adopted colored citizen."

Eliza Gaines belonged to John Stever and his wife, Charlotte Stever at the commencement of the late civil war. John Stever was not a citizen of the Cherokee Nation, but his wife was.

Jane Webb, Berry Thompson and Lydia Carter also belonged to Charlotte Stever.

Aaron Martin belonged to John Martin, a citizen of the Cherokee Nation.

Israel Martin is a son of Eliza Gaines. Julia Nash and Georgia Jones are her daughters. John Nash is her son.

Malinda Jones, Eliza Brooks, Berry Nash, Edward Nash and Carrie Nash are also her children.

Michael and George Martin are sons of Aaron Martin, as is also Joshua Martin.

Edward Brown is a son of Jane Webb, and Nellie Brown (nee

Martin) and Harriet Tucker are daughters of Aaron Martin.

Alice Martin, the wife of George Martin appears to be the daughter of Cesso Alberty and his wife, Jane Alberty. Her father was drowned in the Spring of 1876 and her mother died in 1878 or 1879. However, as above stated, she is identified by the 1880 Cherokee roll as "an adopted colored person."

The Cherokee Nation protests against the Commission's decision. From the record in this case it appears that the decision is correct and the office therefore recommends that it be approved and that all of the applicants be declared entitled to enrollment as Cherokee freedmen except George Johnson, Eliza Grooms and Emis Grooms, who died before September 1, 1902.

Attention is invited to the Commission's statement concerning the birth affidavit relative to the identification of Sarah M. Tucker. The office has been unable to find this among the papers, but it is believed that the Commission's statement that such affidavit has been filed with it is sufficient to warrant the Department in holding that she is entitled to enrollment unless there be some good reason not known to this office why she should not be enrolled.

Very respectfully,

(Signed) A. C. Tonner.

Acting Commissioner.

GAN/LM

3 enclosures.

D C 10862-1904.

COPY.

ITD 533-1904.

DEPARTMENT OF THE INTERIOR,

J.P.

L.R.B.

WASHINGTON.

WHR.

April 4, 1904.

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

Gentlemen:

January 29, 1904, the Acting Commissioner of Indian Affairs submitted the consolidated case involving the applications of Eliza Gaines and others for enrollment as Cherokee freedmen, and recommended that your decision in favor of the applicants, except George Johnson, Eliza Groome and Emie Groome, whose applications were rejected, be concurred in.

The names of the persons held to be entitled to enrollment are given in your decision and in the letter of the Acting Commissioner, except in his letter there appears several errors. John Nash on page 1 should be John A. Nash; Edward Walsh on page 2 should be Edward Nash; Peter Groome on the same page should be Peter W. Groome and Etta Taylor McIlroy on page 3 should be Etta Taylor.

Finding no reason to disturb your decision it is hereby affirmed.

A copy of the Acting Commissioner's report is inclosed.

Respectfully,

(Signed) Theo Ryan

Acting Secretary.

2 inclosures.

Cher. Fr. R. 234

See Cher R 235-845

Cher. Fr. R. 234

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 25th, 1901.

In the matter of the application of Paul Childers for the enrollment of himself and one child as Cherokee Freedmen; said Childers being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Paul Childers.
Q How old are you? A 24 past.
Q What is your post office? A Coffeyville, Kansas.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q What do you want to enroll besides yourself? A One child.
Q What is your child's name? A Clarence.
Q How old is it? A 14 months old.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Gencie Jones.
Q Is she a citizen? A No, sir.
Q What is your father's name? A Jim Childers.
Q Is he living? A No, sir.
Q What is your mother's name? A Matilda.
Q Is she living? A Yes, sir.
Q Is your name on the roll of 1880? A I guess so.
Q Is it on the roll of 1880? A I don't know what rolls it is on.
Q Do you know whether it is on any of the rolls of not? A Yes, sir, I guess it is on the Kern-Clifton roll.
Q Have you any witnesses? A Yes, sir.
Q Who are they? A Lum Landrum and Al Lynch.

Tribal rolls of Cherokee Freedmen in the possession of this Commission examined name of applicant not found thereon.

- Q Where were you born? A Dooweescoowee district.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
MR. HASTINGS: What point in the Cherokee Nation were you born?
A I don't know just what point, I guess about eight miles this side of Coffeyville.
Q Which side of the railroad? A On the east side of the Valley Road.
Q How far? A Oh, I guess about four or five miles.
Q What is the nextest railroad town? A Be Westville.
Q What was your father's name? A James Childers.
Q Is he a Cherokee freedman? A Supposed to be.
Q What was your mother's name? A Matilda.
Q What was her name before she was married? A Gibson.
Q Did he have any other name besides Gibson? A I guess so.
Q You never heard any other name yourself? A No, sir.
Q You never heard whether it was John, Jim or Henry? A His name was Posey.
Q His name was Posey? A Yes, sir.
Q Where have you been for the last six months? A I have been home.
Q Where is your home, out there? A Yes, sir.
Q Why didn't you apply to the Commission at Chelsea?
A I didn't have sufficient witness there.
Q Why didn't you apply at Nowata? A There is where I didn't have sufficient witnesses to apply there.
Q We have been here pretty near a month before you got in your witnesses? A I haven't been here.
Q Hasn't Columbus McNair and Al Lynch been here pretty near ever since we have been here? A They had other business.
Q Could not get to your case? A No, sir.
Q When did you see Al Lynch first? A I don't know where was the first place I seen him at now.

Paul Childers, et al. --2.

Q How long have you been acquainted with hik? A About a month I reckon.

Q How long have you been acquainted with Lum McNair? A About couple or three months.

Q There are lots of people living around you up there now?

A Yes, sir, several folks.

Q Who are your neighbors up there? A Esau Fox, Joe Ross, and I can't begin to call all of them, whole lots of them.

ALLEN LYNCH, being duly sworn and examined by Commissioner Needles, testified as follows on part of applicant:

Q What is your name? A Allen Lynch.

Q How old are you? A 61 years old.

Q What is your post office? A Vinita.

Q Are you a Cherokee Freedman? A Yes, sir.

Q Do you know the applicant, Paul Childers? A Yes, sir.

Q How long have you known him? A Well, I have knowed him for 16 or 17 years; 16 years I guess.

Q Where was he born? A I don't know that.

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

Q What was his name? A We used to call him Jim Gibson.

Q Did you know his mother? A Well, I ain't personally acquainted with her; no, sir.

Q Well, was his father a slave? A Yes, sir.

Q Who did he belong to? A Belonged to Sarah Childers, I think.

Q Was Sarah Childers a Cherokee citizen? A Yes, sir.

Q Do you know whether his father went out of the Territory during the war? A Yes, sir.

Q Where did he go? A He was in the army with me.

Q When did he return to the Cherokee Nation? A Well, I don't know that.

Q When did you first see him after the war? A I never seen him any more after we was discharged until I saw him up here at this Cherokee payment.

Q What payment was that? A I don't know, Mr. Maj. Lipe made the payment.

MR. HASTINGS: Strip payment? A No, sir, I think it was the Lipe payment.

Q He was Treasurer in 1880? A Well.

COM'R NEEDLES: How do you know Paul Childers is his son?

A Well, he showed me his children and I think this is one of the boys.

Q And you don't know anything of his mother? A No, sir, I think she is a state woman.

Q Were they living together as man and wife? A He had her here together as man and wife.

Q You don't know whether they were married or not? A No, sir.

MR. HASTINGS: Have you seen this boy frequently? A No, sir.

Q He says he hasn't known you only about a month? A I don't expect he has.

Tribal rolls of Cherokee Freedmen examined and names of applicant not identified upon any of the rolls of the Cherokee Nation.

Name of applicant's father not identified on 1880 roll.

Examination of the rolls continued and applicants name found on Kern-Clifton Roll, page 172, #4235, Paul Childers, Coowesscoowee district.

Wallace roll examined and applicant's name found thereon, page 188, #3457, Paul E. Gibson, no district given.

NICK LANDRUM, being duly sworn and examined by Commissioner Needles, testified as follows on part of applicant:

Paul Childers, et al.--3.

- Q What is your name? A Nick Landrum.
Q How old are you? A I don't know exactly.
Q About how old? A About, born about '54 or '5.
Q What is your post office? A Coffeyville.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Name on the roll of 1880? A No, sir, not as I know of.
Q Well, do you know Paul Childers? A Knowed him ever since hw
was a baby.
Q Do you know his sister Joy? A Yes, sir.
Q Did you know his father? A Yes, sir.
Q What was his name? A In his day I never heard him called anything
but Jim Gibson; he was a cook.
Q Did you know their mother? A Yes, sir.
Q What was her name? A Matilda.
Q Do you know whether they were married or not? A Yes, sir; I
never seen them but they said to be married.
Q Did they live together as man and wife? A Until he died.
Q Were these children born while they were living together s man
and wife? A Yes, sir.
Q Where were they born? A I could not say where they were born;
I wasn't there; said to be on Snow Creek.
Q Do you know whether Jim Gibson or Jim Childers was a slave before
the war? A He is said to be.
Q You don't know anything about that? A No, sir.
Q You don't know where he was in the year 1866, do you?
A No, sir, not exactly.
Q When was the first time you ever saw him to know him?
A We 1, now, I could not give that, I could not say when it was; it
has been over 25 years. Now there is two other children up yonder-

Comr Needles: Paul Childers applies for the enrollment of himself and one child. He is identified upon the Kern-Clifton roll and also upon the Wallace roll. His identification upon the Wallace roll being as Paul Gibson. He avers tha he is a son of James and Matilda Gibson, and avers that his mother was a state woman and his father a slave and proof has been made as to their living together as man and wife. His child is too young to be identified upon any roll. By reason of the fact that satisfactory proof has not been made as to the citizenship of his father, the applicant and his child will be listed for enrollment as Cherokee Freedmen upon a doubtful card.

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

J. O. Rosson

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

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 26th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Paul Childers et al., C. F. D. 1091.

Appearances:

W. W. Hastings for the Nation.
Applicant present in person.

COLUMBUS McNAIR being first duly sworn by Com'r T. B. Needles, testified as follows for the applicant.

(By Com'r Needles)

- Q What is your name? A Columbus McNair.
Q What is your age? A 81.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Do you know Paul Childers? A Yes sir.
Q Did you know his father? A Yes sir.
Q What was his name? A Jim Childers.
Q Was he a Cherokee citizen? A Yes sir.
Q Was he a slave? A Yes sir.
Q Is he living? A No sir.
Q Who did he belong to? A Levi Childers.
Q Did he go out of the Cherokee Nation during the war? A Yes sir.
Q When did you first see him after he returned? A In the spring of '68 at the Arkansas River in the Cherokee Nation.
Q When was Paul Childers born? A I don't know.
Q Do you know his sister Joy? A Yes sir.
Q How long have you known them? A I have seen them I guess maybe for three or four months, this last time.
Q Did you know their mother? A I have saw her, but have no acquaintance with her.
Q Do you know if she was a citizen? A No sir I dont.
Q Do you know if the father and mother of these children were married? A No sir I dont.
Q Did they live together? A Yes sir.
(By Hastings)
Q Where were these children born? A I dont know.
Q When did they come from Kansas? A I dont know.
Q Dont you know about when they came? A No sir I dont.
Q Did they come before the Wallace payment? A Yes sir I saw them on Snow Creek before.
Q Dont you know they were born in Kansas? A No sir I dont.
Q Didn't their father tell you where they were born? A No sir.
Q You didn't live on Snow Creek yourself? A No sir on Verdigris.
(By the Commission)
Q Where did you meet the father first? A On Brady's Prairie.
(By Hastings)
Q Who was with him? A Blue Thompson.
Q When did you next see them after that? A I never saw him any more until '68 when I met him at the election on the river at Tom Hatchets.
Q Was he living there? A No sir.
Q Where was he living then? A I dont know.
Q Where did you first know him to live in the Cherokee Nation? A I dont know where he lived.
Q Didn't you know that his wife was a Kansas woman? A No sir I did not.
Q Where did he die? A I dont know that.
Q You never was at his house? A I was at his father's house.
Q You never was at his house? A No sir.
Q You dont know whether they ever had a house? A No sir.

HENRY MILTON being sworn by Com'r Needles, testified as follows in behalf of the applicant.

(By the Commission)

- Q What is your name? A Henry Molton
- Q What is your age? A 65.
- Q What is your post office address? A Coffeyville.
- Q Do you know Paul Childers? A Yes sir.
- Q Do you know his sister Joy? A Yes sir.
- Q How long have you known them? A I have been knowing them a good while.
- Q Well how long do you call a good while? A I have been knowing them on to about 27 years on Snow creek.
- Q Were they there 27 years ago? A Yes sir, their mother was.
- Q I am talking about these two children? A Yes sir they was there too.
- Q They are not but 24 years old, how could they be there 27 years ago? A Their mother lived with my sister.
- Q Do you know their father? A Yes sir.
- Q What was his name? A Jim Gibson
- Q Was he a Cherokee slave? A Yes sir.
- Q Who did he belong to? A Levi Childers.
- Q Did he go out of the Cherokee Nation during the war? A Yes sir.
- Q Did you see him after his return? A Yes sir in the spring of '67 on Pryor creek.
- Q Did he always live in the Cherokee Nation after that until he died? A I dont know.
- Q Do you know these children's mother? A Matilda.
- Q Was she a Cherokee slave? A State woman
- Q Do you know if Jim and his wife were married? A They said they was, they was living together as man and wife.
- Q Was they living together when these two children were born? A Yes sir.
- Q Did you know these two children all their lives? A Yes sir, I buried their father.
- Q Have they always lived in the Cherokee Nation? A I cannot say.
- Q How long have you known them to have lived in the Cherokee Nation? A Ever since they was little.
- Q Is their mother living? A Yes sir.
- Q Where? A On Snow creek.
- Q Did she go back to Kansas after her coming here? A No sir.
- Q Did she never take these children back there? A Not as I know of.

(By Hastings)

- Q Is the mother here today? A No sir she is not home.
- Q You know she is from Kansas? A Yes sir.
- Q You know Jim married her up there? A No he didnt
- Q What was her maiden name? A Matilda Shields.
- Q Do you know where Jim married her? A No sir.
- Q How do you know then that he didnt marry her in Kansas? A They said old man Duffin married them on Big creek.
- Q Old man Duffin came from Kansas? A Yes sir.
- Q You are the same fellow that testified in the Minta Buffington case? A Yes sir
- Q and you said that you knew her before the war? A Yes sir, I said that I knowed her after she come back.
- Q You know that Big Ellis Buffington brought her back? A I dont know that, you didnt ask me that, you asked me if I knowed her.
- Q Didnt you say that Big Ellis Buffington brought her back? A No sir I said that she belonged to Ellis Buffington
- Q Where did you first see this man Jim Gibson? A At my place in '67
- Q What year is this? A I dont know.
- Q What year was the Wallace payment made? A I dont know.
- Q What year was the Kern Clifton payment made? A I dont know.
- Q Who was with him when you saw him first? A By himself.
- Q Where was he going from? A From his mother's to Paul Smith, that is what he told me.
- Q Staid all night there did he? A Yes sir.
- Q What kin are you to these children? A None.
- Q Is your wife any kin to them? A No sir. They appointed me as the man to draw these children's money before the Kern Clifton will

and the Major Live money.

THE APPLICANT PAUL OWILNESS recalled by Mr. Hastings:

Q Paul have you—if you were born and lived on Snow creek all this time, why is it that you cannot bring some of your neighbors to testify for you? A That man lived right in my neighborhood.

=====

This will also be filed in the case of Jay Childers, G. F. D. 1008.

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, and correct transcript of his stenographic notes therein.

Chas. von Weise

Subscribed and sworn to before me this 8th of November, 1901.



Commissioner.

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C. F. D-774.

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

SUPPLEMENTAL TESTIMONY AND PROCEEDINGS in the matter of the application of LEWIS GIBSON for the enrollment of himself as a Cherokee Freedman.

Appearances:

Mellette & Smith, attorneys for applicant.
J. S. Davenport, attorney for Cherokee Nation.

AMELIA WINSHIP, being first duly sworn, and being examined, testified as follows:

MR. DAVENPORT: What is your name? A Amelia Winship.

Q Where do you live? A Near Harding, Bourbon County, Kansas.

Q How long have you lived in Bourbon County, Kansas?

A I have lived there ever since February of 1860, with the exception of the period I went away. I was gone about nine years.

Q What period was it you were away?

A I was away from 1875, the spring of 1875, until the fall of 1884.

Q Where were you living at the close of the war, near what place in Kansas? A Right where we are living now.

Q What is the name of the post office?

A At the beginning of the war it was Mapleton.

Q At the close, the same place? A Same place.

Q After the war closed, or during the time of the war did you get acquainted with a colored family of the name of Gibson? A Yes, sir.

Q Do you remember the names of any of them?

A I remember an old gentleman was there first.

Q What was his name? A Posey Gibson.

Q Do you know whether or not he had a family?

A Yes, sir, and I know it this way. He had a son, but I had never heard of it until I had lived there a certain length of time, and I heard tell that he went to Fort Scott, and found his son lying on the streets of Fort Scott, and that he brought his son home.

Q Do you know the name of the son? A Lewis.

Q Ever see him yourself? A Yes, sir.

Q Any defect about him, any affliction?

A Yes, sir, he was blind, and he had fits, they said.

Q After his father brought him down to Mapleton, how long did he remain there, if you know?

A I guess I have got a right to look at the record—

MR. MELLETTE: Is that a memorandum made at that time?

A It is the births of my children that I got up.

Q Was it made in 1866, is that a copy of the record?

A That is a copy of my children, drawn out of my children, or their record.

MR. MELLETTE: I object to the reference to it, because it is not the original record.

WITNESS: All I knew, I only seen this Lewis Gibson led around by a boy that was a white boy, he looked to be. Posey Gibson raised this boy.

MR. DAVENPORT: Do you know his name? A Only that his name was Henry. And that is all the family that he had until he found this blind boy in Fort Scott. This Henry often led Lewis about the house.

Then after he come, we heard that Lewis was married.

Q When was it that you learned that?

A I can't say, but I think it was in 1868.

And in the next year I know that Lewis' wife washed for me, in September of 1869.

Q How do you know that?

A I know it was because it was my son's birthday. The 14th of August, the 14th of August, 1869, this woman washed for me when he was about a month old. I remembered that I got the dinner that day, and they had a child along, and this blind man was along, and he had to take care of it, and it cried so it nearly worried me to death.

Q Do you remember the name of the child? A It was Napoleon.

Q Was you and Mr. Winship married at that time? A No, sir.

Q What was your name at that time? A Pitman.

Q When, after the time that Lewis' wife washed for you, and Lewis was there with him, with the child Napoleon, did they leave, as near as you can fix it?

A They were there in Christmas or New Years of 1871, because I had a niece that was born February 18th, 1871.

Q Were they there at that time?

A Yes, sir, because when I went home my husband was killing hogs and he gave the heads and everything that way to Lewis' wife, because they were pretty near starvation.

Q About how far did they live from you from the time you got acquainted with them until they left there?

A I don't know exactly where Lewis was when he was married, but it was not right close. Might have been two miles and a half maybe, but when I began to know them they lived just a quarter of a mile from us. I seen them passing on the road, but I had never had any chance to know them, they didn't live near me, and I never had anything to do with them.

Q Do you know whether or not they had more than one child before they left there?

A No, sir, the child was Napoleon.

MR. MELLETT: When was it that you knew Napoleon?

A September, 1869.

Q How old was he at that time?

A I could not say just about how old. Might have been five or six months old.

Q Now I want you to read me everything you have got down there, begin right at the first.

A James Henry Pitman, born January 6, 1864; Riley Edward Pitman, born December 6, 1865;

Julia Estella Pitman, born October 5, 1867; William Benson Pitman, born August 14, 1869; Anna Clementine Pitman, born July 22, 1871;

Mark Antony Pitman, born July 28, 1873; Nanny Beatty Pitman, born July 21, 1876; Stella Caroline Pitman, born May 19, 1878; Mattie Maria Pitman, born November 16, 1880; Julia Emily Frances Pitman, born November 21, 1882; Mary Hall Pitman, born March 31, 1883.

Emily F. Pitman, married Winship July 4, 1894. Mr. William Phillips came to Kansas from North Carolina 1872, March. I made a mistake

there. He came in March— Eliza Josephine E., born November 14, 1870.

Q Why did you put that there?

A Because that is the day my niece was born.

Q Have you got the record of it at home? A Yes, sir.

Q There is it? A In the bible.

Q What is it doing there? A She was my niece.

Q Born at your house? A No, sir.

Q Did she have a father and mother? A Yes, sir.

Q What did you put it down in the bible for?

A Because the 18th day of February was a rather noted day.

Q Why did you put it down in the bible? A Because I wanted to.

Q Where is that bible? A At home on my table.

Q Do you put all your relations, the births and marriages of all your relations down in that Bible?

A No, sir, because I wanted, I recollect about my son Wagon, I recollect that he was just six months and two days after that she was, and when I want to remember that woman, I remember about my husband killing hogs, and remember about them not having enough to eat.

Q You remember 34 or 35 years ago your husband was killing hogs?

A Yes, sir.

Q That day was it that hog killing scrape took place? Do you have to look at your books to find out? Or find out from your memory?

A It was in 1870, because I will tell you, of course if he had killed hogs in February that would be after Christmas?

Q Certainly, that is self-evident. What next? Keep your eye off the book. I want to know all you remember about him killing the hogs.

Q I remember that I went home, and he was killing hogs there. I remember that he was doing that, and I remember that the boy was squalling himself to death, and that he was six months old--

Q When was that? A In 1870.

Q You stated that you put down the record of the birth of your niece, in order that you could remember how old your son was?

A No, I didn't say that.

Q Why, you just did it?

A No, because we were killing hogs and I thought I would give them something to eat on that day.

Q I am talking about the record of the birth of your niece. Now why did you put that in your Bible?

A Why would a person put anything in the Bible except because they wanted to?

Q You stated that it was so that you could remember the birth of your own son, and stated that he was six months older or six months younger than your niece.

A She was born on the 16th day of February, and he in August. I have got a good many things to remember the 16th day of February by.

Q When did you move to Kansas?

A We moved to Kansas from Illinois in the fall of 1859.

Q You are certain of that? A Yes, sir.

Q How old are you? A Sixty.

Q Did you remember seeing this man Gibson when you first moved there?

A No, sir, I did not.

Q What year did you first see Lewis Gibson?

A I would not say positively I saw him until 1864.

Q Did you see him in 1864? A Yes, sir.

Q How do you know? A I seen him at Posey Gibson's.

Q What makes you remember him? A I remember Posey Gibson and his wife.

Q What makes you remember that you saw them in 1864?

A In 1864 the women in our neighborhood placed a quilt for the Methodist preacher, and my mother went around and solicited blocks and she cut up the blocks, and our names was to be written on them, and I wrote the names on 'ith intellible ink, and I said, this colored women's block is the best block. That was in 1864.

Q When did you first think about the quilting block?

A That was in 1864.

Q When did you next think about it?

A I thought about it when this man asked me about Mrs. Gibson.

Q When were you first talked to with a view to making you a witness in this case? A I guess it was on Tuesday of last week.

Q How many years ago was it that happened, since 1864?

A Thirty-eight years, I think.

Q When you were spoken to about Mrs. Gibson, that made you remember about that quilt patch in 1864?

A He didn't tell me that he wanted me for a witness, or I would not have told that I knew. He just met me in the road and asked me

if I knew a man by the name of Pecos Gibson, and I said yes. And he asked me if I was acquainted with his wife, and I said I was, and he asked me what his wife's name was, and I told him, Martha.

Q You remembered that back 38 years?

A I remembered it just as vividly, that we placed the quilt for the Methodist preacher's wife, and she was the only colored woman in the lot.

Q Is this your husband out here?

A That is my husband now.

Q Where was he living in 1868?

A Lived about where we live now. He was a soldier in the army. He was not there when these colored folks came to Kansas. He was in the army. Myself and my husband lived right there.

Q You have been married twice? A Yes, sir.

Q When did you marry your present husband?

A On the 4th day of July, eight years ago.

Q What year? A I think it was 1894. I don't remember dates very well.

Q Where was your present husband living in 1870?

A Right where we live now.

Q You were not married to him then? A No, sir.

Q He was living at the same place? A Yes, sir.

WILLIAM H. WINSHIP, being first duly sworn, and being examined, testified as follows:

MR. DAVENPORT: What is your name? A William H. Winship.

Q Where do you live? A In Bourbon County, Kansas.

Q What is your postoffice? A Harding.

Q How long have you lived in Bourbon County, Kansas?

A Ever since 1857.

Q Where were you at the close of the war?

A I was in the war in the first place. I didn't live there since 1857, because I was in the war for about three years.

Q When the war closed? A I was discharged in 1865.

Q Where did you go then, Kansas? A Yes, sir.

Q You are the husband of Mrs. Winship, who has just testified in this case? A Yes, sir.

Q After the close of the war, what point did you return to in Kansas?

A I came back to Harding. Stayed there for a month or two and then moved to Mound City.

Q When you returned from the war to Harding, did you know a family of colored people by the name of Gibson?

A I didn't at the time, but I moved back in the spring of 1866 and got acquainted with them.

Q What were their first names, if you know?

A Lewis Gibson and Pecos Gibson.

Q Which was the elder of the two? A Pecos.

Q Do you know what relation, if any, they were?

A I didn't know, as far as that is concerned, then, but subsequently that Lewis was his son.

Q That is the understanding? A Yes, sir.

Q When was this that you got acquainted with these people?

A In 1866.

Q Do you know whether or not they were living in the country at that time? A Yes, sir, within about a mile and a half of where I lived.

Q Where did you live when you first saw them?

A Right in the vicinity there. I don't know just about at the same place.

Q What, if any defect, had Lewis Gibson? A He was blind.

Q Do you know whether or not he married in that country?

A Yes, sir, he married.

Q After you got acquainted with them, did you know of their working for you? A Yes, I had Lewis Gibson help me some.

Q When was it that Lewis Gibson helped you?

A I think it was along about January, 1868.

Q What was he doing? A Hauling fodder.

Q Did you have anyone else, if you remember, helping you?

A A colored man by the name of George (George) Vann.

Q You say that was in 1868? A Yes, sir.

Q Do you know whether or not Lewis Gibson had any children?

A I could not tell you, but I understood that he had.

Q Ever see any children claimed to be his?

A No, sir, never was at his house, but then I understood that he had a child.

Q Have you ever seen them since they left that section of country?

A No, sir.
Q When did they leave there? A I could not tell. Posey Gibson moved away and left him, I think a year some spring that he worked for me.

Q The spring of 1868? A Yes, sir. And this colored man, this Lewis Gibson, stayed there, him and his wife, that fall and winter, and then Posey Gibson came back.

Q You don't remember when they left after that? A No, sir.

MR. HELLERS: When was it Lewis Gibson hauled fodder for you?
A In the spring of 1868, along about January, to clear off the corn ground for plowing.

Q When was your attention first called to him?

A He hauled fodder in the spring of 1868.

Q When were you first asked about this matter?

A It has been just this last Monday, I believe, a gentleman came up from here.

Q You had not thought very much about him from 1868 to this time?

A No, sir.

Q Do you remember back that he hauled fodder for you in 1868?

A Yes, sir.
Q Can you remember everybody that worked for you thirty-four years ago? A No, I don't know that I do. There was a colored man by the name of Elip, but I could not tell their given names.

Q What kind of a team did Lewis Gibson have when he was hauling that fodder? What kind of a team? A He had a span of blacks.

Q How long ago was that team? A I could not tell you, as near as I can figure out it was in 1868, about 34 years.

Q Who drove them? A George Vann drove them.

Q And Lewis Gibson? A He threw the fodder up on the wagon to George, and George loaded the fodder.

Q Lewis was blind? A Yes, sir.

Q He could load the fodder all right?

A He could load better than most of the men that have got eyes.

Q You can remember back absolutely 34 years? A Yes.

Q You would not swear that it was in 1868? A Yes, sir.

Q Why? A Because I came back in 1868, and Jim Jackson helped me in 1868, then this in 1867, and Lewis hauled the fodder for me and came some of the fodder in 1868.

Q You remember it this long? A Yes, sir.

Q For many times did you see Lewis after that?

A I could not tell you.

Q Often? A Not very often, no, sir.

Q Where was Lewis in 1868?

A He was living, I don't know whether it was on Mr. Wilson's place, but it was near Mr. Wilson's place or adjoining his place, west about a mile or a mile and a half.

Q How do you know? A Because I saw him.

Q What time in 1868? A I could not tell you.

Q Where did you see him in 1868? A At Posey Gibson's.

Q What were you doing there? A I could not tell you, what I was doing there, I don't remember what I was doing there.

Q Did Lewis Gibson come down to the Indian Territory in 1861?

A No, sir.

Q How do you know he did not?

A Because I never missed him from there.

Q Did you watch him all the time? A No, sir.

Q Can you remember back now that he was not absent?

A I don't think that he was.

Q Can you swear that he was not?

A He might have been absent for two or three weeks for all I know, but he was not absent very long, if he was at all.

Q He could have been absent for two or three weeks without you knowing anything about it.

A Yes, he could.

MR. DAVENPORT: We offer in evidence the judgment of the Commission on Citizenship for the years 1880-1884, inclusive, page 116.

The judgment above referred to is as follows:

Office Commission on
Citizenship, Tahlequah
C. N., September 24th, 1881.

J. M. Bryan &
C. H. Taylor, } Atty for Claimants.

No. 110.

Pose Gibson
Anaretta Gibson,
vs
Cherokee Nation.

} Petition for Citizenship.

Submitted by Plaintiff Oct. 1st, 1881.

Continued by the Cherokee Nation Oct. 3rd, 1881.

Continued by Commission till Sept. Term, Feb. 3rd, 1882.
Submitted by the solicitor September 20th, 1882.

And now on this the 26th day of September, A. D. 1882, this case coming on final hearing and all the evidence produced in the case on both sides being carefully read and duly considered by the Commission, it was adjudged by the Commission on Citizenship that the claimant Pose Gibson and Anaretta Gibson, are not Cherokees by blood, and that said claimants being colored person who were from and residing in the Cherokee Nation at the commencement of the War of Rebellion, and who, being absent from the limits of said Nation at the ratification of the treaty of 1866, failed to return thereto within six months from the 16th day of July, 1866, are not entitled to the rights and privileges of Cherokee citizenship within the Cherokee Nation, and that their claim therefor should be and the same is hereby rejected.

Thos. Taha, Pres. of Commission.
Alex Wolfe, Commissioner.
T. P. Thompson, Commissioner, Dismissing.

D. W. C. Dungan,
Clerk of Court.

Transcribed furnished claimant Sept. 26th, 1882.
D. W. C. Dungan,
Clerk of Commission.

MR. BELLETT: I object to the admission of the record.

BY COMMISSION: The record offered is a record of the Cherokee Nation which was delivered to the Commission in November, 1900, at Tahlequah, Indian Territory, and is now in the possession of the Commission.

The testimony will be filed with and made a part of the record in the following Cherokee Freedman cases:

D-786, D-886, D-807, D-1001, and in the case at bar.

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

Wm. Hutchinson.

Arthur O. Croninger, being duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he copied the foregoing, and that the same is a true and complete copy of the original transcript.

Arthur O. Croninger

Subscribed and sworn to before me this 15th day of April, 1900.

Wm. R. Renter
Notary Public.

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

J. B. W.

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

Paul Childers et al.-----Cherokee Freedmen D 1091,
Joy Childers et al.-----Cherokee Freedmen D 1092.

DECISION

The record herein shows that applications for enrollment,
as Cherokee Freedmen, were made to this Commission by Paul Childers,
for himself and minor child, Clarence Childers; and by Joy Childers,
for herself and minor child, Elmer Looney.

The evidence shows that all of the applicants herein have
been born since 1866 and are the descendants of and claim right to
enrollment through one Jim Childers.

The evidence further shows that the said Jim Childers 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.

The names of none of said applicants or any of their
ancestors 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 Paul Childers, Clarence Childers,
Joy Childers and Elmer Looney, as Cherokee Freedmen, should be denied,
under the provisions of Section Twenty-one of the Act of Congress
approved June 28, 1892 (30 Stat., 496), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED):

Tams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Brockinridge.

Commissioner.

(SIGNED)

J. E. Stanley.

Commissioner.

Muskogee, Indian Territory,

this JUL 1 - 1902

100

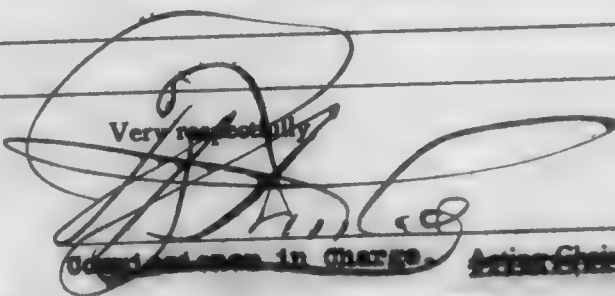
DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, December 7th 1891.

To Mr. Paul Childers,
Coffeyville, Kansas.

Receipt is hereby acknowledged of birth certificate in the matter of the application for enrollment of Marion Childers, the son
of Paul Childers and Jancy Childers
as a citizen of the Cherokee Nation, and the same has been duly filed.

Very respectfully



Commissioner in Charge. John C. Johnson

No. F.D.1001.

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.

Trust Agent J. J. March 3-1902

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Paul & Hilda et al for enrollment as
Freedom of the Cherokee Nation.

No. V. J. 101091

J. J. Blizard
Agent for applicant.

4087
Sher. Fr. D-1091.

Muskegee, Indian Territory, July 11, 1903.

Paul Childers,

Coffeyville, Kansas.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting, among others, your application for the enrollment of yourself and your minor child, Clarence Childers, as Cherokee Freedmen. There has heretofore been furnished your agent, I. P. Hedges, 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, 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. P. Hedges

Register.

Commissioner in Charge.

Enc. H-36.

COPY.

Cher. Fr. D-1001.
Cher. Fr. D-1002.

Muskogee, Indian Territory, July 11, 1905.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Paul Childers, et al., including the Commission's decision, dated July 1, 1905, rejecting the application for the enrollment of Paul, Clarence, and Jay Childers and Elmer Leensy, as Cherokee freedmen.

Respectfully,

T. B. Needles.

Through the

Commissioner of Indian Affairs.

Commissioner in Charge.

Enc. N-40.

COPY.

Cher. Fr. D-1091
& D-1092.

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 Paul Childers, et al., rejecting the application for the enrollment of Paul, Claron es and Joy Childers and Elmer Leoney 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. H-15.

COPY.

Char. Fr. D-1091.
Char. Fr. D-1092.

Muskogee, Indian Territory, July 11, 1903.

A. N. Heston,
Agent for Paul Childers, et al.,
Muskogee, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, in the consolidated case of Paul Childers, et al., rejecting the application for the enrollment of Paul, Clarence and Jay Childers and Elmer Lowrey, as Clarence Freedman. You have heretofore been furnished with a copy of the record of proceedings.

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

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register.

Vol. 1-10.

COPY

Refer in reply to the following:

Land 44282-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, February ,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 Paul Childers for the enrollment of himself and his minor child, Clarence Childers, and the application of Joy Childers for the enrollment of herself and minor child, Elmer Looney, all as Cherokee freedmen.

On July 1, 1903, the Commission rendered a decision in this case finding from the evidence that all of the applicants had been born since 1866, and are the descendants of and claim right to enrollment through one James Childers; that from the evidence the said James Childers was the slave of a Cherokee citizen at the commencement of the rebellion; that he left the Cherokee Nation during said rebellion and did not return thereto until after January 19, 1867; that the names of none of said applicants or any of their ancestors, are found on the 1860 authenticated roll of the Cherokee Nation, by reason of which facts and findings, the Commission is

of the opinion that these applications should be denied under the provisions of section 21 of the act of Congress approved June 26, 1898 (30 Stats., 495).

I have examined the evidence submitted in behalf of these applicants and consider that said decision of the Commission is supported thereby and therefore recommend that it be approved by the Department.

The attention of the Department is invited to the fact that January 19, 1867 is fixed in said decision as the date of the expiration of the six months within which Cherokee freedmen should return to the Cherokee Nation under the provisions of the treaty of 1866, while the Department has decided that said period did not terminate until February 11, 1867. I do not consider, however, that in this case, the difference in time is of any consequence, for it appears quite evident that these parties did not return within the proper time.

Very respectfully,

W.C.B.(B)

Commissioner in Charge.

D.C.11271-1904.

DEPARTMENT OF THE INTERIOR,

JP
FHE
LRS

ITD 1174-1904.

WASHINGTON.

April 5, 1904.

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

Gentlemen:

February 6, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the applications for enrollment as Cherokee freedmen of Paul Childers, for himself and his minor child, Clarence Childers, and of Joy Childers, for herself and her minor child, Elmer Looney, and recommended that your decision adverse to the applicants be concurred in.

Your decision is hereby affirmed, in accordance with the view of the Acting Commissioner. A copy of his letter is inclosed.

Respectfully,

Thos Ryan

1 inclosure.

Acting Secretary.

Cherokee Freedmen
D-1091.

Muskogee, Indian Territory, April 16, 1904.

Paul Childers,
Coffeyville, Kansas.

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 minor child, Clarence Childers, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 5, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-1091 & D-1092.

Muskogee, Indian Territory, April 16, 1904.

I. P. Bledsoe,
Agent for Paul Childers, et al.,
Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Paul, Clarence and Joy Childers, and Elmer Looney, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 5, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-1091 & D-1092.

Muskegee, 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, in the consolidated case of Paul Childers et al., rejecting the applications for the enrollment of Paul, Clarence, and Joy Childers and Elmer Looney as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 5, 1904.

Respectfully,

Commissioner in Charge.

Cherokee freedman

R-234

Muskogee, Indian Territory, May 28, 1906.

Paul Childers,
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the motion filed by your attorney's September 7, 1901, for a review in your Cherokee Freedman enrollment case, was dismissed by the Department May 2, 1906.

Respectfully,

Commissioner.

WMP

Muskogee, Indian Territory, May 26, 1906.

Wine & Fulger,

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

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Oct 25, 1901.
Post Office Leffville, Kansas
District Leffville

1. Name Paul Childers Age 24

Owner's name _____ Citizenship _____

Year 186 Page 172 No. 4235 District Leffville

Parents:

Father Jim Childers dead Citizenship Leffville

Mother Matilda Childers living Citizenship " "

2. Name of wife _____ Age _____

Owners name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

28. Delaney Childers Year _____ Page _____ No. _____ Dist. _____ 14

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 W. S. Stenographer J. O. Rosson

Wolm Hall. Roll p 188 No 3457 Paul E. Gibson
no district

No 2 Birth cert required

X. Ref 81092

11

11

RECEIVED
MAR 11 1911

F. D. Went

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice, on June 10

by delivering a true copy thereof on the
day of June A. D. 1902

Given under my hand this
day of June A. D. 1902

W. H. Kelly King
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of _____, 1902

Attorney for applicant.

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

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

on the _____ day of _____ A. D. 1902

Subscribed and sworn to before me
this _____

Notary Public.

NOTICE!

IN THE MATTER OF the application of Paul Childers, Coffeyville,
for enrollment as Cherokee Freedmen: Kan.

Case No. F. D. 1691.

To Paul Childers, Coffeyville, Kansas:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, T. Indian Territory, on March 3rd, 1902., at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Feb. 26, 1902.

L B Bell

*W. M. Hastings
Jas. Davenport*

Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

3 *Small*

JAN 18 1962

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JAN 18 1962

David



~~*William*~~
Childers
Lawler



Department of the Interior.
Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.
OFFICIAL BUSINESS.
Penalty for private use, \$300.

Cher. Fr. R. 235

See Cher Fr. R. 234-845

Cher. Fr. R. 235

To be filed in C.F.D.1092, Joy Childers et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 25th, 1901.

In the matter of the application of Paul Childers for the enrollment of himself and one child as Cherokee Freedmen; said Childers being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Paul Childers.
Q How old are you? A 24 past.
Q What is your post office? A Coffeyville, Kansas.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A One child.
Q What is your child's name? A Clarence.
Q How old is it? A 14 months old.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Gencie Jones.
Q Is she a citizen? A No, sir.
Q What is your father's name? A Jim Childers.
Q Is he living? A No, sir.
Q What is your mother's name? A Matilda.
Q Is she living? A Yes, sir.
Q Is your name on the roll of 1880? A I guess so.
Q Is it on the roll of 1880? A I don't know what rolls it is on.
Q Do you know whether it is on any of the rolls or not? A Yes, sir, I guess it is on the Kern-Clifton roll.
Q Have you any witnesses? A Yes, sir.
Q Who are they? A Lum Landrum and Al Lynch.

Tribal rolls of Cherokee Freedmen in the possession of this Commission examined name of applicant not found thereon.

- Q Where were you born? A Cooweescoowee district.
Q Have you lived in the Cherokee Nation all your life? A Yes, sir.
MR. HASTINGS: What point in the Cherokee Nation were you born?
A I don't know just what point, I guess about eight miles this side of Coffeyville.
Q Which side of the railroad? A On the east side of the Valley Road.
Q How far? A Oh, I guess about four or five miles.
Q What is the nearest railroad town? A Be Westville.
Q What was your father's name? A James Childers.
Q Is he a Cherokee Freedman? A Supposed to be.
Q What was your mother's name? A Matilda.
Q What was her name before she was married? A Gibson.
Q Did she have any other name besides Gibson? A I guess so.
Q You never heard of any other name yourself? A No, sir.
Q You never heard whether it was John, Jim or Henry? A His name was Posey.
Q His name was Posey? A Yes, sir.
Q Where have you been for the last six months? A I have been home.
Q Where is your home, out there? A Yes, sir.
Q Why didn't you apply to the Commission at Chelsea?
A I didn't have sufficient witness there.
Q Why didn't you apply at Nowata? A There is where I didn't have sufficient witnesses to apply there.
Q We have been here pretty near a month before you got in your witnesses? A I haven't been here.
Q Hasn't Columbus McNair and Al Lynch been here pretty near ever since we have been here? A They had other business.
Q Could not get to your case? A No, sir.
Q When did you see Al Lynch first? A I don't know where was the first place I seen him at now.

Q How long have you been acquainted with him? A About a month I reckon.

Q How long have you been acquainted with Lum McNair? A About couple or three months.

Q There are lots of people living around you up there now?

A Yes, sir, several folks.

Q Who are your neighbors up there? A Esau Fox, Joe Ross, and I can't begin to call all of them, whole lots of them.

ALLEN LYNCH, being duly sworn and examined by Commissioner Needles, testified as follows on part of applicant:

Q What is your name? A Allen Lynch.

Q How old are you? A 61 years old.

Q What is your post office? A Vinita.

Q Are you a Cherokee Freedman? A Yes, sir.

Q Do you know the applicant, Paul Childers? A Yes, sir.

Q How long have you known him? A Well, I have knowed him for 16 or 17 years; 16 years I guess.

Q Where was he born? A I don't know that.

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

Q What was his name? A We used to call him Jim Gibson.

Q Did you know his mother? A Well, I ain't personally acquainted with her; no, sir.

Q Well, was his father a slave? A Yes, sir.

Q Who did he belong to? A Belonged to Sarah Childers, I think.

Q Was Sarah Childers a Cherokee citizen? A Yes, sir.

Q Do you know whether his father went out of the Territory during the war? A Yes, sir.

Q Where did he go? A He was in the army with me.

Q When did he return to the Cherokee Nation? A Well, I don't know that.

Q When did you first see him after the war? A I never seen him any more after we was discharged until I saw him up here at this Cherokee payment.

Q What payment was that? A I don't know, Mr. Maj. Lipe made the payment.

MR. HASTINGS: Strip payment? A No, sir, I think it was the Lipe payment.

Q He was treasurer in 1880? A Well.

COM'R NEEDLES: How do you know Paul Childers is his son? A Well, he showed me his children and I think this is one of the boys.

Q And you don't know anything of his mother? A No, sir, I think she is a state woman.

Q Were they living together as man and wife? A He had her here together as man and wife.

Q You don't know whether they were married or not? A No, sir.

MR. HASTINGS: Have you seen this boy frequently? A No, sir.
Q He says he hasn't known you only about a month? A I don't expect he has.

Tribal rolls of Cherokee Freedmen examined and names of applicant not identified upon any of the rolls of the Cherokee Nation.

Name of applicant's father not identified on 1880 roll.

Examination of the rolls continued and applicant's name found on Kern-Clifton roll, page 172, #4235, Paul Childers, Cooweescoowee district.

Wallace roll examined and applicant's name found thereon, page 188, #3457, Paul E. Gibson, no district given.

NICK LANDRUM being duly sworn and examined by Commissioner Needles, testified as follows on part of applicant:

Q What is your name? A Nick Landrum.
Q How old are you? A I don't know exactly.
Q About how old? A About, born about '54 or '5.
Q What is your postoffice? A Coffeyville.
Q Are you a Cherokee Freedman? A Yes, sir.
Q Name on the roll of 1880? A No, sir, not as I know of.
Q Well, do you know Paul Childers? A Knowed him ever since he was a baby.
Q Do you know his sister Joy? A Yes, sir.
Q Did you know his father? A Yes, sir.
Q What was his name? A In his day I never heard him called anything but Jim Gibson; he was a cook.
Q Did you know their mother? A Yes, sir.
Q What was her name? A Matilda.
Q Do you know whether they were married or not? A Yes, sir; I never seen them but they said to be married.
Q Did they live together as man and wife? A Until he died.
Q Were these children born while they were living together as man and wife? A Yes, sir.
Q Where were they born? A I could not say where they were born; I wasn't there; said to be on Snow Creek.
Q Do you know whether Jim Gibson or Jim Childers was a slave before the war? A He is said to be.
Q You don't know anything about that? A No, sir.
Q You don't know where he was in the year 1866, do you?
A No, sir, not exactly.
Q When was the first time you ever saw him to know him?
A Well, now I could not give that, I could not say when it was; it has been over 25 years. Now there is two other children up yonder—

Com'r Needles: Paul Childers applies for the enrollment of himself and one child. He is identified upon the Kern-Clifton roll and also upon the Wallace roll. His identification upon the Wallace roll being as Paul Gibson. He avers that he is a son of James and Matilda Gibson, and avers that his mother was a state woman and his father a slave and proof has been made as to their living together as ~~man~~ man and wife. His child is too young to be identified upon any roll. By reason of the fact that satisfactory proof has not been made as to the citizenship of his father, the applicant and his child will be listed for enrollment as Cherokee Freedmen upon a doubtful card.

-----:---:-----

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

(Signed) J. O. Rosson.

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

(Signed) T. B. Needles,

Commissioner.

-4-

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 26, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Paul Childers et al., C. F. D. 1001.

Appearances:

W. W. Hastings for the Nation.
Applicant present in person.

COLUMBUS McNAIR, being first duly sworn by Com'r T. B. Needles, testified as follows for the applicant.

(By Com'r Needles)

- Q What is your name? A Columbus McNair.
Q What is your age? A 51.
Q What is your post office address? A Vinita.
Q What district do you live in? A Delaware.
Q Do you know Paul Childers? A Yes, sir.
Q Did you know his father? A Yes, sir.
Q What was his name? A Jim Childers.
Q Was he a Cherokee citizen? A Yes, sir.
Q Was he a slave? A Yes, sir.
Q Is he living? A No, sir.
Q Who did he belong to? A Levi Childers.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q When did you first see him after he returned? A In the spring of '66 at the Arkansas river in the Cherokee Nation.
Q When was Paul Childers born? A I don't know.
Q Do you know his sister Joy? A Yes, sir.
Q How long have you known them? A I have seen them I guess maybe for three or four months, this last time.
Q Did you know their mother? A I have seen her, but have no acquaintance with her.
Q Do you know if she was a citizen? A No, sir, I don't.
Q Do you know if the father and mother of these children were married? A No, sir, I don't.
Q Did they live together? A Yes, sir.

(By Hastings)

- Q Where were these children born? A I don't know.
Q When did they come from Kansas? A I don't know.
Q Don't you know about when they came? A No, sir, I don't.
Q Did they come before the Wallace payment? A Yes, sir, I saw them on Snow Creek before.
Q Don't you know they were born in Kansas? A No, sir, I don't.
Q Didn't their father tell you where they were born? A No, sir.
Q You didn't live on Snow Creek yourself? A No, sir, on Verdigris.

(By the Commission:)

- Q Where did you meet the father first? A On Brady's Prairie.

(By Hastings)

- Q Who was with him? A Blue Thompson.
Q When did you next see them after that? A I never saw him any more until '88 when I met him at the election on the river at Tom Hatchets'.
Q Was he living there? A No, sir.
Q Where was he living then? A I don't know.
Q Where did you first know him to live in the Cherokee Nation? A I don't know where he lived.
Q Didn't you know that his wife was a Kansas woman? A No, sir, I did not.
Q Where did he die? A I don't know that.
Q You never was at his house? A I was at his father's house.
Q You never was at his house? A No, sir.
Q You don't know whether they ever had a house? A No, sir.

HENRY MILTON, being sworn by Com'r Needles, testified as follows in behalf of the applicant.

(By the Commission)

- Q What is your name? A Henry Melton.
Q What is your age? A 66.
Q What is your postoffice address? A Coffeyville.
Q Do you know Paul Childers? A Yes, sir.
Q Do you know his sister Joy? A Yes, sir.
Q How long have you known them? A I have been knowing them a good while.
Q Well, how long do you call a good while? A I have been knowing them on to about 27 years on Snow Creek.
Q Were they there 27 years ago? A Yes, sir, their mother was.
Q I am talking about these two children? A Yes, sir, they was there too.
Q They are not but 24 years old, how could they be there 27 years ago? A Their mother lived with my sister.
Q Do you know their father? A Yes, sir.
Q What was his name? A Jim Gibson.
Q Was he a Cherokee slave? A Yes, sir.
Q Who did he belong to? A Levi Childers.
Q Did he go out of the Cherokee Nation during the war? A Yes, sir.
Q Did you see him after his return? A Yes, sir, in the spring of '67 on Pryor Creek.
Q Did he always live in the Cherokee Nation after that until he died? A I don't know.
Q Do you know these children's mother? A Matilda.
Q Was she a Cherokee slave? A State woman.
Q Do you know if Jim and his wife were married? A They said they was, they was living together as man and wife.
Q Was they living together when these two children were born? A Yes, sir.
Q Did you know these two children all their lives? A Yes, sir, I buried their father.
Q Have they always lived in the Cherokee Nation? A I cannot say.
Q How long have you known them to have lived in the Cherokee Nation? A Ever since they was little.
Q Is their mother living? A Yes, sir.
Q Where? A On Snow Creek.
Q Did she go back to Kansas after her coming here? A No, sir.
Q Did she never take these children back there? A Not as I knows of.

(By Hastings)

- Q Is the mother here today? A No, sir, she is at home.
Q You know she is from Kansas? A Yes, sir.
Q You know Jim married her up there? A No, he didn't.
Q What was her maiden name? A Matilda Shields.
Q Do you know where Jim married her? A No, sir.
Q How do you know then that he didn't marry her in Kansas? A They said old man Duffin married them on Big Creek.
Q Old man Duffin came from Kansas? A Yes, sir.
Q You are the same fellow that testified in the Minta Buffington case? A Yes, sir.
Q And you said that you knew her before the war? A No, sir, I said that I knowed her after she come back.
Q You know that Big Ellis Buffington brought her back? A I don't know that, you didn't ask me that, you asked me if I knowed her.
Q Didn't you say that Big Ellis Buffington brought her back? A No, sir, I said that she belonged to Ellis Buffington.
Q Where did you first see this man Jim Gibson? A At my place in '67.
Q What year is this? A I don't know.
Q What year was the Wallace payment made? A I don't know.
Q What year was the Kern Clifton payment made? A I don't know.
Q Who was with him when you saw him first? A By himself.
Q Where was he going from? A From his mother's to Fort Smith, that is what he told me.
Q Staid all night there did he? A Yes, sir.
Q What kin are you to these children? A None.
Q Is your wife any kin to them? A No, sir. They appointed me as the man to draw these children's money before the Kern Clifton roll

and the Major life money.

THE APPLICANT, PAUL CHILDERS, recalled by Mr. Hastings:

Q Paul have you—if you were born and lived on Snow Creek all this time, why is it that you cannot bring some of your neighbors to testify for you? A That man lived right in my neighborhood.

#####

This will also be filed in the case of Jay Childers, C. F. D. 1092.

###

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

(Signed) Chas. von Weise.

Subscribed and sworn to before me this 28th of November, 1901.

(Signed) T. B. Needles,

Commissioner.

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

Arthur G. Croninger

Subscribed and sworn to before me this 30th day of December, 1901.

[Signature]

Commissioner.

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U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 25th, 1901.

In the matter of the application of Joy Childers for the enrollment of herself and one child as Cherokee freedmen; said Childers being duly sworn and examined by Commissioner Needles, testified as follows:

Q What is your name? A Joy Childers.
Q How old are you? A 22 years old.
Q What is your post office? A Coffeyville, Kansas.
Q What district do you live in? A Coowescoowee district.
Q Do you apply to be enrolled as a Cherokee freedman? A Yes, sir.
Q Do you want to enroll anybody besides yourself? A Yes, sir.
Q Who? A Baby.
Q What is your baby's name? A Elmer Looney.
Q Is Looney its last name? A Yes, sir.
Q If the child's name is Looney how did your name happen to be Childers? Are you married? A No, sir.
Q How old is Elmer Looney? A Two years old.
Q Have you ever been married? A No, sir.
Q What was your father's name? A Jim Gibson; Jim Childers.
Q Jim Gibson or Jim Childers? A Jim Childer.
Q Is he living? A No, sir.
Q What is your mother's name? A Matilda Childers.
Q Where were you born? A In the Territory.
Q What part of the Territory? A Snow Creek I suppose.
Q Cherokee Nation? A Yes, sir.
Q Have you lived here all your life? A Yes sir.

The 1880 Authenticated roll of Cherokee Freedmen examined and name of applicant and her father not found thereon.
Kern-Clifton roll of Cherokee freedmen examined and name of applicant found thereon, page 172, #4237, Joy Childeran, Coowescoowee district.

Q Are you a sister to Paul Childers? A Yes, sir.
Q Own sister? A Yes, sir.
Q The testimony in his case then as to his citizenship would be the same as yours? A Yes, sir.
Q You have no witnesses here besides Mr. Lynch? A No, sir; Mr. Landrum isn't here.

MR. HASTINGS: Cherokee Representative:

Q On whose place were you born? A I don't know.
Q Whose place were you living on when you could first remember?
A I was living on my uncles.
Q What was his name? A Lewis Gibson.
Q Was that on Snow creek? A Yes, sir.
Q How old were you then? A I don't know.
Q Where did you go to school? A Snow creek.
Q Did you ever live off of Snow creek? A No, sir.
Q Is your father dead? A Yes, sir.
Q Where did he die? A Died on Snow creek.
Q Is your mother dead? A No, sir.
Q Where is she living? A On Snow creek.
Q Do you know Bill Noble, William Noble? A No, sir.
Q Do you know William Martin? A No, sir.
Q Jim Martin? A I know one Jim Martin, he is an Indian.
Q How far do you live from him? A I won't know, I used to live up on the creek right by him.
Q Right close to you? A Yes, sir, he has moved and I don't know where he was.
Q You never come down to Nowata and applied? A I went down there but I didn't apply.
Q You never applied at Chelsea? A No, sir.

Wallace Roll of Cherokee Freedmen examined and name of ap-

Joy Childers, et al.--2.

applicant found thereon, page 188, #3458, Joy A. Gibson, no district given.

COM'R NEEDLES: Did you ever go by the name of Gibson?

A Yes, sir

Q Your father's name was Gibson? A Yes, sir.

Q How did he happen to have the name of Childers? A That was his owners name.

COM'R NEEDLES; Joy Childers applies for the enrollment of herself and one child named Elmer Looney. She is identified upon the Kern-Clifton roll and upon the Wallace roll as Joy Gibson. She avers that she is a child of James and Matilda Gibson, and that her father went by the name of both Childers and Gibson. She is identified upon the Kern-Clifton roll as Childers and upon the Wallace roll as Joy Gibson. She avers that she has one child named Elmer Looney, and also avers that she has never been married. The testimony taken in the matter of the application of her brother, Paul Childers, who was listed for enrollment on doubtful card #1091, will be made part of the record in the case at bar and a copy thereof will be filed herewith.

By reason of the fact that no satisfactory proof is made as to the citizenship of her father, she will now be listed for enrollment as a Cherokee Freedman upon a doubtful card.

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

J. O. Rosson

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

[Signature]

Commissioner.

File with Jay Childers, C. F. N. 1092.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October, 26, 1901.

Supplemental testimony in the matter of the application of Paul
Childers et al., C. F. N. 1091.

Appearances:

W. W. Hastings for the Nation
Applicant present in person.

COLUMBUS McNAIR being first duly sworn by Com'r T. B. Needles, tes-
tified as follows for the applicant.

(By Com'r Needles)

Q What is your name? A Columbus McNair.

Q What is your age? A 51.

Q What is your post office address? A Vinita.

Q What district do you live in? A Delaware.

Q Do you know Paul Childers? A Yes sir.

Q Did you know his father? A Yes sir.

Q What was his name? A Jim Childers.

Q Was he a Cherokee citizen? A Yes sir.

Q Was he a slave? A Yes sir.

Q Is he living? A No sir.

Q Who did he belong to? A Levi Childers.

Q Did he go out of the Cherokee Nation during the war? A Yes sir.

Q When did you first see him after he returned? A In the spring of

'66 at the Arkansas River in the Cherokee Nation.

Q When was Paul Childers born? A I dont know.

Q Do you know his sister Joy? A Yes sir.

Q How long have you known them? A I have seen them I guess maybe

for three or four months this last time.

Q Did you know their mother? A I have saw her, but have no acquaint-

ance with her.

Q Do you know if she was a citizen? A No sir I dont.

Q Do you know if the father and mother of these children were

married? A No sir I dont.

Q Did they live together? A Yes sir.

(By Hastings)

Q Where were these children born? A I dont know.

Q When did they come from Kansas? A I dont know.

Q Dont you know about when they came? A No sir, I dont.

Q Did they come before the Wallace payment? A Yes sir I saw them

on Snow Creek before

Q Dont you know they were born in Kansas? A No sir I dont.

Q You didn't live on Snow Creek yourself? A No sir on Vixdigris.

(By the Commission)

Q Where did you meet the father first? A On Brady's Prairie.

(By Hastings)

Q Who was with him? A Blue Thompson.

Q When did you next see them after that? A I never saw him any more

until '68 when I met him at the election on the river at Tom Hatchets

Q Was he living there? A No sir.

Q Where was he living then? A I dont know.

Q Where did you first know him to live in the Cherokee Nation? A I

dont know where he lived.

Q Didn't you know that his wife was a Kansas woman? A No sir I did not

Q Where did he die? A I dont know that.

Q You never was at his house? A I was at his father's house.

Q You never was at his home? A No sir.

Q You dont know whether they ever had a house? A No sir.

HENRY MILTON being sworn by Com'r Needles, testified as follows in
behalf of the applicant.

(By the Commission)

Q What is your name? A Henry Milton

Q What is your age? A 66.

Q What is your post office address? A Jeffreyville.

Q Do you know Paul Childers? A Yes sir.

Q Do you know his sister Joy? A Yes sir.

- Q How long have you known them? A I have been knowing them a good while.
- Q Well how long do you call a good while? A I have been knowing them on to about 27 years on Snow Creek.
- Q Were they there 27 years ago? A Yes sir, their mother was.
- Q I am talking about these two children? A Yes sir they were theretoo
- Q But they are not but 24 years old, how could they be there 27 years ago? A Their mother lived with my sister.
- Q Do you know their father? A Yes sir. Q What was his name? A {Jim Gibson
- Q Was he a Cherokee slave? A Yes sir.
- Q Who did he belong to? A Levi Childers.
- Q Did he go out of the Cherokee Nation during the war? A Yes sir.
- Q Did you see him after his return? A Yes sir in the spring of '67 on Pryor creek.
- Q Did he always live in the Cherokee Nation after that until he died? A I dont know.
- Q Do you know these children's mother? A Matilda.
- Q Was she a Cherokee slave? A State woman.
- Q Do you know if Jim and his wife were married? A They said they was, they was living together when these two children were born as mand and wife.
- Q Was they living together when these two children were born? A Yes sir.
- Q Did you know these two children all their lives? A Yes sir I buried their father.
- Q Have they always lived in the Cherokee Nation? A I cannot say.
- Q How long have you known them to have lived in the Cherokee Nation? A Ever since they was little.
- Q Is their mother living? A Yes sir.
- Q Where? A On Snow Creek.
- Q Did she go back to Kansas after her coming here? A No sir.
- Q Did she never take these children back there? A Not as I know o f.
- (By Hastings)
- Q Is the mother here today? A No sir she is at home.
- Q You know she is from Kansas? A Yes sir.
- Q You know Jim married her up there? A No he didn't
- Q What was her maiden name? A Matilda Shields.
- Q Do you know where Jim married her? A No sir.
- Q How do you know then that he didn't marry her in Kansas? A They said old man Duffin married them, on Big creek.
- Q Old man Duffin come from Kansas? A Yes sir.
- Q You are the same fellow that testified in the Minta Buffington case? A Yes sir.
- Q And you said that you knew her before the war? A No sir, I said that I knowed her after she come back.
- Q You know that Big Ellis Buffington brought her back? A I dont know that, you didn't ask me that, you asked me if I knowed her.
- Q Didn't you say that Big Ellis Buffington brought her back? A No sir I said that she belonged to Ellis Buffington.
- Q Where did you first see this man Jim Gibson? A At my place in '67
- Q What year is this? A I dont know
- Q What year was the Wallace payment made? A I dont know.
- Q What year was the Kern Clifton payment made? A I dont know.
- Q Who was with him when you saw him first? A By himself.
- Q Where was he going from? A From his mother's to Fort Smith, that is what he told me.
- Q staid all night there did he? A Yes sir.
- Q What kin are you to these children? A None.
- Q Is your wife any kin to them? A No sir. They appointed me as the man to draw these children's money before the Kern Clifton roll and the Major Lipe money.


THE APPLICANT PAUL CHILDERS recalled by Mr. Hastings

- Q Paul have you—if you were born and lived on Snow Creek all this time, was it that you cannot bring some of your neighbors to testify for you? A That man lived right in my neighborhood.

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 complete transcript of his stenographic notes therein:

Chas. von Weise

Subscribed and sworn to before me this the 8th of November, 1901.



Commissioner.

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RECEIVED
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

WASHINGTON
NOV 18 1901

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

JAC
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In the matter of the application of Paul Childers et al.
for enrollment as Cherokee Freedmen, consolidating the applications
of

Paul Childers et al.-----Cherokee Freedmen D 1091,
Joy Childers et al.-----Cherokee Freedmen D 1092.

DECISION

The record herein shows that applications for enrollment,
as Cherokee Freedmen, were made to this Commission by Paul Childers,
for himself and minor child, Clarence Childers; and by Joy Childers,
for herself and minor child, Elmer Looney.


The evidence shows that all of the applicants herein have
been born since 1866 and are the descendants of and claim right to
enrollment through one Jim Childers.

The evidence further shows that the said Jim Childers 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.

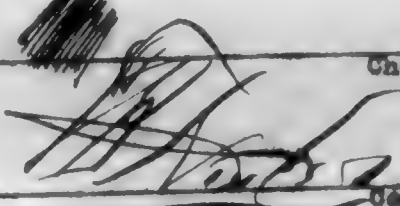
The names of none of said applicants or any of their
ancestors are found on the 1880 authenticated roll of the Cherokee
Nation.

It is, therefore, the opinion of this Commission that the
applications for the enrollment of Paul Childers, Clarence Childers,
Joy Childers and Elmer Looney, as Cherokee Freedmen, 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.



Chairman.



Commissioner.

C. R. Bradburn

Commissioner.

W. E. Stearns

Commissioner.

Muskogee, Indian Territory,

this JUL 1 - 1903

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

ALLISON E. AYLESWORTH,
SECRETARY

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

Muskogee, N. M., March 7, 1909

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Sam S. Slaughter et al for enrollment as
Cherokee Freedmen.

No. 27-1092

J. P. S. D. A.
Agent for applicant.

DEPARTMENT OF THE INTERIOR.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

4 79 1000.

Muskogee, Indian Territory, June 12, 1902,

To **Mrs. Joy Childers,**
Coffeyville, Kas.

Receipt is hereby acknowledged of birth certificate in the matter of the application for enrollment of **Elmer Looney** **Son** of **Frank Looney** and **Joy Childers** as a citizen of the **Cherokee** Nation, and the same has been duly filed.

Commissioner in Charge.

COPY

Cher. Fr. D-1092.

Muskogee, Indian Territory, July 11, 1908.

Joy Childers,
Coffeyville, Kansas.

Dear Madam:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 1, 1908, rejecting, among others, your application for the enrollment of yourself and your minor child, Elmer Looney, as Cherokee Freedmen. There has heretofore been furnished your agent, I. P. Bladsoe, 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, 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.

Register.

Enc. N-57.

COPY:

Char. Fr. D-1091.
Char. Fr. D-1092.

Muskogee, Indian Territory, July 11, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record of proceedings had in the consolidated case of Paul Childers, et al., including the Commission's decision, dated July 1, 1903, rejecting the application for the enrollment of Paul, Clarence, and Joy Childers and Elmer Leoney, as Cherokee Freedmen.

Respectfully,

Through the

Commissioner of Indian Affairs.

Enc. B-40.

T. D. Needles

Commissioner in Charge.

COPY.

Cher. Tr. D-1091
& D-1092.

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 Paul Childers, et al., rejecting the application for the enrollment of Paul, Elaren et and Jay Childers and Elmer Loney 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. 2-37.

COPY

Cher. Fr. D-1001
Cher. Fr. D-1002

Mustang, Indian Territory, July 11, 1903.

I. P. Hedges,

Agent for Paul Childers, et al.,

Chautauk, 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 Paul Childers, et al., rejecting the application for the enrollment of Paul, Clarence and Joy Childers and Elmer Leoney, 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,

T. B. Needles.

Commissioner in Charge.

Register.

No. 5-38.

COPY

Refer in reply to the following:

Land 44282-1903.

Department of the Interior,
Office of Indian Affairs,
Washington, February ,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 Paul Childers for the enrollment of himself and his minor child, Clarence Childers, and the application of Joy Childers for the enrollment of herself and minor child, Elmer Leoney, all as Cherokee freedmen.

On July 1, 1903, the Commission rendered a decision in this case finding from the evidence that all of the applicants had been born since 1866, and are the descendants of and claim right to enrollment through one James Childers; that from the evidence the said James Childers was the slave of a Cherokee citizen at the commencement of the rebellion; that he left the Cherokee Nation during said rebellion and did not return thereto until after January 19, 1867; that the names of none of said applicants or any of their ancestors, are found on the 1880 authenticated roll of the Cherokee Nation, by reason of which facts and findings, the Commission is

of the opinion that these applications should be denied under the provisions of section 21 of the act of Congress approved June 28, 1898 (30 Stats., 895).

I have examined the evidence submitted in behalf of these applicants and consider that said decision of the Commission is supported thereby and therefore recommend that it be approved by the Department.

The attention of the Department is invited to the fact that January 19, 1867 is fixed in said decision as the date of the expiration of the six months within which Cherokee freedmen should return to the Cherokee Nation under the provisions of the treaty of 1866, while the Department has decided that said period did not terminate until February 11, 1867. I do not consider, however, that in this case, the difference in time is of any consequence, for it appears quite evident that these parties did not return within the proper time.

Very respectfully,

W.C.B.(B)

Commissioner in Charge.

D.C.11271-1904.

JP
YHE
LRS

DEPARTMENT OF THE INTERIOR,

ITD 1174-1904.

WASHINGTON.

April 5, 1904.

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

Gentlemen:

February 6, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the applications for enrollment as Cherokee freedmen of Paul Childers, for himself and his minor child, Clarence Childers, and of Joy Childers, for herself and her minor child, Elmer Looney, and recommended that your decision adverse to the applicants be concurred in.

Your decision is hereby affirmed, in accordance with the view of the Acting Commissioner. A copy of his letter is inclosed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-1092.

Muskogee, Indian Territory, April 16, 1904.

Joy Childers,
Coffeyville, Kansas.

Dear Madam:

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 minor child, Elmer Looney, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 5, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-1091 & D-1092.

Muskogee, Indian Territory, April 16, 1904.

I. P. Bledsoe,
Agent for Paul Childers, et al.,
Choteau, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting the applications for the enrollment of Paul, Clarence and Joy Childers, and Elmer Looney, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 5, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-1091 & D-1092.

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, in the consolidated case of Paul Childers et al., rejecting the applications for the enrollment of Paul, Clarence, and Joy Childers and Elmer Leoney as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 5, 1904.

Respectfully,

Commissioner in Charge.

Q

10/25/01

COMMISSION TO THE INTER-CIVILIZED TRIBES

FILED
OCT 25 1901

[Faint signature or stamp]

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date Oct 25, 1901.
Post Office Leffville, Kansas
District Leff

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

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

Name of wife Joy Childers Age 32
Owner's name _____ Citizenship _____
Year K. L. Page 172 No. 4237 District Leff

Parents:
Father Jim Childers dead Citizenship Leffville
Mother Matilda - live Citizenship _____

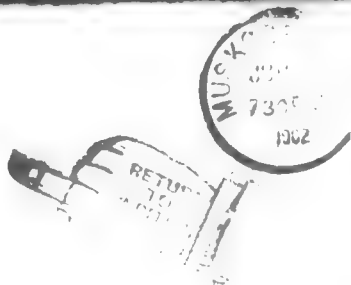
Names of Children:

- | No. | Name | Year | Page | No. | Dist. |
|-----|--------------------|------|------|-----|----------|
| 3. | <u>Elmer Honey</u> | | | | <u>2</u> |
| 4. | | | | | |
| 5. | | | | | |
| 6. | | | | | |
| 7. | | | | | |
| 8. | | | | | |
| 9. | | | | | |
| 10. | | | | | |
| 11. | | | | | |
| 12. | | | | | |

Application made by W. L. Stenographer J. O. Rosson

No 1 on Wall. Roll p. 188, No. 3458 as Joy A. Wilson, district not given

X Ref 51091.



Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mrs. Joy Childers
Coffeyville
T. D. P. O.

Cher. Fr. R. 236

Cher. Fr. R. 236

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES,
NOWATA, I.T., JUNE 25th, 1901.

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

- Q What is your name? A William Rector is the name I go by.
Q Is that your name? A Yes, sir.
Q How old are you? A About 45.
Q What is your post office address? A Nowata.
Q Do 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 Is your name on the authenticated roll of 1860? A No, sir.
Q Is it on any of the rolls of the Cherokee Nation? A Wallace roll.
Q Have you any witnesses? A Yes, sir.
Q Who are they? A Charles Chambers and Mose Hardrick.

The 1860 Authenticated Roll, the 1896 Census Roll and the Kern-Clifton Roll of Freedmen of the Cherokee Nation and name of applicant not found thereon.

The Wallace Roll of Freedmen of the Cherokee Nation examined and name of applicant found thereon, page 176, #3281, Wm. Rector, Coowescoowee District.

- Q Were you a slave? A Yes, sir, I claim to be a slave.
Q Whom did you belong to? A Looney Riley.
Q Was he a Cherokee? A Yes, sir.
Q Where were you born? A I could not tell you that, where I was born at.
Q Where were you when you can first recollect? A I was in the Cherokee Nation.
Q Where at? A Here Coody's Bluff.
Q Living with Looney Riley? A Yes, sir.
Q Well, did you go out of the Cherokee Nation during the war?
A I don't know, sir; if I did I wasn't old enough to recollect it.
Q Do you recollect the war? A No, sir.
Q What is your father's name? A I don't know.
Q What is your mother's name? A Mother died when I was a little bit of a baby.
Q Don't know her name? A No, sir.
Q Don't know the name of your father or mother? A No, sir.
Q Where do you first recollect being after the war? Q On Pryors Creek.
Q Well, you are 45 years of age? A Yes, sir.
Q You ought to have been about ten years old then? A Yes, sir.
Q Do you recollect where you were during the Civil War?
A No, sir.
Q Don't recollect whether you were in Kansas or where? A No, sir.
Q First place you recollect you were at Pryors Creek?
A Yes, sir.
Q Been living in the Cherokee Nation ever since? A Yes, sir.
Q Are you married? A Have been, ain't now.
Q Did you ever apply to the Cherokee authorities to have your name placed on the rolls? A Before the Court at Vinita.
Q What Court was that? A Wallace Court.
Q Did you apply to the Kern-Clifton Court? A Yes, sir, but my name was dropped off like lots others.
Q You didn't draw your money? A Yes, sir.
BY MR. W. V. EASTMAN, Cherokee Representative:
Q What witness did you introduce before the Kern-Clifton Court?
A Lewis Coody and Jent Brown.
Q Where were you living when the war came up? A I could not tell you exactly the facts of this, I was too young to recollect.

William Reester.—Sa

Q You don't know then who your owner was before the war, you were too young to remember? A Just what the older ones told me and by the treatment I got.

Q You claim to be about 45 years of age? A In between 45 and 46 according to what the older people that knows more about it than I do..

Q You didn't have Charley Chambers before did you? A No, sir.

Q Where did you first see that man? A I have been known Charley Chambers quite a while.

Q Well, about how many years now? A I guess 15 or 16 years.

Q Where did you first see him? A First time I seen Charley Chambers was here on Coosensack band.

Q Was that about 15 or 16 years ago? A Yes, sir.

Q That is the first time you ever saw him? A To recollect I may have seen him before that.

Q You never saw him before the war? A No, sir.

Q And never saw him during the war? A No, if I did I don't recollect.

Q Now, you don't know who you came back here with after the war?

A If I want out at all, of course I come with the folks that brought me here.

Q Well, who brought you here? A Sam Coody and Sallis.

Q What kin is Sam Coody to John here? A They are cousins; now, of course, I have got to go by what the people tell me.

Q Well, now, tell me please just where you remember first after the war? A My first recollection is at the old home place.

Q John Coody was living there at that time was he? A No, sir, his grandfather.

Q That is after the war? A Yes, sir.

Q He was not living there after the war? A Yes, I and him crowded up together.

Q Now, then when you can first remember who was living there after the war? A Yes, sir, this John H. Coody.

Q Wh lives here at Newata now? A Yes, sir.

Q You remember seeing Charley Chambers 15 or 16 years ago? A Yes, sir.

Q At whose house? A Up there on the grounds I just got acquainted with him at the celebration.

BY COM'R NEEDLES:

Q Were you ever married? A Yes, sir.

Q Where? A In Coosensack District.

Q Is your wife living? A Yes, sir.

Q You are not living with her? A No, sir.

Q What is her name? A She goes now by the name of Annie Patterson.

Q Has she married since she married you? A Yes, sir, she has married again.

Q Did you ever live in the State of Kansas? A No, sir, I don't know nothing about Kansas at all.

CHARLEY CHAMBERS, being sworn and examined by Comissar Officer T. B. Needles, testified as follows:

Q Your name is Charley Chambers? A Yes, sir.

Q How old are you? A 70 years old.

Q What is your past office? A Hudson.

Q Are you a recognized Freedman citizen of the Cherokee Nation?

A Yes, sir.

Q Do you know the applicant here, William Reester? A Yes, sir.

Q How long have you known him? A It was about 470 when I come up here, I know him when I first come up here.

Q When did you first come up here? A In '70.

Q Is that the first time you ever saw him? A Yes, sir.

Q Do you know whether he was a slave or not? A Yes, sir, I guess he was a slave, he was living with old Mr. Eli Ray, Lemmy Riley.

William Rector.--3.

- Q When you knew him? A He told me he belonged to him.
Q You don't know? A I don't know for certain.
Q Who told you, this day? A Yes, sir.
Q Do you know where this man, William Rector was during the Civil War? A No, sir.
Q First time you saw him then was in 1870? A Yes, sir.
Q Have you known him since that? A Yes, sir.
Q Lived in the Cherokee Nation since that has he? A Yes, sir.

Q ON R RECORDS: William Rector applies for the enrollment of himself. He avers that he was a slave of Leoney Riley. He does not recollect the name of his father or mother. He does not know whether he was taken out of the Cherokee Nation during the Civil War or not; if he was, he states he returned with his father. He is not identified upon the authenticated roll of 1880, the census roll of 1896 or the Kern-Clifton roll. He is duly identified upon the Wallace roll. He will be listed for enrollment as a Cherokee Freedman upon a doubtful card. He will be notified by mail of the decision of the Commission in the premises.

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J. O. Hassen, 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. Hassen

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

[Signature]

Commissioner.

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

P.P.T.
BL

In the matter of the application of William Rector for enrollment as a Cherokee Freedman.

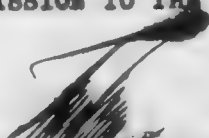
D E C I S I O N .

The record in this case shows that on June 25, 1901, William Rector appeared before the Commission at Nowata, Indian Territory, and made personal application for enrollment as a Cherokee Freedman.

The evidence does not show that the said William Rector or any of his ancestors were slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the commencement of the rebellion. The name of the applicant is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of William Rector as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.


COMMISSION TO THE FIVE CIVILIZED TRIBES.



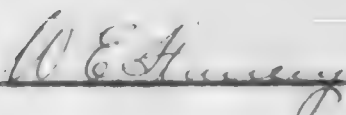
Chairman.



Commissioner.



Commissioner.



Commissioner.

Dated at Muskogee, Indian Territory,
this JUL 1 - 1902

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

In the matter of the application of William Rector for enrollment as a Cherokee Freedman.

DECISION.

The record in this case shows that on June 25, 1901, William Rector appeared before the Commission at Nowata, Indian Territory, and made personal application for enrollment as a Cherokee Freedman.

The evidence does not show that the said William Rector or any of his ancestors were slaves of Cherokee citizens, or free colored persons residing in the Cherokee Nation at the commencement of the rebellion. The name of the applicant is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of William Rector as a Cherokee Freedman should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Wm. Bixby

Chairman.

(SIGNED).

T. B. Needles

Commissioner.

(SIGNED).

C. R. Breckinridgs.

Commissioner.

(SIGNED).

W. F. Stanley

Commissioner.

Dated at Muskogee, Indian Territory,

this

JUL 1 - 1903

COPY

Cherokee F.D-857

Muskogee, Indian Territory, July 10, 1903.

William Rector,
Nowata, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the record of proceedings had in the matter of your application for the enrollment of yourself as a Cherokee freedman, together with a copy of the Commission's decision dated July 1, 1903, rejecting your 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,

T. E. Needles.

Commissioner in Charge.

Enc. D-84

Register.

COPY

Cherokee T.D-807

Muskogee, Indian Territory, July 10, 1903.

W. W. Hastings,
Attorney for the Cherokee Nation,
Tallequah, 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 William Rector for the enrollment of himself 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,

T. E. Neillies,
Commissioner in Charge.

Rec. D-55

COPY

Cherokee F.D-887

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 William Rector for the enrollment of himself as a Cherokee freedman, including the Commission's decision dated July 1, 1903, rejecting said application.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-86

Refer in reply to the following:
Land. 43335/1903.

Department of the Interior,
Office of Indian Affairs,
Washington, Feb. 18, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a report from the Commission to the Five Civilized Tribes dated July 10, 1903, transmitting the record relative to the application of Williams Rector, for enrollment as a Cherokee freedman.

July 1, 1903, the Commission held the applicant was not entitled to enrollment. The Commission found that the applicant was not the slave of a Cherokee citizen, or a free colored person residing within the Cherokee Nation, at the commencement of the rebellion.

The applicant claims to have been the slave of Looney Riley, a citizen of the Cherokee Nation. Charley Chambers testified that he first got acquainted with the applicant about 1870; that he was living with Looney Riley and the applicant told him he belonged to Looney Riley before the war.

From the record in the case, it appears that the applicant was either the slave of a Cherokee citizen at the commencement of the war or a free colored person residing within the Cherokee Nation at that time, and inasmuch as the record is not entirely clear on this point, it is recommended that the case be remanded to the Commission to the Five Civilized Tribes with directions to ascertain if possible whether the applicant was the slave of Looney Riley or whether he was a free colored person residing in the Cherokee Nation at the commencement of the war.

GAW-H.

Very respectfully,
Acting Commissioner.

D. C. 11270-1904.

ITD 1468-1904.

DEPARTMENT OF THE INTERIOR,

WASHINGTON.

JP
FHE
IRS

April 6, 1904.

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

Gentlemen:

February 18, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application of William Rector for enrollment as a Cherokee freedman, in which case you rendered a decision July 1, 1903, rejecting the application, and recommended that the case be remanded for further testimony.

The Department does not concur in this recommendation. The applicant has had due opportunity to be heard and has failed to establish his rights as a Cherokee freedman. He was duly advised of your decision and has made no motion for a rehearing.

The applicant, at the time the testimony was taken, was about 45 years of age; as stated in your "field notes" he avers that he was a slave of a Cherokee citizen. He does not recollect the name of his father or mother, and he does not know whether he was taken out of the Cherokee Nation during the civil war or not. He produced one witness, who did not know him prior to 1870.

Your decision is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

1 inclosure.

Respectfully,

Thos Ryan Acting secretary.

Cherokee Freedmen
D-857.

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 application of William Rector for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 6, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-857.

Muskogee, Indian Territory, April 16, 1904.

William Rector,
Nowata, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 6, 1904.

Respectfully,

Commissioner in Charge.

COPY.

Cherokee Freedmen

R-236.

Muskogee, Indian Territory, March 18, 1905.

William Rector,

Nowata, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of March 1, 1905, relative to your enrollment as a Cherokee freedman.

In reply you are advised that the Commission's decision rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 6, 1904.

Respectfully,

(SIGNED)

Jame Bixby

Chairman.

B.

8157

1061 50 R 11
1001 25 1901

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 25 1901

Date

Post Office

District

Nowata, Ia.
Iowa

1. Name

William Rector

Age

45

Owner's name

Louey Riley

Citizenship

Cherokee

Year

Wallace 176

No.

3281

District

Iowa

Parents:

Father

not known

Citizenship

Mother

not known

Citizenship

2. Name of wife

Age

Owner's name

Citizenship

Year

Page

No.

District

Parents:

Father

~~not known~~

Citizenship

Mother

Citizenship

Names of children

3.

Year

Page

No.

Dist.

4.

Year

Page

No.

Dist.

5.

Year

Page

No.

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Dist.

12.

Year

Page

No.

Dist.

Application made by

Mo. 1

Stenographer

J. D. Rose

1 On Wallace roll as Wm Rector.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. William Pector,
Nowata, I. T.
Cherokee-F-D-857.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 237

See Cher Fr. R. 238-9-40-1

Cher. Fr. R. 237

with C.F. D- 469, Lewis Gunter.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 1st, 1901.

In the matter of the application of Rachel Rector for the enrollment of her two children, Rachel & Forest Gunter, as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Smith, of Hallette & Smith, for applicant;
Mr. L. B. Hall, Cherokee Representative.

- Q What is your name? A Rachel Rector.
Q What is your age? A I don't know, exactly.
Q Well, about how old, Mrs. Rector? A I couldn't tell, I have got a girl 30 years old.
Mr. Smith: Q About 50 aint you? A Yes I expect so.
Q Com'r Needles: What is your post-office? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Just my children.
Q You apply to enroll your children? A Yes sir.
Q You don't apply for yourself? A No sir.
Q You are not a Cherokee Freedman? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A My present husband is Alex Rector.
Q Is he a citizen? A No sir.
Q What was your former husband's name? A Lewis Gunter.
Q Is he living? A No sir.
Q He is dead? A Yes sir.
Q Now what are the names of the children you want to enroll?
A I have got six children.
Q Well? A Maggie Gunter, she was a Gunter.
Q What is she now? A Stroud.
Q Is she married? A Yes sir.
Q She will have to appear for herself; I want the children's names that are under 21 years old? A Rachel Gunter.
Q How old is Rachel? A I guess about 16, or 17, I don't know which, exactly.
Q What is the name of the next one? A Forest Gunter.
Q How old is Forest? A I guess betwixt nine or ten, I don't know which.
Q What is the next one? A That's all.
Q You just apply for the enrollment of yourself and 2 children?
A Yes sir.
Q Mr. Smith: How about Mitchell? A He is of age.
Q Com'r Needles: Is your name on the roll of 1830? A I don't know sir.
Q Is your name on any of the rolls of the Cherokee Nation? A The Clifton roll, on the Clifton and Yemassee roll.
Examined by Attorney Smith:
Q What are these children's names now, Rachel what? A Rachel Gunter.
Q Where do they live? A Live up in Cooweescoowee.
Q Who do they live with? A With me.
Q You are the mother? A I am the mother of all these six children.
Q Where is the father of these children? A Dead.
Q What was his name? A Lewis Gunter.
Q Who did he belong to? A He said he belonged to George Gunter.
Q When did you first become acquainted with Lewis Gunter? A I don't know.
Q Well about how many years ago, as near as you can remember? A I don't know.
Q How old is the oldest one of your children? A 30 years old I think.

Rache' Rector for children page 2.

- Q Was that child born after you and Lewis were married? A Yessir.
Q That's Lewis' child is it? A Yes sir.
Q Where was Lewis when you first became acquainted with him?
A Down about Ft. Smith.
Q How far from Ft. Smith? A I don't know, it's on this side of the river.
Q Where do you live now? A I live in Cooweescoowee, head of Cedar.
Q What post-office? A Coffeyville.
Q How long have you lived there? A I have lived there, well I can't tell exactly how long; I come from Ft. Smith with Lewis and Hair and all of them.
Q When did you come, about how many years ago, up to where you are living now? A In '66 in the spring, I think it was some time in the summer, we come from there.
Q Come from where? A Come from Ft. Smith.
Q Well you and your husband, did you get together before the war, during the war or after the war? A I think during the war,
Q And then you came to the Cherokee Nation about when you say?
A In '66 with him and Hair.
Q Then you didn't stay very long down there close to Ft. Smith?
A No sir.
Q You don't know yourself who your husband belonged to except what he told you? A Except what he told me, what my witnesses said
Q Where have you been living ever since you and your husband came from down there close to Ft. Smith? A Up in Goose-neck, Snow Creek, and Goose-neck.
Q Have you been living in the Cherokee Nation all this time?
A Yes sir.
Q Where were these children you apply for born? A In Cooweescoowee
Q Have they been living here all their lives? A Yes sir.
Q Name your other children? A Maggie Stroud now.
Q Next one? A Lewis Gunter.
Q Next one? A Mitchell Gunter.
Q Next one? A Bertie Archer.
Q They are all the children of you and your husband Lewis Gunter?
A Yes sir.
Q And full brothers and sisters? A Yes sir.
Q Did you draw any Strip money for Rachel and Forest? A I didn't draw for Forest, but I drew for Rachel and Mitchell at the time.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant, and name not found;

Ferns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant's child Rachel found on page 163, #4029 Rachel Gunter, Cooweescoowee District.

BY COMMISSIONER NEEDLES:

- Q Did you draw for yourself? A No sir, I aint a Freedman you know.
Q You sayd you didn't draw anything for Forest? A I didn't draw anything for Forest.

Examined by Attorney Smith:

- Q You are not applying for anybody but Rachel and Forest now?
A That's all.

By Commissioner Needles:

- Q You were known as a state woman were you? A Yes sir.
Q Your first husband, Lewis Gunter, was a Cherokee Freedman?
A Yes sir.
Q Is he living? A No sir.
Q Since that you have married who? A Married a man named Alex Rector.
Q Wasn't a citizen? A No sir.
Q Known as a state man? A Yes sir.

Examined by Attorney Smith:

- Q Have you any certificate of your marriage to this man Lewis Gunter? A No sir.
Q Who married you? A Man by the name of old Father Duffins.

- Q You know whether he is living or not? A He is dead.
- Q Is there any one here who saw you married? A Brother Murrill and Mr. Hays or Baldrige.
- Q How long did you and Lewis Gunter live together as man and wife? A Until he died; he was living together before we came here.
- Q All these children whose names you have given were they born while you and Lewis were living together? A Yes sir.
- Examined by Cherokee Representative, W. B. Ball:
- Q Where did you marry Lewis Gunter at? A Up here on Snow Creek.
- Q Didn't you say that you and him married during the war? A I said we lived together during the war.
- Q Where did you and him begin business together then? A Down there in Sequoyah district, I think it is Sequoyah.
- Q Don't think about it, that was a right smart circumstance, wasn't it over in Arkansas now as a matter of fact? A No sir, it was on this side of the river.
- Q What time of the war was that? A I don't know only what they said.
- Q What did they say? A What time- did you say- what--
- Q How long had the war been going on when you and him took up together? A I don't know.
- Q The war was on hands wasn't it? A Yes sir.
- Q What house were you at when you began living together as man and wife? A I don't know the man's name now.
- Q Was it a white man, Indian or Freedman or negro? A It was a colored man.
- Q What was you doing over in there, you didn't belong to any of these Cherokees? A No I didn't belong to the Cherokees, I come over there with a white family.
- Q What was that white family's name? A John, - lot me see, what was his name, - I can't think of his name now, I come back with him and his wife.
- Q He is dead? A I don't know.
- Q You were living with folks there and you don't know their names? A I don't know now, I did know his name.
- Q Where was that white family living? A On this side of the river.
- Q How far from the boat landing? A On right smart ways from the boat landing.
- Q Ten miles? A I reckon it was, I don't know how far it was, I was a girl; I was young when I come there with them.
- Q You wasn't too young to marry was you? A No.
- Q You must have been 14 or 15 years old don't you think? A It may have been; I forget his name, but I knowed him well too if I could think of his name.
- Q What colored family did you get married at, where you and him took up together, you said you went to a colored man's house, who was that? A I don't remember who it was now.
- Q No, as a matter of fact wasn't it in Arkansas when you and him took up? A No, I was on this side of the river.
- Q You don't recollect what place you went to, when you and him began to be married, can't recollect who the folks were you were living with? A Trying to recollect that now.
- Q Name some Cherokee families living near there then? A I don't know none.
- Q Don't know any more? A Don't know no Cherokees.
- Q How long had you been there when you and him took up? A Just a little while.
- Q Months? A It may have been we were camping in wagons.

JOHN BALDRIGE, being sworn by Commissioner Needles, testified as follows:

Examined by Attorney Balth:

- Q State your name? A John Baldrige.
- Q How old are you? A I was bred and born in the year 1830, you can count it yourself, - in Georgia.
- Q Where do you live? A I live up in Goosecreek Bend.

Rachel Rector for her children page 4

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

Q I d you know Lewis Gunter? A Yes sir.

Q Do you know who he belonged to? A He belonged to the Gunters, George Gunter, I think it was.

Q Was he an Indian? A Yes, sir, Gunter was.

Q Where was Lewis when the war broke out? A He was at home when the war first broke out in the year 1861, he was at home.

Q Did you go out of the Nation yourself during the war? A No sir stayed right here.

Q Do you know whather Lewis went out or not? A No sir, I don't.

Q When did you first see Lewis Gunter in the Cherokee Nation after the war closed? A I saw him in July I believe it was, in July in the year 1866; it was in July sometime, I couldn't say exactly what day, but it was in July I think it was.

Q It was in the summer of 1866? A Yes sir.

Q Where did you see him? A At Ft. Gibson.

Q Whereabouts in Ft. Gibson? A Right in Ft. Gibson.

Q How long then did you know Lewis after that, how long did he live afterwards? A I couldn't tell you.

Q How long has he been dead? A I disremember it, he has been dead four or five years.

Q Do you know this applicant here, whose name is Rachel? A Yessir

Q Rachel Rector? A Yes sir.

Q Was she the wife of Lewis Gunter at one time? A It was so stated, they were living together.

Q Have a family? A They had some children, but I never paid attention particular to the children.

Q Where did they live? A They was right in Ft. Gibson at that time.

Q Do you know when they left Ft. Gibson? A No, I don't know exactly what day they left; they disappeared but I couldn't tell you exactly what time they left.

Q After they left Ft. Gibson did you ever see them any more?

A Yes sir.

Q Where? A They come up near Coffeyville, place we call Cedar Creek, head of Cedar Creek.

Q When did you last see Gunter before he died or do you know? A It has been several years ago.

Q You don't know exactly how long he has been dead? A No sir.

Examined by Cherokee Representative, L.E. Bell:

Q When did he move up there near Coffeyville? A I couldn't tell you that either, no I couldn't.

Q Did you see him pretty soon after he moved up to Coffeyville?

A Oh yes.

Q When he left Ft. Gibson to come up there? A I couldn't say when he left Ft. Gibson, he come right up there, I couldn't establish that.

Q How long was it after he left Ft. Gibson when he moved to Coffeyville, A I couldn't tell you that.

Q Ten years? A Oh yes.

Q Twenty? A In the neighborhood of 20, right up near; I never paid no particular attention; I wasn't particular about it.

Q You are certain you saw him in '66? A I know it; I aint certain, I know it, because I was right there, lived there.

Q Shook hands with him? A Me and him was boys together, bound to know him, I was glad to see him.

Q How long had it been since you saw him in '66 at Ft. Gibson?

A In '61, when we was all stirred up at home.

Q Where were they living? A On Illinois River.

Q And you never left the country during the war? A No sir.

Q Where were you? A I was in the army, right with the pin Indians.

Q Didn't you go out to Cincinnati time we had the Prairie Grive fight? A I was in the army of course.

Q You was out of the country then? A I was out of the country then when I was mustered out in the service.

Rachel Rastor for children page 6

Q Where were you discharged? A Ft. Gibson.

Q When? A In May, 1868.

Q You didn't go to Ft. Scott? A I never was there to Ft. Scott
most of times, yes.

Q How long did you live at Ft. Scott? A I never did live there.

Q You wasn't there when you was there? A No, I went up there and
got my grub, but I never lived there.

Applicant, RACHEL RASTOR, re-called, and further examined,
by Cherokee Representative, L.B. Bell:

Q You don't recollect than what year you and Gunter married in,
that is not married, but took up together? A No sir, I don't know
what year it was.

Q How long did you and him live opposite Ft. Smith after you
were married? A I don't know.

Q Was it a week or ten years or what? A Longer than a week.

Q Well, come something close to it, was it 10 years? A I don't
know.

Q Were you living in the bottom at Ft. Smith, or out on the
hills? A Living kind of in the bottom.

Q How long did you and Gunter live there after you took up
with him, a month you reckon? A I guess it was about two months.

Q When you went to Ft. Gibson? A Yes.

Examined by Commissioner Needles:
Q Did you ever have any ceremony performed between you and
Gunter? A Not down in there, we did when we come to Coowasawee.

Q You come to Coowasawee and then you were married? A Yes sir.

Q Were Rachel and Forest born after that or before? A After that
they are the two youngest children now.

Q They were born after you were married? A Yes sir.

Q Have you got any certificate of marriage? A No sir.

Q By Mr. Smith: Who married you? A A man by the name of Father
Duffee.

Q Is he living or dead? A He is dead.

Q By Com'r Needles: Anybody here knows whether you were married or
not? A I think so, I guess father Merrill knows, and Brother Hays,
knows, Mr. Baldrige.

Examined by Cherokee Representative, L.B. Bell:

Q How many children did you have when you and Lewis was married?
A I got all of these children, six of them.

Q How many did you have of them when you and Lewis took up together?
A None.

Q Didn't have any children at all? A All of these children were
born in Coowasawee.

Q Oh well, just answer the question please, you didn't have any
children when you and Lewis took up together? A No sir.

By Commissioner Needles:

Q Lewis is the father of all your children? A Yes sir.

Com'r Needles:

Rachel Rastor applies for the en-
rollment of her two children, Rachel and Forest Gunter; she
avows that she was originally married to one Lewis Gunter, a
Cherokee citizen; she makes satisfactory proof as to a common
law marriage; since the death of said Lewis Gunter she has
married one Alex Rastor, a non-citizen; her oldest child,
Rachel, is duly identified upon the Korns-Clifton pay roll,
her youngest child, for whom she applies, name is not found
upon the rolls, and it will be necessary for her to make sat-
isfactory proof of birth of this child; by reason of the fact
that the name of Lewis Gunter is not found upon the authenti-
cated roll of 1868, when she avows to be the father of said
children, and the fact of the protest of the Cherokee Nation,
the said Rachel and Forest Gunter, children of Rachel Rastor,
by her husband Lewis Gunter, will be listed for enrollment
as Cherokee Freedmen upon a suitable card, and the same
consideration of the Commission.

Packet Center for ...

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 3rd, 1901.

(signed) T. H. Needles,
Counselor.

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

M.D. Green

Subscribed and sworn to before me this September 9th, 1901.



Commissioner.

COMMISSIONER
TO THE FIVE CIVILIZED TRIBES
JUN 3 1901

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SEP 9 1901

REJECTED; as to wife, Alice.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 1, 1901.

In the matter of the application of Lewis Gunter for the enrollment of himself and wife as Cherokee Freedmen, his wife as intermarried, being sworn and examined by Commissioner Needles he testified as follows:

Appears as:
Mr. Smith, of Mellette & Smith, for applicant.
L.B. Ball, Cherokee Representative.

Q What is your name? A Lewis Gunter.
Q What is your age? A 25.
Q What is your post-office address? A Coffeyville.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other tribe or nation?
A No, sir.
Q Who do you want to enroll besides yourself? A Myself and wife.
Q What is her name? A Alice Gunter.
Q How old is she? A 18.
Q Is your name upon the authenticated roll of 1880? A No, sir, I think not.
Q Is your name upon any of the rolls of the Cherokee nation?
A Yes, sir.
Q What roll? A Kerne-Clifton.
Q Is your wife a Cherokee Freedman? A No, sir, only by me.
Q When were you married to her? A (Produces papers.)
Q Your wife, then, is a non-citizen? A Yes, sir.

Examined by Attorney Smith:

Q How ~~old~~ ^{my own} did you ~~and~~ wife was? A 18.
Q How? A Yes, sir.
Q When did you marry? A December 12.
Q Who is your mother? A Rachel Rector.
Q Who are your brothers and sisters? A Maggie Gunter, Bertie Gunter, Rachel Gunter, Mitchell Gunter, and Forest Gunter.
Q Your mother was the woman who just applied here for enrollment for herself? A Yes, sir.
Q Where ~~are~~ you live? A Coowescoowee.
Q How long have you lived in Coowescoowee? A All my life.
Q What is your post-office? A Coffeyville.
Q Get your mail in Coffeyville, Kansas? A Yes, sir.
Q How far do you live from Coffeyville? A I don't know, sir.
Q About, I don't know, sir, how far it is.
Q You know about how far it is don't you? A It takes all day to go and come, I can't tell how far it is.
Q How far do you live from here? A I don't know, sir.
Q Com'r Needles: Don't you know about how far it is? A It takes all day to go back, day and a half or so, thing like that.
Q You don't know how many miles it is? A I don't know.
Q It ain't a hundred miles? A I don't know, sir.
Q Is it five hundred? A I don't know, sir, no, sir.
Q Is it more than five? A Yes, sir.
Q You can judge about how far it is to your home? A I don't know, sir, I ain't much of a judge on miles.

By Attorney Smith:

Q Have you any children? A No, sir.
Q Are you on the Kerne-Clifton roll? A Said to be.

Lewis Gunter et al

By Commissioner Needles:

Q Your wife is what is known as a state woman? A Yes sir.
Q She claims no rights to citizenship only through marriage with you? A That's all.

Examined by the roker Rep're L. B. Bell:

Q Don't you live in Coffeyville? A Yes sir.
Q Never did? A No sir.
Q It is a little singular you don't know how far you live from Coffeyville, you trade there don't you? A Yes sir.

Examined by Commissioner Needles:

Q Do you trade in Coffeyville? A Yes sir.
Q How often are you there? A Go up every Saturday.
Q You don't know how far it is? A It is between ten and 12 miles, it's our trading point.
Q Why didn't you want to tell how far it is? A I ain't much of a judge on miles.
Q Now that's a nice way to talk; can some riding by your house and ask how far it was to Coffeyville, you would tell him in a minute.

By attorney Smith:

Q Were you ever on the witness stand before? A No sir, I never was on the witness stand before.
Q By Commissioner Needles: Ever been in jail? A No sir.
Q By Attorney Smith? A You are kind of scared, a little?
A No sir, I haven't in the court house; there's nothing to be scared of, gentlemen.
Q By Com'r Needles: No, nothing to be scared of.

1890 authenticated roll of citizens of the Cherokee Nation examined and applicant not found there;

Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 163 4626 Lewis Gunter, Coconawocowee District;

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 115 4640 Lewis Gunter, Coconawocowee District.

Q Were you born and raised in the Cherokee Nation? A Yes sir.

Com'r Needles: Lewis Gunter applies for the citizenship of himself and his wife, Alice; he cannot be identified upon the authenticated roll of 1890, but is fully identified upon the Kerns-Clifton roll and the Wallace roll; he avers that he is a child of Rachel Rector, nee Gunter, who was this day enrolled upon doubtful card D 465, and the testimony taken in said case will be made a part of the testimony in the case at bar, and a copy thereof will be filed in the testimony being taken, and said Lewis Gunter will be listed for and admitted as a Cherokee Freedman upon what is known as a doubtful card, awaiting the further consideration of the Commission; [Stone's note: Rachel Rector applied for her two children, and not for herself.] She was in the year 1800; she later, under the law of

Lewis Gunter et al 3

1908 for his wife, Alice to acquire any rights, consequently, the application for the enrollment of his wife will be rejected; the applicant files a marriage certificate certifying that he was married according to the laws of the United States.

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 3, 1901.

[Signature]

Commissioner.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I. T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Rachel Gunter as a Cherokee Freedman, introduced on the part of Cherokee Nation:

APPEARANCES:

Mr. Smith, of Counsel for Applicant;
Mr. W. W. Hastings, for Cherokee Nation:

JOHN B. GUNTER, being duly sworn by Commissioner Needles, testified as follows:

- MR. HASTINGS: What is your name? A John B. Gunter.
- Q What is your age, Mr. Gunter? A 55.
- Q What is your father's name? A George W. Gunter.
- Q What was your mother's name? A Lizzie Ann Gunter.
- Q Mrs. Pack was your sister? A Yes, sir.
- Q That is the other witness? (No response.)
- Q Where did your father live the first few years before the Civil war? A He lived down on the Arkansas river, about 16 miles above Fort Smith.
- Q Sequoyah district? A Yes, sir.
- Q Cherokee Nation? A Cherokee Nation.
- Q Did your father ever own a colored man by the name of Lewis Gunter? A Yes, sir.
- Q Did he own him when the war came up? A No, sir.
- Q What had become of Lewis Gunter? A He was over at Fort Smith.
- Q How did he happen to go there? A He was sold out.
- Q Did your father sell him? A Sold him; yes, sir.
- Q Now, to whom did your father sell him? A Sold him to Sparks.
- Q Did you know what Sparks' citizenship was? A I think he was a citizen of the United States.
- Q And lived where? A There in Fort Smith.
- Q Arkansas? A Arkansas, Merchant there.
- Q Do you know whether Sparks owned him when the war came up or not? A No, sir.
- Q Did you know anything about him after your father disposed of him? A I have seen him there at Fort Smith a time or two.
- Q About when did he sell him to Sparks? A As well as I remember it was sometime in 1850, near '50, the middle of '50, '56 or '7.
- Q Number of years before the war? A Yes, sir.
- Q You don't know anything about him since the war? A No, sir, only hearsay.
- Q Did your father own a Lewis Gunter at the time the war came up? A No, sir.
- MR. SMITH: Mr. Gunter, how old are you? A I am 55.
- Q What time did you say it was your father made the sale to Mr. Sparks? A I believe it was somewhere along in '50, along about the middle of '50.
- Q About how old were you then? A I was, suppose I was seven or eight years old, born in '46.
- Q How many slaves did your father have at that time? A I suppose he had probably 15, probably more.
- Q Did he ever have at any time more than one named Lewis? A Not as I know of.
- Q Well, do you know whether he did or not? A No; I could say that, after that he never owned any by that name, before that time he probably may have. I never heard.
- Q Did you know who owned Lewis Gunter at the time the war came up? A No, sir, I do not.

- Q Do you know where he was at the time the war commenced?
 A No, sir.
 Q How do you know, Mr. Carter, that he sold him to Dr. Sparks?
 A I know he was taken off to Fort Smith.
 Q Well, you didn't see him sold to Dr. Sparks? A No, sir.
 Q You didn't see him taken out of the Cherokee Nation, you only know that he was taken from your house? A Yes, sir, and then I saw him in Fort Smith.
 Q When did you see him in Fort Smith? A It was long in '51, after he was taken off.
 Q Well, you didn't know more than 15 miles from Fort Smith yourself, did you? A No I think.
 Q When you saw Lewis Carter in Fort Smith, you don't know who he belonged to? A I think he belonged to Sparks.
 Q I say you don't know? A No, sir.
 Q So far as you know personally he might have belonged to somebody in the Cherokee Nation and been over in Fort Smith like you, so far as you know of your own personal knowledge? A Yes, sir, he might have been.
 Q How many years about seven years old at that time, Dr. Carter said all you know about it is what you heard? A Yes, sir, and then taken away from home.
 Q You know the one fact, he was taken away? A And I saw him at Fort Smith.
 Q And that is all you know of your own actual knowledge? A Yes, sir.
 Q How old were you then the war commenced? A I suppose I must have been about 15.
 Q Where were you? A I was down in a rough district.
 Q Were you at home with your father? A Yes, sir.
 Q What was your father's occupation? A He was a farmer.
 Q Stayed at home all the time or away? A I was most of the time.
 Q Have any cattle? A Yes, sir.
 Q Where did he hold his cattle? A Right there at home.
 Q Have any other farm except that one he lived on? A No, sir.
 Q Did he have any other brothers or sisters? A He had one other brother.
 Q Where did he live? A He lived there with him, my father.
 Q When did you first see Lewis Carter after the war? A After the war?
 Q Yes? A I never saw him after the war.
 Q Never did see him? A No, sir.
 Q Now, BENTON: Dr. Carter, when you say that he was sold in the middle, do you mean in the middle of the year '50, or the '51?
 A '50's, in '50 or '51.
 Q You mean in the middle of the year? A Yes, sir.
 Q You know what your father said at the time he sold him?
 A He said he had sold him to Sparks.
 Q And you saw him at Fort Smith afterwards? A Yes, sir.

EXHIBIT B, being duly sworn by Commissioner Benton, testified as follows on part of the Cherokee Nation:

- Q BENTON: What is your name? A William Bent.
 Q What is your age, Mr. Bent? A 51.
 Q What was your father's name? A George T. Carter.
 Q What was your mother's name? A Eliza Ann Carter.
 Q Did your father at any time before the war have a slave by the name of Lewis Carter? A Yes, sir.
 Q Did he ever take the war over you? A No, sir.
 Q What had become of the slave named? A He sold him, he sold him to Dr. Sparks at Fort Smith.
 Q Witness? A Yes, sir.

Q What was "Spark's" citizenship there? A He was a merchant there; he was a citizen of the United States, white man, American.
Q About when did he sell him? A Sometime in '50's, just as he said, it was sometime before the war.
Q Well, about how long before the war? A It must have been seven or eight years, maybe longer than that.
Q Did your father own this Lewis Gunter when the war came up?
A No, sir.
Q He was not freed as your father's property? A No, sir.

MR. SMITH: Mrs. Pack, all you know about his being sold is what you heard? A I remember seeing them taken him off and I heard my parents say he sold him.

Q You saw them take him away from the place? A Yes, sir.
Q Well, he had been taken away from the place a good many times?
A He has gone to Fort Smith a good many times?

Q Yes, sir, we sent him there.
Q He lived about 15 miles from Fort Smith? A Yes, sir.

Q Now, all you know about his being sold is what you were told, you didn't see him sold? A No, sir, I saw him leave though.

Q All the slaves didn't always come back when they went away from home; they ran off sometimes? A Rightly apt to come back.

Mr. Hastings: I desire this testimony filed in the following cases: D.#468, Maggie Stroud, D.#469, Lewis Gunter, D.#470, Berdie Archey, and D.#472, Mitchell Gunter.

Mr. Smith: Counsel for applicant moves to strike from the record all testimony of the two witnesses to the effect that Lewis Gunter was sold; for the reason that the testimony, as it appears upon cross-examination, is hearsay and not competent.

Com'r Needles: Motion be entered, and overruled.

Com'r Needles: The testimony will be filed, and the references will be made as requested.

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J. Q. 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 October 4th, 1901.



J. Q. Reason

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, D. C., May 21, 1902.

In the matter of the application of Lewis Genter for enrollment as a Cherokee freedman.

Applicant represented by Millsto & Smith; Cherokee Nation
by J. S. Deavenport:

Mr. Smith: Applicant offers in evidence a license to ship hay issued by H. H. Trout, and also three permits issued by Joe H. Lehey, Clerk of Coconawocoo District.

J. S. Deavenport: The representative of the Cherokee Nation objects to the introduction of the permit to ship hay and also the permits offered in evidence because of the facts that the permit for labor is issued to Maggie Genter and not to Lewis, and the permit to ship prairie hay could in no way establish the applicant's right, nor could the action of the district clerk in violating the law in issuing the permit to ship hay admit him to citizenship.

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

E. J. Reinberg

Subscribed and sworn to before me this 18th day of June, 1902.

E. J. Reinberg
Notary Public.

[Redacted text]

[Redacted text]

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[Redacted text]

[Redacted text]

Department of the Treasury
Washington, D. C., August 10, 1944.

Director of the Bureau of Internal Revenue
Washington, D. C.

Re: [Illegible]

[Illegible text block]

[Illegible]

[Large illegible text block]

[Large illegible text block]

[Large illegible text block]

In the name of the United States of America, I, the undersigned, do hereby certify that the following is a true and correct copy of the original as the same appears in the records of the Department of the Interior.

The original of this document is in the possession of the Secretary of the Interior, and is a true and correct copy of the original as the same appears in the records of the Department of the Interior. The original of this document is in the possession of the Secretary of the Interior, and is a true and correct copy of the original as the same appears in the records of the Department of the Interior.

The undersigned, Secretary of the Interior, do hereby certify that the following is a true and correct copy of the original as the same appears in the records of the Department of the Interior.

The undersigned, Secretary of the Interior, do hereby certify that the following is a true and correct copy of the original as the same appears in the records of the Department of the Interior.

Witness my hand and the seal of the Department of the Interior at Washington, D.C., this 1st day of July, 1900.

Very truly yours,
Secretary of the Interior

Subscribed and sworn to before me this 1st day of July, 1900.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Commissioner, Justice and Marshall Center, as Charles Freeman, should
be seated under the provisions of Section Twenty-one of the Act of
Congress approved June 22, 1890 (26 Stat., 495), and it is so
ordered.

COMMISSIONERS TO THE FIVE CIVILIZED TRIBES.

Tom Dixby, Chairman

I. B. Hoelke, Commissioner.

I. C. Breckinridge, Commissioner.

W. H. Stanley, Commissioner.

Witness, Justice Ter Pitoy.

Done Dec 22 1890.

U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
DENVER, COLORADO
JUN 19 1961



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.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes,
in the matter of the application of Rachel Gunter et al for en-
rollment as Freedmen of the Cherokee Nation, one copy of the ori-
ginal testimony of June 1st, 1901.

Mellette Smith

Attorney for Applicants.

Cherokee F. #D465.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of _____ A. D. 1901

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

Marshal for Cherokee Nation

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

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

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

on the _____ day of _____ A. D. 1901

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

-A

FILED
SEP 2 1901

NOTICE!

IN THE MATTER OF The application of Rachel Gunter
for enrollment as a Cherokee Freedman:

Case No. F. D. 465

To Rachel Gunter or Mellette & Smith her attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 24th at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 13 1901 day of _____, 1901.

W. W. Hastings
J. J. Davinport
Attorneys for the Cherokee Nation.

Cherokee Freedmen
D-465.

copy.
Muskogee, Indian Territory, January 19, 1904.

Rachel Gunter,
Coffeyville, Kansas.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, rejecting, among others, the application for the enrollment of yourself and your brother, Forest Gunter, as Cherokee freedmen. 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,

J. E. Neceles

Enc. D-45.

Register.

Commissioner in Charge.

Cherokee F. D. 465
D-468 D-469) D-470
D-472.

Kuskogee, Indian Territory, January 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 January 18, 1904, in the consolidated case of Rachel Gunter et al., rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Gunter, Maggie Stread, Birdie and Christine Archie and Mahala Driver 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,

J. S. Nease
Commissioner in Charge.

Enc. D-69.

COPY

Cherokee F. D. 465 D-468
D-469 D-470 D-472.

Muskogee, Indian Territory, January 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 Gunter et al., including the Commission's decision, dated January 18, 1904, rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Driver as Cherokee freedmen.

Respectfully,

T. B. Needles,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-76.

Refer in reply to
the following:
LAND.
5521/1904.
11939/1904.

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, March 3, 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 Rachel Rector for the enrollment of her minor children, Rachel and Forrest Gunter; of Maggie Stroud for the enrollment of herself among others, said other parties being differently classified and not embraced in this decision; of Lewis Gunter for the enrollment of himself among others, said other parties being differently classified and not embraced in this decision; of Birdie Archie for the enrollment of herself and minor children, Mahala Briver and Christina Archie; and of Mitchell Gunter for the enrollment of himself; all as Cherokee Freedmen Citizens of the Cherokee Nation.

On January 18, 1904, the Commission rendered a decision in this case, finding from the evidence that all the applicants herein have been born since 1866 and are the descendants of and claim right to enrollment through, one Lewis Gunter; that the said Lewis Gunter was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion; that neither the name of the said Lewis Gunter nor the name of any of said

applicants is found on the 1880 authenticated roll of the Cherokee Nation; by reason of which facts and findings the Commission is of the opinion that these parties are not entitled to enrollment, under the provisions of Sec. 21 of the Act of Congress approved June 28, 1898, (30 Stats., 495).

I have examined the testimony submitted in this case and it does not appear that these applicants are able to submit testimony establishing their claim. I find attached to the record a permit granted by the authorities of the Nation to Maggie Gunter, which shows that she was recognized on July 22, 1897, as a citizen of the Cherokee Nation. I further find a permit issued to the said Maggie Gunter showing that she was recognized as a citizen of the Cherokee Nation on April 1, 1897; also another permit issued to her on May 21, 1897.

There is attached to the record a permit given to Lewis Gunter by the authorities of the Cherokee Nation on August 22, 1892, authorizing him to ship, transport, or carry beyond the limits of the Cherokee Nation, prairie hay out therein in the years 1891 and 1892. This permit shows that the said Lewis Gunter was in 1892 recognized by the officials of the Cherokee Nation as a citizen thereof.

There is also enclosed herewith a communication, apparently not signed but evidently from some of the parties to these applications, but there is nothing contained in said letter which tends to establish their claim.

While it appears that these applicants have always resided in the Cherokee Nation and have in fact been recognized as citizens

-3-

thereof or at least a part of them have, it appears that under the testimony they are not entitled to enrollment as Cherokee Freedmen Citizens of said Nation.

I therefore recommend that the decision of the Commission be affirmed by the Department.

Very respectfully,

WCB-H

Acting Commissioner.

D.C.11396-1904.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

WCF
FHE
LRS

ITD 1846-1904.

April 7, 1904.

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

Gentlemen:

January 19, 1904, you transmitted the record in the matter of the application for enrollment as Cherokee freedmen of Rachel Gunter et al., including your decision of January 18, 1904, respecting the applications of Rachel, Forrest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christian Archie and Mahala Driver.

Reporting March 3, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is enclosed.

The Department has examined the evidence submitted and concurs in the Acting Commissioner's recommendation; your decision is therefore affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 enclosure.

Cherokee Freedmen
D-466

Muskogee, Indian Territory, April 16, 1904.

Rachel Gunter,
Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself and your brother, Forest Gunter, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-468 et al.

Muskogee, Indian Territory, April 16, 1904.

Edgar Smith,

Attorney for Rachel Gunter et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, in the consolidated case of Rachel Gunter et al., rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Driver as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-465 et al.

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 January 18, 1904, in the consolidated case of Rachel Gunter et al., rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Driver, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUN 7 1901

[Handwritten signature]
ATTORNEY GENERAL

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 1 1901
Post Office Topeka, Kas
District 0000

1. Name _____ Age _____
Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents: _____ Citizenship _____

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents: _____ Citizenship _____

Father _____ Citizenship _____

Mother _____ Citizenship _____

Names of Children:

- 3. Rachel Lester Year 1880 Page 1103 No. 1129 Dist. 0000 16
- 4. Frank " " Year _____ Page _____ No. _____ Dist. _____ 10
- 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. Rachel Rector, mother Year _____ Page _____ No. _____ Dist. _____

Application made by Rachel Rector, mother Stenographer M. H. Green

No birth certificate required

Represented by Mellette & Smith, Limited, S. C.

JUN 1 1901

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Rachel Gunter,

Coffeyville, Kansas/

CherokeeF -D-465

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 238

See Cher. Fr. R. 237-9-40-1

Cher. Fr. R. 238

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 1, 1901.

In the matter of the application of Maggie Stroud for the enrollment of herself as a Cherokee Freedman; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for applicant.
L.B. Bell, Esq., Cherokee Representative.

- Q What is your name? A Maggie Stroud.
Q How old are you? A 30 years.
Q What is your post-office address? A Coffeyville.
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 My husband.
Q Where is your husband? A He is out here in the crowd.
Q By Mr. Smith: Does he claim to be a Freedman himself, or just claim through you? A Claims through me.
Q What is he, a state man? A Yes sir.
Q And he don't have any claims on his own account? A Well I think he has.
Q Was he a Freedman before you married him or not, or just claim to be? A Just claimed to be, that's all I know.
Q What was his name before you married him? A Levi Stroud.
Q What I want to know is ~~whether he claims~~ whether he is claiming through you or whether he is claiming through his own right? A Through me.
Q You ought to know whether he claims to be a Freedman himself or whether he claims through you? A (Bystander says he is state man)
Q Is that right? A Yes sir.
Q You say he just married you in 1898? A Yes sir.

By Commissioner Needles:

- Q What are the names of your children? A My children is dead.
No children? A No children living, no sir.

By Attorney Smith:

- Q What is your name? A My name now is Maggie Stroud.
Q You were married at one time before you married this man Stroud?
A Yes sir.
Q How long have you been married to Stroud? A About three years.
Q Well there is no use applying for him.
Attorney Smith: You can just let the record show that she don't apply for him.
Applicant: All right.
Q Who was your mother? A Rachel Rector.
Q Is she the Rachel Rector who applied her a few moments ago for enrollment? A Yes sir.
Q Who are your brothers and sisters? A Lewis Gunter, Bertie Gunter, Mitchell Gunter Rachel Gunter, and Forest Gunter.
Q How old are you? A I am 30 years old.
Q How long have you lived in the Cherokee nation? A All the time.
Q All your life? A Yes sir.
Q How many children have you? A I have two, they are both dead.
Q You apply then for yourself alone? A Yes sir.
Q Are you on the Kerne-Clifton roll? A Yes sir.
Q What was your name then? A I drew money Gunter.

Kerne-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified as follows:
page 163 #4025 Maggie Gunter, Coowescoowee District.

Wallace roll of citizens of the Cherokee Nation examined and

Maggie Stroud 2

applicant identified on page 118 #2489 Maggie Stroud, Coconawapooe District.

Q What was your first husband's name? A Wesley Vanderford.
Q Where were you married to him? A In Virginia.
Q What is this papers, (Hands applicant a paper)
A This is a marriage license.

Attorney Smith:

I desire to offer the license issued by the Cherokee Nation to this applicant to marry Wesley Vanderford, a citizen of the United States.

Com'r: The applicant presents a license and certificate, the license has been issued by the authorities of the Cherokee Nation; certificate certifying that she has been married to one Mr. Wesley Vanderford, a citizen of the United States, on the 5th day of June, 1891; license and certificate and all according to the laws of the Cherokee Nation; it is duly recorded, and filed.

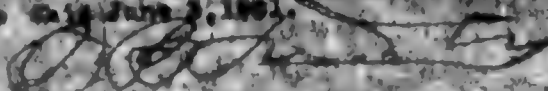
Examined by Cherokee Representative, L.B. Bell:

Q Is Wesley Vanderford alive? A No sir, he is dead.
Q That's your first husband? A Yes sir, I just never bought them because I had them.
Q No children? A No sir.

Com'r Needles: Maggie Stroud applies for the enrollment of herself; she is not identified upon the authenticated roll of 1860, but is identified upon the Werns-Glifton roll and the Wallace roll as Maggie Gumber, that having been her maiden name; she avers that she is the daughter of one Rachel Hector, nee Gumber, who was listed for enrollment as a Cherokee Freedman this day on Board 458; the testimony in said case will be made part of the record in the case at bar, and a copy of said testimony will be filed with the testimony now being taken; she avers that she was first married to one Wesley Vanderford, a non-citizen, and presents satisfactory proof of said marriage, according to the laws of the Cherokee Nation; by reason of the fact that her name does not appear upon the authenticated roll of 1860, and the protest of the Cherokee Nation, said Maggie Stroud is not being married to one Levi Stroud, a non-citizen, will be listed for enrollment as a Cherokee Freedman, upon what is known as a doubtful card; she will be notified of the decision of the commission.

K.D. Green, being first sworn, states that as stenographer to the 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 June 3, 1891.



County Clerk

(State's note: Rachel Hector is not listed for enrollment, as said in judgment, but her two children.)

448, Maggie Stroud.

File with C.F. D-

Department of the Interior,
Commission to the Five Civilized Tribes,
Chickasaw, E. Y., June 1st, 1901.

In the matter of the application of Rachel Rector for the enrollment of her two children, Rachel & Forest Gunter, as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Smith, of Hellette & Smith, for applicant;
Mr. L. B. Bell, Cherokee Representative.

- Q What is your name? A Rachel Rector.
Q What is your age? A I don't know, exactly.
Q Well, about how old, Mrs. Rector? A I couldn't tell, I have got a girl 30 years old.
R. Smith: Q About 50 aint you? A Yes I expect so.
Q Com'r Needles: What is your post-office? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Just my children.
Q You apply to enroll your children? A Yes sir.
Q You don't apply for yourself? A No sir.
Q You are not a Cherokee Freedman? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A My present husband is Alex Rector.
Q Is he a citizen? A No sir.
Q What was your former husband's name? A Lewis Gunter.
Q Is he living? A No sir.
Q He is dead? A Yes sir.
Q Now what are the names of the children you want to enroll?
A I have got six children.
Q Well? A Maggie Gunter, she was a Gunter.
Q What is she now? A Stroud.
Q Is she married? A Yes sir.
Q She will have to appear for herself; I want the children's names that are under 21 years old? A Rachel Gunter.
Q How old is Rachel? A I guess about 15, or 17, I don't know which, exactly.
Q What is the name of the next one? A Forest Gunter.
Q How old is Forest? A I guess betwixt nine or ten, I don't know which.
Q What is the next one? A That's all.
Q You just apply for the enrollment of yourself and 2 children?
A Yes sir.
Q Mr. Smith: How about Mitchell? A He 1/2 of age.
Q Com'r Needles: Is your name on the roll of 1899? A I don't know sir.
Q Is your name on any of the rolls of the Cherokee Nation? A The Blifton roll, on the Blifton and Wrens roll.
Examined by Attorney Smith:
Q What are these children's names now, Rachel what? A Rachel Gunter.
Q Where do they live? A Live up in Cooweescoowee.
Q Who do they live with? A With me.
Q You are the mother? A I am the mother of all these six children.
Q Where is the father of these children? A Dead.
Q What was his name? A Lewis Gunter.
Q Who did he belong to? A He said he belonged to George Gunter.
Q When did you first become acquainted with Lewis Gunter? A I don't know.
Q Well, about how many years ago, as near as you can remember? A I don't know.
Q How old is the oldest one of your children? A 30 years old.

Rachel Rector for children page 2.

- Q Was that child born after you and Lewis were married? A Yessir.
Q That's Lewis' child is it? A Yes sir.
Q Where was Lewis when you first became acquainted with him?
A Down about Ft. Smith.
Q How far from Ft. Smith? A I don't know, it's on this side of the river.
Q Where do you live now? A I live in Cooweescoowee, head of Cedar.
Q What post-office? A Coffeyville.
Q How long have you lived there? A I have lived there, well I can't tell exactly how long; I come from Ft. Smith with Lewis and Hair and all of them.
Q When did you come, about how many years ago, up to where you are living now? A In '66 in the spring, I think it was sometime in the summer, we come from there.
Q Come from where? A Come from Ft. Smith.
Q Well you and your husband, did you get together before the war, during the war or after the war? A I think during the war,
Q And when you came to the Cherokee Nation about when you say?
A In '66 with him and Hair.
Q Then you didn't stay very long down there close to Ft. Smith?
A Nosir.
Q You don't know yourself who your husband belonged to except what he told you? A Except what he told me, what my witnesses said
Q Where have you been living ever since you and your husband came from down there close to Ft. Smith? A Up in Goose-neck, Snow Creek, and Goose-neck.
Q Have you been living in the Cherokee Nation all this time?
A Yes sir.
Q Where were these children you apply for born? A In Cooweescoowee
Q Have they been living here all their lives? A Yes sir.
Q Name your other children? A Maggie Stroud now.
Q Next one? A Lewis Gunter.
Q Next one? A Mitchell Gunter.
Q Next one? A Bertie Archer.
Q They are all the children of you and your husband Lewis Gunter?
A Yes sir.
Q And full brothers and sisters? A Yes sir.
Q Did you draw any Strip money for Rachel and Forest? A I didn't draw for Forest, but I drew for Rachel and Mitchell at the time.

1890 authenticated roll of citizens of the Cherokee Nation examined for applicant, and name not found;
Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant's child Rachel found on page 163, #4C29 Rachel Gunter, Cooweescoowee District.

BY COMMISSIONER NEEDLES:

- Q Did you draw for yourself? A No sir, I aint a Freedman you know.
Q You sayd you didn't draw anything for Forest? A I didn't draw anything for Forest.

Examined by Attorney Smith:

- Q You are not applying for anybody but Rachel and Forest now?
A That's all.

By Commissioner Needles:

- Q You were known as a state woman were you? A Yes sir.
Q Your first husband, Lewis Gunter, was a Cherokee Freedman?
A Yes sir.
Q Is he living? A No sir.
Q Since that you have married who? A Married a man named Alex
No sir.
Q Was he a citizen? A No sir.
Q Was he a state man? A Yes sir.

Examined by Attorney Smith:

- Q Have you any certificate of your marriage to this man Lewis Gunter? A No sir.
Q Who married you? A Man by the name of old Father Duffins.

- Q You know whether he is living or not? A He is dead.
- Q Is there any one here who saw you married? A Brother Murrill and Mr. Hays or Baldridge.
- Q How long did you and Lewis Gunter live together as man and wife? A Until he died; we was living together before we come here.
- Q All these children whose names you have given were they born while you and Lewis were living together? A Yes sir.
- Examined by Cherokee Representative, K. B. Bell:
- Q Where did you marry Lewis Gunter at? A Up here on Snow Creek.
- Q Didn't you say that you and him married during the war? A I said we lived together during the war.
- Q Where did you and him begin business together then? A Down there in Sequoyah district, I think it is Sequoyah.
- Q Don't think about it, that was a right smart circumstance, wasn't it over in Arkansas now as a matter of fact? A No sir, it was on this side of the river.
- Q What time of the war was that? A I don't know, only what they said.
- Q What did they say? A What time- did you say-what--
- Q How long had the war been going on when you and him took up together? A I don't know.
- Q The war was on hands wasn't it? A Yes sir.
- Q What house were you at when you began living together as man and wife? A I don't know the man's name now.
- Q Was it a white man, Indian or Freedman or negro? A It was a colored man.
- Q What was you doing over in there, you didn't belong to any of these Cherokees? A No, I didn't belong to the Cherokees, I come over there with a white family.
- Q What was that white family's name? A John, - let me see, what was his name, - I can't think of his name now, I come back with him and his wife.
- Q He is dead? A I don't know.
- Q You were living with folks there and you don't know their names? A I don't know now, I did know his name.
- Q Where was that white family living? A On this side of the river.
- Q How far from the boat landing? A On right smart ways from the boat landing.
- Q Ten miles? A I reckon it was, I don't know how far it was, I was a girl; I was young when I come there with them.
- Q You wasn't too young to marry was you? A No.
- Q You must have been 14 or 15 years old don't you think? A It may have been; I forgot his name, but I knowed him well too if I could think of his name.
- Q What colored family did you get married at, where you and him took up together, you said you went to a colored man's house, who was that? A I don't remember who it was now.
- Q Now as a matter of fact wasn't it in Arkansas when you and him took up? A No, I was on this side of the river.
- Q You don't recollect what place you went to, when you and him began to be married, don't recollect who the folks were you were living with? A Trying to recollect that now.
- Q Name some Cherokee families living near there then? A I don't know none.
- Q Don't know anybody? A Don't know no Cherokees.
- Q How long had you been there when you and him took up? A Just a little while.
- Q Men? A. It may have been; we were camping in wagons.

JOHN BALDRIDGE, being sworn by Commissioner Needles, testified as follows:

Examined by Attorney Smith:

- Q State your name? A John Baldridge.
- Q How old are you? A I was bred and born in the year 1830, you can count it yourself, - in Georgia.
- Q Where do you live? A I live up in Gocsoneth Tenn.

Rachel Rector for her children page 4

- Q How long have you lived in the Cherokee Nation? A All my days.
- Q Did you know Lewis Gunter? A Yes sir.
- Q Do you know who he belonged to? A He belonged to the Gunters, George Gunter, I think it was.
- Q Was he an Indian? A Yes, sir, Gunter was.
- Q Where was Lewis when the war broke out? A He was at home when the war first broke out in the year 1861, he was at home.
- Q Did you go out of the Nation yourself during the war? A No sir stayed right here.
- Q Do you know whether Lewis went out or not? A No sir, I don't.
- Q When did you first see Lewis Gunter in the Cherokee Nation after the war closed? A I saw him in July I believe it was, in July in the year 1866; it was in July sometime, I couldn't say exactly what day, but it was in July I think it was.
- Q It was in the summer of 1866? A Yes sir.
- Q Where did you see him? A At Ft. Gibson.
- Q Whereabouts in Ft. Gibson? A Right in Ft. Gibson.
- Q How long then did you know Lewis after that, how long did he live afterwards? A I couldn't tell you.
- Q How long has he been dead? A I disremember it, he has been dead four or five years.
- Q Do you know this applicant here, whose name is Rachel? A Yes sir.
- Q Rachel Rector? A Yes sir.
- Q Was she the wife of Lewis Gunter at one time? A It was so stated, they were living together.
- Q Have a family? A They had some children, but I never paid attention particular to the children.
- Q Where did they live? A They was right in Ft. Gibson at that time.
- Q Do you know when they left Ft. Gibson? A No, I don't know exactly what day they left; they disappeared but I couldn't tell you exactly what time they left.
- Q After they left Ft. Gibson did you ever see them any more?
- A Yes sir.
- Q Where? A They come up near Coffeyville, place we call Cedar Creek, head of Cedar Creek.
- Q When did you last see Gunter before he died or do you know? A It has been several years ago.
- Q You don't know exactly how long he has been dead? A No sir.
- Examined by Cherokee Representative, L.E. Bell;
- Q When did he move up there near Coffeyville? A I couldn't tell you that either, no I couldn't.
- Q Did you see him pretty soon after he moved up to Coffeyville?
- A Oh yes.
- Q When he left Ft. Gibson to come up there? A I couldn't say when he left Ft. Gibson, he come right up there, I couldn't establish that.
- Q How long was it after he left Ft. Gibson when he moved to Coffeyville, A I couldn't tell you that.
- Q Ten years? A Oh yes.
- Q Twenty? A In the neighborhood of 20, right up near; I never paid no particular attention; I wasn't particular about it.
- Q You are certain you saw him in '86? A I know it; I ain't certain, I know it; because I was right there, lived there.
- Q Shook hands with him? A He and his was boys together, bound to know him, I was glad to see him.
- Q How long had it been since you saw him in '66 at Ft. Gibson?
- A In '51, when we was all stirred up at home.
- Q Where were they living? A On Illinois River.
- Q And you ever left the country during the war? A No sir.
- Q Where were you? A I was in the army, right with the pin Indians.
- Q Didn't you go out to Cincinnati time he had the Prairie Grove fight? A I was in the army of course.
- Q You was out of the country then? A I was out of the country then when I was mustered out in the service.

Rachel Hector for children page 5

Q Where were you discharged? A A Ft. Gibson.

Q When? A In May, 1865.

Q You didn't go to Ft. Scott? A I never did go to Ft. Scott lots of times, yes.

Q How long did you live at Ft. Scott? A I never did live there.

Q You wasn't dead when you was there? A No, I went up there and got my grub, but I never lived there.

Applicant, RACHEL HECTOR, re-called, and further examined;

By Cherokee Representative, L.B. Bell:

Q You don't recollect then what year you and Gunter married in, that is not married, but took up together? A No sir, I don't know what year it was.

Q How long did you and him live opposite Ft. Smith after you were married? A I don't know.

Q Was it a week or ten years or what? A Longer than a week.

Q Well, could something close to it, was it 10 years? A I don't know.

Q Were you living in the bottom at Ft. Smith, or out on the hills? A Living kind of in the bottom.

Q How long did you and Gunter live there after you took up with him, a month you reckon? A I guess it was about two months.

Q Then you went to Ft. Gibson? A Yes.

Examined by Commissioner Needles:

Q Did you ever have any ceremony performed between you and Gunter? A Not down in there, we did when we come to Cooweescoowee.

Q You came to Cooweescoowee and then you were married? A Yes sir.

Q Were Rachel and Forest born after that or before? A After that they are the two youngest children now.

Q They were born after you were married? A Yes sir.

Q Have you got any certificate of marriage? A No sir.

Q By Mr. Smith: Who married you? A A man by the name of Father Duffee.

Q Is he living or dead? A He is dead.

Q By Com'r Needles: Anybody here knows whether you were married or not? A I think so. I guess father Murrill knows, and Brother Hay's, knows, Mr. Beldridge.

Examined by Cherokee Representative, L.B. Bell:

Q How many children did you have when you and Lewis was married? A I got all of these children, six of them.

Q How many did you have of them when you and Lewis took up together? A None.

Q Didn't have any children at all? A All of these children were born in Cooweescoowee.

Q Oh well, just answer the question please, you didn't have any children when you and Lewis took up together? A No sir.

By Commissioner Needles:

Q Lewis is the father of all your children? A Yes sir.

Com'r Needles:

Rachel Hector applies for the enrollment of her two children, Rachel and Forest, Gunter; she avers that she was originally married to one Lewis Gunter, a Cherokee citizen; she makes satisfactory proof as to a common law marriage; since the death of said Lewis Gunter she has married one Alex Hector, a non-citizen; her oldest child, Rachel, is duly identified upon the Kerns-Clifton pay roll; her youngest child, for whom she applies, name is not found upon the rolls, and it will be necessary for her to make satisfactory proof of birth of this child; in regard of the fact that the name of Lewis Gunter is not found upon the authentic roll of 1860, when she avers to be the father of said children, and the fact of the protest of the Cherokee Nation, the said Rachel and Forest Gunter, children of Rachel Hector, by her husband Lewis Gunter, will be illegal for enrollment as Cherokee Freedmen upon a doubtful proof, pending the satisfaction of the Commission.

COMMISSION TO THE FIVE CIVILIZED TRIBES
DEPARTMENT OF THE INTERIOR
JULY 18 1881
H. F. D.

Exhibit attached to page 5.

100

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 us this June 1st, 1881.

(signed) T. H. Needles,
Commissioner.

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

M. D. Green

Subscribed and sworn to before us this September 9th, 1881.

T. H. Needles

Commissioner.

EXHIBIT

File with case of Maggie Stroud, C.F.-D.#468.

Supl.C.F.-D.#465.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Rachel Gunter as a Cherokee Freedman, introduced on the part of Cherokee Nation:

APPEARANCES:

Mr. Smith, Counsel for Applicant;
Mr. W. W. Hastings, for Cherokee Nation:

JOHN E. GUNTER, being duly sworn by Commissioner Needles, testified as follows:

- MR. HASTINGS: What is your name? A John E. Gunter.
- Q What is your age, Mr. Gunter? A 55.
- Q What is your father's name? A George W. Gunter.
- Q What was your mother's name? A Lizzie Ann Gunter.
- Q Mrs. Pack was your sister? A Yes, sir.
- Q That is the other witness? (No response.)
- Q Where did your father live the first few years before the Civil war? A He lived down on the Arkansas river, about 15 miles above Fort Smith.
- Q Sequoyah district? A Yes, sir.
- Q Cherokee Nation? A Cherokee Nation.
- Q Did your father ever own a colored man by the name of Lewis Gunter? A Yes, sir.
- Q Did he own him when the war came up? A No, sir.
- Q What had become of Lewis Gunter? A He was over at Fort Smith.
- Q How did he happen to go there? A He was sold out.
- Q Did your father sell him? A Sold him; yes, sir.
- Q Now, to whom did your father sell him? A Sold him to Sparks.
- Q Did you know what Sparks' citizenship was? A I think he was a citizen of the United States.
- Q And lived where? A There in Fort Smith.
- Q Arkansas? A Arkansas, Merchant there.
- Q Do you know whether Sparks owned him when the war came up or not? A No, sir.
- Q Did you know anything about him after your father disposed of him? A I have seen him there at Fort Smith a time or two.
- Q About when did he sell him to Sparks? A As well as I remember it was sometime in 1860, near '50, the middle of '50, '56 or '7.
- Q Number of years before the war? A Yes, sir.
- Q You don't know anything about him since the war? A No, sir, only hearsay.
- Q Did your father own a Lewis Gunter at the time the war came up? A No, sir.
- MR. SMITH: Mr. Gunter, how old are you? A I am 55.
- Q What time did you say it was your father made the sale to Mr. Sparks? A I believe it was somewhere along in '50, along about the middle of '56.
- Q About how old were you then? A I was, suppose I was seven or eight years old, both in '45.
- Q How many slaves did your father have at that time? A I suppose he had probably 15, probably more.
- Q Did he ever have at any time more than one named Lewis? A No, not as I know of.
- Q Well, do you know whether he did or not? A No; I could say that, after that he never owned any by that name, before that time he probably may have. I never heard.
- Q Did you know who owned Lewis Gunter at the time the war broke out? A No, sir, I do not.

- Q Do you know where he was at the time the war commenced?
A No, sir.
- Q How do you know, Mr. Gunter, that he sold him to Mr. Sparks?
A I know he was taken off to Fort Smith.
- Q Well, you didn't see him sold to Mr. Sparks? A No, sir.
- Q You didn't see him taken out of the Cherokee Nation, you only know that he was taken from your house? A Yes, sir, and then I saw him in Fort Smith.
- Q When did you see him in Fort Smith? A It was long in '50, after he was taken off.
- Q Well, you didn't live more than 25 miles from Fort Smith yourself, did you? A 16 I think.
- Q When you saw Lewis Gunter in Fort Smith, you don't know who he belonged to? A I think he belonged to Sparks.
- Q I say you don't know? A No, sir.
- Q So far as you know personally he might have belonged to somebody in the Cherokee Nation and been over in Fort Smith like you, so far as you know of your own personal knowledge? A Yes, sir, he might have been.
- Q Now, you were about seven years old at that time, Mr. Gunter, and all you know about it is what you heard? A Yes, sir, and then taken away from home.
- Q You know the one fact, he was taken away? A And I saw him at Fort Smith.
- Q And that is all you know of your own actual knowledge? A Yes, sir.
- Q How old were you when the war commenced? A I suppose I must have been about 16.
- Q Where were you? A I was down in Sequoyah district.
- Q Were you at home with your father? A Yes, sir.
- Q What was your father's occupation? A He was a farmer.
- Q Stayed at home all the time or away? A At home most of the time.
- Q Have any cattle? A Yes, sir.
- Q Where did he hold his cattle? A Right there at home.
- Q Have any other farm except that one he lived on? A No, sir.
- Q Did he have any older brothers or sisters? A He had one older brother.
- Q Where did he live? A He lived there with him, my father.
- Q When did you first see Lewis Gunter after the war? A After the war?
- Q Yes? A I never saw him after the war.
- Q Never did see him? A No, sir.

MR. HASTINGS: Mr. Gunter, when you say that he was sold in the middle, do you mean in the middle of the year '50, or the '50's?
A '50's, in '55 or '56.

Q You mean in the middle of the '50's? A Yes, sir.

Q You know what your father said at the time he sold him?
A He said he had sold him to Sparks.

Q And you saw him at Fort Smith afterwards? A Yes, sir.

ARAMINTA PECK, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

- MR. HASTINGS: What is your name? A Araminta Peck.
- Q What is your age, Mrs. Peck? A 58.
- Q What was your father's name? A George W. Gunter.
- Q What was your mother's name? A Eliza Ann Gunter.
- Q Did your father at any time before the war have a slave by the name of Lewis Gunter? A Yes, sir.
- Q Did he own him when the war came up? A No, sir.
- Q What had become of the slave Lewis? A He sold him, he sold him to Mr. Sparks at Fort Smith.
- Q Arkansas? A Yes, sir.

Supl. C. D. #465 --3.

- Q What was Mr. Sparks' citizenship there? A He was a merchant there; he was a citizen of the United States, white man, American.
- Q About when did he sell him? A Sometime in '50's, just as he said, it was sometime before the war.
- Q Well, about how long before the war? A It must have been seven or eight years, maybe longer than that.
- Q Did your father own this Lewis Gunter when the war came up?
- A No, sir.
- Q He was not freed as your father's property? A No, sir.
- MR. SMITH: Mrs. Paack, all you know about his being sold is what you heard? A I remember seeing them taken him off and I heard my parents say he sold him.
- Q You saw them take him away from the place? A Yes, sir.
- Q Well, he had been taken away from the place a good many times?
- A Well, if he had he come back.
- Q He has gone to Fort Smith a good many times?
- A Yes, sir, we sent him there.
- Q He lived about 15 miles from Fort Smith? A Yes, sir.
- Q Now, all you know about his being sold is what you were told, you didn't see him sold? A No, sir, I saw him leave though.
- Q All the slaves didn't always come back when they went away from home; they ran off sometimes? A Mighty apt to come back.

Mr. Hastings: I desire this testimony filed in the following cases: D.#468, Maggie Stroud, D.#469, Lewis Gunter, D.#470, Berdie Archey, and D.#472, Mitchell Gunter.

Mr. Smith: Counsel for Applicant moves to strike from the record all testimony of the two witnesses to the effect that Lewis Gunter was sold; for the reason that the testimony, as it appears upon cross-examination, is hearsay and not competent.

Com'r Needles: Motion be entered, and overruled.

Com'r Needles: The testimony will be filed, and the references will be made as requested.

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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 retyped the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.

J. O. Rosson
Subscribed and sworn to before me this October 4th, 1901.



Stenographer

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of FERRY ADAMS for enrollment as a Cherokee Freedman.

Applicant appears by Mellette & Smith, Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitlire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 Filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Maggie Street, D 458;

By W. W. Hastings:

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

Commission:

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

Mr. Smith:

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

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

W. W. Hastings:

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

The Commission:

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

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

(Signed) E. G. Rothenberger.

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

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

(SEAL)

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

E. C. Bagwell

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

P. G. Reuter
Notary Public.

jcc
CR

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

In the matter of the application for the enrollment of
Rachel Gunter et al. as Cherokee Freedmen, consolidating the appli-
cations of

Rachel Gunter et al.-----	Cherokee Freedmen D 465,
Maggie Stroud-----	Cherokee Freedmen D 468,
Lewis Gunter-----	Cherokee Freedmen D 469,
Birdie Archie et al.-----	Cherokee Freedmen D 470,
Mitchell Gunter-----	Cherokee Freedmen D 472.

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 Rachel Reeter, for her minor children, Rachel and Forest Gunter; by Maggie Stroud, for herself, among others, said other parties being differently classified and not embraced in this decision; by Lewis Gunter, for himself, among others, said other parties being differently classified and not embraced in this decision; by Birdie Archie, for herself and minor children, Mahala Driver and Christina Archie; and by Mitchell Gunter, for himself.

The evidence shows that all the applicants herein have been born since 1866 and are the descendants of and claim right to enrollment through one Lewis Gunter.

The evidence further shows that the said Lewis Gunter was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

Neither the name of the said Lewis Gunter nor the names of any of said applicants are found on the 1850 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Rachel Gunter, Forest Gunter, Maggie Stroud, Lewis Gunter, Birdie Archie, Mahala Driver, Christina

Archie and Mitchell Gunter, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 425), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tame Bixby.
Chairman.

(SIGNED) T. B. Needles.
Commissioner.

(SIGNED) C. R. Breckinridge.
Commissioner.

(SIGNED) W. E. Stanley.
Commissioner.

Muskogee, Indian Territory,

this JUL 10 1898

JAN 18 1904

JAC

MARRIAGE LICENSE

-----0-----

CHEROKEE NATION, I. T.,)
Cooweescoowee DISTRICT.)

To Any Person Legally Authorized to Solemnize Marriage---Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between Mr. Westly Vanderford, a citizen of the United States, and Miss Maggie Gunter, 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 8th day of Jan A. D. 1891.

H. H. Trott
Clerk Cooweescoowee District.

(SEAL)

Cherokee Nation, I. T.,
Cooweescoowee District.

I, Samuel Webber, a Minister of the Gospel hereby certify that on the 8th day of January 1891 I joined in Marriage, Mr. Wesley Vanderford, a citizen of the United States, and Miss Maggie Gunter, 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 8th day of January A. D., 1891.

his
Sam'l X Webber
mark

Recorded on page 193 Records of the Marriage Licenses, C.N. this 16th day of January A. D. 1891.

H. H. Trott, Clerk
Cooweescoowee Dist.,
C. N.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 6, 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 offered in evidence in the matter of the application for enrollment of Cherokee T. D. 468.



Commissioner.

1913
NOV 10 11 AM '13
P. M. S.

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.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes,
in the matter of the application of Maggie Stroud for enrollment
as a Freedwoman of the Cherokee Nation, one copy of the original
testimony of June 1st, 1901.

Mellette Smith
Attorney for Applicant.

Cherokee F. #D468.

F. D. 458

INDIAN TERRITORY,
CHEROKEE NATION.

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

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

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

Marshal for the Cherokee Nation.

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

day of 9/21, 190
1901
Attorney for applicant.

UNITED STATES OF AMERICA, |
INDIAN TERRITORY, | S. S.
NORTHERN DISTRICT. |

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

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public.

COMMIS

FILED
SEP 21 1901

NOTICE!

IN THE MATTER OF the application of Maggie Stroud
for enrollment as Cherokee citizens:

Case No. D468

To Maggie Stroud, or Mellette & Smith attys

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of ~~Atoka~~

JT Gutson Indian Territory, on Sept 24, 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Sept 24, 1901

W. W. Hastings
Attorneys for the Cherokee Nation.

COPY

Cherokee Freedmen
D-468.

Muskogee, Indian Territory, January 19, 1904.

Maggie Stroud,
Coffeyville, Kansas.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, rejecting, among others, your application for enrollment 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,

T. B. Needles.

Commissioner in Charge.

Enc. D-64.

Register.

Cherokee V.D. 468
D-468 D-469- D-470
D-472.

Muskogee, Indian Territory, January 18, 1904.

Edgar Smith,

Attorney for Rachel Gunter et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Rachel Gunter et al., rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Driver 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,

T. B. Needles.

Commissioner in Charge.

Enc. D-68.

Register.

Cherokee F. D-466
D-468 D-469 D-470
D-471.

Muskogee, Indian Territory, January 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 January 18, 1904, in the consolidated case of Rachel Gunter et al., rejecting the applications for the enrollment of Rachel, Forrest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Driver 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. Nogales,

Commissioner in Charge.

Enc. D-47.

Cherokee F. D. 468 D-468
D-469 D-470 D-472.

Muskogee, Indian Territory, January 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 Gunter et al., including the Commission's decision, dated January 18, 1904, rejecting the applications for the enrollment of Rachel, Forrest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Iriver as Cherokee freedmen.

Respectfully,

T. S. Needles.

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. 1-70.

D.C. 11396-1904.

VOY
FHE
LRS

DEPARTMENT OF THE INTERIOR,

ITD 1846-1904.

WASHINGTON.

April 7, 1904.

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

Gentlemen:

January 19, 1904, you transmitted the record in the matter of the application for enrollment as Cherokee freedmen of Rachel Gunter et al., including your decision of January 18, 1904, rejecting the applications of Rachel, Forrest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christine Archie and Mahala Driver.

Reporting March 3, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has examined the evidence submitted, and concurs in the Acting Commissioner's recommendation; your decision is therefore affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Refer in reply to the following:
Land 5521/1904.
11939/1904.

Department of the Interior,
Office of Indian Affairs,
Washington, March 3, 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 Rachel Rector for the enrollment of her minor children, Rachel and Forrest Gunter; of Maggie Stroud for the enrollment of herself, among others, said other parties being differently classified and not embraced in this decision; of Lewis Gunter for the enrollment of himself among others, said other parties being differently classified and not embraced in this decision; of Birdie Archie for the enrollment of herself and minor children, Mahala Driver and Christina Archie; and of Mitchell Gunter for the enrollment of himself; all as Cherokee freedmen citizens of the Cherokee Nation.

On January 18, 1904, the Commission rendered a decision in this case, finding from the evidence that all the applicants herein have been born since 1866 and are the descendants of and claim right to enrollment through one Lewis Gunter; that the said Lewis Gunter was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion; that neither the name of the said Lewis Gunter nor the name of any of said applicants is found on the 1866 authenticated roll of the Cherokee Nation; by reason of which facts and findings the Commission

is of the opinion that these parties are not entitled to enrollment, under the provisions of Sec. 21 of the act of Congress approved June 28, 1898 (30 Stats., 495).

I have examined the testimony submitted in this case and it does not appear that these applicants are able to submit testimony establishing their claim. I find attached to the record a permit granted by the authorities of the nation to Maggie Gunter, which shows that she was recognized on July 22, 1897, as a citizen of the Cherokee Nation. I further find a permit issued to the said Maggie Gunter showing that she was recognized as a citizen of the Cherokee Nation on April 1, 1897; also another permit issued to her on May 21, 1897.

There is attached to the record a permit given to Lewis Gunter by the authorities of the Cherokee Nation on August 22, 1892, authorizing him to ship, transport, or carry beyond the limits of the Cherokee Nation, prairie hay cut therein in the years 1891 and 1892. This permit shows that the said Lewis Gunter was in 1892 recognized by the officials of the Cherokee Nation as a citizen thereof.

There is also inclosed herewith a communication, apparently not signed but evidently from some of the parties to these applications, but there is nothing contained in said letter which tends to establish their claim.

While it appears that these applicants have always resided in the Cherokee Nation and have in fact been recognized as citizens

thereof or at least a part of them have, it appears that under the testimony they are not entitled to enrollment as Cherokee freedmen citizens of said Nation.

I therefore recommend that the decision of the Commission be affirmed by the Department.

Very respectfully,

WCB-H.

Acting Commissioner.

Cherokee Freedmen
D-468,

Muskogee, Indian Territory, April 16, 1904.

Maggie Stroud,
Coffeyville, Kansas.

Dear Madam:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-468 et al.

Muskogee, Indian Territory, April 16, 1904.

Edgar Smith,

Attorney for Rachel Gunter et al.,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, in the consolidated case of Rachel Gunter et al., rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Driver as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-465 et al.

Muskogee, Indian Territory, April 16, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

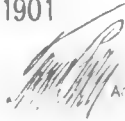
You are hereby advised that the Commission's decision dated January 18, 1904, in the consolidated case of Rachel Guster et al., rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Guster, Maggie Street, Birdie and Christina Archie and Mahala Driver, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 1 1901



ACTING COMMISSIONER

4

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 1 1901
Post Office *Xorffenville, S.C.*
District *Xoomesscovee*

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

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife *Maggie Strand* Age *30*
Owner's name _____ Citizenship _____
Year *1870* Page *163* No. *4025* District *Xoomesscovee*

Parents:

Father _____ Citizenship _____

Mother *Rachel Rector* _____ Citizenship *Mrs. Ruth Rector*

Names of Children:

	Year	Page	No.	Dist.
3.	<i>1870</i>	<i>163</i>	<i>4025</i>	<i>Xoomesscovee</i>
4.	<i>1870</i>	<i>163</i>	<i>4025</i>	<i>Xoomesscovee</i>
5.	<i>1870</i>	<i>163</i>	<i>4025</i>	<i>Xoomesscovee</i>
6.	<i>1870</i>	<i>163</i>	<i>4025</i>	<i>Xoomesscovee</i>
7.	<i>1870</i>	<i>163</i>	<i>4025</i>	<i>Xoomesscovee</i>
8.	<i>1870</i>	<i>163</i>	<i>4025</i>	<i>Xoomesscovee</i>
9.	<i>1870</i>	<i>163</i>	<i>4025</i>	<i>Xoomesscovee</i>
10.	<i>1870</i>	<i>163</i>	<i>4025</i>	<i>Xoomesscovee</i>
11.	<i>1870</i>	<i>163</i>	<i>4025</i>	<i>Xoomesscovee</i>
12.	<i>1870</i>	<i>163</i>	<i>4025</i>	<i>Xoomesscovee</i>

Application made by

No. 1 on St. X. well as Maggie Strand
Stenographer *M. W. Green*

No. 1 on Wallace well P. 115 No. 2122, Maggie Strand, 1800

*Represented by Mullett + Smith Linton, S.C.
+ ref to 20 465.*

Greenwood company
Manufacturers
of
St. Louis

U.S. DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
JUN 2 1901

37th and
Main St
St. Louis

Cherokee Nation, \ddagger . $\ddot{\circ}$.,
Cawweseowee DISTRICT.

I Samuel Webber

a

herby certify that on the 5th day of

January 1871

I joined in Marriage, Mr. Wesley

Vanderford

a citizen of the United States, and Miss

Maggie Green

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 5th

day of January A. D.,

1871

Samuel Webber

MARRIAGE LICENSE.

CHEROKEE NATION, I. T.,

Cowassee DISTRICT.

To Any Person Legally Authorized to Solemnize Marriage - Greeting:

You are hereby authorized to join in the Holy Bonds of Matrimony, and to celebrate the rites and ceremonies of Marriage, between *Mr. Nestly Vandorf*, a citizen of the United States, and *Miss Maggie Hunter*, 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

8th day of *June*

A. D. 18 *91*

H. H. [Signature]
Clerk Cowassee District.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Maggie Stroud,
Coffeyville, Kansas.

Cherokee F-D-468

Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

REGISTERED

74204
COFFEYVILLE, KANSAS
10

REGISTERED
JAN 30 1904
MUSKOGEE, IND. TER.

Department of the Interior.

Commission to the Five Civilized Tribes.
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



FEB 28 1904

403

Maggie Stroud,

Co. Kansas.



Cher Fr. R. 239

See Cher Fr R 105-237-8-40-1

Cher. Fr. R. 239

710ES

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.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes,
in the matter of the application of Lewis Gunter for enrollment
as a Freedman of the Cherokee Nation, one copy of the original tes-
timony of June 1st, 1901.

McClatta Smith

Attorney for Applicant.

Cherokee F. #D469.

469

INDIAN TERRITORY,
CHEROKEE NATION.

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

by delivering a true copy thereof on the
day of _____ A. D. 1901.

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

Marshal for Cherokee Nation

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

Attorney for applicant.

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

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

on the _____ day of _____ A. D. 1901

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

Notary Public

NOTICE!

IN THE MATTER OF The application of **Lewis Gunter**
for enrollment as a Cherokee Freedman:

Case No. F. D. 469

To **Lewis Gunter** or ~~Welleto~~ & Smith his attys.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Fort Gibson, I. T.** Indian Territory, on the following dates, to-wit: **Sept. 24th** at 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **13th** day of **Sept.**, 1901.

B Bell
W W Hastings
J. S. Davison
Attorneys for the Cherokee Nation.

Cherokee Freedmen
D-469.

Muskogee, Indian Territory, January 19, 1904.

Lewis Gunter,
Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, rejecting, among others, your application for enrollment 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,

T. D. [Signature]

Enc. D-65.

Register.

Commissioner in Charge.

Cherokee F.D. 465
D-468 D-469- D-470
D-472.

Muskogee, Indian Territory, January 19, 1904.

Edgar Smith,

Attorney for Rachel Gunter et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Rachel Gunter et al., rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Driver 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,

Enc. D-68.

Register.

Commissioner in Charge.

COPY

Cherokee F. D. 468 D-468
D-469 D-470 D-472.

Muskogee, Indian Territory, January 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 Gunter et al., including the Commission's decision, dated January 15, 1904, rejecting the applications for the enrollment of Rachel, Forrest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Triver as Cherokee freedmen.

Respectfully,

T. B. Neason

Commissioner in Charge

Through the
Commissioner of Indian Affairs

Enc. 2-70.

Cherokee Freedman
D-469.

Muskogee, Indian Territory, February 25, 1904.

Lewis Gunter,
Coffeyville, Kansas.

Dear Sir:

In accordance with your request of February 13, there is herewith enclosed one copy of the record in the matter of your application for enrollment as a Cherokee freedman.

Respectfully,

Enc. D-3.

Commissioner in Charge.

Refer in reply to the following:
Land 5521/1904.
11939/1904.

Department of the Interior,
Office of Indian Affairs,
Washington, March 3, 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 Rachel Rector for the enrollment of her minor children, Rachel and Forrest Gunter; of Maggie Stroud for the enrollment of herself, among others, said other parties being differently classified and not embraced in this decision; of Lewis Gunter for the enrollment of himself among others, said other parties being differently classified and not embraced in this decision; of Birdie Archie for the enrollment of herself and minor children, Mahala Driver and Christina Archie; and of Mitchell Gunter for the enrollment of himself; all as Cherokee freedmen citizens of the Cherokee Nation.

On January 18, 1904, the Commission rendered a decision in this case, finding from the evidence that all the applicants herein have been born since 1866 and are the descendants of and claim right to enrollment through one Lewis Gunter; that the said Lewis Gunter was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion; that neither the name of the said Lewis Gunter nor the name of any of said applicants is found on the 1860 authenticated roll of the Cherokee Nation; by reason of which facts and findings the Commission

is of the opinion that these parties are not entitled to enrollment, under the provisions of Sec. 21 of the act of Congress approved June 28, 1898 (30 Stats., 495).

I have examined the testimony submitted in this case and it does not appear that these applicants are able to submit testimony establishing their claim. I find attached to the record a permit granted by the authorities of the nation to Maggie Gunter, which shows that she was recognized on July 22, 1897, as a citizen of the Cherokee Nation. I further find a permit issued to the said Maggie Gunter showing that she was recognized as a citizen of the Cherokee Nation on April 1, 1897; also another permit issued to her on May 21, 1897.

There is attached to the record a permit given to Lewis Gunter by the authorities of the Cherokee Nation on August 22, 1892, authorizing him to ship, transport, or carry beyond the limits of the Cherokee Nation, prairie hay cut therein in the years 1891 and 1892. This permit shows that the said Lewis Gunter was in 1892 recognized by the officials of the Cherokee Nation as a citizen thereof.

There is also inclosed herewith a communication, apparently not signed but evidently from some of the parties to these applications, but there is nothing contained in said letter which tends to establish their claim.

While it appears that these applicants have always resided in the Cherokee Nation and have in fact been recognized as citizens

thereof or at least a part of them have, it appears that under the testimony they are not entitled to enrollment as Cherokee freedmen citizens of said Nation.

I therefore recommend that the decision of the Commission be affirmed by the Department.

Very respectfully,

WCB-H.

Acting Commissioner.

Cherokee Freedman
D-469

Muskogee, Indian Territory, April 16, 1904.

Lewis Gunter,
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-465 et al.

Muskogee, Indian Territory, April 16, 1904.

Edgar Smith,

Attorney for Rachel Gunter et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, in the consolidated case of Rachel Gunter et al., rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Driver as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-465 et al.

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 January 18, 1904, in the consolidated case of Rachel Gunter et al., rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Driver, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedman
R 239

Muskogee, Indian Territory, May 28, 1906.

Lewis Gunter,
Coffeyville, Kansas.

Dear Sir:

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

Respectfully,

Commissioner.

107

Cherokee Freedmen
R 400, et al.

Muskogee, Indian Territory, May 28, 1906

Bell, Hastings & Davenport.

Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by attorneys for applicants in the Cherokee Freedmen enrollment cases of Joseph Brown and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were denied by the Department in said letter.

Respectfully,

LMB

Commissioner

Cherokee Freedmen
N 400 et al.

Wahkoma, Indian Territory, May 2, 1906

Blue & Bulger,

Attorneys for Joseph Brown, et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by you, in the Cherokee Freedmen enrollment cases of Joseph Brown, and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were dismissed by the Department in said letter.

Respectfully,

LMC

Commissioner

Encl. 2-03

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 1 1901

A handwritten signature in dark ink, appearing to be "George R. ...", written over the typed name of the Acting Chairman.

ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date: JUN 1 1901
Post Office: Coffeyville, Kas
District: 2000

1. Name: Lewis G. Luster Age: 25
Owner's name: _____ Citizenship: _____
Year: 1880 Page: 163 No. 4096 District: 2000

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.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

Application made by: No. 1 Stenographer: W. A. Green

No. 1 on St. Co. roll as Lewis Luster
No. 1 on Wallace Roll P. 115 No. 2430, 2000 Dist

Represented by Mellette + Smith, Lister, D. G.
prob to wife + prob to 10465.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, INDIAN TERR.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Lewis Gunter,
Coffeyville, Kansas,

CherokeeF-D469

Registrar

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 240

See Cher. Fr. R. 237-8-9-41

Cher. Fr. R. 240

with C.P. D- 470, Birdie Archie.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T., June 1st, 1901.

In the matter of the application of Rachel Rector for the enrollment of her two children, Rachel & Forest Gunter, as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Smith, of Hellette & Smith, for applicant;
Mr. L. S. Doll, Cherokee Representative.

- Q What is your name? A Rachel Rector.
Q What is your age? A I don't know, exactly.
Q Well, about how old, Mrs. Rector? A I couldn't tell, I have got a girl 30 years old.
Mr. Smith: Q About 50 aint you? A Yes I expect so.
Q Com'r Needles: What is your post-office? A Coffeyville.
Q What district do you live in? A Coowescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Just my children.
Q You apply to enroll your children? A Yes sir.
Q You don't apply for yourself? A No sir.
Q You are not a Cherokee Freedman? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A My present husband is Alex Rector.
Q Is he a citizen? A No sir.
Q What was your former husband's name? A Dewis Gunter.
Q Is he living? A No sir.
Q He is dead? A Yes sir.
Q Now what are the names of the children you want to enroll?
A I have got six children.
Q Well? A Maggie Gunter, she was a Gunter.
Q What is she now? A Stroud.
Q Is she married? A Yes sir.
Q She will have to appear for herself; I want the children's names that are under 21 years old? A Rachel Gunter.
Q How old is Rachel? A I guess about 16, or 17, I don't know which, exactly.
Q What is the name of the next one? A Forest Gunter.
Q How old is Forest? A I guess betwixt nine or ten, I don't know which.
Q What is the next one? A That's all.
Q You just apply for the enrollment of yourself and 2 children?
A Yes sir.
Q Mr. Smith: How about Mitchell? A He is of age.
Q Com'r Needles: Is your name on the roll of 1890? A I don't know sir.
Q Is your name on any of the rolls of the Cherokee Nation? A The Clifton roll, on the Clifton and Terms roll.
Examined by Attorney Smith:
Q What are these children's names now, Rachel what? A Rachel Gunter.
Q Where do they live? A Live up in Coowescoowee.
Q Who do they live with? A With me.
Q You are the mother? A I am the mother of all these six children.
Q Where is the father of these children? A Dead.
Q What was his name? A Lewis Gunter.
Q Who did he belong to? A He said he belonged to George Gunter.
Q When did you first become acquainted with Lewis Gunter? A I don't know.
Q Well about how many years ago, as near as you can remember? A I don't know.
Q How old is the oldest one of your children? A 30 years old I think.

Rachel Rector for children page 2.

- Q Was that child born after you and Lewis were married? A Yessir.
- Q That's Lewis' child is it? A Yes sir.
- Q Where was Lewis when you first became acquainted with him?
- A Down about Ft. Smith.
- Q How far from Ft. Smith? A I don't know, it's on this side of the river.
- Q Where do you live now? A I live in Cooweescawee, head of Cedar.
- Q What post-office? A Coffeyville.
- Q How long have you lived there? A I have lived there, well I can't tell exactly how long; I come from Ft. Smith with Lewis and Hair and all of them.
- Q When did you come, about how many years ago, up to where you are living now? A In '66 in the spring, I think it was some time in the summer, we come from there.
- Q Come from where? A Come from Ft. Smith.
- Q Well you and your husband, did you get together before the war, during the war or after the war? A I think during the war,
- Q And then you came to the Cherokee Nation about when you say?
- A In '66 with him and Hair.
- Q Then you didn't stay very long down there close to Ft. Smith?
- A Nosir.
- Q You don't know yourself who your husband belonged to except what he told you? A Except what he told me, what my witnesses said
- Q Where have you been living ever since you and your husband came from down there close to Ft. Smith? A Up in Goose-neck, Snow Creek, and Goose-neck.
- Q Have you been living in the Cherokee Nation all this time?
- A Yes sir.
- Q Where were these children you apply for born? A In Cooweescawee
- Q Have they been living here all their lives? A Yes sir.
- Q Name your other children? A Maggie Stroud now.
- Q Next one? A Lewis Gunter.
- Q Next one? A Mitchell Gunter.
- Q Next one? A Bertie Archer.
- Q They are all the children of you and your husband Lewis Gunter?
- A Yes sir.
- Q And full brothers and sisters? A Yes sir.
- Q Did you draw any Strip money for Rachel and Forest? A I didn't draw for Forest, but I drew for Rachel and Mitchell at the time.

390 authenticated roll of citizens of the Cherokee Nation examined for applicant, and name not found;
Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant's child Rachel found on page 163, #4029 Rachel Gunter, Cooweescawee District.
BY COMMISSIONER NEEDLES:

- Q Did you draw for yourself? A No sir, I aint a Freedman you know.
- Q You say you didn't draw anything for Forest? A I didn't draw anything for Forest.

Examined by Attorney Smith:

- Q You are not applying for anybody but Rachel and Forest now?
- A That's all.

By Commissioner Needles:

- Q You were known as a state woman were you? A Yes sir.
- Q Your first husband, Lewis Gunter, was a Cherokee Freedman?
- A Yes sir.
- Q Is he living? A No sir.
- Q Since that you have married who? A Married a man named Alex Rector.
- Q Rector not a citizen? A No sir.
- Q Known as a state man? A Yes sir.

Examined by Attorney Smith:

- Q Have you any certificate of your marriage to this man Lewis Gunter? A No sir.
- Q Who married you? A Man by the name of old Father Duffins.

- Q You know whether he is living or not? A He is dead.
- Q Is there any one here who saw you married? A Brother Murrill and Mr. Hays or Baldrige.
- Q How long did you and Lewis Gunter live together as man and wife? A Until he died; we was living together before we come here.
- Q All these children whose names you have given were they born while you and Lewis were living together? A Yes sir.
- Examined by Cherokee Representative, W. B. Bell:
- Q Where did you marry Lewis Gunter at? A Up here on Snow Creek.
- Q Didn't you say that you and him married during the war? A I said we lived together during the war.
- Q Where did you and him begin business together then? A Down there in Sequoyah district, I think it is Sequoyah.
- Q Don't think about it, that was a right smart circumstance, wasn't it over in Arkansas now as a matter of fact? A No sir, it was on this side of the river.
- Q What time of the war was that? A I don't know, only what they said.
- Q What did they say? A What time-- did you say what--
- Q How long had the war been going on when you and him took up together? A I don't know.
- Q The war was on hands wasn't it? A Yes sir.
- Q What house were you at when you began living together as man and wife? A I don't know the man's name now.
- Q Was it a white man, Indian or Freedman or negro? A It was a colored man.
- Q What was you doing over in there, you didn't belong to any of these Cherokees? A No I didn't belong to the Cherokees, I come over there with a white family.
- Q What was that white family's name? A John,-- let me see, what was his name,-- I can't think of his name now, I come back with him and his wife.
- Q He is dead? A I don't know.
- Q You were living with folks there and you don't know their names? A I don't know now, I did know his name.
- Q Where was that white family living? A On this side of the river.
- Q How far from the boat landing? A Oh right smart ways from the boat landing.
- Q Ten miles? A I reckon it was, I don't know how far it was, I was a girl; I was young when I come there with them.
- Q You wasn't too young to marry was you? A No.
- Q You must have been 14 or 15 years old don't you think? A It may have been; I forget his name, but I knowed him well too if I could think of his name.
- Q What colored family did you get married at, where you and him took up together, you said you went to a colored man's house, who was that? A I don't remember who it was now.
- Q How as a matter of fact, wasn't it in Arkansas when you and him took up? A No, I was on this side of the river.
- Q You don't recollect what place you went to, when you and him began to be married, don't recollect who the folks were you were living with? A Trying to recollect that now.
- Q Now some Cherokee families living near there then? A I don't know none.
- Q Don't know nobody? A Don't know no Cherokees.
- Q How long had you been there when you and him took up? A Just a little while.
- Q Next? A It may have been; we were camping in wagons.

JOHN BALDRIDGE, being sworn by Commissioner Needles, testified as follows:

Examined by Attorney Smith:

- Q State your name? A John Baldrige.
- Q How old are you? A I was bred and born in the year 1830, you can count it your self, in Georgia.
- Q Where do you live? A I live up in Goshneck Bend

Rachel Rector for her children page 4

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

Q Did you know Lewis Gunter? A Yes sir.

Q Do you know who he belonged to? A He belonged to the Gunters, George Gunter, I think it was.

Q Was he an Indian? A Yes, sir, Gunter was.

Q Where was Lewis when the war broke out? A He was at home when the war first broke out in the year 1861, he was at home.

Q Did you go out of the Nation yourself during the war? A No sir stayed right here.

Q Do you know whether Lewis went out or not? A No sir, I don't.

Q When did you first see Lewis Gunter in the Cherokee Nation after the war closed? A I saw him in July I believe it was, in July in the year 1866; it was in July sometime, I couldn't say exactly what day, but it was in July I think it was.

Q It was in the summer of 1866? A Yes sir.

Q Where did you see him? A At Ft. Gibson.

Q Whereabouts in Ft. Gibson? A Right in Ft. Gibson.

Q How long then did you know Lewis after that, how long did he live afterwards? A I couldn't tell you.

Q How long has he been dead? A I disremember it, he has been dead four or five years.

Q Do you know this applicant here, whose name is Rachel? A Yes sir

Q Rachel Rector? A Yes sir.

Q Was she the wife of Lewis Gunter at one time? A It was so stated, they were living together.

Q Have a family? A They had some children, but I never paid attention particular to the children.

Q Where did they live? A They was right in Ft. Gibson at that time.

Q Do you know when they left Ft. Gibson? A No, I don't know exactly what day they left; they disappeared but I couldn't tell you exactly what time they left.

Q After they left Ft. Gibson did you ever see them any more? A Yes sir.

Q Where? A They come up near Coffeyville, place we call Cedar Creek, head of Cedar Creek.

Q When did you last see Gunter before he died or do you know? A It has been several years ago.

Q You don't know exactly how long he has been dead? A No sir.

Examined by Cherokee Representative, L.E. Bell:

Q When did he move up there near Coffeyville? A I couldn't tell you that either, no I couldn't.

Q Did you see him pretty soon after he moved up to Coffeyville? A Oh yes.

Q When he left Ft. Gibson to come up there? A I couldn't say when he left Ft. Gibson, he come right up there, I couldn't establish that.

Q How long was it after he left Ft. Gibson when he moved to Coffeyville, A I couldn't tell you that.

Q Ten years? A Oh yes.

Q Twenty? A In the neighborhood of 20, right up near; I never paid no particular attention; I wasn't particular about it.

Q You are certain you saw him in '66? A I know it; I aint certain, I know it; because I was right there, lived there.

Q Shock hands with him? A Me and him was boys together, bound to know him; I was glad to see him.

Q How long had it been since you saw him in '66 at Ft. Gibson? A In '61, when we was all stirred up at home.

Q Where were they living? A On Illinois River.

Q And you never left the country during the war? A No sir.

Q Where were you? A I was in the army, right with the pin Indians.

Q Didn't you go out to Cincinnati time we had the Prairie Grove fight? A I was in the army of course.

Q You was out of the country then? A I was out of the country

Q Where were you discharged? A A Ft. Gibson.
Q When? A In May, 1865.
Q You didn't go to Ft. Scott? A I ~~never~~ went to Ft. Scott lots of times, yes.
Q How long did you live at Ft. Scott? A I never did live there.
Q You wasn't dead when you was there? A No, I went up there and got my grub, but I never lived there.

Applicant, RACHEL RECTOR, re-called, and further examined;
By Cherokee Representative, L.B. Bell:

Q You don't recollect then what year you and Gunter married in, that is not married, but took up together? A No sir, I don't know what year it was.

Q How long did you and him live opposite Ft. Smith after you were married? A I don't know.

Q Was it a week or ten years or what? A Longer than a week.

Q Well, come something close to it, was it 10 years? A I don't know.

Q Were you living in the bottom at Ft. Smith, or out on the hills? A Living kind of in the bottom.

Q How long did you and Gunter live there after you took up with him, a month you reckon? A I guess it was about two months.

Q Then you went to Ft. Gibson? A Yes.

Examined by Commissioner Needles:

Q Did you ever have any ceremony performed between you and Gunter? A Not down in there, we did when we come to Cooweescoowee.

Q You came to Cooweescoowee and then you were married? A Yessir.

Q Were Rachel and Forest born after that or before? A After that they are the two youngest children now.

Q They were born after you were married? A Yes sir.

Q Have you got any certificate of marriage? A No sir.

Q By Mr. Smith: Who married you? A A man by the name of Father Duffee.

Q Is he living or dead? A He is dead.

Q By Com'r Needles: Anybody here knows whether you were married or not? A I think so. I guess father Murrill knows, and Brother Hays, knows, Mr. Baldrige.

Examined by Cherokee Representative, L.B. Bell:

Q How many children did you have when you and Lewis was married? A I got all of these children, six of them.

Q How many did you have of them when you and Lewis took up together? A None.

Q Didn't have any children at all? A All of these children were born in Cooweescoowee.

Q Oh well, just answer the question please, you didn't have any children when you and Lewis took up together? A No sir.

By Commissioner Needles:

Q Lewis is the father of all your children? A Yes sir.

Com'r Needles?

Rachel Rector applies for the enrollment of her two children, Rachel and Forest Gunter; she avers that she was originally married to one Lewis Gunter, a Cherokee citizen; she makes satisfactory proof as to a common law marriage; since the death of said Lewis Gunter she has married one Alex Rector, a non-citizen; her oldest child, Rachel, is duly identified upon the Kerns-Clifton pay roll; her youngest child, for whom she applied, name is not found upon the rolls, and it will be necessary for her to make satisfactory proof of birth of this child; by reason of the fact that the name of Lewis Gunter is not found upon the authenticated roll of 1865, whom she avers to be the father of said children, and the fact of the protest of the Cherokee Nation, the said Rachel and Forest Gunter, children of Rachel Rector, by her husband Lewis Gunter, will be listed for enrollment as Cherokee freedmen upon a doubtful card, awaiting the consideration of the Commission.

COMMISSIONER OF THE
BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

Page 2 of 2

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 13rd, 1901.

(signed) H. B. Hodges,
Commissioner.

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

(signed) M. D. Green

Subscribed and sworn to before me this September 2nd, 1901.

(Signature)

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 1, 1901.

In the matter of the application of Birdie Archie for the enrollment of herself and two children as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Smith, of Nettette & Smith, for applicant;
L.B. Bell, for Cherokee Nation.

- Q What is your name? A Birdie Archie.
Q How old are you? A 24.
Q What is your post-office? A Yivita.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as Cherokee Freedmen? A Yes sir.
Q Who do you want to enroll besides yourself? A Myself and 2 children, my husband objects to me enrolling one.
Q Why? A Because we are divorced, and one of them is his, and the other one isn't, and he wants to take the child with him.
Q Have you got the two children? A Yes sir.
Q They are both your children? A Yes sir.
Q Com'r You can enroll them.
Q What are the names of your children? A Mahala Driver.
Q How old is Mahala Driver? A Seven years old. Will be eight this fall.
Q What is the name of the next one? A Christina Archie. A
Q Are you married? A I have been married.
Q What is your husband's name? A Eli Archie.
Q Are you divorced from him now? A Yes sir.
Q Is he a citizen? A Yes sir, claims to be.
Q How old is Christina? A 2 years old.
Q Your oldest child, Mahala, was born before you married Archie?
A Yes sir.

Examined by Attorney Smith:

- Q Who was your mother? A Rachel Rector.
Q Is she the Rachel Rector who applied here to be enrolled for herself and two children, younger children? A Yes sir.
Q Who are your brothers and sisters? A Maggie Stroud, Lewis Gunter, Mitchell Gunter, Rachel Gunter and Forest Gunter.
Q Where do you live? A Cooweescoowee.
Q How long have you lived in Cooweescoowee? A All my life.
Q Are you ~~the same person~~ on the Kerns-Clifton roll? A I think I am.

Kerns-Clifton pay roll of citizens of the Cherokee Nation
examined and applicant identified on
page 163 #4027 Birdie Gunter, Cooweescoowee District.

Examined by Commissioner Needles:

- Q Did you ever draw stipend money for Mahala? A No sir.

Wallace roll of citizens of the Cherokee Nation examined and
applicant identified on
page 118 #2431 Bertie Gunter, Cooweescoowee District.

By Attorney Smith:

- Q You were married to Eli Archie? A Yes sir.

Birdie Archie et al 2

Q You haven't a certificate of marriage with you? A No sir.
Attorney Smith: I offer a copy of the decree of divorce
from her husband, that will prove she was married to him..

Com'r: The applicant presents a certified copy of the de-
cree of divorce between herself and her husband, Eli Archie,

Q How do you sign your name? A Archie.
Q You go by your married name? A Yes sir.

Com'r Needles: Birdie Archie applies for the enroll-
ment of herself and 2 children; her name is not found upon
the authenticated roll of 1880; she is identified upon the
Kerns-Clifton and Wallace rolls, as Birdie Gunter, that hav-
ing been her maiden name; she avers that she is a child of
Rachel ~~Spock~~, Rector, nee Gunter, who has this day applied
for her two younger children, Rachel and Forest Gunter, and
who have been listed on D card 465, and the evidence in said
case will be made part of the record in the case now at bar,
and the record made a part of the case now under examination.
She avers that she has 2 children, Mahala Driver and Christina
Archie, whose said names do not appear upon ~~the~~ any roll,
of the Cherokee Nation; it will be necessary for her to file
satisfactory proof of birth of said children; she is duly
identified; by reason of the fact that her name does not appear
upon the authenticated 1880 roll of the Cherokee Nation,
said Birdie Archie and her 2 children, enumerated will be
listed for enrollment as Cherokee Freedmen on a doubtful card,
she will be notified of the decision of the Commission when
arrived at, by mail.

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 3, 1901.

[Handwritten Signature]

Commissioner.

Supl.C.P.-D.#465.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Rachel Gunter as a Cherokee Freedman, introduced on the part of Cherokee Nation:

APPEARANCES:

Mr. Smith, of Counsel for Applicant;
Mr. W. W. Hastings, for Cherokee Nation:

JOHN B. GUNTER, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A John B. Gunter.

- Q What is your age, Mr. Gunter? A 55.
Q What is your father's name? A George W. Gunter.
Q What was your mother's name? A Lizzie Ann Gunter.
Q Mrs. Pack was your sister? A Yes, sir.
Q That is the other witness? (No response.)
Q Where did your father live the first few years before the Civil war? A He lived down on the Arkansas river, about 15 miles above Fort Smith.
Q Sequoyah district? A Yes, sir.
Q Cherokee Nation? A Cherokee Nation.
Q Did your father ever own a colored man by the name of Lewis Gunter? A Yes, sir.
Q Did he own him when the war came up? A No, sir.
Q What had become of Lewis Gunter? A He was over at Fort Smith.
Q How did he happen to go there? A He was sold out.
Q Did your father sell him? A Sold him; yes, sir.
Q Now, to whom did your father sell him? A Sold him to Sparks.
Q Did you know what Sparks' citizenship was? A I think he was a citizen of the United States.
Q And lived where? A There in Fort Smith.
Q Arkansas? A Arkansas, Merchant there.
Q Do you know whether Sparks owned him when the war came up or not? A No, sir.
Q Did you know anything about him after your father disposed of him? A I have seen him there at Fort Smith a time or two.
Q About when did he sell him to Sparks? A As well as I remember it was sometime in 1860, near '50, the middle of '50, '56 or '7.
Q Number of years before the war? A Yes, sir.
Q You don't know anything about him since the war? A No, sir, only hearsay.
Q Did your father own a Lewis MantiGunter at the time the war came up? A No, sir.

MR. SMITH: Mr. Gunter, how old are you? A I am 55.

- Q What time did you say it was your father made the sale to Mr. Sparks? A I believe it was somewhere along in '50, along about the middle of '56.
Q About how old were you then? A I was, suppose I was seven or eight years old, both in '56.
Q How many slaves did your father have at that time?
A I suppose he had probably 25, probably more.
Q Did he ever have at any time more than one named Lewis?
A Not as I know of.
Q Well, do you know whether he did or not? A No; I could say that, after that he never owned any by that name, before that time he probably may have. I never heard.
Q Did you know who owned Lewis Gunter at the time the war commenced? A No, sir, I do not.

- Q Do you know where he was at the time the war commenced?
A No, sir.
- Q How do you know, Mr. Gunter, that he sold him to Mr. Sparks?
A I know he was taken off to Fort Smith.
- Q Well, you didn't see him sold to Mr. Sparks? A No, sir.
- Q You didn't see him taken out of the Cherokee Nation, you only know that he was taken from your house? A Yes, sir, and then I saw him in Fort Smith.
- Q When did you see him in Fort Smith? A It was long in '50, after he was taken off.
- Q Well, you didn't live more than 25 miles from Fort Smith yourself, did you? A 16 I think.
- Q When you saw Lewis Gunter in Fort Smith, you don't know who he belonged to? A I think he belonged to Sparks.
- Q I say you don't know? A No, sir.
- Q So far as you know personally he might have belonged to somebody in the Cherokee Nation and been over in Fort Smith like you, so far as you know of your own personal knowledge? A Yes, sir, he might have been.
- Q Now, you were about seven years old at that time, Mr. Gunter and all you know about it is what you heard? A Yes, sir, and then taken away from home.
- Q You know the one fact, he was taken away? A And I saw him at Fort Smith.
- Q And that is all you know of your own actual knowledge? A Yes, sir.
- Q How old were you when the war commenced? A I suppose I must have been about 16.
- Q Where were you? A I was down in Sequoyah district.
- Q Were you at home with your father? A Yes, sir.
- Q What was your father's occupation? A He was a farmer.
- Q Stayed at home all the time or away? A At home most of the time.
- Q Have any cattle? A Yes, sir.
- Q Where did he hold his cattle? A Right there at home.
- Q Have any other farm except that one he lived on? A No, sir.
- Q Did he have any older brothers or sisters? A He had one older brother.
- Q Where did he live? A He lived there with him, my father.
- Q When did you first see Lewis Gunter after the war? A After the war?
- Q Yes? A I never saw him after the war.
- Q Never did see him? A No, sir.
- MR. HASTINGS: Mr. Gunter, when you say that he was sold in the middle, do you mean in the middle of the year '50, or the '50's?
A '50's, in '55 or '5.
- Q You mean in the middle of the '50's? A Yes, sir.
- Q You know what your father said at the time he sold him?
A He said he had sold him to Sparks.
- Q And you saw him at Fort Smith afterwards? A Yes, sir.

ARAJINTA PACK, being duly sworn by Commissioner Needles, testified as follows in part of the Cherokee Nation:

- MR. HASTINGS: What is your name? A Arajinta Pack.
- Q What is your age, Mrs. Pack? A 58.
- Q What was your father's name? A George W. Gunter.
- Q What was your mother's name? A Eliza Ann Gunter.
- Q Did your father at any time before the war have a slave by the name of Lewis Gunter? A Yes, sir.
- Q Did he own him when the war came up? A No, sir.
- Q What had become of the slave Lewis? A He sold him, he sold him to Mr. Sparks at Fort Smith.
- Q Arkansas? A Yes, sir.

- Q What was Mr. Sparks' citizenship there? A He was a merchant there; he was a citizen of the United States, white man, American.
- Q About when did he sell him? A Sometime in '50's, just as he said, it was sometime before the war.
- Q Well, about how long before the war? A It must have been seven or eight years, maybe longer than that.
- Q Did your father own this Lewis Gunter when the war came up?
- A No, sir.
- Q He was not freed as your father's property? A No, sir.
- MR. SMITH: Mrs. Pack, all you know about his being sold is what you heard? A I remember seeing them taken him off and I heard my parents say he sold him.
- Q You saw them take him away from the place? A Yes, sir.
- Q Well, he had been taken away from the place a good many times?
- A Well, if he had he come back.
- Q He has gone to Fort Smith a good many times?
- A Yes, sir, we sent him there.
- Q He lived about 15 miles from Fort Smith? A Yes, sir.
- Q Now, all you know about his being sold is what you were told, you didn't see him sold? A No, sir, I saw him leave though.
- Q All the slaves didn't always come back when they went away from home; they ran off sometimes? A Mighty apt to come back.

Mr. Hastings: I desire this testimony filed in the following cases: D.#468, Maggie Stroud, D.#469, Lewis Gunter, D.#470, Berdie Archey, and D.#472, Mitchell Gunter.

Mr. Smith: Counsel for Applicant moves to strike from the record all testimony of the two witnesses to the effect that Lewis Gunter was sold; for the reason that the testimony, as it appears upon cross-examination, is hearsay and not competent.

Com'r Needles: Motion be entered, and overruled.

Com'r Needles: The testimony will be filed, and the references will be made as requested.

---oooOOOooo---

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

Subscribed and sworn to before me this October 4th, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Kelleys & Smith, Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mariah Hayden, D 470;

By W. W. Hastings:

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

Commission:

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

Mr. Smith:

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

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

W. W. Hastings:

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

The Commission:

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

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

(Signed) E. G. Rothenberger.

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

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

(SEAL)

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

E. C. Bagwell

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

P. G. Reuter
Notary Public.

THE UNIVERSITY OF CHICAGO
LIBRARY

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.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes,
in the matter of the application of Birdie Archie et al for enroll-
ment as a Freedmen of the Cherokee Nation, one copy of the original
testimony of June 1st, 1901,

Mellett Smith

Attorney for Applicants.

Cherokee P. #D470.

H

7 D. 470

INDIAN TERRITORY,
CHEROKEE NATION.

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

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

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

Marshal for the Cherokee Nation.

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

day of 12, 1901.
Walter Smith
Attorney for applicant.

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

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

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

Subscribed and sworn to before me
this

DEPARTMENT OF THE INTERIOR
Notary Public.
COMMISSION TO THE FIVE CIALIZED TRIBES.

FILED
SEP 21 1901


ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Birdie Archer
for enrollment as Cherokee citizens:

Case No. D 470

To Birdie Archer or Mellette & Smith attys

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of St. Gibson Indian Territory, on Sept 24, 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

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

J B Bell
W W Hastings
Attorneys for the Cherokee Nation.

mdy

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

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

REFER IN REPLY TO THE FOLLOWING
Cherokee Freedmen
D-470.

ALLISON I. AYLESWORTH
SECRETARY

CR
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, January 19, 1904.

Birdie Archie,
Vinita, Indian Territory.

Dear Madam:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself and your two minor children, Mahala Driver and Christina Archie, as Cherokee freedmen. 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,



Enc. D-67.

Commissioner in Charge.

Register.

COPY.

Cherokee F.D. 468
D-468 D-469- D-470
D-472.

Waskoee, Indian Territory, January 19, 1904.

Edgar Smith,

Attorney for Rachel Gunter et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Rachel Gunter et al., rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Driver 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,

S. L. A. [Signature]

Enc. D-68.

Register.

Commissioner in Charge.

2022
Cherokee F. D. 465
D-468 D-469) D-470
D-472.

Muskogee, Indian Territory, January 19, 1904.

W. W. Hartings,

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 January 18, 1904, in the consolidated case of Rachel Gunter et al., rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Arahis and Mahala Driver 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. J. H. H. H.

Enc. D-69.

Commissioner in Charge.

Refer in reply to the following:

Land 5521/1904.

11939/1904.

Department of the Interior,
Office of Indian Affairs,
Washington, March 3, 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 Rachel Rector for the enrollment of her minor children, Rachel and Forrest Gunter; of Maggie Stroud for the enrollment of herself, among others, said other parties being differently classified and not embraced in this decision; of Lewis Gunter for the enrollment of himself among others, said other parties being differently classified and not embraced in this decision; of Birdie Archie for the enrollment of herself and minor children, Malala Driver and Christina Archie; and of Mitchell Gunter for the enrollment of himself; all as Cherokee freedmen citizens of the Cherokee Nation.

On January 18, 1904, the Commission rendered a decision in this case, finding from the evidence that all the applicants herein have been born since 1866 and are the descendants of and claim right to enrollment through one Lewis Gunter; that the said Lewis Gunter was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion; that neither the name of the said Lewis Gunter nor the name of any of said applicants is found on the 1860 authenticated roll of the Cherokee Nation; by reason of which facts and findings the Commission

is of the opinion that these parties are not entitled to enrollment, under the provisions of Sec. 21 of the act of Congress approved June 28, 1898 (30 Stats., 495).

I have examined the testimony submitted in this case and it does not appear that these applicants are able to submit testimony establishing their claim. I find attached to the record a permit granted by the authorities of the nation to Maggie Gunter, which shows that she was recognized on July 22, 1897, as a citizen of the Cherokee Nation. I further find a permit issued to the said Maggie Gunter showing that she was recognized as a citizen of the Cherokee Nation on April 1, 1897; also another permit issued to her on May 21, 1897.

There is attached to the record a permit given to Lewis Gunter by the authorities of the Cherokee Nation on August 22, 1892, authorizing him to ship, transport, or carry beyond the limits of the Cherokee Nation, prairie hay cut therein in the years 1891 and 1892. This permit shows that the said Lewis Gunter was in 1892 recognized by the officials of the Cherokee Nation as a citizen thereof.

There is also inclosed herewith a communication, apparently not signed but evidently from some of the parties to these applications, but there is nothing contained in said letter which tends to establish their claim.

While it appears that these applicants have always resided in the Cherokee Nation and have in fact been recognized as citizens

-3-

thereof or at least a part of them have, it appears that under the testimony they are not entitled to enrollment as Cherokee freedmen citizens of said Nation.

I therefore recommend that the decision of the Commission be affirmed by the Department.

Very respectfully,

WCB-H.

Acting Commissioner.

D.C.11396-1904.

DEPARTMENT OF THE INTERIOR,

WCY
FHE
LRS

ITD 1846-1904.

WASHINGTON.

April 7, 1904.

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

Gentlemen:

January 19, 1904, you transmitted the record in the matter of the application for enrollment as Cherokee freedmen of Rachel Gunter et al., including your decision of January 18, 1904, rejecting the applications of Rachel, Forrest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Driver.

Reporting March 3, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has examined the evidence submitted, and concurs in the Acting Commissioner's recommendation; your decision is therefore affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedman
D-470.

Muskogee, Indian Territory, April 16, 1904.

Birdie Archie,

Vinita, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting, among others, your application for the enrollment of yourself and your two minor children, Mahala Driver and Christina Archie, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-468 et al.

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 January 18, 1904, in the consolidated case of Rachel Gunter et al., rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Gunter, Maggie Streud, Birdie and Christina Archie and Mahala Driver, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-468 et al.

Muskogee, Indian Territory, April 16, 1904.

Edgar Smith,

Attorney for Rachel Gunter et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, in the consolidated case of Rachel Gunter et al., rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Driver as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

D.C.6401

Y.P.

DEPARTMENT OF THE INTERIOR,

I.T.D. WASHINGTON. FHE.

8349, 8361, 8387, 8369, 8371-1905. " "
 8376, 8377, 8379, 8387, 8403- " "
 8415, 8429, 8431, 8433, 8438- " "
 8459, 8461, 8469, 8478, 8499- " "
 8507, 8515, 8527, 8549, 8555- " "
 8561, 8569, 8573, 8591, 8595- " "
 8599, 8607, 8609, 8611, 8613- " "
 8619, 8637, 8641, 8665, 8667- " "
 8675, 8677, 8689, 8707, 8709- " "
 8711, 8717, 8721, 8727, 8733- " "
 8749, 8751, 8753, 8759, 8763- " "
 8765, 8767, 8773, 8775, 8777- " "
 8797, 8807, 8813, 8823, 8827- " "
 8841, 8851, 8869, 8873, 8877- " "
 8893, 8923, 8925, 8929, 8933- " "
 8939, 8953, 8955, 8957, 8705- "

May 2, 1906.

LRS.

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

Sir:

The motions, filed September 7, 1905, for "review of decision" in the following Cherokee freedmen cases, of the filing of which you were advised January 15, 1906, are dismissed, in view of the provision in section 3 of the act of April 26, 1906 (Public No. 129), and as the motions are defective in that the only thing mentioned in them by which the cases might possibly be identified, is the name of the applicant:

Joseph Brown et al; George Brown; Heavey Bell; Jesse Beason; Harry Bean et al; Susie Barker et al; Felix Carbin et al; Rebecca Collins; Lissie Clayton et al; Mandia Daniels nee Hill; Fred Downing et al; Sadie Edmonson et al; Sam Flax; Louis Gunter et al;

Harry Grubbs; Emma Grubbs et al; Arra Gray et al; Napoleon Gibson et al; Pauline Hill et al; Manda Hill; Lottie Hill; Tinker Haynes et al; Haynes Hill et al; Andy Hill et al; Catherine Hester et al; Bertha Haynes; Silas Harris et al; William Harper et al; Elizabeth Hunt et al; Almeda Hudson et al; Frank Jackson et al; Lottie Lunch et al; John Lowe et al; Harvey Looney; Robert Loflace et al; Jesse Lewis et al; Chas. Lewis et al; William Lane; George Lynch et al; Emma Miller et al; Dovie Middleton; Mackey (or Marshall) McNair et al; Henry McNair; E. M. Mayfield et al; John Mayes et al; Jessie Martin et al; Eliza Martin; Charles Martin; Bertie Martin et al; Mary Peace; J. P. Posey et al; John Henry Ross et al; Arthur Ross; Alice Rogers et al; George Richardson et al; Isaac Ratcliff; Melissie Royal; Perry Rowe et al; Henry Shafer et al; Lucinda Stafford et al; Bertie Archie; William Tayler et al; John Tucker; Katie Vann et al; Clarence Willis, et al; Maggie Willis et al; Sarah Willis et al; William M. Webber et al; Lydia Whitmire; Sophia Whitmire; Edward Ward et al; George Ward; Angeline Williams et al; George Ward Jr.; Alonzo Ward et al; Albert Ward; William Wallace; Eliza Waite; Jerdon Washington et al; Sam Landrum et al.

The Indian Office has been requested to advise the local attorneys who filed the motions, of this action.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

COPIES IN REPLY TO THE FOLLOWING:

Cherokee freedman
R-240

DEPARTMENT OF THE INTERIOR
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, May 28, 1906.

Birdie Archie,
Vinita, Indian Territory.

Dear Madam:

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

Respectfully,

Acting Commissioner.

MMP

Cherokee Freedmen
R 400 et al.

Muskogee, Indian Territory, May 28, 1906

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

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by attorneys for applicants in the Cherokee freedmen enrollment cases of Joseph Brown and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were denied by the Department in said letter.

Respectfully,

LMB

Commissioner

Cherokee Freedmen
R 400 et al.

Muskogee, Indian Territory, May 28, 1906

Blue & Bulger,

Attorneys for Joseph Brown et al.

Vinita, Indian Territory.

Gentlemen:

You are hereby advised that the motions filed September 7, 1905, by you, in the Cherokee Freedmen enrollment cases of Joseph Brown, and others named in the Department's letter of May 2, 1906, a copy of which is enclosed herewith, were dismissed by the Department in said letter.

Respectfully,

LMB

Commissioner

Encl. B-93

900

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

Birdie Archer, Plaintiff,

-vs-

Eli Archer, Defendant.

F I N A L---D E C R E E

This cause came on to be heard on this the 30th day of April, 1900, upon the report of the Master filed herein on the 23rd day of April, 1900, and no exceptions having been filed herein, the Court, after having been fully advised as to all the facts, doth find and decree in conformity with the said report that plaintiff have an absolute divorce from the bonds of matrimony heretofore existing between the plaintiff, Birdie Archer, and the defendant, Eli Archer; that plaintiff is entitled to the custody of the minor child, Christina Archer, born to the plaintiff and defendant; that defendant be required to pay the sum of Fifty Dollars (\$50.00) into court for Davenport & Thompson, as attorneys fees in said cause; and that defendant pay the sum of Five Dollars (\$5.00) per month quarterly to Rachael Gunter for the maintenance of the child, Christina Archer, the first quarter to be paid on the first day of May, 1900; and the said Rachael Gunter is hereby appointed guardian of the said Christina Archer for the purpose of receiving and accounting for the said five dollars (\$5.00) per month maintenance of said child; and that the said Eli Archer is hereby permanently restrained from interfering in any manner with the said plaintiff's individual property, consisting of a farm and improvement on the public domain of the Cherokee Nation; one sewing machine, one feather bed, two pillows; one set fancy dishes; one cook stove; one cart and harness; one picture and frame, which is hereby decreed to said plaintiff; and the said Eli Archer shall pay all costs herein expended.

Given under my hand this the 30th day of April, 1900.

(SEAL)

Joseph A. Gill,
Judge U.S.Court, Northern District, I.T.

Attest.

Chas A Davidson, Clerk

By T A Chandler D C

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., March 6, 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 a certified copy offered in evidence in the matter of the application for enrollment of Cherokee B. D. 470.



Commissioner.

ADMISSION TO THE FIVE O'CLOCK NEWS
11 - 11 - 11
1900

Duplicate

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

Birdie Archer,

Plaintiff,

-vs-

Eli Archer,

Defendant.

F I N A L---D E C R E E.

-----P-----

This cause came on to be heard on this the 30th day of April, 1900, upon the report of the Master filed herein on the 23rd day of April, 1900, and no exceptions having been filed herein, the Court, after having been fully advised as to all the facts, doth find and decree in conformity with the said report that plaintiff have an absolute divorce from the bonds of matrimony heretofore existing between the plaintiff, Birdie Archer, and the defendant, Eli Archer; that plaintiff is entitled to the custody of the minor child, Christina Archer, born to the plaintiff and defendant; that ~~plaintiff~~ ^{defendant} be required to pay the sum of Fifty Dollars (\$50.00) into court for Davenport & Thompson, as attorneys fees in said cause; and that defendant pay the sum of Five Dollars (\$5.00) per month quarterly to Rachael Gunter for the maintenance of the child, Christina Archer, the first quarter to be paid on the first day of May, 1900; and the said Rachael Gunter is hereby appointed guardian of the said Christina Archer for the purpose of receiving and accounting for the said five dollars (\$5.00) per month maintenance of said child; and that the said Eli Archer is hereby permanently restrained from interfering in any manner with the said plaintiff's individual property, consisting of a farm and improvement on the public domain of the Cherokee Nation; one sewing machiner; one feather bed; two pillows; one set fancy dishes; one cook stove; one cart and harness; one picture and frame, which is hereby decreed to said plaintiff; and the said Eli Archer shall pay all costs herein expended.

Given under my hand this the 30th day of April, 1900.
Charles Anderson, Judge U.S. Court, Northern District, I.T.

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

JAC
B

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

Rachel Gunter et al.-----Cherokee Freedmen D 465,
Maggie Stroud-----Cherokee Freedmen D 468,
Lewis Gunter-----Cherokee Freedmen D 469,
Birdie Archie et al.-----Cherokee Freedmen D 470,
Mitchell Gunter-----Cherokee Freedmen D 472.

DECISION

The record herein shows that applications for enrollment, as Cherokee Freedmen, were made to this Commission by Rachel Rector, for her minor children, Rachel and Forest Gunter; by Maggie Stroud, for herself, among others, said other parties being differently classified and not embraced in this decision; by Lewis Gunter, for himself, among others, said other parties being differently classified and not embraced in this decision; by Birdie Archie, for herself and minor children, Mahala Driver and Christina Archie; and by Mitchell Gunter, for himself.

The evidence shows that all the applicants herein have been born since 1866 and are the descendants of and claim right to enrollment through one Lewis Gunter.

The evidence further shows that the said Lewis Gunter was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

Neither the name of the said Lewis Gunter 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 Rachel Gunter, Forest Gunter, Maggie Stroud, Lewis Gunter, Birdie Archie, Mahala Driver, Christina

Archie and Mitchell Center, 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.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tame Bibb

Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

(SIGNED)

W. E. Stanley

Commissioner.

Muskogee, Indian Territory,

~~THIS JUL 10 1903~~

JAN 18 1904

Joe

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

Birdie Archer,

Plaintiff,

-VS-

Eli Archer,

Defendant.

F I N A L---D E C R E E

This cause came on to be heard on this the 30th day of April, 1900, upon the report of the Master filed herein on the 23rd day of April, 1900, and no exceptions having been filed herein, the Court, after having been fully advised as to all the facts, doth find and decree in conformity with the said report that plaintiff have an absolute divorce from the bonds of matrimony heretofore existing between the plaintiff, Birdie Archer, and the defendant, Eli Archer; that plaintiff is entitled to the custody of the minor child, Christina Archer, born to the plaintiff and defendant; that defendant be required to pay the sum of Fifty Dollars (\$50.00) into court for Davenport & Thompson, as attorneys fees in said cause; and that defendant pay the sum of Five Dollars (\$5.00) per month quarterly to Rachael Gunter for the maintenance of the child, Christina Archer, the first quarter to be paid on the first day of May, 1900; and the said Rachael Gunter is hereby appointed guardian of the said Christina Archer for the purpose of receiving and accounting for the said five dollars (\$5.00) per month maintenance of said child; and that the said Eli Archer is hereby permanently restrained from interfering in any manner with the said plaintiff's individual property, consisting of a farm and improvement on the public domain of the Cherokee Nation; one sewing machine, one feather bed, two pillows; one set fancy dishes; one cook stove; one cart and harness; one picture and frame, which is hereby decreed to said plaintiff; and the said Eli Archer shall pay all costs herein expended.

Given under my hand this the 30th day of April, 1900.

(SEAL)

Joseph A. Gill,
Judge U.S.Court, Northern District, I.T.

Attest.

Chas A Davidson, Clerk
By T A Chandler D C

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T., March 6, 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 a certified copy offered in evidence in the matter of the application for enrollment of Cherokee P. D. 470.



Commissioner.

DEPARTMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
JUN 1 1901

A handwritten signature in dark ink, appearing to be "G. H. R. S.", is written over the "FILED" stamp. The signature is slanted and somewhat cursive.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 1 1901
Post Office *Smith, D. A.*
District *Xero*

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

Parents:

Father Citizenship
Mother Citizenship

2. Name of wife *Birdie Archer* Age *24*
Owner's name Citizenship
Year *K.C.* Page *1163* No. *A007* District *Xero*

Parents:

Father Citizenship
Mother Citizenship

Names of Children:

No.	Name	Year	Page	No.	Dist.
1	<i>Mahala Hunter</i>				<i>1</i>
2	<i>Christina Archer</i>				<i>2</i>
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					

Application made by *No. 1* Stenographer *W. A. Green*

No. 1 on K.C. roll as Birdie Hunter
No. 1 on Mahala Roll P. 115 No. 2431, Birdie Hunter, Xero Dist.

No. 2 + 3 birth certificates required

Represented by Mellette + Smith, Smith, D. A.
Ref to D465.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Birdine Archie,

Vinita, I.T

Cherokee F-D-470

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

10143

JAN 20 1904
RECEIVED
MUSKOGEE, IND. TER.



Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

FEB 26 1904

~~Birdie Archie,~~

~~Vinita, Indian Territory.~~

159
164



Department of the Interior.

Commissioner to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

MUSKOGEE
MAY 29
7-PM
1906
IND. T.



VINITA, IND. T.
JUN 30
1030AM
1906

~~Birdie Archie,~~

~~Vinita, Indian Territory.~~

Return to Writer
UNCLAIMED.

Handwritten initials or signature, possibly "J.P. - J.R."

Cher. Fr. R. 241

Cher. Fr. R. 241

File 411 C.F. D- 472, Mitchell Gunter.

Department of the Interior,
Commission to the Five Civilized Tribes,
Cherokee, I. T., June 1st, 1901.

In the matter of the application of Rachel Rector for the enrollment of her two children, Rachel & Forest Gunter, as Cherokee Freedmen; being sworn and examined by Commissioner Needles, she testified as follows:

Appearances:

Mr. Smith, of Kellette & Smith, for applicant;
Mr. E. B. Bell, Cherokee Representative.

- Q What is your name? A Rachel Rector.
Q What is your age? A I don't know, exactly.
Q Well, about how old, Mrs. Rector? A I couldn't tell, I have got a girl 30 years old.
Mr. Smith: Q About 30 aint you? A Yes I expect so.
Q Com'r Needles: What is your post-office? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Just my children.
Q You apply to enroll your children? A Yes sir.
Q You don't apply for yourself? A No sir.
Q You are not a Cherokee Freedman? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A My present husband is Alex Rector.
Q Is he a citizen? A No sir.
Q What was your former husband's name? A Lewis Gunter.
Q Is he living? A No sir.
Q He is dead? A Yes sir.
Q Now what are the names of the children you want to enroll?
A I have got six children.
Q Well? A Maggie Gunter, she was a Gunter.
Q What is she now? A Stroud.
Q Is she married? A Yes sir.
Q She will have to appear for herself; I want the children's names that are under 21 years old? A Rachel Gunter.
Q How old is Rachel? A I guess about 16, or 17, I don't know which, exactly.
Q What is the name of the next one? A Forest Gunter.
Q How old is Forest? A I guess betwixt nine or ten, I don't know which.
Q What is the next one? A That's all.
Q You just apply for the enrollment of yourself and 2 children?
A Yes sir.
Q Mr. Smith: How about Mitchell? A He is of age.
Q Com'r Needles: Is your name on the roll of 1880? A I don't know sir.
Q Is your name on any of the rolls of the Cherokee Nation? A The Clifton roll, on the Clifton and Toms roll.
Examined by Attorney Smith:
Q What are these children named now, Rachel what? A Rachel Gunter.
Q Where do they live? A Live up in Cooweescoowee.
Q Who do they live with? A With me.
Q You are the mother? A I am the mother of all these six children.
Q Where is the father of these children? A Dead.
Q What was his name? A Lewis Gunter.
Q Who did he belong to? A He said he belonged to George Gunter.
Q When did you first become acquainted with Lewis Gunter? A I don't know.
Q Well about how many years ago, as near as you can remember? A I don't know.
Q How old is the oldest one of your children? A 30 years old.

Rachel Rector for children page 2.

- Q Was that child born after you and Lewis were married? A Yessir.
- Q That's Lewis' child is it? A Yes sir.
- Q Where was Lewis when you first became acquainted with him?
- A Down about Ft. Smith.
- Q How far from Ft. Smith? A I don't know, it's on this side of the river.
- Q Where do you live now? A I live in Cooweescoowee, head of Cedar.
- Q What post-office? A Coffeyville.
- Q How long have you lived there? A I have lived there, well I can't tell exactly how long; I come from Ft. Smith with Lewis and Hair and all of them.
- Q When did you come, about how many years ago, up to where you are living now? A In '66 in the spring, I think it was some time in the summer, we come from there.
- Q Come from where? A Come from Ft. Smith.
- Q Well you and your husband, did you get together before the war, during the war or after the war? A I think during the war.
- Q And then you came to the Cherokee Nation about when you say?
- A In '66 with him and Hair.
- Q Then you didn't stay very long down there close to Ft. Smith?
- A No sir.
- Q You don't know yourself who your husband belonged to except what he told you? A Except what he told me, what my witnesses said.
- Q Where have you been living ever since you and your husband came from down there close to Ft. Smith? A Up in Goose-neck, Snow Creek, and Goose-neck.
- Q Have you been living in the Cherokee Nation all this time?
- A Yes sir.
- Q Where were these children you apply for born? A In Cooweescoowee.
- Q Have they been living here all their lives? A Yes sir.
- Q Name your other children? A Maggie Stroud now.
- Q Next one? A Lewis Gunter.
- Q Next one? A Mitchell Gunter.
- Q Next one? A Bertie Archer.
- Q They are all the children of you and your husband Lewis Gunter?
- A Yes sir.
- Q And full brothers and sisters? A Yes sir.
- Q Did you draw any Strip money for Rachel and Forest? A I didn't draw for Forest, but I drew for Rachel and Mitchell at the time.

1880 authenticated roll of citizens of the Cherokee Nation examined for applicant, and name not found.
Kerns-Clifton pay roll of citizens of the Cherokee Nation examined and applicant's child Rachel found on page 163, #4029 Rachel Gunter, Cooweescoowee District.

BY COMMISSIONER NEEDLES:

- Q Did you draw for yourself? A No sir, I aint a Freedman you know.
- Q You sayd you didn't draw anything for Forest? A I didn't draw anything for Forest.

Examined by Attorney Smith:

- Q You are not applying for anybody but Rachel and Forest now?
- A That's all.

By Commissioner Needles:

- Q You were known as a state woman were you? A Yes sir.
- Q Your first husband, Lewis Gunter, was a Cherokee Freedman?
- A Yes sir.
- Q Is he living? A No sir.
- Q Since that you have married who? A Married a man named Alex Rector.
- Q He is not a citizen? A No sir.
- Q Known as a state man? A Yes sir.
- Examined by Attorney Smith:
- Q Have you any certificate of your marriage to this man Lewis Gunter? A No sir.
- Q Who married you? A Man by the name of old Father Duffins.

- Q You know whether he is living or not? A He is dead.
- Q Is there any one here who saw you married? A Brother Murrill and Mr. Hays or Baldridge.
- Q How long did you and Lewis Gunter live together as man and wife? A Until he died; we was living together before we come here.
- Q All these children with as names you have given were they born while you and Lewis were living together? A Yes sir.
- Examined by Cherokee Representative, J. S. Bell:
- Q Where did you marry Lewis Gunter at? A Up here on Snow Creek.
- Q Didn't you say that you and him married during the war? A I said we lived together during the war.
- Q Where did you and him begin business together then? A Down there in Sequoyah district, I think it is Sequoyah.
- Q Don't think about it, that was a right smart circumstance, wasn't it over in Arkansas now as a matter of fact? A No sir, it was on this side of the river.
- Q What time of the war was that? A I don't know, only what they said.
- Q What did they say? A What time did you say what--
- Q How long had the war been going on when you and him took up together? A I don't know.
- Q The war was on hands wasn't it? A Yes sir.
- Q What houses were you at when you began living together as man and wife? A I don't know the man's name now.
- Q Was it a white man, Indian or Freedman or negro? A It was a colored man.
- Q What was you doing over in there, you didn't belong to any of these Cherokees? A No, I didn't belong to the Cherokees, I come over there with a white family.
- Q What was that white family's name? A John, - let me see, what was his name, - I can't think of his name now, I come back with him and his wife.
- Q He is dead? A I don't know.
- Q You were living with folks there and you don't know their names? A I don't know now, I did know his name.
- Q Where was that white family living? A On this side of the river.
- Q How far from the boat landing? A Oh right smart ways from the boat landing.
- Q Ten miles? A I reckon it was, I don't know how far it was, I was a girl; I was young when I come there with them.
- Q You wasn't too young to marry was you? A No.
- Q You must have been 14 or 18 years old don't you think? A It may have been; I forgot his name, but I knowed him well too if I could think of his name.
- Q What colored family did you get married at, where you and him took up together, you said you went to a colored man's house, who was that? A I don't remember who it was now.
- Q How as a matter of fact wasn't it in Arkansas when you and him took up? A No, I was on this side of the river.
- Q You don't recollect what place you went to, when you and him began to be married don't recollect who the folks were you were living with? A Trying to recollect that now.
- Q Name some Cherokee families living near there then? A I don't know none.
- Q Don't know anybody? A Don't know no Cherokees.
- Q How long had you been there when you and him took up? A Just a little while.
- Q Months? A It may have been; we were camping in wagons.

JOHN BALDRIDGE, being sworn by Commissioner Needles, testified as follows:

Examined by Attorney Smith:

- Q State your name? A John Baldridge.
- Q How old are you? A I was born and born in the year 1830, you can equal it yourself, - in Georgia.
- Q Where do you live? A I live up in Coconino.

Rachel Rector for her children page 4

- Q How long have you lived in the Cherokee Nation? A All my days.
- Q Did you know Lewis Gunter? A Yes sir.
- Q Do you know who he belonged to? A He belonged to the Gunters, George Gunter, I think it was.
- Q Was he an Indian? A Yes, sir, Gunter was.
- Q Where was Lewis when the war broke out? A He was at home when the war first broke out in the year 1861, he was at home.
- Q Did you go out of the Nation yourself during the war? A No sir stayed right here.
- Q Do you know whether Lewis went out or not? A No sir, I don't.
- Q When did you first see Lewis Gunter in the Cherokee Nation after the war closed? A I saw him in July I believe it was, in July in the year 1866; it was in July sometime, I couldn't say exactly what day, but it was in July I think it was.
- Q It was in the summer of 1866? A Yes sir.
- Q Where did you see him? A At Ft. Gibson.
- Q Whereabouts in Ft. Gibson? A Right in Ft. Gibson.
- Q How long then did you know Lewis after that, how long did he live afterwards? A I couldn't tell you.
- Q How long has he been dead? A I disremember it, he has been dead four or five years.
- Q Do you know this applicant here, whose name is Rachel? A Yes sir.
- Q Rachel Rector? A Yes sir.
- Q Was she the wife of Lewis Gunter at one time? A It was so stated, they were living together.
- Q Have a family? A They had some children, but I never paid attention particular to the children.
- Q Where did they live? A They was right in Ft. Gibson at that time.
- Q Do you know when they left Ft. Gibson? A No, I don't know exactly what day they left; they disappeared but I couldn't tell you exactly what time they left.
- Q After they left Ft. Gibson did you ever see them any more?
- A Yes sir.
- Q Where? A They come up near Coffeyville, place we call Cedar Creek, head of Cedar Creek.
- Q When did you last see Gunter before he died or do you know? A It has been several years ago.
- Q You don't know exactly how long he has been dead? A No sir.
- Examined by Cherokee Representative, L.B. Bell:
- Q When did he move up there near Coffeyville? A I couldn't tell you that either, no I couldn't.
- Q Did you see him pretty soon after he moved up to Coffeyville?
- A Oh yes.
- Q When he left Ft. Gibson to come up there? A I couldn't say when he left Ft. Gibson, he come right up there, I couldn't establish that.
- Q How long was it after he left Ft. Gibson when he moved to Coffeyville, A I couldn't tell you that.
- Q Ten years? A Oh yes.
- Q Twenty? A In the neighborhood of 20, right up near; I never paid no particular attention; I wasn't particular about it.
- Q You are certain you saw him in '66? A I know it; I aint certain, I knew it; because I was right there, lived there.
- Q Shook hands with him? A He and him was boys together, bound to know him, I was glad to see him.
- Q How long had it been since you saw him in '66 at Ft. Gibson?
- A In '61, when we was all stirred up at home.
- Q Where were they living? A On Illinois River.
- Q And you never left the country during the war? A No sir.
- Q Where were you? A I was in the army, right with the pin Indians.
- Q Didn't you go out to Cincinnati time we had the Prairie Drive fight? A I was in the army of course.
- Q You was out of the country then? A I was out of the country then when I was mustered out in the service.

Rachel Keeter for children page 6

- Q Where were you discharged? A A Ft. Gibson.
- Q When? A In May, 1865.
- Q You didn't go to Ft. Scott? A I never did went to Ft. Scott.
- Q How long did you live at Ft. Scott? A I never did live there.
- Q You wasn't dead when you was there? A No, I went up there and got my grub, but I never lived there.
- Examiner, RACHEL KEETER, re-called, and further examined:
- Q You don't recall then what year you and Gunter married in, that is not married, but took up together? A No sir, I don't know what year it was.
- Q How long did you and him live opposite Ft. Smith after your were married? A I don't know.
- Q Was it a week or ten years or what? A Longer than a week.
- Q Well, come something close to it, was it 30 years? A I don't know.
- Q Were you living in the bottom at Ft. Smith, or out on the hills? A Living kind of in the bottom.
- Q How long did you and Gunter live there after you took up with him, a month you reckon? A I guess it was about two months.
- Q Then you went to Ft. Gibson? A Yes.
- Examiner by Commissioner Needles:
- Q Did you ever have any ceremony performed between you and Gunter? A Not down in there, no did when we come to Coowabooowee.
- Q How come to Coowabooowee and then you were married? A Yessir.
- Q Were Rachel and Forest born after that or before? A After that they are the two youngest children now.
- Q They were born after you were married? A Yes sir.
- Q Have you got any certificate of marriage? A No sir.
- Q By Mr. Sutter? Who married you? A A man by the name of Father Duffee.
- Q Is he living or dead? A He is dead.
- Q By Mr. Needles: Anybody here knows whether you were married or not? A I think so, I guess Father Murrill knows, and Brother Hays, knows, Mr. Baskin.
- Examiner by Cherokee Representative, I. B. Bell:
- Q How many children did you have when you and Lewis was married? A I got all of these children, six of them.
- Q How many did you have of them when you and Lewis took up together? A None.
- Q Didn't have any children at all? A All of these children were born in Coowabooowee.
- Q Oh well, just answer the question please, you didn't have any children when you and Lewis took up together? A No sir.
- By Commissioner Needles:
- Q Lewis is the father of all your children? A Yes sir.
- By Mr. Needles:

Rachel Keeter applies for the enrollment of her two children, Rachel and Forest Keeter; she avers that she was originally married to one Lewis Keeter, a Cherokee citizen; she makes sufficient proof as to a common law marriage; since the death of said Lewis Keeter she has married one Alex Keeter, a non-citizen; her oldest child, Rachel, is duly identified upon the rolls; the other two youngest child, for whom she applies, there is not found satisfactory proof of birth on this date, by reason of the fact that the name of Lewis Keeter is not found upon the authentic roll of 1860, whom she avers to be the father of said children, and the fact of the protest of the Cherokee Nation, the said Rachel and Forest Keeter, children of Rachel Keeter, by her husband Lewis Keeter, will be listed for enrollment as Cherokee Freedmen upon a central card, pending the consideration of the Commission.

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Rachael Guston for children page 8.

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.

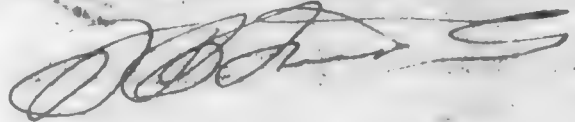
Subscribed and sworn to before me this June 3rd, 1901.

(signed) T.B. Needles,
Commissioner.

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

M.D. Green

Subscribed and sworn to before me this September 9th, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I.T., June 1, 1901.

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

Appearances:

Mr. Smith, of Mellette & Smith, for applicant;
Mr. L.B. Bell, Cherokee Representative.

- Q What is your name? A Mitchell Gunter.
Q How old are you? A 21.
Q What is your post-office? A Coffeyville.
Q What district do you live in? A Cooweescoowee.
Q What is your wife's name? A I haven't got any.
Q What? A I haven't got any.
Q You just apply for the enrollment of yourself? A Yes sir,

Examined by Attorney Smith:

- Q Who is your mother? A Rachel Rector.
Q Is she the same Rachel Rector who applied for enrollment? A Yes sir.
Q Who are your brothers and sisters? A Maggie Gunter, Lewis Gunter, and Birdie Gunter and Rachel Gunter and Forest Gunter.
Q Birdie's name isn't Gunter? A Archie.
Q Where do you live? A Cooweescoowee.
Q How far do you live from here? A I don't know.
Q How long have you lived in the Cherokee Nation? A All my days.
Q Born here? A Yes sir.
Q Lived here all your life? A Yes sir.
Q Are you on the Kerne-Clifton roll? A Yes sir, I think so.

Kerne-Clifton pay roll of citizens of the Cherokee Nation examined and applicant identified on page 163 #4028 Mitchell Gunter, Cooweescoowee District.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant not found;

Wallace roll of citizens of the Cherokee Nation examined and applicant identified on page 115 #2432 Mitchell Gunter, Cooweescoowee District.

Examined by Cherokee Rep'v L.B. Bell:

- Q You haven't lived in Coffeyville all your life? A No sir.
Q Don't live there at all? A No sir,

By Commissioner Needles:

- Q How far do you live from Coffeyville? A About 15 miles.
Q Do you live with your brothers? A No, he lived pretty close to where I do; Lewis lives pretty close to where I do.
Q The first time you see Lewis you tell him how far it is from his house to Coffeyville, he don't know.

Gen'r Needles: Mitchell Gunter applies for the enrollment of himself; his name is not found upon the authenticated roll of 1880, but he is duly identified upon the Kerne-Clifton roll and the Wallace roll, as Mitchell Gunter; he avers that he is a child of Rachel Rector, nee Gunter, who has this day enrolled her two younger children, Rachel and Forest.

Mitchell Gunter

Gunter on D card 459, the testimony in said case will be made part of the record in the case now at bar, and copies thereof filed with the testimony now being taken; by reason of the fact that the applicant does not appear upon the authenticated roll of 1880 and the protest of the Cherokee nation, he will now be listed for enrollment as a Cherokee Freedman on a doubtful card, awaiting further consideration of the Commission; he will be notified 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 3rd, 1901.

J. P. [Signature]

Commissioner.

File with case of Mitchell Gunter, C.F.-D.#472.

Supl.C.F.-D.#465.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Rachel Gunter as a Cherokee Freedman, introduced on the part of Cherokee Nation:

APPEARANCES:

Mr. Smith, of Counsel for Applicant;
Mr. W. W. Hastings, for Cherokee Nation:

JOHN E. GUNTER, being duly sworn by Commissioner Needles, testified as follows:

- MR. HASTINGS: What is your name? A John E. Gunter.
- Q What is your age, Mr. Gunter? A 55.
- Q What is your father's name? A George W. Gunter.
- Q What was your mother's name? A Lizzie Ann Gunter.
- Q Mrs. Paok was your sister? A Yes, sir.
- Q That is the other witness? (No response.)
- Q Where did your father live the first few years before the Civil war? A He lived down on the Arkansas river, about 18 miles above Fort Smith.
- Q Sequoyah district? A Yes, sir.
- Q Cherokee Nation? A Cherokee Nation.
- Q Did your father ever own a colored man by the name of Lewis Gunter? A Yes, sir.
- Q Did he own him when the war came up? A No, sir.
- Q What had become of Lewis Gunter? A He was over at Fort Smith.
- Q How did he happen to go there? A He was sold out.
- Q Did your father sell him? A Sold him; yes, sir.
- Q Now, to whom did your father sell him? A Sold him to Sparks.
- Q Did you know what Sparks' citizenship was? A I think he was a citizen of the United States.
- Q And lived where? A There in Fort Smith.
- Q Arkansas? A Arkansas, Merchant there.
- Q Do you know whether Sparks owned him when the war came up or not? A No, sir.
- Q Did you know anything about him after your father disposed of him? A I have seen him there at Fort Smith a time or two.
- Q About when did he sell him to Sparks? A As well as I remember it was sometime in 1860, near '50, the middle of '50, '56 or '7.
- Q Number of years before the war? A Yes, sir.
- Q You don't know anything about him since the war? A No, sir, only hearsay.
- Q Did your father own a Lewis ~~Mc~~Gunter at the time the war came up? A No, sir.
- MR. SMITH: Mr. Gunter, how old are you? A I am 55.
- Q What time did you say it was your father made the sale to Mr. Sparks? A I believe it was somewhere along in '50, along about the middle of '56.
- Q About how old were you then? A I was, suppose I was seven or eight years old, both in '46.
- Q How many slaves did your father have at that time?
- A I suppose he had probably 25, probably more.
- Q Did he ever have at any time more than one named Lewis?
- A No, not as I know of.
- Q Well, do you know whether he did or not? A No; I could say that, after that he never owned any by that name, before that time he probably may have. I never heard.
- Q Did you know who owned Lewis Gunter at the time the war commenced? A No, sir, I do not.

- Q Do you know where he was at the time the war commenced?
A No, sir.
- Q How do you know, Mr. Gunter, that he sold him to Mr. Sparks?
A I know he was taken off to Fort Smith.
- Q Well, you didn't see him sold to Mr. Sparks? A No, sir.
- Q You didn't see him taken out of the Cherokee Nation, you only know that he was taken from your house? A Yes, sir, and then I saw him in Fort Smith.
- Q When did you see him in Fort Smith? A It was long in '50, after he was taken off.
- Q Well, you didn't live more than 25 miles from Fort Smith yourself, did you? A 16 I think.
- Q When you saw Lewis Gunter in Fort Smith, you don't know who he belonged to? A I think he belonged to Sparks.
- Q I say you don't know? A No, sir.
- Q So far as you know personally he might have belonged to somebody in the Cherokee Nation and been over in Fort Smith like you, so far as you know of your own personal knowledge? A Yes, sir, he might have been.
- Q Now, you were about seven years old at that time, Mr. Gunter and all you know about it is what you heard? A Yes, sir, and then taken away from home.
- Q You know the one fact, he was taken away? A And I saw him at Fort Smith.
- Q And that is all you know of your own actual knowledge? A Yes, sir.
- Q How old were you when the war commenced? A I suppose I must have been about 16.
- Q Where were you? A I was down in Sequoyah district.
- Q Were you at home with your father? A Yes, sir.
- Q What was your father's occupation? A He was a farmer.
- Q Stayed at home all the time or away? A At home most of the time.
- Q Have any cattle? A Yes, sir.
- Q Where did he hold his cattle? A Right there at home.
- Q Have any other farm except that one he lived on? A No, sir.
- Q Did he have any older brothers or sisters? A He had one older brother.
- Q Where did he live? A He lived there with him, my father.
- Q When did you first see Lewis Gunter after the war? A After the war?
- Q Yes? A I never saw him after the war.
- Q Never did see him? A No, sir.
- MR. HASTINGS: Mr. Gunter, when you say that he was sold in the middle, do you mean in the middle of the year '50, or the '50's?
A '50's, in '55 or '3.
- Q You mean in the middle of the '50's? A Yes, sir.
- Q You know what your father said at the time he sold him?
A He said he had sold him to Sparks.
- Q And you saw him at Fort Smith afterwards? A Yes, sir.

ARAMINTA PACK, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

- MR. HASTINGS: What is your name? A Araminta Pack.
- Q What is your age, Mrs. Pack? A 58.
- Q What was your father's name? A George W. Gunter.
- Q What was your mother's name? A Eliza Ann Gunter.
- Q Did your father at any time before the war have a slave by the name of Lewis Gunter? A Yes, sir.
- Q Did he own him when the war came up? A No, sir.
- Q What had become of the slave Lewis? A He sold him, he sold him to Mr. Sparks at Fort Smith.
- Q Arkansas? A Yes, sir.

Supl. C. V. D. #465. --3.

- Q What was Mr. Sparks' citizenship there? A He was a merchant there; he was a citizen of the United States, white man, American.
- Q About when did he sell him? A Sometime in '50's, just as he said, it was sometime before the war.
- Q Well, about how long before the war? A It must have been seven or eight years, maybe longer than that.
- Q Did your father own this Lewis Gunter when the war came up?
- A No, sir.
- Q He was not freed as your father's property? A No, sir.
- MR. SMITH: Mrs. Paek, all you know about his being sold is what you heard? A I remember seeing them taken him off and I heard my parents say he sold him.
- Q You saw them take him away from the place? A Yes, sir.
- Q Well, he had been taken away from the place a good many times?
- A Well, if he had he come back.
- Q He has gone to Fort Smith a good many times?
- A Yes, sir, we sent him there.
- Q He lived about 15 miles from Fort Smith? A Yes, sir.
- Q Now, all you know about his being sold is what you were told, you didn't see him sold? A No, sir, I saw him leave though.
- Q All the slaves didn't always come back when they went away from home; they ran off sometimes? A Mighty apt to come back.

Mr. Hastings: I desire this testimony filed in the following cases: D.#468, Maggie Stroud, D.#469, Lewis Gunter, D.#470, Berdis Archey, and D.#472, Mitchell Gunter.

Mr. Smith: Counsel for Applicant moves to strike from the record all testimony of the two witnesses to the effect that Lewis Gunter was sold; for the reason that the testimony, as it appears upon cross-examination, is hearsay and not competent.

Com'r Needles: Motion be entered, and overruled.

Com'r Needles: The testimony will be filed, and the references will be made as requested.

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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 October 4th, 1901.



Commissioner.

File with case of Mitchell Gunter, C.F.-D.#472.

Supl.C.F.-D.#465.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., SEPTEMBER 24, 1901.

SUPPLEMENTAL TESTIMONY in the matter of the enrollment of Rachel Gunter as a Cherokee Freedman, introduced on the part of Cherokee Nation:

APPEARANCES:

Mr. Smith, of Counsel for Applicant;
Mr. W. W. Hastings, for Cherokee Nation:

JOHN E. GUNTER, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your name? A John E. Gunter.

- Q What is your age, Mr. Gunter? A 55.
- Q What is your father's name? A George W. Gunter.
- Q What was your mother's name? A Lizzie Ann Gunter.
- Q Mrs. Pack was your sister? A Yes, sir.
- Q That is the other witness? (No response.)
- Q Where did your father live the first few years before the Civil war? A He lived down on the Arkansas river, about 18 miles above Fort Smith.
- Q Sequoyah district? A Yes, sir.
- Q Cherokee Nation? A Cherokee Nation.
- Q Did your father ever own a colored man by the name of Lewis Gunter? A Yes, sir.
- Q Did he own him when the war came up? A No, sir.
- Q What had become of Lewis Gunter? A He was over at Fort Smith.
- Q How did he happen to go there? A He was sold out.
- Q Did your father sell him? A Sold him; yes, sir.
- Q Now, to whom did your father sell him? A Sold him to Sparks.
- Q Did you know what Sparks' citizenship was? A I think he was a citizen of the United States.
- Q And lived where? A There in Fort Smith.
- Q Arkansas? A Arkansas, Merchant there.
- Q Do you know whether Sparks owned him when the war came up or not? A No, sir.
- Q Did you know anything about him after your father disposed of him? A I have seen him there at Fort Smith a time or two.
- Q About when did he sell him to Sparks? A As well as I remember it was sometime in 1860, near '50, the middle of '50, '56 or '7.
- Q Number of years before the war? A Yes, sir.
- Q You don't know anything about him since the war? A No, sir, only hearsay.
- Q Did your father own a Lewis Gunter at the time the war came up? A No, sir.
- MR. SMITH: Mr. Gunter, how old are you? A I am 55.
- Q What time did you say it was your father made the sale to Mr. Sparks? A I believe it was somewhere along in '50, along about the middle, of '56.
- Q About how old were you then? A I was, suppose I was seven or eight years old, both in '46.
- Q How many slaves did your father have at that time?
- A I suppose he had probably 15, probably more.
- Q Did he ever have at any time more than one named Lewis?
- A No, not as I knew of.
- Q Well, do you know whether he did or not? A No; I could say that, after that he never owned any by that name, before that time he probably may have. I never heard.
- Q Did you know who owned Lewis Gunter at the time the war commenced? A No, sir, I do not.

- Q Do you know where he was at the time the war commenced?
A No, sir.
- Q How do you know, Mr. Gunter, that he sold him to Mr. Sparks?
A I know he was taken off to Fort Smith.
- Q Well, you didn't see him sold to Mr. Sparks? A No, sir.
- Q You didn't see him taken out of the Cherokee Nation, you only know that he was taken from your house? A Yes, sir, and then I saw him in Fort Smith.
- Q When did you see him in Fort Smith? A It was long in '50, after he was taken off.
- Q Well, you didn't live more than 15 miles from Fort Smith yourself, did you? A Is I think.
- Q When you saw Lewis Gunter in Fort Smith, you don't know who he belonged to? A I think he belonged to Sparks.
- Q I say you don't know? A No, sir.
- Q So far as you know personally he might have belonged to somebody in the Cherokee Nation and been over in Fort Smith like you, so far as you know of your own personal knowledge? A Yes, sir, he might have been.
- Q Now, you were about seven years old at that time, Mr. Gunter and all you know about it is what you heard? A Yes, sir, and then taken away from home.
- Q You know the one fact, he was taken away? A And I saw him at Fort Smith.
- Q And that is all you know of your own actual knowledge? A Yes, sir.
- Q How old were you when the war commenced? A I suppose I must have been about 16.
- Q Where were you? A I was down in Sequoyah district.
- Q Were you at home with your father? A Yes, sir.
- Q What was your father's occupation? A He was a farmer.
- Q Stayed at home all the time or away? A At home most of the time.
- Q Have any cattle? A Yes, sir.
- Q Where did he hold his cattle? A Right there at home.
- Q Have any other farm except that one he lived on? A No, sir.
- Q Did he have any other brothers or sisters? A He had one older brother.
- Q Where did he live? A He lived there with him, my father.
- Q When did you first see Lewis Gunter after the war? A After the war?
- Q Yes? A I never saw him after the war.
- Q Never did see him? A No, sir.
- MR. HASTINGS: Mr. Gunter, when you say that he was sold in the middle, do you mean in the middle of the year '50, or the '50's?
A '50's, in '55 or '3.
- Q You mean in the middle of the '50's? A Yes, sir.
- Q You know what your father said at the time he sold him?
A He said he had sold him to Sparks.
- Q And you say he at Fort Smith afterwards? A Yes, sir.

ARANTHA PACK, being duly sworn by Commissioner Needles, testified as follows on part of the Cherokee Nation:

- MR. HASTINGS: What is your name? A Arantha Pack.
- Q What is your age, Mrs. Pack? A 58.
- Q What was your father's name? A George W. Gunter.
- Q What was your mother's name? A Eliza Ann Gunter.
- Q Did your father at any time before the war have a slave by the name of Lewis Gunter? A Yes, sir.
- Q Did he own him when the war came up? A No, sir.
- Q What had become of the slave Lewis? A He sold him, he sold him to Mr. Sparks at Fort Smith.
- Q Arkansas? A Yes, sir.

- Q What was Mr. Sparks' citizenship there? A He was a merchant there; he was a citizen of the United States, white man, American.
- Q About when did he sell him? A Sometime in '50's, just as he said, it was sometime before the war.
- Q Well, about how long before the war? A It must have been seven or eight years, maybe longer than that.
- Q Did your father own this Lewis Gunter when the war came up?
- A No, sir.
- Q He was not freed as your father's property? A No, sir.
- MR. SMITH: Mrs. Pack, all you know about his being sold is what you heard? A I remember seeing them taken him off and I heard my parents say he sold him.
- Q You saw them take him away from the place? A Yes, sir.
- Q Well, he had been taken away from the place a good many times?
- A Well, if he had he come back.
- Q He has gone to Fort Smith a good many times?
- A Yes, sir, we sent him there.
- Q He lived about 15 miles from Fort Smith? A Yes, sir.
- Q Now, all you know about his being sold is what you were told, you didn't see him sold? A No, sir, I saw him leave though.
- Q All the slaves didn't always come back when they went away from home; they ran off sometimes? A Mighty apt to come back.

Mr. Hastings: I desire this testimony filed in the following cases: D.#468, Maggie Stroud, D.#469, Lewis Gunter, D.#470, Berdie Archey, and D.#472, Mitchell Gunter.

Mr. Smith: Counsel for Applicant moves to strike from the record all testimony of the two witnesses to the effect that Lewis Gunter was sold; for the reason that the testimony, as it appears upon cross-examination, is hearsay and not competent.

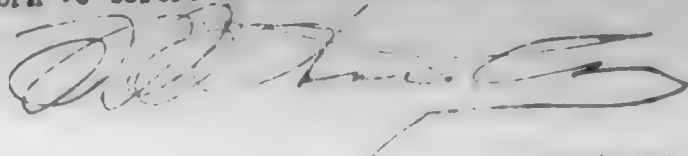
Con'r Needles: Motion be entered, and overruled.

Con'r Needles: The testimony will be filed, and the references will be made as requested.

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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 October 4th, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1908.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209, filed in the Mariah Hayden case F D 495, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mitchell Carter, B 473;

By W. W. Hastings:

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

Commission:

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

Mr. Smith:

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

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

W. W. Hastings:

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

The Commission:

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

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

(Signed) E. G. Rethenberger.

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

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

(SEAL)

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

E. C. Bagwell

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

P. G. Reuter
Notary Public.

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

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

Rachel Gunter et al.	-----	Cherokee Freedmen D 466,
Maggie Stroud	-----	Cherokee Freedmen D 468,
Lewis Gunter	-----	Cherokee Freedmen D 469,
Birdie Archie et al.	-----	Cherokee Freedmen D 470,
Mitchell Gunter	-----	Cherokee Freedmen D 472.

DECISION

The record herein shows that applications for enrollment, as Cherokee freedmen, were made to this Commission by Rachel Rector, for her minor children, Rachel and Forest Gunter; by Maggie Stroud, for herself, among others, said other parties being differently classified and not embraced in this decision; by Lewis Gunter, for himself, among others, said other parties being differently classified and not embraced in this decision; by Birdie Archie, for herself and minor children, Mahala Driver and Christina Archie; and by Mitchell Gunter, for himself.

The evidence shows that all the applicants herein have been born since 1866 and are the descendants of and claim right to enrollment through one Lewis Gunter.

The evidence further shows that the said Lewis Gunter was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion.

Neither the name of the said Lewis Gunter 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 Rachel Gunter, Forest Gunter, Maggie Stroud, Lewis Gunter, Birdie Archie, Mahala Driver, Christina

Archie and Mitchell Carter, as Cherokee Freedmen, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 23, 1898 (30 Stat., 498), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(Signed) Tom Riker,

Chairman.

(Signed) T. E. Hooper,

Commissioner.

(Signed) G. E. Proctor,

Commissioner.

(Signed) V. H. Fisher,

Commissioner.

Muskogee, Indian Territory,

this JUN 18 1904

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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.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes,
in the matter of the application of Mitchell Gunter for enroll-
ment as a Freedman of the Cherokee Nation, one copy of the
original testimony of June 1st, 1901.

Mellett Smith

Attorney for Applicant.

Cherokee F. #D472.

C

FD 472

INDIAN TERRITORY,
CHEROKEE NATION.

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

by delivering a true copy thereof on the
..... day of A. D. 1901.

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

.....
Marshal for Cherokee Nation.

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

day of SEP 18 1901
McLester Frank
Attorney for Applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

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

on the day of A. D. 1901

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

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
SEP 20 1901


ACTING CHAIRMAN

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NOTICE!

IN THE MATTER OF The application of Mitchel Gunter
for enrollment as a Cherokee Freedman:

Case No. F. D. 472

To ~~Michel Gunter or Mellette & Smith his Attys.~~

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on the following dates, to-wit: Sept. 24th 8 o'clock A. M. A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of Sept. 1901.

L. B. Bell
W. M. Hastings

Attorneys for the Cherokee Nation.

COPY:

Cherokee Freedman
D-472.

Muskogee, Indian Territory, January 19, 1904.

Mitchell Guater,
Coffeyville, Kansas.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, 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,

T. B. Needles

Commissioner in Charge.

Enc. D-25.

Register.

copy

Cherokee F.D. 464
D-468 D-469- D-470
D-472.

Muskogee, Indian Territory, January 19, 1904.

Edger Smith,
Attorney for Rachel Gunter et al.,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated January 18, 1904, in the consolidated case of Rachel Gunter et al., rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Gunter, Maggie Stread, Birtie and Christina Archie and Mahala Driver 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,

I. P. Needles.

Commissioner in Charge.

Enc. D-46.

Register.

Cherokee F. D. 468
D-468 D-469) B-470
D-472.

Muskogee, Indian Territory, January 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 January 18, 1904, in the consolidated case of Rachel Gunter et al., rejecting the applications for the enrollment of Rachel, Forest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Driver 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,

I. D. Neelies

Commissioner in Charge.

Enc. D-68.

COPY.

Cherokee F. D. 468 D-468
D-469 D-470 D-472.

Muskogee, Indian Territory, January 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 Gunter et al., including the Commission's decision, dated January 18, 1904, rejecting the applications for the enrollment of Rachel, Forrest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Driver as Cherokee freedmen.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-70.

Refer in reply to the following:

Land 5521/1904.
11939/1904.

Department of the Interior,
Office of Indian Affairs,
Washington, March 3, 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 Rachel Rector for the enrollment of her minor children, Rachel and Forrest Gunter; of Maggie Stroud for the enrollment of herself, among others, said other parties being differently classified and not embraced in this decision; of Lewis Gunter for the enrollment of himself among others, said other parties being differently classified and not embraced in this decision; of Birdie Archie for the enrollment of herself and minor children, Mahala Driver and Christina Archie; and of Mitchell Gunter for the enrollment of himself; all as Cherokee freedmen citizens of the Cherokee Nation.

On January 18, 1904, the Commission rendered a decision in this case, finding from the evidence that all the applicants herein have been born since 1866 and are the descendants of and claim right to enrollment through one Lewis Gunter; that the said Lewis Gunter was not the slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the commencement of the rebellion; that neither the name of the said Lewis Gunter nor the name of any of said applicants is found on the 1860 authenticated roll of the Cherokee Nation; by reason of which facts and findings the Commission

is of the opinion that these parties are not entitled to enrollment, under the provisions of Sec. 21 of the act of Congress approved June 28, 1892 (30 Stats., 495).

I have examined the testimony submitted in this case and it does not appear that these applicants are able to submit testimony establishing their claim. I find attached to the record a permit granted by the authorities of the nation to Maggie Gunter, which shows that she was recognized on July 22, 1897, as a citizen of the Cherokee Nation. I further find a permit issued to the said Maggie Gunter showing that she was recognized as a citizen of the Cherokee Nation on April 1, 1897; also another permit issued to her on May 21, 1897.

There is attached to the record a permit given to Lewis Gunter by the authorities of the Cherokee Nation on August 22, 1892, authorizing him to ship, transport, or carry beyond the limits of the Cherokee Nation, prairie hay cut therein in the years 1891 and 1892. This permit shows that the said Lewis Gunter was in 1892 recognized by the officials of the Cherokee Nation as a citizen thereof.

There is also inclosed herewith a communication, apparently not signed but evidently from some of the parties to these applications, but there is nothing contained in said letter which tends to establish their claim.

While it appears that these applicants have always resided in the Cherokee Nation and have in fact been recognized as citizens

thereof or at least a part of them have, it appears that under the testimony they are not entitled to enrollment as Cherokee freedmen citizens of said Nation.

I therefore recommend that the decision of the Commission be affirmed by the Department.

Very respectfully,

WCB-H.

Acting Commissioner.

D.C. 11396-1904.

DEPARTMENT OF THE INTERIOR,

WCF
FHE
LRS

ITD 1846-1904.

WASHINGTON.

April 7, 1904.

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

Gentlemen:

January 19, 1904, you transmitted the record in the matter of the application for enrollment as Cherokee freedmen of Rachel Gunter et al., including your decision of January 18, 1904, rejecting the applications of Rachel, Forrest, Lewis and Mitchell Gunter, Maggie Stroud, Birdie and Christina Archie and Mahala Driver.

Reporting March 3, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department has examined the evidence submitted, and concurs in the Acting Commissioner's recommendation; your decision is therefore affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedman
D-472.

Muskogee, Indian Territory, April 16, 1904.

Mitchell Gunter,
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated January 18, 1904, rejecting, among others, your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

B.

J. D. 472

CHAS. W. BRECHMAN

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

FILED
JUN 1 1901



ACTING CHAIRMAN

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date JUN 1 1901
Post Office Xeffenville, Kas
District X000

1. Name Mitchell Lumber Age 21
Owner's name _____ Citizenship _____
Year S.C. Page 163 No. 4278 District X000

Parents:
Father _____ Citizenship _____
Mother _____ Citizenship _____

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

Parents:
Father [Signature] Citizenship _____
Mother [Signature] Citizenship _____

Names of Children: _____

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

Application made by No 1 Stenographer M. A. Green

No 1 on Wallace Roll P. 115 No 2487, X000, Dist

Represented by Mitchell & Smith, Vinita, Ok

prod to H A 65.

~~File #~~

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NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Mitchell Gunter,
Coffeyville, Kansas,

Cherokee Y-D-472
Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 242

See Cher. Fr. R. 243

Cher. Fr. R. 242

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 18th 1902.

In the matter of the application of Joe Lynch for the enrollment of himself and one child as Cherokee freedmen; he being sworn by Commissioner, T. B. Needles, testified as follows:

- Q What is your name? A. Joe Lynch.
Q What is your age? A. I don't exactly know, I may be about 45.
Q What is your post office address? A. Hayden.
Q In what district do you live? A. Coowescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you desire to have enrolled besides yourself? A. Myself and one child.
Q What is the name of your child? A. Jessie.
Q How old is she? A. 7 years old.
Q Is your name on the roll of 1886? A. It ought to be with my father George Johnson.
Q Is your name on any of the rolls of the Cherokee Nation? A. Kern Clifton and Wallace rolls.
Q Is your father living? A. No sir.
Q How long has he been dead? A. About 18 or 20 years.
Q What is your mother's name? A. Rachel Stever.
Q Is she living? A. No sir.
Q Were your father and mother freedmen? A. Yes sir.
Q What is your wife's name? A. Nettie Watie or Hill before I married her.
Q Are you married to her? A. We were married by a preacher, we are parted now.
Q What was her name before you married her? A. Hill.
Q Was she a Cherokee freedman? A. She claimed to be.
Q Was she the mother of Jessie? A. Yes sir.
Q Is she living? A. I guess she is, she left me and my child.
Q Have you a certificate of your marriage? A. No sir.
Q Who married you? A. Andrew Riley.
Q A preacher? A. Yes sir.
Q Is he living? A. Yes sir.

Applicant not found on the 1886 or 1896 rolls of the Cherokee Nation.

Kern Clifton roll examined and the applicant found as follows:
Page 123 No. 2853 Joseph Lynch, Coowescoowee district.

- Q Was you a slave? A. My mother was a slave of Nancy Gunter.
Q Were you a born slave? A. I was a child.
Q You never had your citizenship proven up by anyone? A. No sir by Al Lynch as my witness.

ANDERSON LYNCH called and sworn as a witness for the applicant-

- Q What is your name? A. Anderson Lynch.
Q What is your age? A. 64.
Q What is your post office address? A. Vinita.
Q Do you know this applicant here? A. Yes sir.
Q How long have you known him? A. Ever since he was born.
Q What was his father's name? A. George Johnson.
Q What is his mother's name? A. Rachel.
Q Was she a slave? A. Yes sir.
Q To whom did she belong? A. John Stever.
Q Was he a Cherokee citizen? A. No sir.
Q Were his mother and he taken out of the Cherokee Nation during the war? A. His mother was.
Q Where was she taken to? A. To Fort Scott, and then she went to Michigan.
Q Did she ever return to the Cherokee Nation? A. No sir.
Q Was this boy taken out with her? A. No sir he was taken south.

- Q Who took him? A. Gave some of the Stevers.
 Q What did he come back? A. I don't know he come back, he come with his father to my house in '67.
 Q Was his father a slave? A. Yes sir.
 Q Was his father taken out with him? A. No sir.
 Q Who did his father belong to? A. Joe Lynch.
 Q When did his father come back to the Cherokee Nation after the war? A. In '68.
 Q When did you first see this boy Joe after the war? A. In '67.
 Q Has he been living here ever since that time? A. Yes sir.
 Q Is his father living now? A. No sir.

By Savannah-

- Q This boy and his father didn't belong to the same parties? A. No sir.
 Q This boy belonged to Nancy Genter before the war? A. Yes sir.
 Q They were living at Silas Springs Arkansas at the time the war came up and live there yet? A. I don't know.
 Q You don't know anything about that family as to where they live? A. No sir.
 Q You don't know of their coming back here? A. No sir I don't know anything about them at all.

By Savannah of applicant-

- Q You belonged to Nancy Genter at the breaking out of the war? A. Yes sir.
 Q You went south with them? A. Yes sir.
 Q You came back with them? A. Yes sir.
 Q You were living at Silas Springs Arkansas when they went away? A. In the line.
 Q They went back there when they returned? A. I reckon.
 Q Where were you born? A. At John Steyer's in Saline district on Coosaw Prairie.
 Q In the Cherokee Nation? A. Yes sir.
 Q Was he your owner? A. Yes sir when I was a baby.

ALLEN LYNCH called & sworn by Commissioner T. E. Dudley, testified as follows for the applicant-

- Q What is your name? A. Allen Lynch.
 Q How old are you? A. 61.
 Q Are you a recognized citizen of the Cherokee Nation? A. Yes sir.
 Q Is your name on the roll of 1866? A. Yes sir.
 Q Do you know this applicant here? A. Yes sir.
 Q How long? A. Ever since he was born.
 Q To whom did he belong before the war or was he a slave? A. He used to belong to the Stevers, his mother did, and his father used to belong to Joe Lynch.
 Q You don't know who this boy really belonged to himself? A. No sir.
 Q Was he taken out of the Cherokee Nation during the war? A. I don't know.
 Q When did you first see him after the war? A. I saw him on his father's place on Grand river.
 Q When? A. Fall or winter of '68.
 Q Has he been living in the Cherokee Nation ever since? A. Yes sir.

By Mr. Savannah-

Q Are you positive that it was in '66 and not in '67? A. In '66.
Q You didn't see him at the same time your brother Gray did? A. In
the first place Gray is not my brother and in the next place I don't
know when Gray did see or if we saw him at the same time or not.

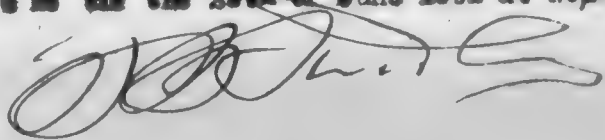
By Com'r Needles,-

The applicant applies for himself and one child, ~~Wanda~~
Jemie Lynch; he is not identified on the authenticated roll of
1880 or the census roll of 1886, but is identified on the Kern
Clifton and Walker rolls. He avers that he married one Nettie
Hill, a noncitizen, and that by said marriage he has one child
named Jemie, whose name is on no roll. Makes proof as to his
citizenship and reference is made to the testimony as to same.
It will be necessary for him to file proof of marriage to his
said wife Nettie Hill and also proof of birth of the said child
Jemie she not appearing on any rolls having been born since
same were compiled. He avers that he is the child of George
Johnson and Rachel Stever, that he was a slave of a Cherokee
citizen, and avers and makes proof as to his return to the Chero-
kee Nation in 1866; consequently the said Joe Lynch and his
child Jemie 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 at their post office address.

+ + + + +

Chas. von Weise, being sworn states that as stenographer to the Com-
mission to the Five Civilized Tribes he reported in full all the pro-
ceedings 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 28th of June 1901 at Nowata
I. T.

(Handwritten signature)


Commissioner

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
VINITA, I. T., OCTOBER 14th, 1901.

In the matter of the enrollment of Joseph Lynch, et al. as Cherokee Freedmen, the following supplemental testimony is offered on part of the Cherokee Nation.

APPEARANCES:

Mr. Davenport, of Counsel for Cherokee Nation.
Proof of service made and sworn Cherokee Nation by
Mr. Davenport, Attorney; applicant three times called
and answers not, or anyone for him.
(Witnesses called and sworn and placed under the
rule)

ANNA ELIZA CHANDLER, being duly sworn by Commissioner
Needles, testified as follows:

- MR. DAVENPORT. What is your name? A. Anna Eliza Chandler.
- Q Where do you live? A. Vinita.
- Q How old are you? A. 54 years old.
- Q What was your maiden name, before you were married?
A. Anna Eliza Gunter.
- Q What was your father's name? A. G. E. Gunter.
- Q Where was your father living at the breaking out of the war?
A. In Arkansas.
- Q Near what town? A. Near Siloam Springs, or High Cove.
- Q Did your father own any slaves at the breaking out of the war?
A. Yes, sir.
- Q What do you know whether or not he owned one by the name of Joe?
A. Yes, sir.
- Q What became of Joe, if you know during the war? A. He carried
him to Texas with us.
- Q How long did he stay with you? A. We brought him back when
the war ended, when peace was made.
- Q To what point did you return? A. To Arkansas, High Cove.
- Q Were you father and family citizens of the Cherokee Nation at
the breaking out of the war? A. No, sir, never had applied for
citizenship.
- Q After he returned to Arkansas after the war did they make applica-
tion to be admitted as citizens of the Cherokee Nation?
A. Yes, sir.
- Q How long did Joe stay with you after you came back to Arkansas,
if you know? A. He stayed there until the winter of '68.
- Q Do you know what name he goes by now? A. I have heard that he
went by the name of Joe Lynch, I don't know that.
- Q You just heard that? A. Yes, sir.
- Q And your father was a resident of the State of Arkansas and
citizen of the State of Arkansas before the war? A. Yes, sir.
- Q And came back to Arkansas? A. Yes, sir.
- Q DON'T NEEDLES: What was your father's name? A. Calline Gunter.
- Q At the beginning of the war you say he lived in Arkansas? A. Yes, sir.
- Q Yes, sir.
- Q How long had he lived there? A. I can't tell you.
- Q Had he ever lived in the Cherokee Nation before? A. No, sir.
- Q Where you born in Arkansas? A. Yes, sir.
- Q He had a slave by the name of Joe? A. Yes, sir.
- Q You understand how he goes by the name of Joe Lynch? A. Yes, sir.
- Q You know whether he is the same Joe Lynch that applies to be
enrolled here? A. I guess he is; I have heard that was the
name he went by.
- Q Well, your father during the war went to Texas? A. Yes, sir.

- Q from Arkansas? A Yes, sir.
- Q Took Joe with him? A Yes, sir.
- Q How old was Joe then? A I can't tell you exactly how old he was; he must have been eight or ten years old, just small boy.
- Q And then after the war you returned to Arkansas? A Yes, sir.
- Q Brought Joe with you? A Yes, sir.
- Q About how long were you down there in Texas? A We went there in '63 and I think came back the fall after peace was made in '65.
- Q You came back to Arkansas? A Yes, sir, to, our 9 old home near High Cave.
- Q Brought this Joe with you? A Yes, sir.
- Q Then when did you come from Arkansas to the Cherokee Nation?
- A I never come to the Cherokee Nation until after I was married?
- Q Did your father move to the Cherokee Nation? A No, sir.
- Q Did he ever claim citizenship? A No, sir, my mother does.
- Q Is she living? A Yes, sir.
- Q Well, did she claim citizenship while she was living with your father in Arkansas? A Yes, sir, she come down and was readmitted.
- Q Do you recollect what year? A It was in '79 I think.
- Q Do you know how long Joe stayed in Arkansas after you brought him back from Texas? A He stayed there until '68.
- Q He come back to the Nation then in '68? A He never was in the Nation.
- Q He never had been in the Nation until '68? A No, sir, not while we owned him.
- Q He was born in Arkansas? A I don't know where he was born, my father bought his mother and two children.
- Q Do you know who he bought them from? A He bought them from Mr. Lodge.
- Q Was he a citizen of the Nation, the Cherokee Nation? A His wife was a citizen of the Cherokee Nation, claimed to be.
- Q Now, your father didn't die until some years after the war?
- A He never died until three years ago.
- Q Died in Arkansas? A Yes, sir.
- Q Did your mother live there then? A Yes, sir.
- Q You don't know then what become of Joe you say he come to the Cherokee Nation in '68? A Yes, sir.
- Q What makes you think he came in '68? A That is the time he left home, run off.
- Q Well, he was a free man in 1868? A Yes, he was just a boy though.
- Q Have you anything that fastens the fact on your memory that it was '68? A Yes, sir, I think there is.
- Q You returned to Arkansas you say in '65? A Yes, sir.
- Q Well, did Joe remain with your family there three years, until he ran off? A I don't know whether it was three years or not, I know he stayed there until after I was married.
- Q When were you married? A In '67.
- Q In Arkansas? A Yes, sir.
- Q But you don't know that the Joe Lynch who now applies for enrollment is the same Joe Lynch that you have been testifying concerning do you? A I have seen Joe here in Vinita once since he left.
- Q Do you know whether he is married or not? A I have heard he was; I don't know whether he is or not, I have just heard that.
- Q Do you recollect Jo's mother's name? A Her name was Rachel.
- Q And she belonged to your father? A Yes, sir.
- Q Did you know a John Stover? A No, sir.
- Q Well, did you know Joe's father's name? A No, sir.
- Q But his mother's name as you recollect was Rachel? Yes, sir.
- Q You never knew a man by the name of John Stover, then?
- A No, sir.

JOHN T. GUNTER, being duly sworn by Commissioner Needles, testified as follows: On part of the Cherokee Nation:

- MR. DAVENPORT: What is your name? A John T. Gunter.
- Q Where do you live, Mr. Gunter? A Vinita, Indian Territory.
- Q How old are you? A 46 years old.
- Q Where were you living at the breaking out of the Civil war?
- A In Benton County, Arkansas.
- Q What was your father's name? A Caldine Gunter.
- Q Did your father own any slaves at the breaking out of the war?
- A Yes, sir.
- Q Do you remember any of their names? A Yes, sir, I remember several; he had one named Ada, and one was named Gran, blacksmith; he had one named Jake and another negro boy named Dick, and Bill and Mark and Rachel, Elias.
- Q Did Rachel have any children? A Yes, sir she had four children, her oldest child she had belonged to my father, his name was Joe, Joseph Lynch and another one named Horace.
- Q Well, were they with your father at the breaking out of the war?
- A Yes, sir.
- Q Where was he living with reference to the war? A He was living in Benton County, Arkansas, little over the line.
- Q Where did you or your family go during the war? A We refuged to Texas.
- Q What became of this Rachel and her family? A I don't know what become of Rachel and the two youngest children, but the two older boys we took them to Texas with us, Joe and Horace, Hopkins County Texas.
- Q How long did you stay in Texas? A We stayed there from April 63 to 65.
- Q Where did you go when you left Texas? A We moved back to Arkansas, some place.
- Q Was your family citizens of the Cherokee Nation at the breaking out of the war, Mr. Gunter? A No, sir.
- Q Were they when they returned to Arkansas?
- A No, sir, didn't make application until in '79.
- Q You made application to be admitted as citizens of the Cherokee Nation? A Yes, sir, we made application in '79 at the regular session of the Cherokee Council.
- Q Did Joe Lynch and his family, or either of them, come back to the Cherokee Nation, to Arkansas? A Yes, sir, my father brought them back; they was just boys at the time he brought them home, and took care of them for several years after the war.
- COM'R NEEDLES: Your family younsay applied in '79?
- A Yes, sir.
- Q That includes your father? A Yes, sir, my mother, the petition was for her and children.
- Q Nancy, Gunter and children? A Yes, sir.
- Q They were admitted in 1880? A In 1880.
- Q Was your father living at that time? A Yes, sir.
- Q Was he admitted at that time? A I can't say, I don't believe the records say he was.
- Q Did you know a man by the name of John Stever, A No, sir, I know a man by the name of William Stever.
- Q Now, where was this Joe Lynch born? A I don't know.
- Q Where do you first recollect him? A At my father's house.
- Q In Arkansas? A Yes, sir.
- Q Your father bought his mother? A Yes, sir and two children.
- Q Do you know who he bought them from? A No, sir, only from hearsay.
- Q Do you know whether he bought them from the Stevers or not?
- A That is what I have been told, from Large, and Mrs. Large was a Stever.
- Q Stevers were Cherokees? A Yes, sir.

- Q. Then you don't know where Joe was born? A. No, sir, I don't know.
- Q. Your understanding then is that the mother of Rachel and the two boys were bought from the Stovers? A. From Large.
- Q. And Mrs. Large was a Stover? A. Yes, sir.
- Q. Is Mrs. Large living now? A. I think sir, she is dead.
- Q. Well, where was Joe when your mother and you were admitted, was he still living in the family? A. No, sir, he was not in the family at that time, he left there sometime in '68, latter part of '68.
- Q. Do you know where he went to? A. No, sir, only hearsay, I heard he went to Bob Webbers on Barren Fork in Goingsnake district, Cherokee Nation, I never saw him there.
- Q. You never knew anything about Joe's father? A. No, sir.
- Q. Well, now, the summary of your testimony is that your father owned Rachel, the mother of Joe, and carried them to Texas during the war and came back to Arkansas? A. Didn't take the mother, took these two children, Joe and Horace.
- Q. And brought them back to Arkansas? A. Yes, sir.
- Q. Do you know what became of Rachel? A. No, sir, I do not, I never saw her any more after the war.

MR. DAVENPORT: Your father also owned this boy when he went to Texas at the breaking out of the war? A. No, sir.

COM'R NEEDLES: Did he sell these boys? A. No, sir, he didn't sell these boys.

- Q. You know Joe Lynch now? A. Yes, sir, I have seen him off and on for the last 12 or 15 years.
- Q. Do you know the Joe Lynch, about whom you have been testifying is the identical Joe Lynch that applies here to be enrolled as a Cherokee Freedman? A. No, sir, I haven't seen him since he has been here; I don't know whether he is in the house or not; I don't see him here.
- Q. When you were admitted, you and your family were admitted, did you move to the Cherokee Nation? A. Yes, sir.
- Q. Father and mother and the family? A. Yes, sir, they moved across the line and went back to the State.
- Q. That was in '79 you say? A. In 1880 when they were admitted.
- Q. Did you know anything about Joe at that time? A. No, sir, he had been gone eight or ten years.

Com'r Needles: This testimony will be filed with the case at bar and will be made a part of the record in D #992

John T. Gunter, recalled, further testified:

- COMR. NEEDLES: How old was Joe Lynch when he went to Texas from Arkansas? A. He was about eight years old.
- Q. And then when he returned how old? About ten years old. He was just a few months older than myself.
- Q. And then he was free? A. Yes, sir.
- Q. It was after the Emancipation Proclamation? A. Yes, sir.
- Q. He lived with you there until 1868? A. Yes, sir; it was sometime between the 14th of October and 28th of November he went away.
- Q. You don't know where he went? A. No, sir.
- Q. How old was he then about? A. That would make him something like 12 years old.
- Q. Now, then, how far from the line, from the Cherokee line.
- A. About a mile and a half on the air line, straight line.
- Q. Your mother and family were admitted about '79? A. '80
- Q. Was she admitted, and the children, by virtue of her Cherokee blood? A. Yes, sir.
- Q. Always did claim Cherokee blood? A. Yes, sir, my mother had resided in the Nation and my father married her and took her away.
- Q. And then how long after 1880 did they move over in the Nation?
- A. My father moved over that fall and bought his place, he didn't stay but a little while.
- Q. Do you know why your mother was not recognized as a citizen before 1880? A. Never made any application for admission.

- Q She always claimed the blood? A Well, she always drew money, she drew old settler money in 1853 and two or my sisters.
- Q Did she ever draw any money between 1853 and 1880? A No, sir.
- Q I don't think, I don't think there was any payment made unless it was only, probably bred money payment, we didn't participate in that.
- Q But she was recognized as a Cherokee citizen by blood before that time? A Yes, sir.
- Q But never formally recognized by the Council until 1880?
- A No, sir.

MR. Gunter excused and then recalled further testified:

- COM'R NEEDLES: Mr. Gunter, you say your mother was born and raised in the Cherokee Nation? A Yes, sir.
- Q Was her father a Cherokee citizen? A Yes, sir, her father was a Cherokee by blood and her mother was a white woman, his name was Ward, James Ward.
- Q And she was considered a Cherokee citizen until she moved out into the State of Arkansas? A Yes, sir.
- Q Do you recollect when she went to the State of Kansas?
- A No, sir, I wasn't born before that time.
- Q You don't know how long they lived in the State of Arkansas from the time she moved over there until she was readmitted?
- A Yes, sir, that was the first year that they were married, I have heard them say, my father made a crop with my grandfather and the next year he moved out to Arkansas.
- Q Your father claimed to be the owner of Joseph Lynch? A Yes, sir.
- Q By purchase? A By purchase.
- Q Do you know who he purchased Joseph Lynch from? A No, sir, I do not, but it has always been the talk that he bought Joseph Lynch from Hugh Tinnon, that he got him under a mortgage.
- Q Was Hugh Tinnon a Cherokee citizen? A No, sir, was a white man.
- Q You don't know John Stever? A No, sir.

Com'r Needles. This testimony will be made a part of the record in D #992.

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

(Signed)

J. O. Rosson.

Subscribed and sworn to before me this October 16th 1901.

(Signed)

T. B. Needles,

Commissioner.

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 the same is a true and correct copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 29th day of June, 1904.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF JUSTICE
COMMISSION TO THE FUTURE OF THE
MIDDLE EAST, OCTOBER 21, 1901

...for the enjoyment of himself and his child, Jessie, as Cherokee Freedmen:

It appears from the testimony taken in the evidence...
...on August 13, 1901...
...the child of his wife...
...in order for the Commission to arrive at a conclusion...
...to the rights of the...
...it will be necessary...
...in the position of...
...for enrollment...

NOV 13 1901
U.S. DEPARTMENT OF JUSTICE
RECEIVED

...states that as attorney...
...the five Civilized Tribes...
...proceeding in this case...
...and that...
...of his stenographic notes thereof.

Subscribed and sworn to before me this October 21st, 1901.

Commissioner

OTYOM

X
10132

Supl.C.E.-D.#732.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 24th, 1901.

SUPPLEMENTAL STATEMENT in the matter of the application of Joe Lynch for the enrollment of himself and his child, Josie, as Cherokee Freedmen:

Statement of Commissioner:

It appears from the testimony taken in the application of Nettie Lynch, on D-1087, that the said Joseph Lynch applied for the enrollment of said Josie Lynch, his child by his wife, Nettie; he averring at that time that his wife was a non-citizen. In order for the Commission to arrive at a conclusion as to the rights of the said Josie Lynch as a Cherokee Freedman, it will be necessary for them to examine the testimony taken in the application of the child's mother, Nettie Lynch, who was listed for enrollment on D-1087.

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

J. O. Rosson

Subscribed and sworn to before me this October 31st, 1901.

[Signature]

Commissioner.

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

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

Joseph Lynch, et al.,.....Cherokee Freedmen D 732
William Lynch,.....Cherokee Freedmen D 992

DECISION.

The record herein shows that applications for enrollment
as Cherokee Freedmen were made to this Commission, by Joseph Lynch
for himself and his minor child, Josie Lynch, and by William Lynch
for himself.

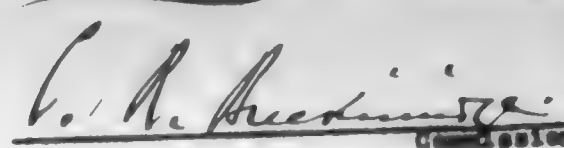
The evidence shows that the applicant, Joseph Lynch, was
born in slavery; that at the commencement of the rebellion he and
his mother belonged to one, Caldine Gunter, who was a citizen of the
State of Arkansas and resided therein; that during the rebellion the
said Joseph Lynch was taken from Arkansas to Texas and did not re-
move to the Cherokee Nation until after the year 1868. Josie Lynch
and William Lynch are the descendants of said Joseph Lynch and have
no rights as Cherokee Freedmen, except such as they may have acquired
through him. It does not appear that any of the applicants herein,
are identified on the 1880 authenticated Cherokee roll.

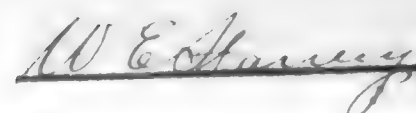
It is, therefore, the opinion of this Commission that the
applications for the enrollment of Joseph Lynch, Josie Lynch and
William Lynch should be denied, under the provisions of section
twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats.,
495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Dated at Muskogee, I. T.,

this JUL 1 - 1903

COPY.

Cherokee Freedmen
B-732.

Muskogee, Indian Territory, July 11, 1903.

Joseph Lynch,
Hayden, 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 child, Jessie Lynch, as Cherokee Freedmen, together with a copy of 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,

T. D. Needles.

Commissioner in Charge.

Register.

Enc. B-46.

COPY.

Cherokee Freedmen
D-732 & D-922.

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 Joseph Lynch, et al., rejecting the application for the enrollment of Joseph, Josie and William Lynch, 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. Neelies.

Commissioner in Charge.

Enc. N-45.

COPY.

Cherokee Freedmen
D-732 & D-908.

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 Joseph Lynch, et al., including the Commission's decision, dated July 1, 1903, rejecting the application for the enrollment of Joseph, Josie and William Lynch, as Cherokee Freedmen.

Respectfully,

T. B. Needles.

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-49.

(COPY)

D.C. 16395-1906

T.P.
LMB

I.T.D. 1478-1904
8529-1905
8739-2

DEPARTMENT OF THE INTERIOR
WASHINGTON.

May 2, 1906.

LMB

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

Sir:

Inclosed are two motions filed September 7, 1905, in the Cherokee freedman case of Joseph Lynch, et al., the subject of Departmental letter of April 7, 1904. The one to which affidavits are attached may be treated as a motion for rehearing.

In view of the provisions of section 3 of the act of April 25, 1906 (Public No. 129), relative to Cherokee freedmen, and of the allegation made by Joseph Lynch in affidavit of February 27, 1905, that he is the same as George Lynch, and that George Lynch's name appears on the 1880 roll, report and recommendation by you are requested upon this motion.

Respectfully

(Signed) THOS RYAN
First Assistant Secretary

Through the Commissioner
of Indian Affairs.

2 inclosures.

Refer in reply to the following:

Land 44281/1903.

Department of the Interior,
Office of Indian Affairs,
Washington, Feb. 19, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated July 11, 1903, transmitting the record relative to the consolidated case of Joseph Lynch et al., applicants for enrollment as Cherokee freedman.

Joseph Lynch applied for the enrollment of himself and his minor child, Josie Lynch and William Lynch applied for the enrollment of himself.

Joseph Lynch, the evidence shows, was born in slavery at the commencement of the rebellion. He and his mother belonged to Caldine Gunter and Nancy Gunter, who were, at the commencement of the war, residing in the State of Arkansas. During the war Joseph Lynch was taken from Arkansas to Texas and he did not remove to the Cherokee Nation until the latter part of the year 1868 or early in 1869. The other two applicants are descendants of Joseph Lynch.

From the record it does not seem that the names of any of the applicants appear upon the 1860 roll. From the evidence in the case, it appears that the decision of the Commission of July 1, 1903,

-2-

adverse to the applicants, is correct, and its approval is recommended/

Very respectfully,

A. C . Tenner

Acting Commissioner.

CAW-H.

D. C. 11594-1904.

DEPARTMENT OF THE INTERIOR,

JP
JHE
LRS

ITD 1478-1904.

WASHINGTON.

April 7, 1904.

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

Gentlemen:

July 11, 1903, you submitted the consolidated case of involving the application for enrollment as Cherokee freedmen of Joseph Lynch, for himself and his minor child Josie Lynch, and of William Lynch for himself, having on July 1, 1903, rendered your decision in the case holding that the applicants are not entitled to enrollment.

Reporting in the matter February 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be concurred in. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision and the same is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-732.

Muskogee, Indian Territory, April 16, 1904.

Joseph Lynch,
Hayden, 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 minor child, Jessie Lynch, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-732, D-992.

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, in the consolidated case of Joseph Lynch et al., rejecting the applications for the enrollment of Joseph, Josie and William Lynch as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen

B-242.

Muskogee, Indian Territory, June 28, 1904.

Joseph Lynch,

Centralia, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter, without date, asking to be furnished with a copy of the testimony and decision in the matter of your application for enrollment as a Cherokee freedman, and stating that the copy heretofore furnished to you was burned during the fire that destroyed your house.

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

Respectfully,

Commissioner in Charge.

Encl. B-12.

Muskogee, Indian Territory, November 6, 1906

The Honorable,

The Secretary of the Interior.

Sir:-

May 2, 1906 (I.T.D. 1478-1904, 8529, 8739-1906), the Department transmitted to this office for report and recommendation two motions filed September 7, 1906, for review of the Cherokee freedmen case of Joseph Lynch et al. The Department states that the motion to which affidavits are attached may be considered as a motion for re-hearing.

The decision of the Commission to the Five Civilized Tribes dated July 1, 1903, rejecting the applications of Joseph Lynch for the enrollment of himself and child, Josie Lynch, and of William Lynch for the enrollment of himself, as Cherokee freedmen, was affirmed by the Department April 7, 1904 (I.T.D. 1478-1904).

The motion (I.T.D. 8739-), based upon an alleged misconstruction of the treaty of July 19, 1866, has no merit to it, and it should be denied.

It is contended in the motion to which the

Secretary-2

affidavits of John T. Gunter and the applicant, Joseph Lynch, are attached, that Nancy Gunter, the owner of Joseph Lynch, was a Cherokee citizen prior to the breaking out of the War of the Rebellion; that she was admitted to citizenship by the Cherokee National Council in 1880, and has been enrolled as a Cherokee by blood by the Commission to the Five Civilized Tribes; that Joseph Lynch is a descendant of George Johnson, whose name appears upon the 1880 authenticated Cherokee tribal roll, and that in view of such descent the applicants are entitled to enrollment as citizens of the Cherokee Nation.

The record in the case shows that Joseph Lynch was born prior to the war of the rebellion; is a son of George Johnson and Rachel Stover, and at the breaking out of the war was owned by Caldine and Nancy Gunter, and resided in the State of Arkansas; that during the war of the rebellion Joseph Lynch was taken from Arkansas to the State of Texas, and that he returned to Arkansas with his former owners immediately after the war, where he continued to reside until some time between October 14 and November 28, 1868.

Nancy Gunter was readmitted to citizenship in the

Secretary-3

Cherokee Nation by an Act of the Cherokee National Council approved January 14, 1880, and in accordance with an approved opinion of the Assistant Attorney General dated June 21, 1904 (I.T.D. 2216, 3448, 3543-1904), she has been enrolled as a citizen by blood of the Cherokee Nation, her name appearing upon a partial roll of Cherokee citizens approved by the Department opposite No. 32195. The record in the case of Nancy Gunter fails to show that the question as to whether she ever lost her Cherokee citizenship prior to her readmission, has been decided, and in view of the fact that Joseph Lynch did not return to the Cherokee Nation after the war of the rebellion until 1868, that question is immaterial to the case.

The records of this office show that the name of one George Johnson is identified upon the 1880 Cherokee tribal roll, page 642, No. 596, as an Adopted Colored, forty years of age, marked "Dead", being identified thereon with the family of which he is the head, Rachel Johnson, Adopted Colored, aged thirty, and Jennie, Merlinda, and Johney Johnson, aged thirteen, six, and four years, respectively. These children have been duly enrolled as Cherokee freedmen.

Secretary-4

The record in case fails to show that this George Johnson is the father of Joseph Lynch, the record leaving the presumption that he is.

In an approved opinion of the Assistant Attorney General of September 26, 1906 (I.T.D. 9304-1906), in the Cherokee freedman cases of James Martin et al., it was held that a person living prior to the war of the rebellion must show right in himself to Cherokee freedman citizenship, and can not claim citizenship by reason of the compliance with the treaty of 1866 of a person from whom he is a descendant. The question as to whether or not the name of the father of Joseph Lynch appears on the Cherokee tribal roll of 1860 is therefore immaterial.

John T. Gunter testified at length before the Commission to the Five Civilized Tribes prior to the rendition of the decision in this case.

The other applicants in the case possess no rights to enrollment not possessed by Joseph Lynch.

For the reasons herein stated it is respectfully recommended that both motions be denied.

The motions are enclosed.

Respectfully,

Through the
Commissioner of Indian Affairs.

Encl. B-25

Commissioner

(COPY)

--Copy--

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

LAND:
23420-1904
99222-1906

November 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 7, 1904, (I.T.D. 1478-1904), affirming the decision of the Commission to the Five Civilized Tribes, rejecting the application of Joseph Lynch, et al., for enrollment as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 6, 1906, transmitting a motion, filed September 7, 1905, for review of the decision in this case.

Very respectfully,

C. F. Larrabee,

Acting Commissioner.

WVE:EH

D.C. 53246.

(COPY)

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

Y.P.

I.T.D. 24138--1906.

December 7, 1906.

L.R.S.

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

Sir:

The Department is in receipt of your letter of November 6, 1906, reporting upon two motions for review in the Cherokee freedman case of Joseph Lynch and others, sent to you with departmental letter of May 2, 1906.

The Department finds that your recommendation that the motions be not entertained is founded upon the law and the facts, and the motions are denied.

The papers received with Indian Office letter of November 28, 1906 (Land 99222) have been returned to it. It will advise local attorneys hereof. A copy of its letter of November 28, 1906, is inclosed.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
Of Indian Affairs.

1 inc and 6 to Ind. Of.

Cherokee T.
R #42.

Muskogee, Indian Territory, December 17, 1906.

Joseph Lynch,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that two motions for review of the Cherokee freedmen enrollment case of yourself and daughter were denied by the Secretary of the Interior, December 7, 1906.

A copy of said Departmental decision is enclosed herewith.

Respectfully,

Commissioner.

Encl. N-82
JMH

Cherokee F.
R 242 et al.

Muskogee, Indian Territory, December 17, 1906.

Blue & Bulger,

Attorneys for Joseph Lynch, et al.,
Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that two motions for review of the Cherokee freedmen enrollment cases of Joseph Lynch, et al., were denied by the Secretary of the Interior, December 7, 1906.

A copy of said Departmental decision is enclosed herewith.

Respectfully,

Commissioner.

Encl. H-830
JMH

Cherokee Freedmen
R 242 et al.

Muskogee, Indian Territory, December 17, 1906.

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

Dear Sir:

You are hereby advised that two motions for review of the Cherokee freedmen enrollment cases of Joseph Lynch, et al., were denied by the Secretary of the Interior, December 7, 1906.

A copy of said Departmental decision is enclosed herewith.

Respectfully,

Encl. H-83.
JMH

Commissioner.

United States of America
Northern Judicial District }
Indian Territory }

Before me A Notary Public in
and for said District and Territory came Joseph
Lynch of lawful age who being duly sworn
according to law deposes and says, That
I am 40 years years of age and am a Cherokee
freeman by birth and was an applicant for
enrollment before the Commission to the Five
Civilized tribes and that said Commission
at different times sent to me sundry letters
concerning my said case and the decision of
the Commission and the testimony given by
myself and all Lynch, Crap Lynch and
On the night of 2nd day of March 1904 the house
of William Vann was burnt total loss and all my
said papers were burnt at the same time and
they included the above named letters, decisions
testimony that had been sent to me by said
Dawes Commission and contained all that
I know of my case I do intend to have my
case reviewed and want copies of all the
proceedings in my case in the Commission so
that I may may appeal.

Sworn and subscribed to before me on
this 20 day of June A.D. 1904.

John D. Wagoner
Notary Public

Exam. before Notary 22. 04

22 10/10/01

D.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
OCT 2 1901

[Signature]
ACTING COMMISSIONER

AFFIDAVIT.

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

In the matter of the application of Joseph Lynch
for enrollment as a Cherokee Freedman.

No. F. D. 732

Henry Pack, of lawful age, being duly sworn on oath states that on the 1 day of September, A. D., 1901, he registered to Joseph Lynch whose postoffice is Hayden Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto attaches the receipt of the Postmaster at Fort Gibson Indian Territory; and that on the 28th day of September, 1901, he received the return card which is hereto attached, signed by the said Joseph Lynch, showing that he had received said notice.

Subscribed and sworn to before me on this the 28th day of Sept A. D. 1901.

J. C. Starr
Notary Public.

POST OFFICE RECEIPT. FT. GIBSON, I. T.
SEP 20 1901

Post Office at _____
Registered Letter No. 323 Rec'd
Parcel of *Letters*
addressed to *Joseph Signal*
Waynes Hubbard Ross, I. T.
P. M.

ch _____
re the United States
Cherokee Nation tend-
e office of the United
ita _____

k A. M. or from day
g the usual business

hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

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

L B Bell

W. W. Hastings
J. S. Davenport
Attorneys for the Cherokee Nation.

POST OFFICE AT
Department of Justice
OCT 14 1901

NOTICE!

IN THE MATTER OF the application of Joseph Lynch
for enrollment as Cherokee Freedmen:
Case No. F. D. 752

To Joseph Lynch Wayden L. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 14th 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.


In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 14th day of October 1901.

L. B. Bell

W. M. Hastings
J. A. Davison
Attorneys for the Cherokee Nation.

B. 52738

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUN 13 1901


ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

JUN 13 1901

Date _____
Post Office Hayden St.
District Co.

1. Name Joseph Lynch Age 45
Citizenship _____

Owner's name _____
Year 1863 Page 123 No. 3053 District Co.

Parents:
Father Geo. Johnson - dead Citizenship Cher. Freedman
Mother Rachel Stover - living Citizenship " "
Age _____

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

Parents:
Father _____
Mother _____
Citizenship _____

Names of Children:

No.	Year	Page	No.	Dist.
3. <u>George Lynch</u>	_____	_____	_____	_____
4. <u>Jessie Lynch</u>	_____	_____	_____	_____ 7
5. _____	_____	_____	_____	_____
6. _____	_____	_____	_____	_____
7. _____	_____	_____	_____	_____
8. _____	_____	_____	_____	_____
9. _____	_____	_____	_____	_____
10. _____	_____	_____	_____	_____
11. _____	_____	_____	_____	_____
12. _____	_____	_____	_____	_____

Application made by Ms. 1 Stenographer Chas. oru Weise

2 aff. of birth required.
Proof of marriage to be supplied.

(b) 30107

RECEIVED
FIELD
MAR 22 1902

[Handwritten signature]
RECEIVED

U

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Joseph Smith,
Hayden, I. T.
Cherokee - I-D-732.
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 242

See Cher. Fr. R. 242

Cher. Fr. R. 243

DEPARTMENT OF THE INTERIOR,
COMMISSIONER OF THE BUREAU OF LANDS,
Washington, D. C., July, 1st 1881.

In the matter of the application of William Lynch for enrollment as a Cherokee Freedman; the following facts were given by Commissioner T. B. Needles, testified as follows:-

- Q What is your name? A. Wm Lynch
- Q What is your age? A. 41
- Q What is your last of first names? A. Hayden
- Q In what State do you live? A. Georgia
- Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
- Q Is your name on any of the lists? A. Wallace and Kern Clinton
- Q Not on the 1860 roll? A. No sir.
- Q What is your father's name? A. Joseph Lynch.
- Q What is your mother's name? A. Caroline Sanders.
- Q How did you acquire your citizenship through whom? A. My father.
- Q Has he been enrolled? A. Yes sir.

Kern Clinton was examined on the same subject and testified as follows:

Page 181 No. 3654, 1861 Wash, Eastern District.

Wallace was examined and testified as follows:
Page 181 No. 3654, 1861, Lynch, Eastern District.

- Q Were you born in the Cherokee Nation? A. Yes sir.
- Q Have you lived here all your life? A. Yes sir.
- Q Have you ever married? A. Yes sir.
- Q Are you married now? A. No sir.
- Q Have you any children? A. Yes sir.
- Q Where are they? A. In Ohio.
- Q Do you want to enroll them? A. No sir.
- Q What do you give them? A. Yes sir.
- Q Are you and she separated? A. Yes sir.
- Q Did you ever keep house outside of the Cherokee Nation since you married? A. No sir.
- Q Did you marry in the Cherokee Nation? A. Yes sir.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T. July, 1st 1901.

In the matter of the application of William Lynch for enrollment as a Cherokee freedman; he being sworn by Commissioner T. B. Needles, testified as follows-

- Q What is your name? A. William Lynch
Q What is your age? A. 22.
Q What is your post office address? A. Hayden
Q In what district do you live? A. Gooewascoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who else do you want to have enrolled? A. Just myself.
Q Is your name on any of the rolls? A. Wallace and Kern (Clifton
Q Not on the 1888 roll? A. No sir.
Q What is your fathers name? A. Joseph Lynch.
Q What is your mothers name? A. Caroline Sanders.
Q You claim your citizenship through whom? A. My father.
Q Has he been enrolled? A. Yes sir.

Kern Clifton roll examined and the name of the applicant found as follows:
Page 185 No. 3884, Will Lynch, Gooewascoowee district.

Wallace roll examined and the applicant found thereon as follows
Page 121 No. 2355, Wm. Lynch Gooewascoowee district.

- Q Were you born in the Cherokee Nation? A. Yes sir.
Q Have you lived here all your life? A. Yes sir.
Q Have you ever married? A. Yes sir.
Q Are you married now? A. No sir.
Q Have you any children? A. Yes sir.
Q Where are they? A. At home.
Q Do you want to enroll them? A. No sir. (2-3-57)
Q Why? A. My wife enrolled them.
Q Are you and she separated? A. Yes sir.
Q Did you ever keep house outside of the Cherokee Nation since you married? A. No sir.
Q Did you marry in the Cherokee Nation? A. Yes sir.
Q Is your wife a citizen? A. Yes sir.

By L. B. Bell, Cherokee representative-

- Q Is your father the Joe Lynch that lived on Grand river? A. No sir
Q Where does he live? A. On Lightning creek.

By Com'r Needles- William Lynch applies for himself; he is identified on the Kern Clifton and Wallace rolls but not on the authenticated roll of 1888 or the census roll of 1896; he makes satisfactory proof as to residence and avers that he is the son of Joe Lynch who has been enrolled on Cherokee Freedman B. card #733, and the testimony therein is hereby referred to and made a part hereof and that a copy of the same will be filed herewith. Now the said William Lynch will be listed for enrollment as a Cherokee freedman on a doubtful card and when the final decision is arrived at he will be notified by mail.

Shas. 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.

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

Chas. von Weise
T. B. Needles
Commissioner

To be filed in C.F.-D. 302, William Lynch.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I.T., October 14th, 1901.

In the matter of the enrollment of Joseph Lynch et al, as Cherokee Freedmen, the following supplemental testimony is offered on part of the Cherokee Nation.

APPEARANCES:

Mr. Davenport, of counsel for Cherokee Nation.
Proof of service made and comes Cherokee Nation by Mr. Davenport, attorney; applicant three times called and answers not, or anyone for him.
(Witnesses called and sworn and placed under the rule.)

ANNA ELIZA CHANDLER, being duly sworn by Commissioner Needles, testified as follows:

MR. DAVENPORT: What is your name? A Anna Eliza Chandler.

Q Where do you live? A Vinita.

Q How old are you? A 54 years old.

Q What was your maiden name, before you were married?

A Anna Eliza Gunter.

Q What was your father's name? A C. E. Gunter.

Q Where was your father living at the breaking out of the war?

A In Arkansas.

Q Near what town? A Near Siloam Springs, or High Cove.

Q Did your father own any slaves at the breaking out of the war?

A Yes, sir.

Q Do you know whether or not he owned one by the name of Joe?

A Yes, sir.

Q What became of Joe, if you know during the war? A We carried him to Texas with us.

Q How long did he stay with you? A We brought him back when the war ended, when peace was made.

Q To what point did you return? A To Arkansas, High Cove.

Q Were your father and family citizens of the Cherokee Nation at the breaking out of the war? A No, sir, never had applied for citizenship.

Q After he returned to Arkansas after the war did they make application to be admitted as citizens of the Cherokee Nation?

A Yes, sir.

Q How long did Joe stay with you after you come back to Arkansas, if you know? A He stayed there until the winter of '68.

Q Do you know what name he goes by now? A I have heard that he went by the name of Joe Lynch, I don't know that.

Q You have just heard that? A Yes, sir.

Q And your father was a resident of the state of Arkansas and citizen of the state of Arkansas before the war? A Yes, sir.

Q And came back to Arkansas? A Yes, sir.

COM'R NEEDLES: What was your father's name? A Galdine Gunter.
Q At the beginning of the war you say he lived in Arkansas? A Yes, sir.

Q How long had he lived there? A I can't tell you.

Q Had he ever lived in the Cherokee Nation before? A No, sir.

Q Were you born in Arkansas? A Yes, sir.

Q He had a slave by the name of Joe? A Yes, sir.

Q You understand now he goes by the name of Joe Lynch? A Yes, sir.

Q You know whether he is the same Joe Lynch that applies to be enrolled her? A I guess he is; I have heard that was the name he went by.

Q Well, your father during the war went to Texas? A Yes, sir.

Q From Arkansas? A Yes, sir.

Q Took Joe with him? A Yes, sir.

- Q How old was Joe then? A I can't tell you exactly how old he was; he must have been eight or ten years old, just small boy.
- Q And then after the war you returned to Arkansas? A Yes, sir.
- Q Brought Joe with you? A Yes, sir.
- Q About how long were you down there in Texas? A We went there in '65 and I think come back the fall after peace was made in '65.
- Q You came back to Arkansas? A Yes, sir, to our old home near High Cove.
- Q Brought this Joe with you? A Yes, sir.
- Q Then when did you come from Arkansas to the Cherokee Nation? A I never came to the Cherokee Nation until after I was married.
- Q Did your father move to the Cherokee Nation? A No, sir.
- Q Did he ever claim Cherokee citizenship? A No, sir, my mother does.
- Q Is she living? A Yes, sir.
- Q Well, did she claim citizenship while she was living with your father in Arkansas? A Yes, sir, she come down and was readmitted.
- Q Do you recollect what year? A It was in '79 I think.
- Q Do you know how long Joe stayed in Arkansas after you brought him back from Texas? A He stayed there until in '68.
- Q He come back to the Nation then in '68? A He never was in the Nation.
- Q He never had been in the Nation until '68? A No, sir, not while we owned him.
- Q He was born in Arkansas? A I don't know where he was born, my father bought his mother and two children.
- Q Do you know who he bought them from? A He bought them from Mr. Lodge.
- Q Was he a citizen of the Nation, the Cherokee Nation? A His wife was a citizen of the Cherokee Nation, claims to be.
- Q Now, your father didn't die until some years after the war? A He never died until three years ago.
- Q Died in Arkansas? A Yes, sir.
- Q Did your mother live there then? A Yes, sir.
- Q You don't know then what became of Joe you say he come to the Cherokee Nation in '68? A Yes, sir.
- Q What makes you think he came in '68? A That is the time he left home, ran off.
- Q Well, he was a free man in 1868? A Yes, he was just a boy though.
- Q Have you anything that fastens the fact on your memory that it was '68? A Yes, sir, I think there is.
- Q You returned to Arkansas you say in '65? A Yes, sir.
- Q Well, did Joe remain with your family there three years, until he ran off? A I don't know whether it was three years or not, I know he stayed there until after I was married.
- Q When were you married? A In '67.
- Q In Arkansas? A Yes, sir.
- Q But you don't know that the Joe Lynch who now applies for enrollment is the same Joe Lynch that you have been testifying concerning, do you? A I have seen Joe here in Vinita once since he left.
- Q Do you know whether he is married or not? A I have heard he was, I don't know whether he is or not, I have just heard that.
- Q Do you recollect Joe's mother's name? A Her name was Rachel.
- Q And she belonged to your father? A Yes, sir.
- Q Did you know a John Stover? A No, sir.
- Q Well, did you know Joe's father's name? A No, sir.
- Q But his mother's name as you recollect was Rachel? A Yes, sir.
- Q You never knew a man by the name of John Stover, then?
- A No, sir.

JOHN T. GUNTER, being duly sworn by Commissioner Needles, testified as follows, on part of Cherokee Nation:

- MR. DAVENPORT: What is your name? A John T. Gunter.
- Q Where do you live, Mr. Gunter? A Vinita, Indian Territory.
- Q How old are you? A 48 years old.

- Q Where were you living at the breaking out of the Civil War?
A In Benton County, Arkansas.
- Q What was your father's name? A Caldine Gunter.
- Q Did your father own any slaves at the breaking out of the war?
A Yes, sir.
- Q Do you remember any of their names? A Yes, sir, I remember several; he had one named Ada, and one was named Grant, blacksmith; he had one named Jake and another negro boy named Dick, and Bill and Mark and Rachel, Elias.
- Q Did Rachel have any children? A Yes, sir, she had four children, her oldest child she had belonged to my father, his name was Joe, Joseph Lynch and another one named Horace.
- Q Well, were they with your father at the breaking out of the war?
A Yes, sir.
- Q Where was he living with reference to the war? A He was living in Benton County, Arkansas, little over the line.
- Q Where did you or your family go during the war? A We refuged to Texas.
- Q What became of this Rachel and her family? A I don't know what become of Rachel and the two youngest children, but the two older boys we took them to Texas with us, Joe and Horace, Hopkins County, Texas.
- Q How long did you stay in Texas? A We stayed there from April '63 to '65.
- Q Where did you go when you left Texas? A We moved back to Arkansas, some place.
- Q Was your family citizens of the Cherokee Nation at the breaking out of the war, Mr. Gunter? A No, sir.
- Q ~~Yes~~ Were they when they returned to Arkansas?
A No, sir, didn't make application until in '79.
- Q You made application to be admitted as citizens of the Cherokee Nation? A Yes, sir, we made application in '79 at the regular session of the Cherokee Council.
- Q Did Joe Lynch and his family, or either of them, come back to the Cherokee Nation, to Arkansas? A Yes, sir, my father brought them back; they was just boys at the time he brought them home, and took care of them for several years after the war.
- COM'R NEEDLES: Your family you say applied in '79? A Yes, sir.
- Q That includes your father? A Yes, sir, my mother, the petition was for her and children.
- Q Nancy Gunter and children? A Yes, sir.
- Q They were admitted in 1879? A 1880.
- Q Was your father living at that time? A Yes, sir.
- Q Was he admitted at that time? A I can't say, I don't believe the records say he was.
- Q Did you know a man by the name of John Stover? A No, sir, I know a man by the name of William Stover.
- Q Now, where was this Joe Lynch born? A I don't know.
- Q Where do you first recollect him? A At my father's house.
- Q In Arkansas? A Yes, sir.
- Q Your father bought his mother? A Yes, sir, and two children.
- Q Do you know who he bought them from? A No, sir, only from hearsay.
- Q Do you know whether he bought them from the Stovers or not?
A That is what I have been told, from Large, and Mrs. Large was a Stover.
- Q Stovers were Cherokees? A Yes, sir.
- Q Then you don't know where Joe was born? A No, sir, I don't know.
- Q Your understanding then is that the mother of Rachel and the two boys were bought from the Stovers? A From Large.
- Q And Mrs. Large was a Stover? A Yes, sir.
- Q Is Mrs. Large living now? A I think, sir, she is dead.

Q Well, where was Joe when your mother and you were admitted, was he still living in the family? A No, sir, he was not in the family at that time, he left there sometime in '68, latter part of '68.

Q Do you know where he went to? A No, sir, only hearsay, I heard he went to Bob Webbers on Barron Fork in Goingsnake district, Cherokee Nation, I never saw him there.

Q You never knew anything about Joe's father? A No, sir.

Q Well, now, the summary of your testimony is that your father owned Rachel, the mother of Joe, and carried them to Texas during the war and came back to Arkansas? A Didn't take the mother, took these two children Joe and Horace.

Q And brought them back to Arkansas? A Yes, sir.

Q Do you know what became of Rachel? A No, sir, I do not, I never saw her any more after the war.

MR. DAVENPORT: Your father also owned this boy when he went to Texas at the breaking out of the war? A No, sir.

COM'R NEEDLES: Did he sell these boys? A No, sir, he didn't sell these boys.

Q You know Joe Lynch now? A Yes, sir, I have seen him off and on for the last 12 or 15 years.

Q Do you know the Joe Lynch, about whom you have been testifying, is the identical Joe Lynch that applies here to be enrolled as a Cherokee freedman? A No, sir, I haven't seen him since he has been here; I don't know whether he is in the house or not? I don't see him here.

Q When you were admitted, you and your family were admitted, did you move to the Cherokee Nation? A Yes, sir.

Q Father and mother and the family? A Yes, sir, they moved across the line and went back to the state.

Q That was in '79 you say? A In 1860 when they were admitted.

Q Did you know anything about Joe at that time? A No, sir, he had been gone eight or ten years.

Com'r Needles: This testimony will be filed with the case at bar and will be made part of the record in D.#992.

John F. Gunter, recalled, further testified:

COM'R NEEDLES: How old was Joe Lynch when he went to Texas from Arkansas? A He was about eight years old.

Q And then when he returned how old? A About ten years old. He was just few months older than myself.

Q And then he was free? A Yes, sir.

Q It was after the Emancipation Proclamation? A Yes, sir.

Q He lived with you there until 1868? A Yes, sir; it was sometime between the 14th of October and 28th of November he went away.

Q You don't know where he went? A No, sir.

Q How old was he then about? A That would make him something like 12 years old.

Q Now, then, how far from the line, from the Cherokee line?

A About a mile and a half on the air line, straight line.

Q Your mother and family were admitted about '79? A '80.

Q Was she admitted, and the children, by virtue of her Cherokee blood? A Yes, sir.

Q Always did claim Cherokee blood? A Yes, sir, my mother had resided in the Nation and my father married her and took her away.

Q And then how long after 1860 did they move over in the Nation?

A My father moved over that fall and bought his place, he didn't stay but a little while.

Q Do you know why your mother was not recognized as a citizen before 1860? A Never made any application for admission.

Q She always claimed the blood? A Well, she always drew money, she drew old settler money in 1853 and two of my sisters.

Q Did she ever draw any money between 1855 and 1880? A No, sir, I don't think, I don't think there was any payment made unless it was only, probably bread money payment, we didn't participate in that.

Q But she was recognized as a Cherokee citizen by blood before that time? A Yes, sir.

Q But never formally recognized by the council until 1880? A No, sir.

Mr. Gunter excused and then recalled further testified:

COM'R NEEDLES: Mr. Gunter, you say your mother was born and raised in the Cherokee Nation? A Yes, sir.

Q Was her father a Cherokee citizen? A Yes, sir, her father was a Cherokee by blood and her mother was a white woman, his name was Ward, James Ward.

Q And she was considered a Cherokee citizen until she moved out into the state of Arkansas? A Yes, sir.

Q Do you recollect when she went to the state of Kansas? A No, sir, I wasn't born before that time.

Q You don't know how long they lived in the state of Arkansas? From the time she moved over there until she was readmitted?

A Yes, sir, that was the first year that they were married, I have heard them say, my father made a crop with my grandfather and the next year he moved out to Arkansas.

Q Your father claimed to be the owner of Joseph Lynch? A Yes, sir.

Q By purchase? A By purchase.

Q Do you know who he purchased Joseph Lynch from? A No, sir, I do not, but it has always been the talk that he bought Joseph Lynch from Hugh Tinnon, that he got him under a mortgage.

Q Was Hugh Tinnon a Cherokee citizen? A No, sir, was a white man.

Q You don't know John Stover? A No, sir.

Com'r Needles: This testimony will be made a part of the record in D.#992.

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

(Signed) J. O. Rosson.

Subscribed and sworn to before me this October 16th, 1901.

(Signed) T. B. Needles,

Commissioner.

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

Arthur G. Croninger

Subscribed and sworn to before me this 5th day of December, 1901.

M. D. Green
Notary Public.

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

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

Joseph Lynch, et al.,.....Cherokee Freedmen D 732
William Lynch,.....Cherokee Freedmen D 992

DECISION.

The record herein shows that applications for enrollment
as Cherokee Freedmen were made to this Commission, by Joseph Lynch
for himself and his minor child, Josie Lynch, and by William Lynch
for himself.

The evidence shows that the applicant, Joseph Lynch, was
born in slavery; that at the commencement of the rebellion he and
his mother belonged to one, Caldine Gunter, who was a citizen of the
State of Arkansas and resided therein; that during the rebellion the
said Joseph Lynch was taken from Arkansas to Texas and did not re-
move to the Cherokee Nation until after the year 1868. Josie Lynch
and William Lynch are the descendants of said Joseph Lynch and have
no rights as Cherokee Freedmen, except such as they may have acquired
through him. 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 Joseph Lynch, Josie Lynch and
William Lynch should be denied, under the provisions of section
twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats.,
495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Bixby.

Chairman.

(SIGNED).

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

(SIGNED).

W. E. Stanley.

Commissioner.

Dated at Muskogee, I. T.,

this JUL 1 - 1903

Refer in reply to the following:

Land 44281/1903.

Department of the Interior,
Office of Indian Affairs,
Washington, Feb. 19, 1904.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated July 11, 1903, transmitting the record relative to the consolidated case of Joseph Lynch et al., applicants for enrollment as Cherokee freedmen.

Joseph Lynch applied for the enrollment of himself and his minor child, Josie Lynch and William Lynch applied for the enrollment of himself.

Joseph Lynch, the evidence shows, was born in slavery at the commencement of the rebellion. He and his mother belonged to Caldine Gunter and Nancy Gunter, who were, at the commencement of the war, residing in the State of Arkansas. During the war Joseph Lynch was taken from Arkansas to Texas and he did not remove to the Cherokee Nation until the latter part of the year 1866 or early in 1869. The other two applicants are descendants of Joseph Lynch.

From the record it does not seem that the names of any of the applicants appear upon the 1880 roll. From the evidence in the case, it appears that the decision of the Commission of July 1, 1903,

adverse to the applicants, is correct, and its approval is recommended/

Very respectfully,

A. C . Tonner

Acting Commissioner.

GAW-H.

D. C. 11394-1904.

DEPARTMENT OF THE INTERIOR,

JP
THE
LRS

ITD 1478-1904.

WASHINGTON.

April 7, 1904.

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

Gentlemen:

July 11, 1903, you submitted the consolidated case of involving the application for enrollment as Cherokee freedmen of Joseph Lynch, for himself and his minor child Josie Lynch, and of William Lynch for himself, having on July 1, 1903, rendered your decision in the case holding that the applicants are not entitled to enrollment.

Reporting in the matter February 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be concurred in. A Copy of his letter is inclosed.

The Department finds no reason to disturb your decision and the same is hereby affirmed.

Respectfully,

Thos Ryan

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D-732, D-992.

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, in the consolidated case of Joseph Lynch et al., rejecting the applications for the enrollment of Joseph, Josie and William Lynch as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 7, 1904.

Respectfully,

Commissioner in Charge.

Cherokee Freedmen
D-992.

Muskogee, Indian Territory, April 18, 1904.

William Lynch,

Hayden, 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 7, 1904.

Respectfully,

Commissioner in Charge.

COPY.

Cher. Fr. 922.

Muskogee, Indian Territory, July 11, 1908.

William Lynch,

Hayden, 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 as a Cherokee Freedman, together with a copy of the Commission's decision, dated July 1, 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,

T. B. Needles.

Commissioner in Charge.

Register.

Enc. H-47.

COPY.

Cherokee Freedman
D-752 & D-753.

Muskogee, Indian Territory, July 11, 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 1, 1903, in the consolidated case of Joseph Lynch, et al., rejecting the application for the enrollment of Joseph, Josie and William Lynch, 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. H-48.

COPY.

Cherokee Freedmen
D-732 & D-992.

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 Joseph Lynch, et al., including the Commission's decision, dated July 1, 1903, rejecting the application for the enrollment of Joseph, Josie and William Lynch, as Cherokee Freedmen.

Respectfully,

T. B. Needles

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-49.

(COPY)

D.G. 18398-1908

Y.P.
112

I.T.D. 1878-1904
8829-1908
8738-7

DEPARTMENT OF THE INTERIOR
WASHINGTON.

May 2, 1906.

LVS

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

Sir:

Inclosed are two motions filed September 7, 1905, in the Cherokee freedman case of Joseph Lynch, et al., the subject of Departmental letter of April 7, 1904. The one to which affidavits are attached may be treated as a motion for rehearing.

In view of the provisions of section 3 of the act of April 26, 1906 (Public No. 189), relative to Cherokee freedmen, and of the allegations made by Joseph Lynch in affidavit of February 27, 1905, that he is the son of George Lynch, and that George Lynch's name appears on the 1880 roll, report and recommendation by you are requested upon this motion.

Respectfully,

(Signed) THOS KYAN
First Assistant Secretary

Through the Commissioner
of Indian Affairs.

2 inclosures.

Muskogee, Indian Territory, November 6, 1906

The Honorable,

The Secretary of the Interior.

Sir:-

May 2, 1906 (I.T.D. 1478-1904, 8529, 8739-1905), the Department transmitted to this office for report and recommendation two motions filed September 7, 1905, for review of the Cherokee freedmen case of Joseph Lynch et al. The Department states that the motion to which affidavits are attached may be considered as a motion for re-hearing.

The decision of the Commission to the Five Civilized Tribes dated July 1, 1903, rejecting the applications of Joseph Lynch for the enrollment of himself and child, Josie Lynch, and of William Lynch for the enrollment of himself, as Cherokee freedmen, was affirmed by the Department April 7, 1904 (I.T.D. 1478-1904).

The motion (I.T.D. 8739-), based upon an alleged misconstruction of the treaty of July 19, 1866, has no merit to it, and it should be denied.

It is contended in the motion to which the

Secretary-2

affidavits of John T. Gunter and the applicant, Joseph Lynch, are attached, that Nancy Gunter, the owner of Joseph Lynch, was a Cherokee citizen prior to the breaking out of the War of the Rebellion; that she was admitted to citizenship by the Cherokee National Council in 1860, and has been enrolled as a Cherokee by blood by the Commission to the Five Civilized Tribes; that Joseph Lynch is a descendant of George Johnson, whose name appears upon the 1880 authenticated Cherokee tribal roll, and that in view of such descent the applicants are entitled to enrollment as citizens of the Cherokee Nation.

The record in the case shows that Joseph Lynch was born prior to the war of the rebellion; is a son of George Johnson and Rachel Stover, and at the breaking out of the war was owned by Caldine and Nancy Gunter, and resided in the State of Arkansas; that during the war of the rebellion Joseph Lynch was taken from Arkansas to the State of Texas, and that he returned to Arkansas with his former owners immediately after the war, where he continued to reside until some time between October 14 and November 28, 1868.

Nancy Gunter was readmitted to citizenship in the

Secretary-8

Cherokee Nation by an Act of the Cherokee National Council approved January 14, 1880, and in accordance with an approved opinion of the Assistant Attorney General dated June 21, 1904 (I.T.D. 2216, 3448, 3543-1904), she has been enrolled as a citizen by blood of the Cherokee Nation, her name appearing upon a partial roll of Cherokee citizens approved by the Department opposite No. 32196. The record in the case of Nancy Gunter fails to show that the question as to whether she ever lost her Cherokee citizenship prior to her readmission, has been decided, and in view of the fact that Joseph Lynch did not return to the Cherokee Nation after the war of the rebellion until 1868, that question is immaterial to the case.

The records of this office show that the name of one George Johnson is identified upon the 1880 Cherokee tribal roll, page 642, No. 596, as an Adopted Colored, forty years of age, marked "Dead", being identified thereon with the family of which he is the head, Rachel Johnson, Adopted Colored, aged thirty, and Jennie, Merlinda, and Johnny Johnson, aged thirteen, six, and four years, respectively. These children have been duly enrolled as Cherokee freedmen.

Secretary-4

The record in case fails to show that this George Johnson is the father of Joseph Lynch, the record leaving the presumption that he is.

In an approved opinion of the Assistant Attorney General of September 26, 1906 (I.T.D. 9304-1905), in the Cherokee freedman cases of James Martin et al., it was held that a person living prior to the war of the rebellion must show right in himself to Cherokee freedman citizenship, and can not claim citizenship by reason of the compliance with the treaty of 1866 of a person from whom he is a descendant. The question as to whether or not the name of the father of Joseph Lynch appears on the Cherokee tribal roll of 1860 is therefore immaterial.

John T. Gunter testified at length before the Commission to the Five Civilized Tribes prior to the rendition of the decision in this case.

The other applicants in the case possess no rights to enrollment not possessed by Joseph Lynch.

For the reasons herein stated it is respectfully recommended that both motions be denied.

The motions are enclosed.

Respectfully,

Through the
Commissioner of Indian Affairs.

Encl. B-25

Commissioner

(COPY)

--Copy--

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

LAND:
23420-1904
99222-1906

November 28, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

Referring to Departmental letter of April 7, 1904, (I.T.D. 1478-1904), affirming the decision of the Commission to the Five Civilized Tribes, rejecting the application of Joseph Lynch, et al., for enrollment as Cherokee freedmen, I have the honor to transmit herewith a communication from the Commissioner to the Five Civilized Tribes, dated November 6, 1906, transmitting a motion, filed September 7, 1905, for review of the decision in this case.

Very respectfully,

G. F. Larrabee,

Acting Commissioner.

WV2-M

D.C. 53846.

(COPY)

DEPARTMENT OF THE INTERIOR, LLB
WASHINGTON.

Y.P.

I.T.D. 24138--1906.

December 7, 1906.

L.R.S.

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

Sir:

The Department is in receipt of your letter of November 6, 1906, reporting upon two motions for review in the Cherokee freedman case of Joseph Lynch and others, sent to you with departmental letter of May 2, 1906.

The Department finds that your recommendation that the motions be not entertained is founded upon the law and the facts, and the motions are denied.

The papers received with Indian Office letter of November 28, 1906 (Land 99222) have been returned to it. It will advise local attorneys hereof. A copy of its letter of November 28, 1906, is inclosed.

Respectfully,

Thos. Ryan,

First Assistant Secretary.

Through the Commissioner
Of Indian Affairs.

1 inc and 6 to Ind. Of.

Charles Freedman
R 243.

Muskogee, Indian Territory, December 17, 1906.

William Lynch,

Hayden, Indian Territory.

Dear Sir:

You are hereby advised that two motions for review of your Charles freedman enrollment case were denied by the Secretary of the Interior, December 7, 1906.

A copy of said Departmental decision is enclosed herewith.

Respectfully,

Encl. H-84
JMH

Commissioner.

Cherokee P.
R 242 et al.

Muskogee, Indian Territory, December 17, 1906.

Blue & Bulger,

Attorneys for Joseph Lynch, et al.,

Baxter Springs, Kansas.

Gentlemen:

You are hereby advised that two motions for review of the Cherokee freedmen enrollment cases of Joseph Lynch, et al., were denied by the Secretary of the Interior, December 7, 1906.

A copy of said Departmental decision is enclosed herewith.

Respectfully,

Commissioner.

Encl. H-830
JMB

Cherokee Freedmen
R 242 et al.

Muskogee, Indian Territory, December 17, 1906.

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

Dear Sir:

You are hereby advised that two motions for review of the Cherokee freedmen enrollment cases of Joseph Lynch, et al., were denied by the Secretary of the Interior, December 7, 1906.

A copy of said Departmental decision is enclosed herewith.

Respectfully,

Encl. K-63.
JMH

Commissioner.

AFFIDAVIT.

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

In the matter of the application of William

Lynch

for enrollment as a Cherokee Freedman.

No. F. O. 992

Henry Paek, of lawful age, being duly sworn on
oath states that on the 20th day of September, A. D., 1901, he registered
to William Lynch whose postoffice is Hayden

Indian Territory, a notice, a true copy of which is attached to this affidavit, and he hereto
attaches the receipt of the Postmaster at Fort Gibson Indian Territory;
and that on the 28th day of September, 1901, he received the return
card which is hereto attached, signed by the said William Lynch showing
that he had received said notice.

Subscribed and sworn to before me on this the 28th day of Sept A. D. 1901.

Henry Paek
J. C. Starr
Notary Public.

712 992

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

FILED

OCT 2 1901



ACTING CHAIRMAN.

NOTICE!

IN THE MATTER OF the application of

Wm Lynch

for enrollment as Cherokee Freedmen:

Case No. F. D. *992*

To

William Lynch, Doysden

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of *Vinita* Indian Territory, on *Oct 14 1901* at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.


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

L B Bell

W. W. Hastings

J. S. Dawson
Attorneys for the Cherokee Nation.

50149
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAR 24 1902


ARTHUR GARRISON

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. William Lynch,
Hayden, I.T.
Cherokee F-D-992
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

MEMORANDUM OF APPLICATION

CHEROKEE FREEDMEN

NOV 1 1861
LET IT BE KNOWN
THAT THE COMMISSIONERS OF THE INTERIOR
COMMISSION TO THE WAR ORPHAN ASYLUM

Date _____
 Post Office _____
 District _____
 Age _____
 Citizenship _____
 District _____
 Citizenship _____
 Citizenship _____
 Age _____
 Citizenship _____
 Year _____ Page _____ No. _____ District _____
 Citizenship _____
 Citizenship _____
 Names of Children:
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____

1 Name _____
 Owner's name _____
 Year _____ Page _____ No. _____ District _____
 Parents:
 Father _____
 Mother _____
 Names of Children:
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____
 Year _____ Page _____ No. _____ Dist. _____

3000

Application made by _____

Stenographer _____

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date July 1, 1901
Post Office Hayden St.
District Geo

1. Name William Lynch Age 22
Owner's name _____ Citizenship _____
Year 186 Page 123 No 3054 District Geo

Parents:
Father Geo Lynch - living Citizenship _____
Mother Caroline Sanders 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. | | | | |
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| 11. | | | | |
| 12. | | | | |

Application made by Wm. L. Stenographer Chas. Wallace

1. On file roll as Will Lynch Geo
1. " Wallace " Page 121 *2555 Wm. Lynch

X Ref 0732

Cher Fr R 244

Cher. Fr. R. 244

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

In the matter of the application of Watie Williams for the enrollment of his wife, MARY WILLIAMS, as a Cherokee Freedman; said Williams being sworn and examined by Commissioner T. B. Needles, testified as follows:

APPEARANCES:

Mr. Smith, of Firm of Mellette & Smith, Attorneys for Applicants.

Mr. L. B. Bell, Cherokee Representative:

Q What is your name? A Watie Williams.
Q How old are you, Watie? A I am right close to 40.
Q What is your post office address? A Coffeyville, Kansas.
Q What district do you live in? A Coowescoowee now.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A Just me and my wife is all I know of.
Q What is your wife's name? A Mary Meltonshe was, Mary Williams.
Q Is she about 40 years old? A Somewhere along about 40.
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 No, sir.
Q Is your wife's name on the roll of 1880? A Yes, sir, should be.
Q Was your wife ever married before you married her?
A Yes, sir.
Q What was her name then? A Melton.
Q Was she ever married before that? A Not that I ever heard.
Q What was her father's name? A I don't know that.
Q Do you know her mother's name? A Neither one of them.
Q Do you know what her name was in 1880, 20 years ago?
A Melton.

BY MR. SMITH:

Q You say you are not any of the rolls yourself? A No, sir.
Q Do you claim to be a Freedman of your own right or by having ~~xxxx~~ married your wife? A Just by adopted.
Q You don't claim any rights of being a Freedman yourself?
A No, sir.
Q When were you married? A About two years ago?
Q That would be too late for you to apply for yourself?
A Yes, sir, I suppose so.
Q How long did you know your wife before you married her?
A Oh, I have knowed her about 23 years I guess

~~The applicant being informed and understands that he has no right~~

(The Applicant being informed and understands that he has no right to enrollment either of his own right or by inter-marriage expresses a willingness to withdraw his application for his own enrollment and apply only for his wife.)

Q Well, what do you know now, Watie, of your wife's residence in the Cherokee Nation? A I know she lives in the Cherokee Nation there in Coowescoowee District.
Q How long has she been living? A I am certain she has been living there 20 years.
Q Was she living there when you first became acquainted with her?
A Yes, sir.
Q Has she a place there, or farm, or not? A Yes, sir.
Q How much do you think the improvements on that farm are worth?
A I would not exactly say.
Q You can give your judgment? A About six or seven hundred dollars.

Watie Williams--2.

Q You, on your own personal knowledge, do not know anything about when, who she belonged to or where she was in 1866, or anything of that sort? A No, not of my personal knowledge.

Q I will ask you if you know whether she drew money in the Kern-Clifton payment or not? A Yes, sir, she drew money.

Attorney for Cherokee Nation objects to testimony relating to the values of property. Objection overruled by the Commission.

The 1880 Authenticated 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 found thereon, page 148, #3656, Mary Melton, Cooweescoowee District.

The Wallace Roll of Freedmen of the Cherokee Nation examined and applicant's name found thereon, page 128, #2684, Mary Milton, Cooweescoowee District.

MARY WILLIAMS, being duly sworn by Commissioner T. B. Needles, testified as follows: EXAMINATION BY MR. SMITH:

- Q What is your name now? A Mary Williams.
Q Were you a slave before the war? A Yes, sir.
Q Whom did you belong to? A I belonged to Jack Forester.
Q Was he an Indian? A Yes, sir.
Q Where did he live before the war? A In Going Snake district.
Q Do you know your age exactly? A No, sir, I could not tell anything about my age.
Q Can you remember the war? A Just a little.
Q Well, what can you remember about it? A Remember no more than I heard them speaking about the war.
Q Do you remember whether you were taken out during the war or not?
A No, sir; never was.
Q You never were? A No, sir.
Q Whom did you stay with? A I was with them.
Q With whom? A With my folks.
Q Where do you live now? A I live on Verdigris.
Q About how long have you been living there, as well as you can remember? A About 20 some odd years.
Q Where did you go from when you went there to live on the Verdigris? Where had you been living before that? A Where had I been living; I came from Sequoyah District; nor Sequoyah District but Going Snake from there to Grand river.
Q And then you long did you live up on Grand river? A I could not tell exactly how long; I was just located first one place and then the other around in the Nation here.
Q You have no children? A No, sir, I have none.
Q You have some witnesses here who know about you have you during the war? A Yes, sir, perhaps they are here, and know more about it than I do.
Q You don't know much of the war? A No, sir, I don't know my age.

BY MR. HILL:

- Q You say you didn't leave the Nation during the war at all?
A No, sir, never did.
Q Who did you live with during the war, while it was going on?
A Jack Forester's folks.
Q Where did that Jack Forester live? A Going Snake district, some place.

Q Some place in there, could not you name some town, Going Snake District is a good big place? A I could not tell just exactly, just whereabouts.

Q Can you tell me why you say it was in Going Snake district?
A Sir?

Q Can you say why you lived in Going Snake District, you could not tell whereabouts? A I could not tell you more than it was Going Snake district.

Q How do you know it was Going Snake District? A I was told it was Going Snake District.

Q Do you know any of Jack Forester's people, his family?

A Don't know any of them but the youngest children, two of them.

Q What is their names? A One was Sue and the other Sam.

Q Did you recollect when the war closed, when peace was made?

A Yes, sir, I remember something about the the war was closed.

Q Who were you living with then? A I was living with them.

Q Sue and Sam Forester? A Yes, sir.

Q Are they alive? A I don't know whether they are alive now or not.

Q How long since you heard from them? A I don't remember, I haven't had anything from them since the war.

Q Well, how old were you when you left them? A I could not tell anything about my age, how old I was.

Q You have some idead of about how big you was don't you?
A Yes, sir.

Q About how big were you then you left them? A My size about that (indicating); I ain't much higher than that now.

Q Did you just go off alone from them? A Yes, sir.

Q You left them in Going Snake District did you? A Yes, sir.

Q Where did you go to when you left them, the first day you struck out? A Went around first one place and then the other in the neighborhood there.

Q How long were you in that neighborhood before you went out and went to some other one? A I could not tell there was so many places.

Q Well about how long ago was it you come to Grand river, you said you come to Grand river? A well, that has been about; I stayed down in there about two years I guess.

Q I didn't ask you how long you stayed down there; I asked you how long it was before you left Grand river?

A I told you a while ago it was some 20 odd years ago.

Q Who did you live with on Grand river? A Around there, Minnie Rateliff.

Q Where did she live, on Grand river? A On the other side of it, East side.

Q What district? A Delaware district, if I mistake not.

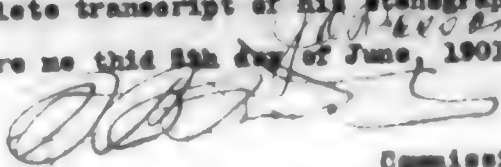
Q You stayed there about two years? A Yes, sir.

(Remainder of application taken by M. D. Green, Stenographer.)

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J. O. Resson, 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 13th day of June, 1901.



Commissioner.

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Continuation of application of MARY WILLIAMS, for enrollment as a Cherokee Freedman; (former portion taken by stand, Hossen)

Department of the Interior,
Commission to the Five Civilized Tribes,
Chickasa, I.T., June 1st, 1901.

NELSON MURRILL, being sworn and examined by Commissioner Needles testified as follows:

Appearances:

Smith, of Mellette & Smith, for applicant.
L. B. Bell, Cherokee Representative.

Examination by Mr. Smith:

- Q What is your name? A Nelson Murrill.
Q What is your post-office? A Coffeyville, Kansas.
Q Where do you live? A Cooweescoowee District.
Q You know this woman that has just applied for enrollment, Mary Williams, her name is now? A Yes sir.
Q How long have you known her? A About thirty years.
Q Where was she when you first knew her? A I first knew her on Snow Creek about five miles south of Coffeyville, where Coffeyville is now.
Q Do you know who her owners was? A I do not.
Q Do you know where she lived before she came to Snow Creek thirty years ago? A No, I do not.
Q Where has she been living ever since you knew her? A Right there in my neighborhood.

Cherokee Rep've Bell waives examination.

CHARLEY CHAMBERS, being sworn and examined, sworn by Commissioner Needles, and examined by ATTORNEY SMITH, testified:

- Q State your name? A Charley Chambers.
Q What is your post-office? A Hudson.
Q How long have you lived in that neighborhood? A Oh I have lived there 13 or 14 years, maybe longer.
Q How long have you lived in the Cherokee nation? A Raised in the Cherokee Nation, been living all my life.
Q How old are you? A I guess between 60 or 70 years old.
Q Do you know this woman, Mary Williams, her name is now, who has just applied here for enrollment? A Yes sir.
Q Do you know who owned her? A Not really knowing who owned her, but I know her when I see her.
Q When did you first see her? A I seen her along about the first time I saw her up on Big Creek, and that was along in '67.
Q When was it you came on Big Creek? A Along in '67.
Q Who came with her? A I don't know, when I come here I found her here.
Q You don't know of your own personal knowledge anything about her before the war? A No sir.

Examination waived by Cherokee Rep've Bell.

ABRAHAM HAIR, being sworn and examined by Commissioner Needles and examined by ATTORNEY SMITH, testified as follows:

- Q State your name? A Abraham Hair.
Q What is your post-office? A Winer.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Do you know this woman, Mary Williams her name is now, used to be Mary Melton? A Yes sir.
Q How long have you known her? A About thirty years.
Q Do you know who she belonged to? A Yes sir.
Q Who? A She belonged to Jack Foster.

Mary Williams continued 2

- Q Was he an Indian? A Yes sir.
Q Where did he live? A He lived up on Barron Fork.
Q In what district and what nation? A Well I don't know, must have been Goingsnake District though; I don't remember the name of the district at the time, but it was in Goingsnake where I lived.
Q Did you know this woman's mother? A Yes sir.
Q What was her name? A Mary.
Q You know who her father was? A No sir.
Q Who did Mary belong to? A She belonged to the same man, Jack Foster.
Q Was he an Indian? A Yes sir.
Q You know what became of this woman during the war? A She remained with the family.
Q With what family? A With Foster's family.
Q How old was she, how big was she? A Oh, she was just a little girl, (indicating).
Q Where were you, were you taken out of the Nation in that time?
A I went out with Stan Watie and his outfit.
Q How long was you out? A During the whole war.
Q When did you come back? A In '65.
Q How long after you came back before you saw this woman, this girl? A Along in the winter of '66., the fall I saw her.
Q Where was she when you saw her? A She was down there on Grand river.
Q Close to what place? A Close to Lynch's settlement, down here on Grand River.
Q In the Cherokee nation? A Yes sir.

Examination by Cherokee Representative, L.B. Bell:

- Q In where? A Lynch's settlement.
Q Well, Lynch's settlement, that's near the Island Ford is it?
A Yes sir.
Q Where Simon Lynch and others lived? A Up in there, yes sir.
Q Now whose house was she at? A Well, I don't remember the house, I was just passing through and I stopped there, and knowed her, she was the child.
Q You recollect which side of the river it was? A Yes sir, the other side.
Q On this side? A On the other side.
Q Who did you belong to before the war? A John Hair.
Q Didn't John Hair sell you? A Yes sir.
Q Out of the country? A No sir.
Q Who to then? A To his sister.
Q Give the name? A Mary Hair.
Q How were did Mary Hair live when she bought you from John Hair?
A She lived with John Ramsey on 14 Mile Creek.
Q What year was that? A I couldn't tell you, that was before the war.
Q Well, at the beginning of the war, in '61, where were you and John Ramsey and Mary Hair living? A I wasn't with them, I was living with Mary's cousin.
Q Who was that? A Dr. Lauderdale's daughter.
Q Where was Dr. Lauderdale living? A He was living up there this side of Cincinnati.
Q In Arkansas? A No sir, Cincinnati is in Arkansas, but I wasn't in Arkansas.
Q Lauderdale you mean was living in the Cherokee Nation? A Yes sir his daughter was, Lauderdale's daughter was.
Q That was Mary Hair's cousin was it? A Yes sir.
Q He had sold you to them? A No sir, you know how that come? you want to know the whole thing?
Q No, I just want to find out your whereabouts? A Well that's where I was; you see old Hair had come from old Georgia didn't he?

Mary Williams

cont. Inquest

- Q I understand that part of it now, when did you settle up here on Big Creek? A I settled there in the fall of '66.
- Q What was you doing at Lynch's Prairie when you run across this woman? A I went down to get a drove of cattle.
- Q Down to Lynch's Prairie? A No sir, way below there.
- Q You can't recollect what house you stopped at? A No sir, I was driving cattle.

Examined by Attorney Smith:

- Q Are you on the 1860 roll? A I don't know sir, I should have been.

Commissioner Needles; Watie Williams applies for the enrollment of his wife, Mary, he himself being a non-citizen; upon examination of the rolls of 1860 the name of Mary Williams cannot be found; she is identified upon the Kerns-Clifton roll and the Wallace roll, as Mary Melton, that having been her name of her former husband; since his decease she has been married to one Watie Williams; by reason of the fact that her name is not found upon the authenticated roll of 1860, and because of the protest of the Cherokee Nation, said Mary Williams will be listed for enrollment as a Cherokee Freedman on a doubtful card, for the further consideration of the commission; she will be notified of the decision of the Commission.

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

M.D. Green

Subscribed and sworn to before me this June 3, 1891.

R. Needles

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 24th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Mary Williams, C. P. D. 463.

Appearances:

L. B. Bell for the Cherokee Nation.
Mellette & Smith for the applicant.

Witnesses placed under the rule.

MRS. SARAH MAYFIELD being first duly sworn by Commissioner T. B. Needles, testified as follows on the part of the Cherokee Nation:

- (By Mr. Bell)
- Q What is your name? A Mrs. Sarah Mayfield.
- Q How old are you? A 64.
- Q Where do you live—your post office? A Oolagah.
- Q Are you a citizen of the Cherokee Nation? A Yes sir.
- Q Cherokee by blood? A Yes sir.
- Q Recognized here? A Yes sir.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q At the beginning of the war where were you living? A In Goingsnake District.
- Q Whereabouts? A Close to Baptist Mission.
- Q In Goingsnake District? A Yes sir.
- Q Were you acquainted with a man named Jack Foster? A Who lived in Goingsnake district?
- Q Yes man? A Yes sir.
- Q Where did he live? A Close to Baptist Mission.
- Q How far from the Baptist Mission? A About five miles, I reckon as well as I can recollect.
- Q He was living there when the war broke out was he? A Yes sir.
- Q Were you intimately acquainted with his family? A Yes sir.
- Q Were you any relation to him? A He was my father in law and brother in law both.
- Q How far did you live from him when the war began? A About five miles.
- Q Your husband then was his son was he? A Yes sir.
- Q After the war began did your family and his family continue to live as near as five miles apart? A No sir we all lived together when the war commenced good, me and his family and my mother all moved together and lived there during the war.
- Q What house did you live at, Jack's house or yours? A Jack's house.
- Q About when was it that you moved together during the war? A The war just had commenced.
- Q Did Jack Foster own any slaves? A He owned three.
- Q Can you name them? A Yes sir, aunt Peggy, Jerry and Randall.
- Q Peggy was a woman? A Yes sir.
- Q And Jerry and Randall were men? A Yes sir, her sons.
- Q Did he have any other slaves living with him then? A No sir.
- Q How long did these niggers stay with him during the war? A Aunt Peggy died time of the war and Jerry and Randall left her, I dont know where they went, I cant tell anything about that.
- Q Did he have a negro, a girl, named Mary? A No sir.
- Q Never had anything of that kind with him? A No sir.
- Q Were you acquainted with a young woman named Rachel Mixkiller at that time? A Yes sir, she lived right there.
- Q Do you know her yet? A Yes sir.
- Q What is her name now? A Rachel Knight.
- Q Where does she live? A On Verdigris now.
- Q Did Jack Foster live through the war? A No sir he died time of the war.
- Q His family continued to live there? A Yes sir.
- Q How long did they live there? A Well, I dont—about two years as well as I recollect.
- Q What became of his family then? A The widow married a man named Redbird Mixkiller and moved to Tahlequah.

Q They lived there after Foster died a year or two before she married Redbird Sixkiller? A Yes sir.

Q How far from you? A A mile or two, I can't just tell how far it was.

Q You are satisfied that they never owned a girl named Mary? A Yes sir I am certain of that.

Q Are you certain that they didn't own any girl at all? A Just the three that I have named, and I know them all my life.

Q How long had you been married when the war came up? A About 15 years I guess.

Q How old was this girl, this Rachel Sixkiller when you first knew her? A When she was a child.

Q When did she first live in this neighborhood that you are talking about? A She was raised right there, she was then just as a little child.

Q How old was she when the war came up? A I don't know as I can tell you that.

Q Was she a little girl then? A No sir, maybe grown, it is so long I have pretty near forgot.

Q When the war came up how far was she living from Jack Foster? A About a mile; after her mother was killed they moved right close to us.

Q When was her mother killed? A It was after the war commenced.

Q I am talking about when her mother was living, how far did they live then from Jack Foster? A About five miles as well as I can recollect.

(By Smith)

Q What was this man's name? A Foster.

Q Was it Foster or Forrester? A Foster.

Q How do you spell it? A I can't tell that.

Q Was it F-O-S-T-E-R or F-O-R-R-E-S-T-E-R? A F-O-S-T-E-R.

Q Did you ever see him write his name? A No sir I didn't.

Q Did you ever see any mail addressed to him? A No sir.

Q The man you are talking about, you don't know if it was Forrester or Foster do you? A He went by the name of Foster is all I know.

Q Do you know if he spelled it F-O-S-T-E-R or F-O-R-R-E-S-T-E-R? A No sir I don't know how he spelled it.

Q How long, at the time of the beginning of the war, had the man you are talking about owned those three slaves? A They belonged to him as well as I recollect, as long as I can remember.

Q That must have been from 15 to 20 years before the war then? A I guess so.

Q During that time did he own any other slaves? A No sir, just these three as I know of.

Q He might have owned some during that time that you didn't know?

A No sir, I don't think he did.

Q You don't think, but do you know, he might have owned others besides these three that you didn't know of might he not? A If he did I don't recollect anything about it.

Q That is the best of your recollection? A Yes sir.

Q He might have owned some slaves that you didn't know anything about? A Maybe so.

Q Wasn't it customary in those days for people to hire their slaves out sometimes? A Yes sir.

Q You don't know this woman that is applying in this case, this Mary Williams? A No sir.

Q You don't know that the Jack Foster or Forrester that you are speaking of is the same man that she claimed owned her? A No sir.

(By Bell)

Q Did you ever know, or hear of any other Jack Foster or Forrester in that country? A No sir.

Q You lived in that country from the time you can recollect up until the war all the time? A Yes sir.

Q And you knew Jack Foster from the time he married your sister up to the time of his death? A Yes sir.

Q That was how many years, do you reckon? A About 20 years as well as I can recollect, and I knew him a long time before that.

Continued by stenographer James H. Jones. This copy returned

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

Chas. W. Wiley

Subscribed and sworn to before me this 20th day of October, 1891.

C. R. Beekman

Notary Public

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Subscribed before me this 1st day of September, 1901.

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COMMUNICATIONS SECTION

~~CONFIDENTIAL~~

MARY WILLIAMS. Continued from testimony taken by Stenographer
Chas. von Weise, October 24, 1891.

RACHEL KNIGHT, being duly sworn by Commissioner Needles,
testified as follows:

Mr. Bell: Give your name, age and postoffice? A Rachel Knight;
postoffice, Vinita; age, 58.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q How long have you lived here in the Cherokee Nation? A All
my life, never have lived anywhere else.

Q Where did you live when the war between the north and south
began? A In Going Snake district, Baptist Mission.

Q Did you know a man down there by the name of Jack Foster,
living in Going Snake? A Yes, sir.

Q How far do you think you lived from him when the war began?
A About two miles I guess.

Q Well, how long did he live there your neighbor? A He was living
there when I can remember.

Q He was living there from your first recollection? A Yes, sir.

Q Now where do you first recollect seeing him where he was living?
A Near the Baptist Mission.

Q Wasn't it right at the Baptist Mission? A Yes, sir, the old
Buffington place.

Q Then did he move from there? A Yes, sir.

Q Where did he move to? A Moved about a mile from there, built
a new place.

Q Do you know whether he died or not during the war? A He died
during the war.

Q Do you know what became of his widow? A She married my father.

Q When was that? A In '64, spring of '64

Q At the time your father married this widow Foster where was she
living? A She was living in Going Snake there on the old place.

Q Was that near the Baptist Mission? A Yes, sir.

Q Are you acquainted with Mrs. Sarah Mayfield, the witness that
testified here? A Yes, sir.

Q Where was she living at that time? A She was living there with
her sister.

Q Who? A Mrs. Foster

Q Was she living there at the time your father married? A Yes, sir

Q How far did you live at the time your father married Mrs. Foster,
how far were you living from her then? A About a mile and maybe not

so far.

Q Were you pretty intimately acquainted with that family? A Yes,
sir, I saw them every day.

Q Did they own any slaves? A Yes, sir.

Q Can you name all of them, or such of them as you recollect of
them having? A I can name three.

Q Were they men or women or what? A They were two men and one
woman, Jerry and Randall, and their mother, old Aunt Peggy we called
her.

Q Do you recollect of seeing any other slaves up there at all?
A No, sir, I don't.

Mr. Smith: How old were you when the war came on, Mrs. Knight? A I
don't recollect it, about 13 or 14 I guess, somewhere along there.

Q You were just a little girl? A I was born in '49.

Q Then you were about 12 years old? A Yes, somewhere along there.

Q You were just a child practically at that time; there might
have been slaves there that you don't remember? A No, I guess I
would have seen them if they had been around there, I was there
every day.

Q But you might have forgotten them? A No, I don't think I would!

Q Do you remember whether it was customary at that time to hire
slaves out, whether or not persons who owned slaves hired them to
other persons or not to work? A No, sir.

Q Well, do you say that that wasn't the custom, or that you don't remember? A I don't remember whether it was or not.

Q All that you can testify to in this case is that if this man Foster that you are talking about had any other slaves except the three you name, you didn't know it? A Why no, my father married his widow and I ought to know, no, there wasn't any other except these three.

Q These are the only three that you remember? A Yes.

Q How long had he had them? A I don't know.

Q Do you remember of his getting either one of them? A No, they were all there the first I remember of, all three.

Q As far back as you can remember? A Yes, and they were old.

Q You don't know this woman that is applying in this case, this Mary Williams, never saw her? A No, I never heard of her.

Q You don't know whether the man you are talking about is the same man that she claims owned her or not? A No; it was the only Jack Foster that is around there.

Q Was his name Foster or Forrester? A Foster.

Q How do you spell it? A F-o-s-t-e-r is the way it is spelled.

Mr. Bell: Well, you lived in Going Snake until you were about 18 years old? A Yes.

Q All your life you were born there as far as you know anything about it? A Yes.

Q You never heard of any other Jack Foster or Forrester in that district? A No, I never heard of it.

Mr. Smith: When was it you saw these slaves, up to what time? Up to about '63, I think they were in it sometime.

Q Who did your father marry? A The widow Foster, Jack Foster's wife.

Q When did he marry her? A '64 I think.

Q Were these slaves there then? A No, they were gone, the old woman died and the men left.

Q Going Snake district is a good big district? A No, not as large as Gopwascoowee, I don't know how large it is.

Q Do you know how long it is? A No.

Q How wide? A No.

Q Know how many people live in it or how many lived in it at that time? A No, there wasn't very many, I don't guess, there was so many gone.

Commissioner: This testimony will be filed with the papers in the 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 25th of September, 1901.

[Signature]

Commissioner.

"R"

Cherokee Freedman D 463

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., March 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION in the
matter of the application of Mary Williams for enrollment as a
Cherokee Freedman.

Appearances:

Mr. Mellette, of Mellette & Smith, Vinita, I. T.,
attorneys for the applicant;
W.W.Hastings, of attorneys for the Cherokee Nation.

ELIZA TUCKER, being first duly sworn and being examined tes-
tified as follows:

BY MR. HASTINGS:

- Q What is your name? A Eliza Tucker.
Q What is your age? A I am 46 years old.
Q Are you married? A I have been married, I aint married now.
Q What was your maiden name? A Ratliff.
Q What was your mother's name? A Winnie Ratliff.
Q Where did you live just before the war? A Right in Tahlequah.
Q In the town of Tahlequah? A Yes sir.
Q How long did you live there? A About a year right in town.
Q Where did you go from there? A Two or three miles east of Tah-
lequah on Ben Sanders' place, we lived there and raised ans crop
there and moved six miles below Tahlequah on Keys' place, and
raised a crop there.
Q Then where did you go? A To Fort Gibson.
Q How long did you live at Fort Gibson? A I guess about three
years.
Q Then where did you go? A Moved up on Grand river.
Q Now how long was that after the war before you moved to Grand
river? A I guess it must have been about 6 or 7 years, maybe 10years
somewheres along there.
Q And your mother's name was Winnie Ratliff? A Winnie Ratliff.
Q Did you ever know a colored woman named Mary Williams? A No sir.
Q Did a woman named Mary Williams ever live with you? A No sir.
Q Did one by the name of Mary Foster live with you? A Yes sir.
Q Did you live with your mother up there? A Yes sir. Lived
with her until she died.
Q She the only Winnie Ratliff you knew of up in that country? A
Yes sir.
Q Your mother dead now? A Yes sir.
Q How far did you live from Nelse Moore? A I guess about a mile
or a mile and a half.
BY MR. MELLETTTE:
Q You never knew Mary Williams then at all? A No sir.
Q Did you know Jake Forester? A Yes sir.
Q Where were you born? A Delaware District, Honey Grove.
Q Did you ever live in Geingsnake District? A Yes sir, during the
war.
Q Who was your master? A John Ratliff.
Q You don't know anything about Mary Williams that ~~was~~ used to
live with Forester's folks? A No sir.
Q Jake Forester's folks? A No sir.

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

BY MR. HASTINGS:

- Q What is your name? A Nelson Moore.
Q Where do you live? A Delaware District.
Q What is your age? A 48.
Q What is your post-office? A Ketchum.

Q How long have you lived in that neighborhood? A Ever since '66.
 Q Is that on Grand river? A On Grand river.
 Q About how far from Vinita? A About 15 miles.
 Q Do you know Winnie Ratliff? A Yes sir.
 Q Was this her daughter on the stand awhile ago? A Yes sir.
 Q About how long after the war was it before they moved up on Grand river? A It was about '74 or '5 or '6.
 Q How far did they move from you and live from you? A Well first moved just about a mile from us.
 Q How long did she live there? A She stayed there about, Oh I reckon about a year, and then she built a house just about a half a mile south of us, and then lived there.
 Q Did you know her well? A Yes sir.
 Q Backwards and forwards to her house? A Yes sir.
 Q Did you ever know a woman named Mary Williams or Mary Foster to live there with Aunt Winnie Ratliff? A No sir, never did.
 Q Did you ever know her at all up there? A No sir, never knew her at all.
 Q You have lived on Grand river ever since? A Ever since '66.

BY MR. MELLETTE:

Q How often have you been arrested, Nelson? A Why I have been arrested twice.
 Q What for? A Why they arrested me once just for driving a steer, helping a fellow drive a steer; he hired me to help him.
 Q Been a good many men arrested for that? A I don't know.
 Q What did they do with you? A They taken me to Fort Smith, and tried me before the Commissioner and I come clear, I was not guilty.
 Q They ever arrest you after that? A Yes sir.
 Q What for? A They claimed I sold mortgaged property.
 Q What did they do with you? A They released me; they tried me about it; I was not guilty.
 Q You paid the mortgage off didn't you? A No sir.
 Q You swear you didn't? A If I did I don't know it, I swear I didn't.
 Q Well you would know it if you had? A Yes sir, I would know it if I had paid it off, I never paid it off.
 Q You don't know anything about Mary Williams that used to live with Jake Forester? A No sir.
 Q You don't know Jake Forester do you? A No sir.
 Q You don't know whether you ever lived on Grand river where this woman Mary Williams lived or not do you? A I lived in the neighborhood where I live now ever since 1866, and I never did see her.
 Q You don't know whether she did live there or not do you? A She never lived there, if she did I never saw her.

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

M.D. Green

Subscribed and sworn to before me this March 4, 1902.

[Handwritten Signature]

Commissioner.

Freed D 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, I. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith, Cherokee Nation, by
W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Mary Williams, D 463;

By W. W. Hastings:

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

Commission:

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

Mr. Smith:

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

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

W. W. Hastings:

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

The Commission:

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

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

(Signed) E. G. Rothenberger.

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

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

(SEAL)

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

E. C. Bagwell

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

P. G. Reuter
Notary Public.

*Joe
W*

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

In the matter of the application for the enrollment of
Mary Williams as a Cherokee Freedman:

D E C I S I O N

The record in this case shows that, on June 1, 1901, Watis Williams appeared before the Commission at Chelsea, Indian Territory, and made personal application for the enrollment of his wife, Mary Williams, as a Cherokee Freedman. Further proceedings in the matter of said application were had at Vinita, Indian Territory, October 24, 1901, and at Muskogee, Indian Territory, March 3, 1902.

The evidence does not show that the said Mary Williams or any of her ancestors were slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the war of the rebellion.

The name of the said Mary Williams is not found on the 1890 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Mary Williams, as a Cherokee Freedman, should be denied under the provisions of Section twenty-one of the Act of Congress approved June 23, 1898 (30 Stat., 493), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Handwritten signature]

C. A. Brantley

W. E. Starnes

Muskogee, Indian Territory,

this JUL 1 1902

6

D463

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

FILED
JUN 17 1901

THE COMMISSIONERS OF THE INTERIOR
 WASHINGTON, D. C.
 RECEIVED
 JUN 17 1901
 DEPARTMENT OF THE INTERIOR
 COMMISSION TO THE FIVE CIVILIZED TRIBES

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.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes,
in the matter of the application of Mary Williams for enrollment
as a Freedwoman of the Cherokee Nation, one copy of the original
testimony of June 1st, 1901.

Melleto Smith
Attorney for Applicant.

Cherokee F. #D463.

9
N.D. 463

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-

in notice on.....

by delivering a true copy thereof on the
..... day of..... A. D. 1901

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

.....
Marshal for the Cherokee Nation.

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

..... day of SEP 18 1901 1901.
William T. Smith
Attorney for applicant.

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

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

.....
on the..... day of..... A.D. 1901

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

.....
Notary Public.

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

FILED
SEP 13 1901

W. T. Smith
ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF the application of Mary Williams
for enrollment as a Cherokee citizen:

Case No. D 463

To Mary Williams or Mellett & Smith

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, Indian Territory Indian Territory, on Oct 24, 1901 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 14 1901

B Bell
W. W. Hastings
Attorneys for the Cherokee Nation.

COPY.

Cherokee Freedman
D-463

Muskogee, Indian Territory, July 23, 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 Watie Williams for the enrollment of his wife, Mary Williams, as a Cherokee freedman, including the Commission's decision dated July 10, 1903, rejecting said application.

Respectfully,

T. B. Woodlee,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-52

COPY.

Cherokee Freedman
D-463

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 Watie Williams for the enrollment of his wife, Mary Williams, 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,

T. B. Needles,

Commissioner in Charge.

Enc. D-51

COPY.

Cherokee Freedman
D-463

Muskogee, Indian Territory, July 25, 1903.

Edgar Smith,
Attorney for Mary Williams,
Vinita, 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 Watie Williams for the enrollment of his wife, Mary Williams, 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 the Commission is informed of the same.

Respectfully,

T. B. Needles

Commissioner in Charge.

Enc. D-60
Register.

COPY:

Cherokee Freedman
D-463

Muskogee, Indian Territory, July 23, 1903.

Watie Williams,
Coffeyville, Kansas.

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 your wife, Mary Williams, 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, 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,

E. D. Needles

Refer in reply to
the following:
Land
47051-1903

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, February 6, 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 Watie Williams for the enrollment of his wife, Mary Williams, as a Cherokee Freedman.

On July 20, 1903, the Commission rendered a decision in this case, finding from the evidence that neither the said Mary Williams nor her ancestors were slaves of Cherokee citizens, or free colored persons, residing in the Cherokee Nation at the commencement of the war of the rebellion; and that the name of the said Mary Williams is not found on the 1880 enumerated roll of the Cherokee Nation. The Commission is therefore of the opinion that the application for her enrollment as a Cherokee Freedman 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 this case and am of the opinion that the decision of the Commission is fully supported.

thereby, and I therefore recommend that it be approved by the Department.

Very respectfully,

(Signed) A. C. TONNER

Acting Commissioner

W.C.B. (B)

D C 11676-1904.

COPY.

I.T.D. 1178-1904. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

J.P.

April 8, 1904.

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

Gentlemen:

February 6, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the application of Watie Williams for the enrollment of his wife, Mary Williams, as a Cherokee freedman, and recommended that your decision adverse to the applicant be concurred in.

Finding no reason to disturb your decision it is hereby affirmed. A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D 463

Muskogee, Indian Territory, April 21, 1904.

Watie Williams,
Coffeyville, Kansas.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting your application for the enrollment of your wife, Mary Williams, as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 8, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 465

Muskogee, Indian Territory, April 21, 1904.

Edgar Smith,

Attorney for Mary Williams,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting the application for the enrollment of Mary Williams as a Cherokee freedman was affirmed by the Secretary of the Interior on April 8, 1904.

Respectfully,

Chairman.

RECORDED
MAY 11 1904
VALLEY
CHIEF

78463

Muskogee, Indian Territory, April 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 July 10, 1903, rejecting the application for the enrollment of Mary Williams as a Cherokee freedman was affirmed by the Secretary of the Interior on April 8, 1904.

Respectfully,

Chairman.

J.D. 463

B
DEPARTMENT OF THE INTERIOR

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

CHIEF OF BUREAU

FILED
JUN 1 1901

[Signature]
ACTING CHAIRMAN

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

CHEROKEE FREEDMEN.

JUN 1 1901

Date

Post Office *Zaffeyville, Kas*

District *X000*

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents:

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife *Mary Williams* Age *40*

Owner's name *Jack Foster* Citizenship *Cherokee*

Year *K.C.* Page *148* No. *3056* District *X000*

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 *Walter Williams* Stenographer *J. O. Ross and M. D. Green*

On *N. To. Roll* as *Mary Milton*
On *Roll* P. 128 No. 2084, *X000* Dist as *Mary Milton*

Represented by *Mellish & Smith, Kinta, D. A.*

JUN 1 1901

FD 468

10

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Mary Williams,
Coffeyville, Kansas.
Cherokee F-D-463
Regist er.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 245

Cher. Fr. R. 245

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 25th, 1902.

In the matter of the application of Emma McAwee for the enrollment of herself and four children as Cherokee Freedman; said McAwee being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Emma McAwee.
Q How old are you? A About 28.
Q What is your post office? A Vian.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A Yes, sir.
Q Is your name on the rolls of the Cherokee Nation? A Yes, sir.
Q Who do you want to enroll? A I have got two children.
Q Are you married? A Yes, sir.
Q What is your husband's name? A John McAwee.
Q What was your father's name? A Henderson Madison.
Q Is he living? A No, sir.
Q Was he a Freedman? A No, sir.
Q What was he? A Choctaw they say.
Q What was your mother's name? A Nancy Brown.
Q Nancy Brown before she married your father? A Yes, sir.
Q Her name was Nancy Madison wasn't it? A (No response.)
Q Is your mother living? A No, sir.
Q What name did you go by married McAwee? A Madison.
Q Where were you born? A Webbers Falls.
Q In the Cherokee Nation? A Yes, sir.
Q Have you always lived there? A Yes, sir.
Q Did you ever draw any ~~money~~ money from the Cherokee Nation? A Yes, sir.
Q Did you draw strip money? A Yes, sir and before the strip.
Q When were you married? A About 13 years ago.
Q What are the names of your children? A Ella McAwee.
Q How old is she? A Twelve years.
Q What is the name of the next one? A Evaline.
Q How old is Evaline? A Ten.
Q What is the name of the next one? A Charley.
Q How old is Charley? A Six, Nettie.
Q How old is Nettie? A Four.
Q Is your husband, John McAwee, living? A Yes, sir.
Q Where is he? A He is at home.
Q Is he a citizen? A No, sir.
Q Do you know whether your name is on the roll of 1880 or not? A No, sir, I don't know.
Q You say you draw strip money? A Yes, sir.
Q For yourself and these children? A I drew for three of them.
Q Where did you draw it? A Here.
Q Fort Gibson? A Yes, sir.
Q Anybody here knows you? A Yes, sir; there is my aunt, Sarah Davis.

The 1880 Authenticated roll of citizens of the Cherokee Nation examined and applicant's name not found thereon.
The 1896 Census roll of citizens of the Cherokee Nation examined and the names of applicants not found thereon.

The Kern-Clifton roll of citizens on the Cherokee Nation examined and the names of applicants found thereon as follows:

Page 134, #3319, Emma McAwee, Illinois District.
Page 134, #3320, Ella McAwee, Illinois District.
Page 134, #3324, Evaline McAwee, Illinois District.

Q Was your mother a slave? A Yes, sir.
Q To whom did she belong? A John Brown.

Emma McAwee, et al.--2.

- Q Is this woman your aunt? A Yes, sir.
Q Is she a sister to your mother? A My grand mother's sister.
Q Do you know whether your mother was taken out during the war between the United States and the Confederacy or not? A No, sir.
Q You don't know anything about that? A No, sir.
Q There is no proof here that your mother was a citizen and you have acknowledged that your father was not a citizen? A Yes, sir.

SARAH DAVIS, being sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Sarah Davis.
Q How old are you? A The register said I was about 43.
Q When? A When the last registered rolls; of course I don't know my age.
Q What puts you about 55 or 60 years of age now; what is your post office? A Fort Gibson.
Q What district do you live in? A Illinois.
Q Do you know Emma McAwee? A Yes, sir.
Q What relation are you to her? A I am her great aunt.
Q What was her mother's name? A Nancy Brown.
Q Was Nancy Brown a slave? A Yes, sir.
Q To whom did she belong to? A Old man Ocie Brown.
Q Is Nancy Brown living? A No, sir.
Q How long has she been dead? A I can't tell you; she died when this girl was small.
Q She died before 1860 then? A (No response.)
Q Do you know whether Nancy Brown was taken out during the war or not? A No, sir.
Q You don't know whether she was her in 1866 or not? A No, sir.

BY L. B. BELL, Cherokee Representative:

- Q Didn't Nancy Brown belong to Dick Brown, Ocie Brown's son?
A No, sir, we all belonged to old man Brown.
Q You don't know Dick Brown? A I knowed him when he was small.
Q You never knew what division of the property was made? A No, sir.


COM'R NEEDLES:--Emma McAwee applies for the enrollment of herself and four children. Her name cannot be found upon the authenticated roll of 1860 or the census roll of 1896. Her name is found upon the Kerns-Clifton roll and the names of her children, Ella and Evaline, are found upon said roll. She avers that she has two younger children, Charley and Nettie, whose names do not appear upon the roll. (Q. These children are all alive are they? A Yes, sir; Q. You have always lived in the Cherokee Nation? A Yes, sir; Applicant makes satisfactory proof as to residence, but fails to make satisfactory proof as to citizenship. She avers that she is the daughter of Nancy Brown by a husband named Madison and that her name before she married McAwee was Emma Madison. For further investigation the application for the enrollment of Emma McAwee and her four children as enumerated herein as Cherokee Freedmen, her name and those of her children will be placed upon a doubtful card awaiting proof of citizenship and awaiting proof of birth of Charley and Nettie.

Wm. Adams, et al.

J. O. Kessen, 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. Kessen

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



Commissioner.

To be filed with C. F. D. 175.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., April 10, 1908.

In the matter of the application of Gailie Crossland for the enrollment of herself as a Cherokee Freedman.

Applicant represented by L. T. Brown, Vinita, I. T.
Cherokee Nation represented by J. S. Davenport.

The Cherokee Nation by its representative makes satisfactory proof of service on L. T. Brown, agent for the applicant in this case, that it would on the 10th day of April, 1908, at the office of the commission in the town of Muskogee, Indian Territory, introduce testimony tending to disprove the right of Gailie Crossland to be enrolled as a Cherokee Freedman. The applicant and her agent have this day, to wit the 10th day of April, 1908, been called, and fail to respond either in person or by attorney.

JACOB CRAPO, being first duly sworn, testified as follows:

- MR. DAVENPORT: What is your name? A Jacob Crapo.
Q Where do you live, Jacob? A In Illinois District.
Q What is your postoffice? A Vian.
Q How old are you? A Well, sir, I couldn't answer you exactly but I could say pretty closely.
Q Well, as near as you can get at it? A I think something about sixty years old I guess.
Q Where was you living before the war of the confederacy? A I lived over on this side of the river.
Q In the Cherokee Nation? A Yes, sir, I lived right down there at Tobbors Falls.
Q Did you know a colored woman that went by the name of Martha Betlest? A Yes, sir, but she lived over in the Choctaw Nation.
Q When did you know her, Jacob, with reference to the breaking out of the war, before or after the war broke out? A I knowed her before the war, but I couldn't tell you just how long, but I knowed her before the war.
Q Well, now, to whom did she belong when you first know her? A She belonged to Richard Brown, that was old man Brown's son, Richard.
Q That was in the Cherokee Nation at that time? A That was in the Choctaw Nation.
Q Well, do you know to whom she was belonging at the breaking out of the war? A Yes, sir.
Q To whom did she belong? A She belonged to Joe Krebbe.
Q Where was Joe Krebbe living? A He was living up in Canadian, in the Choctaw Nation.
Q Do you know what his citizenship was? A He, sir.
Q That is, whether he was a Cherokee or Choctaw Indian? A He was a Choctaw.
Q Well, have you knowed Joe Krebbe since the war? A Yes, sir.
Q Where did he live when you knowed him after the war? A Well Joe Krebbe when I knowed him that was after the war I knowed him, then he was just over there about the blue, around in there.
Q Well, now do you know Peggy Mackey? A Yes, sir.
Q Do you know Beckey Drew, she goes by the name of Drew, now she was a sister or a relative of these parties? A Yes, sir.
Q Do you know Emma McAvoy? A Yes, sir.
Q Well, where do they live now? A Right now?
Q Yes, sir. A Well, this Emma McAvoy she lives in Sandtown.

Q On the Cherokee side? A Yes, sir, in Illinois District.

Q Where is Beckey Drew, do you know? A She is living in Illinois District.

Q Well, you came back immediately after the war did you? A Never went out.

Q When did these people come into the Cherokee Nation with reference to the war? A Well, sir, now, now that was a thing that I don't know was going to come up.

Q Well, about how long after the war was over before you saw them, you knew their mother before the war? A Well, I knew her a little bit I guess, it was a good while before I saw them come.

Q You know what Emma Moawee's mother's name was? A Nancy.

Q That was her other name? A Well, that was all.

Q You didn't know whether she had any other names? A Well, she had a husband, well I don't know what it was, but they called him John, his name was John Ross, and they just—she was following him around, followed him around.

Q Well, was Martha Batiest or any of her family living in the Cherokee Nation when the war broke out? A No, sir, not as I know of, I don't think they were.

Q Well, you know her? A There was only one living in the Nation, that was Peggy.

Q Peggy Hayes? A Yes, sir.

Commissioner: When did you first learn to know this Sallie Crossland; when did you first become acquainted with her; Sallie Crossland, the applicant in this case. Well, when did you first learn to know the mother of this applicant? A Well, I knowed Batiest then?

Q Yes. A I don't exactly couldn't tell you.

Q Was it before the war? A I knowed them all the time.

Q Well, did you learn to know Martha Batiest before the war? A Knowed her mother.

Q Well, when did you learn to know her? A Her, Sallie Batiest?

Q No, Sallie's mother? A Sallie's mother, knowed her ever since before the war.

Q When did you learn to know Sallie; have you known her ever since she was born? A No, sir, I guess not.

Q Do you know where she was born? A No, sir, I don't.

Q Well, where was she living when you first learned to know her? A Sallie you talking about?

Q Yes, either Sallie or Martha either one. Where was Martha Batiest living when you first learned to know her, was she in the Cherokee Nation? A She was living in the Choctaw Nation.

Q Well, how long did she continue to live there before she came to the Cherokee Nation? A After peace, then she come.

Q How long afterwards? A Why I couldn't tell you.

Q Well, haven't you any idea how long it was? A No, sir, I could not exactly tell you.

Q Was it as much as a month after peace was made? A I couldn't tell you that neither.

Q You haven't any idea how long it was? A No, sir, that was something I never thought was going to come up.

Q You don't know in what year she came back? A No, sir, not at all.

Q Well, did Martha Batiest live in the Cherokee Nation before the outbreak of the war? A No, sir.

Q Did she ever live in the Cherokee Nation before the war? A I never knowed her to live before the war in the Cherokee Nation, when I knowed her she was in the Choctaw Nation.

Q Well, would she belong to when you first learned to know her before the war? A She was belonging to old Richard Drew.

Q Well, now, was he a Cherokee or a Choctaw? A Choctaw, part Choctaw and half Cherokee.

Q Well, did she belong to him until she was set free? A Yes, sir, she was belonging--no, she was belonging to Krebs when she was set free.

Q Well, what was Krebs? A Joe Krebs?

Q Was he a Cherokee? A Choctaw.

Q No Cherokee about him at all? A No, sir, I don't suppose he ever was.

Q Well, did he own this Martha after Richard Brown owned her or before? A He owned her before the war you know.

Q Well, who owned Martha when peace was made? A Nobody, she was set free then you know.

Q Well, I mean just before she was set free? A Joe Krebs.

Q You don't know anything about this Sallie at all, Sallie Batiest or Sallie Crossland; that's Martha's child? A Yes, sir, I do know her now. I just had forgot about her.

Q Do you know where she was born? A No, sir, I don't.

Q Do you know when she came to the Cherokee Nation? A Well, I expect she come with her mother.

Q Well, do you know whether she came with her mother? A No, sir, I don't know. They was all together all dem folks was all together.

Q You don't know whether Sallie was with them? A No, sir, I don't know when she come in nor nothing.

ANDY CROSSLAND, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Andy Crossland.

Q Where do you live, Andy? A I live in Sallisaw, Illinois District.

Q What is your age, Andy? About how old are you? A About seventy-eight.

Q Where were you raised? A I was raised Sequoyah, Cherokee Nation.

Q Live there all your life? A Yes, sir.

Q Did you know Martha Batiest before the war? A I used to know her, called her Martha Brown.

Q Called her Martha Brown? A Yes, sir.

Q Who did she belong to when you first knew her? A Ocie Brown.

Q Well, to whom did she belong at the breaking out of the war, did she belong to Ocie Brown or had he disposed of her? A Krebs, Joe Krebs, Ocie Brown sold her to Krebs.

Q Where did Krebs live at the time? A He used to live down close to the Choctaw Nation.

Q Well, now, there was Brown living when you knew Martha Batiest? A Lived on the bluff.

Q In the Cherokee Nation or Choctaw Nation or Creek Nation? A Choctaw Nation.

Q Well, was Krebs a citizen of the Cherokee Nation or did you know? A No, sir, he was Choctaw.

Q Well, when did you first see them after the war in the Cherokee Nation, Martha or her family or any of them, if at all? A I expect after the war I seen her after the war about ten years then, I saw her on the falls.

Q You mean Weathers Falls? A Yes, sir.

Q After the war sometimes then about ten years you think? A Yes, sir, about ten years.

Q You had know her before the war? A Yes, sir.

Q Did you know her family before the war or any of her children or

sisters or know whether she had any? A Yes, sir, she had sisters.

Q You remember any of their names, sisters? A Hettie Hayes.

Q Well, do you know any of her family now other than herself, have you ever got acquainted with any of the children since the war?

A Yes, sir.

Q Well, what are their names? A One is named Peggy.

Q Peggy McAwee now? A Yes, sir. One named Sallie, first married to Mann.

Q Afterwards married who? A Lewis Crossland.

Q Well, do you know any of the others, do you know Emma McAwee?

A Well, I see her, I don't know Emma much, I see them once in a while.

Q And they lived in the Choctaw Nation with Krebbs and belonged to Krebbs when the war broke out? A Yes, sir.

Q And after that time, sometime after the war, about ten years you think.

COMMISSION: You think you say that they are over on Webbers Falls in the Cherokee Nation? A Yes, sir.

Q Well, do you know whether these children were living over there with their mother at that time, these children that you speak of?

A Yes, sir.

Q Do you know that they were living in the Choctaw Nation, do you?

A When the war broke out they wasn't born then, them children.

Q Well, Sallie was born then wasn't she? A No, Peggy was born, Sallie wasn't born.

Q Well, how do you know that this Martha Balfest was sold to this man Krebbs? A Why I used to go around there on the place.

Q Did she stay at his place; about how long was she the slave of Krebbs, about when did he take possession of her? A I could n't tell you.

Q Well, she formerly belonged to a Cherokee did she, Richard Brown? A Yes, sir.

Q The first time you saw them in the Cherokee Nation was about ten years after the war? A Yes, sir.

Q Do you know whether they had ever been here before that? A No, sir.

Q You don't know anything about that? A No, sir.

This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-19, D-26, D-67, D-175 and D-126.

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

Subscribed and sworn to before me this 11th day of April, 1902.

Arthur G. Croninger
Notary Public

Notary Public.

File with F. D.-178, Emma Holmes.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 18, 1902.

In the matter of the application of Sallie Crossland for enrollment as a Cherokee Freedman.

APPEARANCES:

Lewis T. Brown, Vinita, I. T., agent for applicant.
J. C. Starr, representative of the Cherokee Nation.

J. J. BROWN, being first duly sworn, testified as follows:

MR. STARR: What is your name? A J. J. Brown.

Q What is your age? A 46.

Q What is your postoffice address? A McAlester, I. T.

Q What is your citizenship? A Choctaw by blood.

Q Where were you living before the war of the Confederacy? A I lived at Scullyville, Choctaw Nation.

Q Where did you go during the war? A We went down on Red River about one hundred and fifty miles south.

Q Did you know a colored woman by the name of Martha Batiest?

A Yes, sir.

Q When did you first know her with reference to the breaking out of the war? A Well I knew her about the time the war broke out, and up until after four or five years after the war closed, all during the war.

Q To whom did she belong when you first knew her? A Joe Krebs.

Q What was the citizenship of Joe Krebs? A He was half-breed Choctaw.

Q Did Joe Krebs own her up until the time she was freed? A Yes, sir.

Q Do you know from family history to whom Martha Batiest belonged before she was sold to Joe Krebs?

MR. BROWN: Objected to on the grounds that the witness is only 46 years old and what testimony he is about to give is hearsay and from family history and is not competent.

COMMISSION: The objection of the agent for the applicant will be noted; the witness will answer the question.

WITNESS: Well, I was told by my people that my father sold her sometime before the war to Joe Krebs.

Q Well, where was Joe Krebs living when the war broke out? A He was living in San Bois County, Choctaw Nation.

Q Well, did you know Joe Krebs since the war? A Yes, sir.

Q Where did you live when you knew him afterwards? A He lived at Scullyville a little, but went back to his same old home.

Q Who was the husband of Martha Batiest? A Rolland Batiest.

Q Do you know the children of Martha Batiest at the time she was freed? A I knew them, but I wouldn't know the names of them.

Q To whom did they belong at the time they were freed? A Joe Krebs.

Q All the children she had after the war belonged to Joe Krebs?

A Yes, sir.

Q Where did Martha Batiest and her children live at the time they were freed? A Why they lived down there near Scullyville, all around there about Scullyville.

Q They were living there at the close of the war? A No, at the close of the war Joe Krebs refused with them and brought them back and turned them loose there at Scullyville.

Q How long did Martha Batiest and her children continue to live in the Choctaw Nation after they were freed? A Several years, I don't remember just how long, but it was four or five years.

Q Were they living there about the year '90?

MR. BROWN: Question objected to as leading.

COMMISSIONER: Answer the question.

Witness: It might have been four or five years, I don't know just how long, but they was there a good long while.

MR. BROWN: About how old were you, Mr. Brown, when you first saw Martha Batiest? A I was five or six years old I guess.

Q You were born in '58? A '56.

Q You say you are--- A I am 46 years old.

Q You knew all of Martha's children did you? A I knew them, but I forgot the names of them.

Q How many did she have? A Four or five.

Q Now which was it? A Now I can't call the names of them.

Q Well, now think and see if you can't remember their faces? A I can't remember but one, and that was Nancy, the eldest child.

Q Don't know whether she had four or five? A I don't know, she might possibly have had five.

Q Possibly she had some children that you didn't know? A I knew all that was living at the close of the war.

Q Well now how far did you live at that time from this man Krebs?

Q Why we lived right close together during the war. We all refuged together, they were kin to my step-grandmother, my grandfather married, and I was seeing them every day or two during the war, and saw them after the war.

Q Now what was your father's name? A Richard Brown.

Q What was his citizenship? A Cherokee by blood.

Q Was he a citizen of the Cherokee Nation or of the Choctaw Nation when the war came up? A Well, he was dead at the close of the war, but he was a citizen of the Choctaw Nation by marriage.

Q But a citizen of the Cherokee Nation by blood? A By blood he probably was a citizen, but then when he married my mother he moved on the Choctaw side.

Q Well now when the war came up what was his citizenship? A He was dead when the war came up.

Q Didn't he die soon after the war closed? A Well, I have answered all I believe it is necessary. I say he died before the war came up.

Q About how long before the war came up? A Sometime before the war, I don't remember.

Q All you knew about her being sold to this man Krebs is hearsay?

Q Yes, sir, old Jeff Brown, he told me--

Q Never mind what Jeff told? A And my folks besides, grandfather.

Q Just wait a minute. Unless the Commission says that we do I don't want that testimony in the record. All you know about this woman being sold to a citizen of the Choctaw Nation is what someone else told you isn't it? A Yes, sir.

Q You don't know of your own personal knowledge that she was sold do you? A Well, I don't know to my own personal knowledge.

Q You wasn't present at the sale? A No, I wasn't present at the sale.

Q And your father to whom she claims to have belonged was a Cherokee Indian? A Yes, sir, was a citizen of the Choctaw Nation when he died.

Q By marriage you say? A By marriage.

Q Do you know a man down there by the name of Ocie Brown? A No, I don't know him, I have heard of him but I don't know him at all.

Q Do you know what his citizenship was, was he a Cherokee?

A Cherokee I think.

MR. STARR: Did you know Ocie Brown? A No, sir, I didn't.

Q Do you know how long before the war it was that your father died?
A No, sir, I don't know just how long it was, it couldn't have been but a short time because I remember one time of seeing him, just remember him being there one time.

Q You know that he died before the war? A Yes, sir.

Q Do you know that Martha Batiest and her children were in the control of Joe Krebs before the war and during the war and up until the time they were freed? A Well all that I have stated that is all I know, that my folks and what I have heard Martha say and Jeff Brown also, is all the evidence I have got to that effect.

Q It was generally understood throughout the country though that they were owned by Joe Krebs.

MR. BROWN: Jeff Brown was a colored man? A Yes, sir.

Q Dead now? A Yes, sir, I suppose so.

COMMISSION: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-26, D-67 and in the case at bar, D-19.

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

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 19th day of April, 1908.

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

(Seal)

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

Subscribed and sworn to before me this 29th day of July, 1908.

H. M. Vance
Bruce C. Jones
Notary Public.

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

In the matter of the application of Emma McIwee et al for enrollment as Cherokee Freedmen, F. D. 175.

Applicants represented by A. S. Moore, Muskogee, I.T.
Cherokee Nation represented by James S. Davenport.

COMMISSION: The representative of the Cherokee Nation makes satisfactory proof of service that testimony would be introduced in behalf of the Cherokee Nation on the 22nd day of April, 1902, at the office of the Commission at Muskogee, Indian Territory.

ELIZABETH DRUM, being first duly sworn, testified as follows:

MR. DAVENPORT: What is your name? A Elizabeth Drum.

Q Where do you live, Mrs. Drum? A I live near Illinois Station.

Q Cherokee Nation? A In Illinois District, yes, sir.

Q How old are you? A I couldn't tell you just exactly my age, I don't know; I'm over 70 though.

Q Was you born and raised in the Cherokee Nation? A Yes, sir.

Q Near what place were you raised? A I was born back in the old country.

Q Did you know Ocie Brown during his lifetime who was a Cherokee man? A Yes, sir, I knew Ocie Brown.

Q Do you know whether or not he was living when the Civil War broke out? A He wasn't living, he was dead.

Q Where had he been making his home prior to his death, Mrs. Drum?

A Well, he made his home in Canadian and in the Choctaw Nation.

Q Choctaw Nation? A Yes, sir.

Q Did you know his son Richard Brown? A Yes, sir.

Q Was he living or was he dead at the breaking out of the war?

A He was killed.

Q Where was he at the time he was killed, if you know? A He was in the Choctaw Nation somewhere.

Q Did he have a home down there at that time? A Yes, sir, I think so; he married over there.

Q Had married a Choctaw? A Yes, sir, married a Choctaw.

MR. MOORE: I understood you to say, Mrs. Drum, that Mr. Richard Brown was a native Cherokee Indian, wasn't he? A He was Cherokee, yes, sir, he was Cherokee.

Q And he was only an adopted citizen if he was a citizen at all of the Choctaw Nation, he was adopted? A I don't know; he was married over there.

Q Well, do you know— A I don't know but what he was part Choctaw himself, I don't know about that; he was Ocie's son, I know that; but I don't know his mother.

Q Well now what was Mr. Ocie Brown's nationality, what was his blood? A Cherokee.

Q Then his son Richard would be Cherokee also would he not? A Yes, sir.

Q Did Mr. Richard Brown ever live in the Cherokee Nation, Mrs. Drum?

A I don't know; I don't know; I don't believe his son ever did, I don't remember; I guess he did when he was a child.

Q Did you know any of the slaves belonging to the estate of Ocie Brown? A No, sir.

Q Wasn't acquainted with any of the slaves? A No, sir.

Q Did you know the mother of Richard Brown? A No, sir, I didn't know her.

Q Did Ocie Brown or his son ever live in the Cherokee Nation, Indian Territory? A Yes, sir, a long time ago.

Q When did he die? A Ocie Brown?

Q Yes. A Well, alone about four or five years before the war.

Q I say where did he die? A Over the line I think in the Choctaw Nation somewhere.

Q Now I understood you to say a while ago that he lived, Richard Brown lived part of the time in the Cherokee Nation and part of the time in the Choctaw Nation? A I said maybe when he was a child he might have been in the Nation here.

Q That is Richard Brown? A Yes, sir, Ocie's son. I know he lived in the Choctaw Nation all his life pretty near ever since he got grown man.

Q Did he have any slaves, Richard? A I don't know, I guess they did, a few, two or three.

LEWIS T. BROWN: Did Ocie Brown own any slaves? A Well, I said I guess he did.

Q You don't know any of their names, do you? A No, sir. I don't remember the darkies' names, I know Mr. Brown's son.

Q Was Ocie Brown's wife a citizen of the Choctaw Nation at the beginning of the war? A Ocie Brown's?

Q Yes. A She was a Cherokee lady.

Q Was Ocie Brown's citizenship Choctaw? A Well, I don't know; he lived over there.

Q Well, Richard Brown's wife was a Choctaw, wasn't she? A Yes, sir.

MR. McREA: Well you just stated that Ocie Brown's wife was a Cherokee, the mother of Richard Brown, she was a Cherokee? A She wasn't his mother.

Q She wasn't the mother of Richard Brown? A No, sir, Betsy just had one child, a boy, and he's dead now I guess.

Q Well, did you know the mother of Richard Brown? A I told you I didn't know her.

COMMISSIONER: This testimony will be filed with and made a part of the record in the following Cherokee Freedmen cases: D-511, D-518, D-520, D-521, D-504, D-547, D-516, D-518, D-517, D-515, D-19, and D-175, being the case at bar.

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

Arthur G. Croninger

Subscribed and sworn to before me this 26th day of April, 1902.

[Signature]
Notary Public.

7. B-176

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, D.C., May 25, 1902.

In the matter of the application of Sam Hobbs for the
enrollment of himself and others as Cherokee Freedmen.

SUPPLEMENTAL TO B-176.

AFFIRMATIONS:

- A. S. Hobbs for applicants.
- V. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation asks that the testimony
introduced by the Cherokee Nation in the case of Nellie Crossland,
B-18, being that of John J. Brown, be made a part of the record in
this case.

COMMISSION: The request of the representative of the Cherokee
Nation will be complied with and the testimony filed.

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

Arthur G. Croninger

Subscribed and sworn to before me this 25th day of May, 1902.

Seal

[Signature]
Notary Public.

*John
B.*

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Emma McAfee for the enrollment of herself and minor children, Ella, Evaline, Charles and Nettie McAfee, as Cherokee Freedmen:

DECISION

The record herein shows that on April 25, 1901, Emma McAfee appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of herself and minor children, Ella, Evaline, Charles and Nettie McAfee as Cherokee Freedmen. Further proceedings in the matter of said application were had at Muskogee, Indian Territory, on April 22 and May 26, 1902. Copies of the testimony taken at Muskogee, Indian Territory, on April 10 and 18, 1902, in the matter of the application of Sallie Crossland, have been filed with and made a part of the record herein.

The evidence shows that the applicant, Emma McAfee, and her minor children, have been born since 1866 and are descendants of and claim right to enrollment through one Nancy Brown and her mother, Martha Battiest.

The evidence further shows that none of said applicants or any of their ancestors were slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the war of the rebellion.

None of the names of the applicants herein are found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Emma McAfee, Ella McAfee, Evaline McAfee, Charles McAfee and Nettie McAfee, 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]

[Signature]

C. R. Beckwith

W. E. Hussey

Muskogee, Indian Territory,

JUL 1 - 1903

this _____

COPY

Cherokee F.B-275

Muskogee, Indian Territory, July 10, 1903.

Emma McAfee,

Vien, 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 and your four minor children, Ella, Evaline, Charles and Nettie McAfee as Cherokee freedmen, together with a copy of the Commission's decision dated July, 2, 1903, rejecting your 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,

T. B. Needles

Commissioner in Charge.

Enc. D-33

Register.

COPY.

Cherokee F. D-178

McIntosh, 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 Emma McAfee for the enrollment of herself and her four minor children, Ella, Myaline, Charles and Nettie McAfee, 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,

T. B. Needles
Commissioner in Charge

Enc. D-54

COPY

Charolme F.D-175

Muskogee, Indian Territory, July 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 of Emma McAfee for the enrollment of herself and her four minor children, Ellis, Evalina, Charles and Nettie McAfee, as Cherokee freedmen, including the Commissioner's decision dated July 1, 1905, rejecting said application.

Respectfully,

T. B. Needles.
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-55.

Refer in reply to
the following:
LAND.
43431/1903.

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Feb. 19, 1904.

The Honorable,
The Secretary of the Interior.

Sir:

I have the honor to enclose herewith a report from the Commission to the Five Civilized Tribes, dated July 10, 1903, transmitting the record relative to the application of Emma McAwee for the enrollment of herself and her minor children, Ella, Evaline, Charles and Nettie McAwee, as Cherokee Freedmen.

The applicants in this case are the descendants of Nancy Brown and her mother Martha Battiest. The Commission found that none of these applicants, of any of their ancestors, were slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the commencement of the war.

Nancy Brown, it seems from the record, belonged to John or Ocie Brown during his life time, and Ocie Brown it appears, was a citizen of the Cherokee Nation. Brown apparently died prior to the war and his son, Richard Brown, whom it seems resided in the Choctaw Nation, although a native Cherokee, owned Nancy Brown after his father's death. Ocie Brown was also the owner of Martha Battiest.

J. J. Brown testified that his father sold Martha Battiest to Joe Krebs, a half-breed Choctaw, who owned her up to the time she was freed. J. J. Brown is a son of Richard Brown.

From the record it seems that the ancestor of these applicants did not, at the commencement of the war, belong to a citizen of the Cherokee Nation, but to a citizen of the Choctaw Nation, and the office does not therefore believe that they are entitled to enrollment. It is recommended that the decision of the Commission adverse to them be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

GAW-H

RECEIVED
MAY 12 1890
U. S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

D C 11675-1904.

COPY.

I.T.D. 1480-1904. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

FHE

April 12, 1904.

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

Gentlemen:

July 10, 1903, you submitted the case involving the application of Emma McAwee for the enrollment of herself and minor children, Ella, Evaline, Charles and Nettie McAwee, as Cherokee freedmen.

July 1, 1903, you rendered your decision in the case, holding that the parties were not entitled to enrollment.

Reporting in the matter February 19, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be concurred in. A copy of his letter is inclosed.

Finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

(Signed) Thos Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
D 178

Muskegee, Indian Territory, April 21, 1904.

Erma McAfee,
Vian, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting your application for the enrollment of yourself and your four minor children, Ella, Evaline, Charles and Kettie McAfee, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 12, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 178

Muskogee, Indian Territory, April 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 July 1, 1903, rejecting the application for the enrollment of Emma McAwee and her four minor children, Ella, Evaline, Charles and Nettie McAwee, as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 13, 1904.

Respectfully,

Chairman.

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

FILE 1, 19 10
SEP 10 1901


A. L. ING CHARVA

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of _____ A. D. 1901

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

Marshal for Cherokee Nation

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

Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

I do solemnly swear that I delivered a
true copy of the within notice to
_____ on the
day of _____ A. D. 1901

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

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

FILED
SEP 30 1901



ACTING CHAIRMAN

NOTICE!

IN THE MATTER OF The application of Emma McAwee
for enrollment as a Cherokee Freedman:

Case No. F. D. 175

To Emma McAwee Vian Jr

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Ft Gibson Indian Territory, on the following dates, to-wit: Sept 19 A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP. 7 day of _____, 1901.

L. B. Bow

Attorneys for the Cherokee Nation.

X

4 D. 175

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

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

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

Marshal for the Cherokee Nation.

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

Attorney for applicant.

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

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

E. Mike McCall

on the 23 day of *Sept*, A. D. 1901

W. J. Moss

Subscribed and sworn to before me this *23 day of Sept* 1901

J. R. McCall
Notary Public.

NOTICE!

IN THE MATTER OF the application of ~~Emma McAfee~~
for enrollment as Cherokee citizens:

Case No. D 178

To ~~Emma McAfee~~ Vinita T. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita Indian Territory, on Oct. 15th 1901 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

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

L B Bell
N. M. Hutchins
Attorneys for the Cherokee Nation.

COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

JAN 23 1902

Handwritten signature
28765

F. D.

**INDIAN TERRITORY,
CHEROKEE NATION.**

I hereby certify that I served the within notice on

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

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

Marshal for the Cherokee Nation.

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

Attorney for applicant.

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

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

W. J. Marshall
on the day of A. D. 190
W. J. Marshall

Subscribed and sworn to before me this day of 190

W. J. Marshall
Notary Public.

NOTICE!

IN THE MATTER OF the application of Emma McAwee
for enrollment as Cherokee Freedmen:

Case No. F. D. 173

To Emma McAwee Van

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T.

Indian Territory, on Jan 27, 1902 at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this Jan 20, 1902

L. B. Bell

W. W. Hastings
Jess. Daumboth
Attorneys for the Cherokee Nation.

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

RECEIVED
APR 25 1901



ACTING CHAIRMAN.

MEMORANDUM OF APPLICATION.

CHEROKEE FREEDMEN.

Date April 25, 1901

Post Office Vienna, Va.

District _____

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents: _____

Father _____ Citizenship _____

Mother _____ Citizenship _____

2. Name of wife Emma Mc _____ Age 28

Owner's name _____ Citizenship _____

Year 1890 Page 134 No. 3319 District Ill

Parents: _____

Father Anderson Madison _____ Citizenship Cherokee

Mother Nancy Brooks _____ Citizenship S. F.

Names of Children

2	<u>Ella Mc</u>	<u>1890</u>	<u>134</u>	<u>3324</u>	<u>Ill</u>	<u>12</u>
3	<u>Confine</u>	<u>11</u>	<u>134</u>	<u>3321</u>	<u>"</u>	<u>10</u>
4	<u>Charles</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>6</u>
5	<u>Mollie</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>"</u>	<u>4</u>

7. Year _____ Page _____ No. _____ District _____

8. Year _____ Page _____ No. _____ District _____

9. Year _____ Page _____ No. _____ District _____

10. Year _____ Page _____ No. _____ District _____

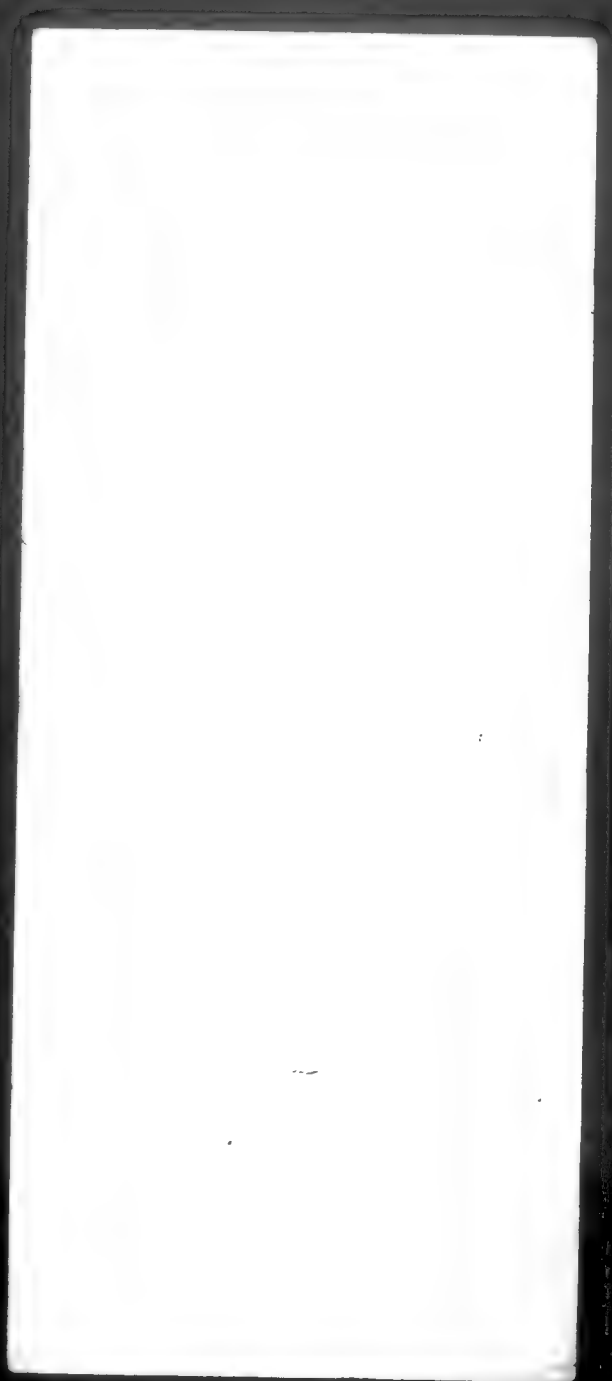
11. Year _____ Page _____ No. _____ District _____

12. Year _____ Page _____ No. _____ District _____

Application made by M. I.

Stenographer J. D. Roan

4 and 5 - affidavits of birth to be supplied



F. D. 173

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

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

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

Marshal for the Cherokee Nation.

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

Attorney for applicant.

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

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

Subscribed and sworn to before me this APR 9 1902

Notary Public.

NOTICE!

IN THE MATTER OF the application of Emma MoAwce,
for enrollment as Cherokee Freedmen:
Case No. F. D. 175.

To Emma MoAwce, Vian, I. T.,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, I. T. Indian Territory, on April 10, 1902, at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 5, 1902,

L B Bell

*W. N. Hastings
Jas. Davenport*
Attorneys for the Cherokee Nation.

F. D. / '05

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

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

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

Marshal for the Cherokee Nation

I, the undersigned ~~attorney~~ for the
within named applicant, ~~herely~~ accept
service of the within notice on this the
day of _____, 190

Attorney for applicant.

UNITED STATES OF AMERICA, |
INDIAN TERRITORY, | S. S.
NORTHERN DISTRICT |

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

Emma Meade
on the *21* day of *April* A. D. 190*2*
W. H. Meade,

Subscribed and sworn to before me
this *21st* day of *April*
1902 *M. S. Davenport*
Notary Public.

NOTICE!

IN THE MATTER OF the application of Emma McAfee,
for enrollment as Cherokee Freedmen:
Case No. F. D. 175.
To Emma McAfee,

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of **Muskogee, I. T.** Indian Territory, on April 22, 1902, at **8 o'clock A. M.** or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 19, 1902.

L B Bell

W. W. Hastings
Jas. Dauphinais
Attorneys for the Cherokee Nation.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Emma McAfee,
Vian, I. T.
Cherokee F-D-175
Register.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

Cher. Fr. R. 246

Cher. Fr. R. 246

Department of the Interior.
Commission to the Five Civilized Tribes.
Vinita, I. T., May 24, 1901.

In the matter of the application of Amelia A. Pickett for enrollment as a Cherokee Freedman; she being sworn and examined by Commissioner C. R. Breckinridge, testified as follows:

J. F. Faulds, Attorney for Applicant, and Cherokee Representative present.

- Q Give me your name? A Amelia A. Pickett.
Q How old are you? A About 57 or '8.
Q What is your postoffice? A Centralia.
Q In what district do you live? A Cooweescoowee.
Q Do you want to be enrolled as a Cherokee Freedman? A Yes sir.
Q Do you want to apply for the enrollment of anybody besides yourself? A No one, but myself.
Q Are you a recognized Freedman of the Cherokee Nation? A Yes, sir.
Q How long have you lived in the Cherokee Nation? A I have been here pretty much all my life. I was born and raised here.
Q Have you ever lived anywhere else except the Cherokee Nation? A Not to call it my home; I have been out.
Q Did you spend considerable time elsewhere? A Not more than six months at a time.
Q Where have you been besides the Cherokee Nation? A The first place to Fort Scott, the time of the war.
Q And then where else? A When I was taken sick, when I was blind I went to Topeka to a doctor.
Q Any other places? A I never went around any much else. I have been to Lawrence, that is altogether pretty much.
Q Give me the name of your father, do you know? A To give you my right father, it is old Ellis Buffington.
Q Is he alive? A He has been dead ever since I was a baby.
Q Give me the name of your mother. A Sarah Alberty; she is dead too.
Q How long has she been dead? A She died when I was quite small.
Q Were you a slave in the Cherokee Nation, the time the war broke out between the North and South? A Yes sir.
Q To whom did you belong? A George Rogers.
Q Was he a recognized citizen of the Cherokee Nation? A Yes.
Q Where did he live? A He lived in Delaware District.
Q Whereabouts in Delaware District? A It is right close to where Seneca and the Cherokee Nation join.
Q Have you been married? A I married a Pickett.
Q How many times have you been married? A Once.
Q Give me the name of your husband. A Phillip Pickett.
Q What was he a Freedman? A No sir, he was a Frenchman from the south.
Q Where did you marry him? A I married him in Kansas.
Q When did you marry him? A It has been about 34 years ago; I couldn't tell just what; I have a certificate, but not with me.
Q Is your husband, Pickett alive or dead? A He is living.
Q Are you and he living together? A Yes sir.
Q Where is he at this time? A He is at home.
Q He never married you then under a Cherokee license? A No, we were married under the laws first.
Q And in Kansas? A No, here, and then he concluded that he would rather marry right and he didn't understand anything about these licenses; they weren't giving any the time we were married.
Q What kind of a license? A When we were married in Kansas? He got a United States license, and of course here, they weren't giving any license.

The 1880 authenticated roll, the 1890 census roll, and the Kerns Clifton Roll examined and the name of the applicant not found thereon.

B- A. P.

Applicant: I was readmitted and they issued a certificate.

Q You have been readmitted to citizenship? A Yes sir.

Q Have you a certificate of your readmission? A I gave my certificate when the Clifton Roll was made; they claimed it had to be pinned to the evidence to go into Washington. I turned it over to Mr. Butler, and he gave it to Mr. Hastings.

Q When were you readmitted to citizenship? A I don't know when.

Q What Court or Commission admitted you - was it the Cherokee Council or Commission? A It was the Cherokee Council.

Q About how long was it that they readmitted you - were you readmitted as a Pickett? A Yes sir.

Q Did you draw your strip money? A No sir.

The Wallace Roll examined and the name of the applicant is found on page 135, No. 2767, Amelia Ann Pickett, Coowescoowee District.

Applicant: I was on another roll the Cherokees made.

By J. E. Paulda: You said you were at Fort Scott; that was during the time of the war? A Yes sir.

Applicant: I am not on the Clifton Roll as they required me to pay five hundred dollars, and I didn't have the money.

Commissioner: Who required you to do that? A Mr. Kerns; and I didn't have that money, so I couldn't enroll.

Q Who was there in your family besides yourself? A Just myself.

Sen'r.: You are desired to write to Tahlequah and get an official copy of the certificate or act readmitting you to citizenship and send to the Commission.

Q Did you apply to the Daves Commission in 1896 to be readmitted to citizenship? A No, I didn't.

Q You have never been before the United States Court with respect to your citizenship? A No sir.

Q When did you claim to have returned to the Cherokee Nation after the war? A In '66.

Q What time in '66? A I think I came back in - I don't recollect just what time I did come back.

Q In the spring, summer or fall? A Along in the summer, I think.

Q Where did you locate when you come back? A I stopped with a sister of mine down at - she lived there below Fort Gibson in Illinois District.

Q How long did you live with that sister? A I guess I stayed with her six months or more.

Q And then where did you go? A I went from there to a brother-in-law of mine.

Q Where did he live? A He lived there at Dr. Mackinall's place.

Q Where is that? A That is across the river from there.

Q Across the Arkansas River? A Yes sir. I was only there a few weeks and then I come up on the river on Flat Rock.

Q On the Arkansas River? A They called it Flat Rock; they called it at the river.

Q Where is this place you speak of as Flat Rock? A In Coowescoowee District.

Q How far is it from here? A I guess it must be twenty miles or more.

Q In what direction is it from here? A It lays right next to the Creek Nation.

Q Is it east of here? A Yes sir.

Q How long did you stay out there in the Flat Rock neighborhood?

A I guess I stayed through that country about two years altogether. I was out at one time eight or nine weeks when I had a blind spell.

Q You stayed there about two years? A Yes sir.

3- A. A. P.

Q And then where did you live? A I went to a doctor about my eyes, and when I ~~got better~~ would get better I would come back to the nation and then I made my place at Timbered Hill.

Q In what year did you open up a place at Timbered Hill? A I couldn't tell anything about the years.

Q Where were you having your eyes treated? A I had them treated in Topeka at Dr. Martin's. He gave me a certificate; I left them in the bank.

Q You married in Kansas? A Yes sir.

Q Why were you in Kansas at the time you were married; what were you doing there? A I went there to the doctor's, and I married up there.

Q How long after your marriage was it before you came back to the Cherokee Nation? A Not more than six months, as quick as I would be able to see, and I would come back.

Q Was it after your marriage you opened these places up at Timbered Hill? A I opened some afterwards and some before. When I went out I left fifty dollars with my brother to put cattle on the place.

Q Have you lived in the Cherokee Nation ever since you came back after your marriage? A Pretty much.

Q When you were not in the Cherokee Nation where did you live? A I went to Kansas; my husband was a mechanic there.

Q How long did you stay up there? A I wouldn't be there more than six months, and would come back for four or five months.

Q What was your husband? A He was a mechanic in Kansas.

Q What was he doing there? A He was a mechanic; he built around in Topeka. He would work around there as much as he could get work, or where he could get it.

Q Did he work pretty much at his trade after you were married? A Yes sir, pretty much, until he got in poor health.

Q Did he mind work mostly in Kansas? A Yes sir, pretty much.

Q Did you spend most of your time with him? A Some part of the time.

Q Was you with him most of the time, or down here? A I was here most of the time on my place.

Q Why weren't you put on the roll of 1880? A I was blind then and away being treated for my eyes; that is why I got a certificate from the doctor to show why I wasn't here.

Jerry Alberty, being sworn and examined by Commissioner G. R. Brockbridge, testified as follows:

Q Give me your name. A Jerry Alberty.

Q How old are you? A About 66 or '7, I don't know.

Q What is your profession? A Wagoner.

Q How long have you lived in the Cherokee Nation? A Lived here all my life.

Q You are on the authenticated roll of 1880, are you? A Yes sir, I believe I am on all the rolls.

Q Do you know the applicant, Mrs. Pickett? A Yes sir.

Q What relation is she to you? A A sister.

Q Her mother was your mother? A Yes sir.

Q Was her mother a slave at the time of the war and before the war? A Yes sir.

Q What was her name? A Sarah.

Q Who was her owner? A Old Moses Alberty.

Q Was he a Cherokee citizen? A Yes sir.

Q How was she taken by anybody else after that, your sister? A Yes sir.

Q By whom was she owned? A Rogers.

Q What is his first name? A George.

Q Was he a Cherokee citizen by blood? A Yes sir, pretty near full blood.

Q Was Anelia Pickett here when the war broke out? A Yes sir.

Q Well, she was with Rogers, I understand, I don't know for certain; was she about nearly 100 miles away?

4- A. A. P.

Q She was living at Bogart? A Yes sir.

Q In the Cherokee Nation? A Yes sir.

Q Do you know when she returned here after the war? A I know when I first saw her.

Q When was that? A In '66.

Q In 1866? A Yes sir.

Q Has she made this Cherokee Nation her home ever since? A Yes sir, I think she has.

W. V. Hastings: Where was this woman married? A I couldn't tell you.

Q To whom was she married? A Married to Phillip Pickett.

Q Where does he live? A He come from the states; he is a state man.

Q Where does he live now? A They live out here on Big Creek.

Q How long has he lived there? A They have been living there about seven or eight years. (Applicant says seven or eight years.)

Commissioner: Well, your sister told you that? Did you know that? A I knowed it because I helped build the place.

W. V. Hastings: Did she go back to Kansas after '66? A Yes, I guess she did.

Q Didn't she marry in Kansas? A I think so; I don't know.

Q How long has she lived there in Kansas? A Well sir, I couldn't tell you; she has been backward and forward; she was here part of the time, and made two or three places here.

Q When did she first make a place? A I couldn't tell what year it was.

Q About how long after '66? A It must have been - the first place made in about '67, I guess.

Q Where? A She said she bought a place or something up here in Delaware District, and then made another place over here on Timbered Hill.

Q You don't know when she made the one on Timbered Hill? A No sir.

Q Do you know where her husband has been from the time that he married her up to the past seven years? A He has been part of his time here and part of his time in his home; he did have a place in Kansas.

Q Near Topeka? A Yes sir.

Q What is his occupation? A He run a mineral well there, I think; a bath house.

Q Have you ever been to Topeka yourself? A Yes sir.

Q When were you there? A It has been twelve years since I was there the last time.

Q Was the applicant Anelia Pickett there then? A Pickett was there.

Q Was his wife there? A She was there.

Q Living there with her husband? A She was with her husband.

Q Were they keeping house there? A He was living there; she had a place up here, and she would go backward and forward up there. She had a home here in the nation.

Q You live near Wagoner? A Yes sir.

Q Do you know how much time she has spent in Kansas, and how much did she spend here? A No sir, I don't.

J. V. Smith: Has she always had a place here since the war? A Yes sir, she claimed; I don't know whether she has always had a place; she has had two or three places here, and every time I would go up there, she said she had been out there on a place.

She was on her place.

Q And she made a place here in 1867? A I think it was about that time when she first made a place here.

Commissioner: Has your sister any children? A No sir.

Q Has she ever had any children? A No sir, not to my knowing; I know she didn't.

Q Do you know whether her husband was a water up in Kansas when he was there? A I don't know.

Commissioner of Agriculture: Did your husband vote in Kansas? A I don't know my husband is from the South; he is a Mississippian.

Q Did you testified he has worked prime valley in Kansas since you were married? A Yes sir, he was a mechanic; he worked there until

2-12-11

he lost his health.

Q Did he ever claim to be a Cherokee citizen by intermarriage?
A No did kind of at first. That kind of marriage didn't suit him
and he married according to United States law.
Q Do you know whether he voted in Kansas for President or member
of Congress? A I don't know whether he did or not.

Allen Lynch, being sworn and examined by Commissioner C. R.
Brockbridge, testified as follows:

Q Give me your name. A Allen Lynch.
Q How old are you? A 61 years old.
Q What is your postoffice? A Vinita.
Q How long have you lived in the Cherokee Nation? A All my life.
Q J. V. Frazier. Do you know the applicant, Amelia Pickett, Mr.
Lynch? A Yes sir.
Q When did you first get acquainted with her? A I got acquainted
with her before the war.
Q Do you know whether or not she was owned by a Cherokee Indian
by blood or not? A Yes sir.
Q At the time of the war, and before? A Yes, before the war.
Q Who owned her? A George Rogers.
Q Do you know whether she came back here after the war? A
Yes sir.

Q When did she come back? A The first time I saw her was along
in the summer of '68.

L. V. Hastings: Where did you see her? A At the ford of Sabin
Creek.

Q Was she living there? A No sir.
Q Just on the road passing? A Just on the road; said she was
going to Sibaon.

Q Where was she living when the war come up? A I don't know;
I saw her before the war, but I never saw her when the war come up.
Q I mean just before the war? A She was living at George Rogers',
close to what is called Denmark.

Q In Delaware District? A Yes sir.
Q George Rogers was living there? A Yes sir.
Q How far did you live from them? A 18 or 20 miles.
Q Who was with her when you saw her in '68? A Some white family.
Q Do you remember their names? A No sir. We were down to the
creek, I knew her and I spoke to her.

Q Was anyone along with you? A Yes sir.
Q What? A A boy of old man Scrapper's, they called him Henry,
and John McCreary; we had some cattle and we went down to the
creek to water them.

Q About how far was that from where you lived? A About a half
mile or a quarter of a mile.

Case continued.

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

Subscribed and sworn to before me this 20th day of May, 1901.

E. G. [Signature]
Commissioner

Amelia Pickett continued. (May 24, 1901)

Jim Alberty, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give me your full name? A Jim Alberty.

Q How old are you? A 70.

Q What is your post office? A Chouteau.

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

Mr. Faulds: Do you know the applicant, Mrs. Amelia Pickett?

A Yes, sir.

Q How long have you known her? A Ever since she was a girl.

Q Do you know where she was living when the war broke out between the United States and the Confederacy? A Yes, sir.

Q Where? A At George Rogers', at Denmark above here.

Q In the Cherokee Nation? A Yes, sir.

Q Who owned her? A George Rogers.

Q George Rogers was a Cherokee Indian by blood? A Yes, sir, nearly a full blood.

Q Do you know whether she went out during the war? A I don't know where she went.

Q Did you see her here in '65 or '66? A I saw her in 1866.

Q In the Cherokee Nation? A Yes, sir.

Q Whereabouts? A Over here the other side of Fort Gibson on what is called the Wash Hanson place.

Q Do you know if she has had her home here ever since 1866?

A Yes, sir, I don't know as she has lived here ever since, but she has always had a place here.

Q Ever since 1866? A Yes, sir.

Mr. Hastings: Where has she lived? A Lived since the war, been with her sister down to Wash Hanson's place first.

Q That was in 1866? A Yes, sir, and up here at McHair's place, I saw her there in '67.

Q When did you next see her? A That has been a good while.

Q How many years? A Must have been a year or two, she went back down to Jerry Alberty's two or three times.

Q Where was she living? A Just like I am telling you; I never saw her at her house until she built over at Timbered Hill.

Q When did she build this house at Timbered Hill? A I don't know what year it was.

Q Do you know when she married? A No, sir, I don't.

Know where she married? A No, sir, I don't.

Q Don't know when she married or where? A No, sir.

Q She belonged to George Rogers before the war, did she? A Yes, sir.

Q You were here at the time the war came up yourself? A Yes, sir.

Q You belonged to John Alberty, did you? A Yes, sir.

Q That is a mistake about you being sold out? A Well, it is worse than a mistake.

Q You were not down to Little Rock before the war? A No, never saw Little Rock before the war.

Q You saw her in '66, you are satisfied? A Yes, sir, I saw her.

Q You know whether she has lived in Kansas any since the war or not? A No, sir, I don't.

Q You know whether her husband lived in Kansas? A Yes, sir, he has been working there.

Q Do you know whether she has been up there with her husband any?

A No, sir, I don't know exactly whether she has or not.

Q Has her husband ever lived here in the Cherokee Nation any?

A Not that I know of.

Commissioner: The applicant applies for enrollment as a Cherokee Freedman. She is 57 years of age, and it appears that she was a slave in the Cherokee Nation at the beginning of the

Anelia Pickett -

civil war, and so far the testimony indicates that she returned to the Cherokee Nation in the year 1866. She states that she has been married only once; that marriage was 34 years ago and her husband is still living. She is ~~identified~~ not identified upon the roll of 1880 or that of 1896 or on the Kerns-Clifton roll. She is identified on the Wallace roll. She claims to have been readmitted to citizenship by the Cherokee Council or Commission, but is unable at this time to present evidence of that fact. She states that her certificate of admission was filed with the United States authorities at the time of the Kerns-Clifton enrollment. It appears that her husband, a white man, has never been married to her under a Cherokee license, and for him no application is made, and has lived the greater part of their ~~marriage~~ life since their marriage in the State of Kansas, with the exception of the ~~last~~ most seven or eight years, when the applicant affirms he has lived continuously in the Cherokee Nation. The applicant's life seems to have been divided more or less between the Cherokee Nation and the State of Kansas prior to the past seven or eight years, but it is claimed that she has owned property during the whole time in the Cherokee Nation, and has spent ~~the~~ a large, if not the greater part, of her life in the Nation and in looking after such properties. For the further consideration of her case under the conditions stated, she will now be listed for enrollment as a Cherokee Freeman on a doubtful card, and the final decision of the Commission will be made known to her at her post office address.

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

Bruce C. Jones

Sworn to and subscribed before me this the 27th of May, 1901.

OR McKinnis

Commiss. Genl.

File with Cherokee Freedman, B-418, Amelia A. Pickett.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Muskogee, I. T., Jan Feb'y 3, 1902.

SUPPLEMENTAL TESTIMONY ON BEHALF OF CHEROKEE NATION, in
the matter of the application of Amelia A. Pickett for enrollment
as a Cherokee Freedman.

Appearances:

Louis T. Brown, as agent for the applicant;
W.W. Hastings, of attorneys for the Cherokee Nation.

JOSEPHINE HAVE, being sworn and examined, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Josephine Have.
Q You are the wife of Roland Have? A Yes sir.
Q Your post-office Vinita? A Yes sir.
Q What is your age? A 30 years of age.
Q Where were you born? A In the State of Ohio.
Q Did you ever live in Kansas? A Yes sir.
Q When did you move to Kansas? A Well I don't know what year it
was, I was only three years old when my father moved to Kansas.
Q And you are thirty years old now? A Yes sir.
Q To what place in Kansas did you move? A Topeka.
Q Do you know Amelia Pickett, the applicant? A Yes sir.
Q Where did you first learn to know her? A At Topeka.
Q When did you first learn to know her? A I have known her ever
since I could recollect.
Q Ever since you were old enough to remember? A Yes sir.
Q How long did you continue to know her there? A Up until '86.
Q Did you move away or did she? A We moved away.
Q Did she have a husband? A Yes sir.
Q You remember his name? A It's Philip Pickett.
Q You moved away in '86? A Yes sir.
Q Well now about how old were you you think when you could remember
back, you think you can remember back when you were 7 or 8 years old?
A About eight years old I suppose.
Q You born in '71? A Yes sir.
Q And you can remember back yet think as far as '79, eight years
old? A Yes sir.
Q Did you know her there up until when, you moved away? A '86.
Q Did you know her there all the time between these two dates?
A Yes sir.
Q Did you ever go back there after you moved away in '86? A
Yes sir.
Q How long afterwards? A '91.
Q How long did you remain there in '91? A I was there ten months.
Q Do you know whether you saw her there then or not? A No sir,
I don't remember seeing her then.
Q You know whether she lived up there before '86 or not, - I mean
from the time you could first remember up until '86? A Yes sir.
Q You know what her husband did; how he made his living? A Why he
farmed.

BY BROWN:

- Q Now, Mrs. Have, you say she lived there before you can remember?
A I said she had been knowing her about ever since I could
remember. Ever since I was about eight years of age.
Q Mr. Hastings asked you did you know whether or not she lived
there before you could recollect seeing her and you answered yes;
now you don't mean that do you? A No I don't mean they lived there
ever since before I could remember.
Q How do you know that? A That?

- Q That she lived there ever since before you could remember? A I didn't say that.
- Q Excuse me. How old were you when you first formed her acquaintance? A I was about eight years of age.
- Q And what makes you remember that you were about that age when you first knew her? A Why I suppose that's about as far back as I can remember.
- Q Who else did you get acquainted with when you was about eight years old? A Well there was a great many folks, the Estes and the Gurlies and the Abbotts.
- Q You got acquainted with these people when you were about eight years old? A I can remember those ever since I could remember; they were our neighbors.
- Q From the time you first formed her acquaintance in '79 until '86, are you prepared to state that she did not come to the Cherokee Nation during that period? A Yes sir.
- Q You know of her whereabouts every year and every month and every week in the year and every day in the year in that period? A No I don't say I know that; she may have been back and forth some place, but that was her home.
- Q How do you know? A Because she was used to very frequently come to our house and my parents to her house.
- Q The Amelia Pickett that you are speaking about, her husband was a farmer? A Yes sir, he used to farm, I don't know what he does now.
- Q When did you first come to the Indian Territory? A I first come here in '86.
- Q What kind of work with whom? A With my father.
- Q Where did you stop when you came? A We stopped out on Grand river, in Chouteau.
- Q Whose house? A At Mrs. Pickett's brother's, Uncle Emory.
- Q Kirk Alberty? A Yes, Uncle Emory Kirk.
- Q Don't you know now as a matter of fact that when you and your father come down here in '86 you met Mrs. Pickett at her brother's? A No sir.
- Q You satisfied you didn't? A Yes sir, I am; there was no one there but his wife and a boy.
- Q How old were you then? A I was 14.
- Q All you know about it is that from '79 until '86 you saw her in the State of Kansas? A Yes sir.
- Q Don't know where she was in '66? A No sir.
- Q Nor from '66 up till '79? A No.
- Q Well do you know where she was from '86? up until this day? A No I don't, because we moved from there then.
- Q Then your knowledge of her residence in Kansas covers about a period of say 7 or 8 years? A Yes, I suppose so, probably more, it was from about '79 up until '86.

BENJAMIN HAVE, being sworn and examined, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Benjamin Have.
- Q That is your wife that has just left the stand? A Yes sir.
- Q You are also known as Roland Aint you? A Yes sir.
- Q Post-office Vinita? A Vinita.
- Q How old are you? A I am about 39 years old now.
- Q You know the applicant, Amelia Pickett? A Yes sir.
- Q How long have you known her? A I have known her since '90.
- Q How did you come to get acquainted with her then? A She come up in the settlement where I lived and made a little place.
- Q Where was that? A Up here at Timbered Hills, in Coover's Cove District.

Q When did she come there, in '90? A In the spring of '90.
Q Had she any place in that neighborhood before that time? A No sir
Q Did she make or purchase one then? A Bought a little claim, with a body of a little old log hut on it.; at least they settled on that claim, I guess they bought it.

Q What was her husband's name? A Philip Pickett.
Q Where did they come from there, do you know? A They said when they come there they come from Topeka, Kansas.
Q How long did they live there, do you know? A She went back after they made the little place she went back to Topeka after that, they got that little place.

BY BROWN:

Q How many timbered hills are there, Mr Hove, in Coowescoowee District? A Three in that portion.
Q Which one of the three did you live on? A West Timbered Hill; I didn't live on it; that is where she settled.
Q Where did you live then? A I lived on the Verdigris river.
Q How far from this Timbered Hill? A About four miles, at Lenapah, at least where I lived.

Q That is the Timbered Hill that is west of the railroad aint it? A Yes sir.
Q And there is another timbered hill that is east of Bluejacket? A Yes sir.

Q And there is yet another one in Coowescoowee District? A Yes sir, west of Bluejacket. One that is east of Bluejacket is in Delaware District.

Q You are not prepared to state that this applicant didn't own a place in the Cherokee Nation in the year '69 are you? A Didn't own none in Timbered Hill.

Q Where were you in '69? A '69, I was at Tahlequah.
Q How do you know whether or not she owned a place up there at that time? A I know when she purchased that place and I know when she come there from Topeka.

Q You say she didn't have possession of the place in '69 and you say your residence was in Tahlequah? A If it is the place I am alluding to, she didn't have it.

Q Well if it aint the place you are alluding to? A I don't know anything about it then in '69, because I wasn't there.

Q Where did you say she went to after she left that place? A Went back to Topeka.

Q How do you know? A I ~~xxxx~~ took her to the train.
Q Did you see her get off of the train at Topeka? A That is where she said she was going; when she come back she brought old man Pickett with her.

Q By whom have you been employed since the first of April? A -
BY HASTINGS: I object to that, that is immaterial.
COMMISSION: I don't think that the question need be answered at all; it does not effect the case a particle.

Q I will ask him this question then: what do you get for your services in testifying in this case? A -

BY HASTINGS: Question objected to by the attorney for the Cherokee Nation, as it is incompetent, irrelevant and immaterial.

COMMISSION: Objection sustained.

BY BROWN: To which the agent for the applicant excepts, and respectfully invites attention of the Commission to the fact that nine-tenths of these applications represented -

BY HASTINGS: I don't think an argument ought to go in there.
COMMISSION: You can except to it, but that is sufficient.

BY BROWN, examining witness:

Q When did Amelia Pickett and her husband return to the Cherokee Nation after they left Timbered Hill that you are speaking of in '91? A In '91

Q Yes sir? A I never speak of nothing about no '91.
Q When was it? A I said in '90.

Q Well what was it? A That they returned again?
Q Yes? A You mean when I saw them next?
Q Yes sir? A In '98.
Q Where were they living then? A They was supposed to be living in
Topoka then.
Q In 1896? A Yes sir.
Q Where were they living in 1897? A On Big Creek.
Q That in the Cherokee Nation? A Yes sir.

N. 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.

N. D. Green

Subscribed and sworn to before me this February 4, 1902.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., April 19, 1902.

In the matter of the application of Amelia A. Pickett et al to be enrolled as Cherokee Freedmen.

Applicant represented by L. T. Brown, Agent.
Cherokee Nation represented by J. S. Davenport.

The Cherokee Nation, by its representative, makes satisfactory proof of service on the said Amelia A. Pickett that it would on the 10th day of April, 1902, at the offices of the Commission at Muskogee, Indian Territory, introduce testimony tending to disprove her right to be enrolled as a Cherokee Freedman. The applicant and her agent have this day, to wit the 10th day of April, 1902, been called and fail to respond either in person or by attorney.

J. L. ROGERS, being first duly sworn, testified as follows:

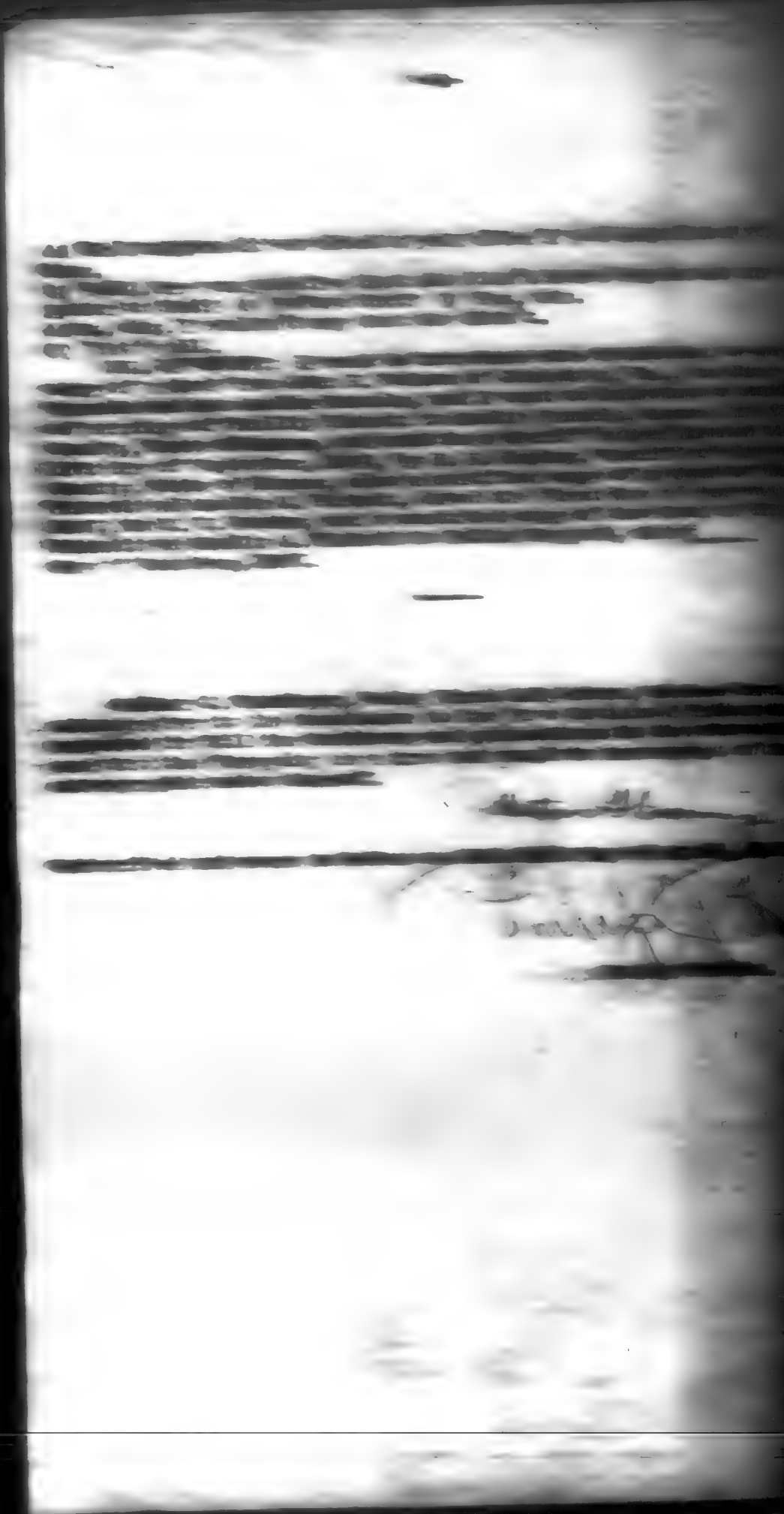
- MR. DAVENPORT: What is your name? A J. L. Rogers.
Q That is your postoffice, Mr. Rogers? A Collinsville, I. T.
Q What is your age? A I was born in 1847.
Q Can you remember the breaking out of the war? A Yes, sir.
Q What was your father's name? A George W. Rogers.
Q Do you know whether or not that prior to the breaking out of the war your father owned a colored woman by the name of Amelia? A Yes, sir.
Q Do you know whether or not he owned her when the war broke out?
A No, sir, he sold her prior to 1856.
Q Prior to when? A 1856.
Q To whom if you know did he sell her? A James A. Scott, to the best of my knowledge.
Q Where was Mr. Scott living? A He lived in Missouri, Elk Mills, Missouri.
Q Well, now after 1856 did your father continue to live in the Cherokee Nation? A Well, after he come back why he—
Q Well, after he come back where did he go? A To California in 1856.
Q Well, when did he return from California? A '56.
Q Well, after he returned did he at any time own a colored woman who was a slave? A No, sir.
Q Between the time he returned from California to the breaking out of the war; have you ever seen this Amelia that your father owned and he sold to Mr. Scott since the war? A No, sir.
Q Was Scott a citizen of the Cherokee Nation or not? A No, he was a citizen of Missouri, state of Missouri.
Q Your father was a citizen of the Cherokee Nation was he in 1857?
A Yes, sir.
Q Do you know whether or not Amelia that your father owned is living, have you any information of your own knowledge? A No, sir, I never heard of her until this thing come up, I never heard of her.
Q That is all I guess.
COMMISSIONER: When did you say your father sold this woman?
A Why he sold her sometime before '56, he sold her and everything and went to California, he moved his family there.
Q He sold her to—? A James A. Scott.
Q He was a citizen of the United States? A Yes, sir.
Q Did you ever see this woman again after your father sold her? A No, sir.
Q You don't know how long she belonged to Scott? A No, sir, I don't.

MR. BAYBERRY: Do you know from whom your father got this Amelia; whether he raised her or whether he bought her from some one? A He bought her from Noah Alberty.
 Q Do you know whether or not she was a sister or half-sister to Jerry Alberty? A No, sir.
 Q Well, your father bought her from Noah Alberty? A Yes, sir.

JONATHAN JONES, being first duly sworn, testified as follows:

MR. BAYBERRY: What is your name? A Jonathan Jones.
 Q Where do you live, Mr. Jones? A I live in Topaka.
 Q Topaka, Kansas? A Yes, sir.
 Q How long have you lived in Topaka, Kansas, or near there? A I have lived in Topaka, Kansas, ever since '66, the February of '66. Well, not right in Topaka all the time, but then I went there at that time.
 Q When you went to Topaka, or near Topaka, in '66, did you get acquainted with a colored woman you afterwards knew as Amelia Pickett? A Well, yes, sir, I got acquainted with the family.
 Q What was her name at the time you got acquainted with her? A Samella.
 Q Amelia Samella? A Yes, sir.
 Q Did she have a husband at that time? A At that time Jim Samella.
 Q Well, now that was Jim following, any kind of business that you remember of? A He was a barber.
 Q You went now to Topaka or near there in '67? A In '68, February of '68.
 Q Have you resided in that section of the country all the time since that time? A Off and on, off and on, I was in Oklahoma for seven years.
 Q Well, now, then from the time you went there in '68 how long did you live in and near Topaka before you went to Oklahoma? A Well, I lived in Topaka for, I couldn't tell you just exactly how long, I went down on the books down in the Law Association and lived with the Indians for quite a while.
 Q Well, now did you go to Oklahoma before or after the original Oklahoma was opened? A After it opened, the old Oklahoma.
 Q That was in about '67? A Yes, sir, I went there right away when it first opened.
 Q Now that you went to Oklahoma or moved away from that section of the country there was Amelia Pickett living? A I couldn't tell you, I don't really mind, he was there off and on every once in a while. Now one came down after they claimed that they came down to claim their rights, their claim, and they was missing for quite a while.
 Q They came down to enroll or something of the kind? A I think so, I don't know.
 Q Well, they have a right up there during the time you know that A During the time they had a house, and he rented it out, he rented it out, and located it, got the men to peddle water for him for about a year or so, and then I think he came himself back but left his sons and his wife down here.
 Q Well, now about how long did Jim Samella live after you got acquainted with him? A About a year.
 Q He was running what kind of a business? A Barbering.
 Q Do you know how long it was after he died before Pickett got Amelia married? A I don't recollect just exactly how long it was, about a year or so I think.
 Q Well, then you went to Oklahoma was Pickett and his family in there? A Now Pickett he lived quite a ways from me. I could see his case in a while before I went down to Oklahoma, I used to see

Q Now, in the morning on the first of that day in the morning morning.
Q Did she see anything there in the room you went over there? A
Yes, she.
Q How do you know that until after she had finished reading? A
Well, no, she, I think she came down before she had finished
reading.
Q Well, she had come until she's gotten a Yes, she, she
didn't have till she had.
Q And that she would be back after she had finished reading?
A Yes, she.
Q Now, how far it was when she finished reading any time there? A
Well, no, she, I can't really, I can't remember just exactly, it
was in a short time though that they started that they started
down.
Q What time after that would they have done that? A Yes, she.
Q Now, how far was she living in the? A I don't know
in memory of.
Q In memory of that? A Yes, she.
Q How far was she living there, was she living with you and in the
A Yes, I would know.
Q How long did she continue to live there after you came to the
place? A I can't remember just exactly.
Q Well, about how long? A Oh, she, I couldn't tell you only
I know that she lived there a year after I went there I think.
Q Was she married to a man named...? A Yes.
Q How often did you see her? A Well, I don't see her just only
once in a while, I see her coming to her church, they had a church
not very far away from there I think, and I would see her frequently
coming to her church.
Q Well, did you meet her frequently after your arrival in the
A Yes.
Q How long were you living in the town before you met her? A Oh
nearly right away after I went to the town.
Q Well, how often did you see her after that? A I don't
tell you really.
Q Well, about how often? A Oh, I don't see her all the time,
or see her every day or anything like that she came down to church
often.
Q Well, when did she come down? A I don't know, it was a while,
after a while she had before they were born.
Q Well, were they born there? A About how long ago?
Q Yes. A Well, no, I don't know when I can tell you anything about
when they were born, but I don't remember, it was a short time
after she came down to church often.
Q Well, how long was it after you learned to know her, was it in
the town or a while, did she stay there a while after you had learned
to know her? A No, she was there a year before she was born.
Q And was you possible that during the time that she was there
and during the year after your arrival in the town that she wasn't
out of the city? A I couldn't say that she wasn't out of the city,
because they lived with a man there.
Q How far was she living from the town? A They lived in the
city.
Q Well, how far was she living from the town before she was out of the city?
A Yes, she.
Q Well, you don't know whether during that time she came down to
the church or not, did I mean about the time that they were born
she, they said that they ought to see down and see down that
right, and they all was standing, the church was, or it had
they, and she was very young, and she was very young, and she
all standing about the same time.
Q Now, did you see her? A I can't remember.
Q How long was it after you learned to know her, about how long?



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DEPARTMENT OF THE HISTORY OF ARTS
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THE FIRST PART OF THE BOOK IS DEVOTED TO THE HISTORY OF THE
REPUBLIC OF VENICE FROM ITS FOUNDATION TO THE END OF THE
SEVENTEENTH CENTURY.

THE SECOND PART OF THE BOOK IS DEVOTED TO THE HISTORY OF THE
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THE SEVENTH PART OF THE BOOK IS DEVOTED TO THE HISTORY OF THE
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THE NINTH PART OF THE BOOK IS DEVOTED TO THE HISTORY OF THE
REPUBLIC OF VENICE FROM THE BEGINNING OF THE EIGHTEENTH CENTURY
TO THE END OF THE SEVENTEENTH CENTURY.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Q. Was was the first name? A. George.
Q. Do you remember what George Rogers went to California? A. Yes,

Q. Was was at the house at the time he left? A. No.
Q. Was anything has been introduced here which tends to prove that
was was wife to a man by the name of James A. Scott, who was a
doctor of medicine; is that true or not? A. It is not true.
Near Wood in Missouri in my life.

Q. Now Mr. Richard, I want you to go ahead and state why it was
that that George Rogers left this country for California you weren't
there? A. Why the reason I wasn't there, Rogers was getting up some
money to take to California with them; he had me and another girl
and a man about in the house; he had a little boy named Jack and
Rogers and George. Jack was about that high (indicating) between
my arm and about your arm, Jack was; I had the children to take care
of, sleep with them in the house. Well George and these men was
taking over buying cattle.

Q. Now Mr. George Rogers? A. George Rogers; and these men had
some money; they had these old-fashioned saddle bags; had
their things all the afternoon making, and they had been around, they
stayed in my house that night, me and the children would lay
down, me and George and Tommie, little girl slept with her mother.
She was about my age, and only had one big room you know. We
stayed in a place together. So they talked quite a good while and
they were coming over some money; so along in the night while we
was sitting there talking George goes up and goes out doors, that
was George Rogers, and says: them back across the door, and he went
out and came in; he thought the door again as usual, and when he
came in he talks right in, he walks up to one of these men and splits
his head open with an ax, and another jumped up to go and he cuts
his arm, and they take the man out, they had a company but he
was the work, and I belonged to him then. And so then after they
went out his wife, she says "George, if you do the worst do it
right, if you don't we are ruined." He cut them both down, and they
took their ax. George took the money they had just a few weeks before
he went to California. I was there getting up his cattle then,
and getting them, and I was just a girl. So they carried them out and
he took the money. So the next day, child-like, I gets to talking.
He says to me, "George, you are eight years old, Tommie wasn't big
enough to have anything much, and as I said to his mother next day,
she says, "I says 'I am going to tell; he oughtn't to have killed
them and took their money." And then she says, "Yes, and George
will kill you." The wife, "you can't go out of this house until
he comes, and as the last as in the house. So when he came; always
high with that ax behind. And so her father came there, and
they found money the time, and so what he came she told him—they had
a bar on the other side there, they never been no steps to it, was
high, and as it happened that wasn't locked. He came and so she
he certainly spoke. "My Jack I'll kill you," and as he made his
money of me, I guess he would have killed me, I jumped out of that
door, and as I looks and you he shot at me, and I went over among
the bushes and stayed there until the war came up, I never went
back to his any more, and I stayed as an Indian till the freedom
came over, passed as an Indian, went in the Indian uniform and
did some of the things as. Tommie along through there until this
war came up.

Q. How long before the war was that? A. Well that
was when I went to the Indian school.
Q. How was that, how long before the war? A. Well, about five years
I guess, that or six years, somewhere along there, I didn't know no

record of it, and I ain't got a very good recollection on these things now.

Q At that time, saynow.

MR. BROWN: Now did George Rogers own any other slaves? A Yes, sir, he had two girls and a man.

Q Now what were their names? A Why the man was named Texas and the girl was named Mandy Amelia. She claimed to be a sister's daughter of mine that was sold from the old man, a half sister or something.

Q Now this Amelia Mandy was- A She was named after our grandfather, and so was I, only they called me Amelia Ann, my name is Amelia Ann, and her name was Mandy Amelia; we were named after our grandmother.

Q Now was this woman whom you say was named Mandy Amelia ever sold?

A I don't know; they went away; I went out before they did.

Q Did you know a man by the name of James A. Scott? A No, I didn't.

Q Did you ever belong to such a man? A Never did to no Scott, sir.

Q Were you ever during that time in the State of Missouri? A No, never was. In the Cherokee Nation and Seneca Nation as far as I went.

Q Mrs. Pickett, did you know a man by the name of Jim Samuels? A Yes, sir, I did.

Q Did you and he ever live together? A Never lived together only as relations.

Q Was he a soldier? A Well he went in the army, went in the recruit, he wasn't in-

Q When was he mustered out? A In '65 I believe, somewhere along there.

Q How long did he live after he was mustered out? A I think he died the same year; I think his father was a free man, but he was a relation to my mother; my mother was a slave.

Q How many times have you been married? A Once.

Q Have you ever lived with any other man? A No.

MR. HASTINGS: Where was George Rogers living when you left his place? A Living do you know where the Candy place is?

Q In what district? A Why he was living in the Seneca Nation.

Q Living in the Seneca Nation? A Yes, sir, a place there called the Candy place.

Q How old are you now? A Why I claim that I am 57.

Q 57 now? You were 15 years old when the war came up? A I guess I was according to all accounts.

Q Well about five years before that was when you left George Rogers's place? A I wouldn't say just exactly how many years nor nothing of the kind. I know when I left; I wouldn't say positive about the dates.

Q Who did you stay with in the five years after you left Rogers's?

A I stayed around anywhere; I stayed with an old woman by the name of Mrs. Backowl, went there first.

Q How far did she live from where Rogers lived? A Oh, she lived about twelve miles I guess.

Q About twelve miles? A About twelve miles, and she lived right across the line.

Q Was that in the Seneca Nation? A She was in the Delaware; she was a Delaware.

Q Well where was she, in Kansas? A Living in the Nation.

Q Before the war? A The old woman?

Q That Delaware woman? A Living in the Delaware country.

Q In the Delaware country? A Yes, sir.

Q She was a Delaware Indian was she? A Yes, sir.

Q What was her husband's name? A George Backowl.

Q Did they have any family? A Had, I believe they had two girls, they was very old people; his old mother. she was there, was very old woman.

Q Well now Rogers lived in the Seneca Nation did he? A He was living in the Seneca Nation at that time.

Q What direction from Rogers's did you go, north, east, south or west? A Well I guess I must have went west; I went right up a big hill, if you ever go there.

Q Did you cross any river? A No, I would remember if I had gone across the creek I would have went over in Missouri, but I went over this way in the Seneca Nation, went right up a big hill.

Q Well did they have any neighbors there? A Buckowls didn't live there.

Q But were you there? A Oh, they had Indians around there.

Q What was some of their names? A I don't know; they didn't have many English names.

Q Well you lived there five years didn't you? A I did not.

Q How long did you stay there? A I went through the Nation and went there to this old woman's.

Q Well how long did you stay there? A Two or three days at a time.

Q Where did you go from there? A Some of the rest of the Indians and stay a week or so and around.

Q Well who did you go to see? A Went to Young, went to Davin's.

Q Well what kind of Indians were they? A They were Senecas.

Q And who else did you go to stay with? A I went to Spice's.

Q Well what tribe did they belong to? A Seneca; where I used to dance with them all the time.

Q Danced with them did you? A Used to go to the dances, treated me just as they did one of the tribe.

Q That was before the war? A Yes, sir.

Q Now where did you make your home after you left Rogers's up until you were freed? A In the Seneca Nation. Sometimes I would drop over to my sister's in the Cherokee Nation and stay a little while on the scout; I didn't dare come out.

Q Well you wasn't but fifteen years old when the war came up? A Oh, but I could scout.

Q And you were scouting around.

MR. BROWN: You were never sold to anybody? A No, sir, I wasn't sold. I came from Mose Alberty to the old man.

Q Mose Alberty was a Cherokee Indian? A Oh, yes, sir, old Mose Alberty.

Q George Rogers was an Indian, Cherokee? A Old man and all of them knows that.

MR. HASTINGS: George left and went to California about five years before the war, did he? A Well I wouldn't tell you just exactly.

Q Well about how long? A I can't say the date he went there, I know when he went away because of my going away; I know he was a desperado and killed these men and took the money; I know that; I never was sold to anybody but him. He was glad enough to not bother me too much because he knowed I could do him up.

Arthur S. 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 correct transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 3rd day of May, 1882.

(250)

Arthur S. Croninger
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of Amelia A. Pickett for enrollment as a Cherokee freedman.

Applicant appears by Lewis T. Brown; Cherokee Nation by W. W. Hastings.

W. W. Hastings: The Cherokee Nation offers in evidence a certificate from the Executive Secretary of the Cherokee Nation under the executive seal showing that all the records in the office of the Executive Department have been thoroughly searched and that they do not show that the applicant was ever admitted to citizenship in the Cherokee Nation.

Lewis T. Brown: The applicant objects to the introduction of what purports to be a certificate, and moves the Commission to request the Cherokee Nation to file with this Commission the roll made by the Cherokee Nation in the year 1893.

W. W. Hastings, being sworn and examined, testified as follows:

My name is W. W. Hastings; my postoffice is Tahlequah; my age is 35. I telephoned over to J. F. Parks who is the Executive Secretary to examine the census roll of 1893 and get me a certificate that the name of Amelia Pickett appears thereon, and he advises me that they are in the possession of the Commission, and I have asked the Commission to search these rolls and they cannot be found, but the Cherokee Nation is perfectly willing that a certificate shall be taken from the census roll of 1893, which was never authenticated, whenever said rolls are found. The certificate referred to by the number of witnesses who took a stand in this case, alleged to have been filed in 1896 was not a certificate showing that the applicant was admitted, but was a certificate showing that her name appears upon the census roll of 1893 which was never authenticated.

Applicant's attorney of Cherokee Nation's attorney:

Q Where did the Commission that made the roll of 1893 get their authority, or how did they do it? A It was under an act of the National Council appointing some census takers, and the census takers went out and took the names of parties and this roll was submitted to the National Council and it was never authenticated, but a great many names were added and it was revised, and it was made into the 1894 pay roll. The census roll of 1893 was never confirmed and made a roll of the nation.

Q Does the name of my Cherokee freedman appear upon the 1894 pay roll that was made by that Commission? A Well I think not. It was made to be a Cherokee blood roll; there might be some mixed whose names are on there; I don't know as to that.

Q I will ask you if the acts of the Cherokee National Council creating this Commission does not say that that Commission was to make the roll of the citizens of the Cherokee Nation, and had no reference to blood? A You mean under which the census roll was taken?

Q 1893, yes sir? A That is my understanding that the census takers took the census of all the different classes of citizens, but not my recollection though from the act just because the census takers' was filed. I do know that this act was never authenticated by the Cherokee National Council.

Q Didn't the census takers created by that act go into their several districts and hear testimony as to the enrollment of Cherokee freedmen upon the question of their citizenship at the beginning of the war and as to their return after the war? A Well if they did I don't know anything about that. They had no right

Q Have you a copy of the act creating these census takers? A Yes

Q. Has the Cherokee Nation a copy? A. Oh, yes, it is on file in the executive office over there.

The applicant moves the Commission request the Cherokee Nation to file with the records in this case the act referred to: W. W. Hastings: The Cherokee Nation has no objection whatever. If the applicant wants a copy of this act by paying whatever the fees are for the copy they can have it, so far as I am concerned individually as a representative of the Cherokee Nation, but not unless the fees are paid. The Cherokee Nation is perfectly willing they shall have them if they paid the fees that are necessary.

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. Forstberg

Subscribed and sworn to before me this 16th day of June, 1908.

[Signature]
Notary Public.

NOTARY PUBLIC

Recd- General Warranty.

THIS INSTRUMENT, Made this -- day of December, A. D. 1897 between Phillip Pickett and Amelia A. Pickett, his wife, of -- County, in the State of --, of the first part, and Della Haggart of -- County, in the State of --, of the second part.

WITNESSETH, That said parties of the first part, in consideration of the sum of One Dollar the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto said party of the second part, her heirs and assigns, all the following-described real estate, situated in the county of Shawnee and State of Kansas, to-wit:

Lot ninety (90) on Harrison Street in the city of Topeka, in said county and State. The above mentioned Amelia A. Pickett, being one and the same person with Ann Amelia Pickett, and Ann A. Pickett, notwithstanding the difference in names,

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

And said Phillip Pickett and Amelia A. Pickett for themselves, their heirs, executors or administrators, do hereby covenant, promise and agree, to and with said party of the second part, that at the delivery of these presents they are lawfully seized in their own right, of an absolute and indefeasible estate of inheritance, in fee simple of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever; and that they will warrant and forever defend the same unto said party of the second part, her heirs and assigns, against said parties of the first part, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands the day and year first above written.

Phillip Pickett.
Amelia A. Pickett.

State of Kansas, Montgomery County ss.

BE IT REMEMBERED, That on this day of December, A. D. 1897 before me the undersigned, a Notary Public in and for the County and State aforesaid, came Phillip Pickett who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official seal, the day and year last above written.

Chas. T. Carpenter.
Notary Public.

SEAL.

Term Expires May 11, 1901.

State of Kansas Shawnee County, ss.

Be it remembered That on this 15th day of Dec. A. D. 1897 before me the undersigned, a Notary Public in and for said County and State, came Amelia A. Pickett, wife of Phillip Pickett who is personally known to me to be the same person who executed the within instrument of writing, and such person duly acknowledged the execution of the same. In testimony whereof I have hereunto set my hand and affixed my Notarial Seal, the day and year last above written.

W. S. Eberle,
Notary Public.

SEAL.

My Com. Ex. 2/1/1901.

Indorsement.

Deed.

General Warranty.

From Phillip Rickett and wife to Della Haggart.

State of Kansas, Shawnee County ss.

This instrument was filed for record on the 20 day of Dec. A. D. 1897 at 11:45 o'clock P. M. and duly recorded in Book 261 on page 56.

Frank Brooks.

Register of Deeds.

State of Kansas, Shawnee County ss.

I, F. L. Stevens, Register of Deeds in and for the County and State above named, do hereby certify that the annexed instrument is a true copy of the original War. Deed filed in this Office on the 20 day of Dec. 1897.

F. L. Stevens,
Register of Deeds.

SEAL:

I, Ray Palmer, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy of the Register of Deeds' copy of the original.

Ray Palmer

Warranty Deed.

John H. Folsom
to
James Samuels & Wife.

THIS INDENTURE, Made this 18th day of November A. D. 1865 between John H. Folsom of Johnstown in the County of Cambria and State of Pennsylvania, and Lucy Jane Folsom his wife, parties of the first part and James Samuels and Ann Amelia Samuels party of the second part.

WITNESSETH: the said parties of the first part for and in consideration of the sum of Five hundred & Seventy five dollars the receipt whereof is hereby acknowledged have sold and by these presents do sell and convey to the said party of the second part, their heirs and assigns all that tract or parcel of real estate lying and situate in the City of Topeka, in the County of Shawnee and State of Kansas, and described as follows: to-wit: Lots numbered eighty six (86) Eighty eight (88) Ninety (90) and Ninety two (92) on Harrison Street with the appurtenances estate title and interest of the said parties of the first part therein. And the said parties of the first part covenant to warrant and defend the afore granted premises unto the said James Samuels and Amelia Samuels the said party of the second part and to his heirs and assigns forever against the lawful claim or claims of all and every person whatsoever claiming under or by virtue of any act of the said parties of the first part. IN WITNESS WHEREOF, the said parties of the first part have hereunto affixed their hands and seals the day and year first above named.

John H. Folsom SEAL,
Lucy Jane Folsom SEAL

Sealed and delivered by John H. Folsom in presence of
Agnes Elder
Robt. H. Canan.

Sealed and delivered by Lucy Jane Folsom in presence of
John Snewdy.

~~XXXXXXXXXXXXXXXXXXXX~~

STATE OF PENNSYLVANIA

ss

COUNTY OF CAMBRIA.

On this thirtieth day of December A. D. 1865 before me a Notary Public in and for the County and State aforesaid, personally appeared the within named ~~X~~ John H. Folsom to me well known to be the identical person he represents himself to be who in due form of law declared that he executed the within indenture for the purposes therein mentioned and acknowledged the same to be his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my Public office at Johnstown Penn.

SEAL

Robt. H. Canan. Notary Public.

STATE OF NEW HAMPSHIRE

ss

ROCKINGHAM COUNTY

Personally appeared before me John Trundy, Justice of the Peace in and for the City of Portsmouth, County and State aforesaid, the within named Lucy Jane Folsom to me well known as the identical person who signed the within indenture and the wife of John H. Folsom who having read the same and being duly acquainted with the contents thereof, voluntarily and without compulsion of her husband relinquished all her right of dower in and to the above described premises acknowledging the said indenture to be her act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the 18 day of December 1865. John Trundy, Justice of the Peace.

.30 etc. Rev. Stamp.

Indorsement.

State of Kansas, Shawnee County, ss. Filed April 26 A.D. 1886 at
3:20 o'clock P.M. and duly recorded in Book 11, Page 184.

State of Kansas, Shawnee County, ss.

I, F. L. Stevens, Register of Deeds in and for the County and
State above mentioned, do hereby certify that the annexed
instrument is a true copy of the original filed in this office on
the 26th day of April 1886.

F. L. Stevens,

Register of Deeds.

I, Ray Palmer as Stenographer to the Commission to the Five Civil-
ized Tribes, do hereby certify that the above and foregoing is a
true and complete copy of the Register of Deeds' copy of the ori-
ginal.

Ray Palmer

State of Kansas
County of Shawnee.

Office of Probate Judge of said County.-

Be it Remembered, That on the Sept. 11th A.D. 1869, there was issued from the office of said Probate Judge, a Marriage License of which the following is a true copy.

Marriage License.

Topeka, Shawnee County, State of Kansas.
Sept. 11th, A. D. 1869.

~~Taxpayer Authorized~~

To Any Person Authorized by Law to Perform the Marriage Ceremony.
Greetings!

You are hereby authorized to join in marriage, Phillip Pickett of Shawnee County, aged 38 years and Amelia Samuels of Shawnee county, aged 25 years and of this License you will make due return to my office within thirty days.

(seal) Lewis Harback, Probate Judge.

And which said Marriage License was afterwards, to wit: on the 16th day of September, A. D. 1869, returned to said Probate Judge with the following certificate endorsed thereon, to wit:
State of Kansas, Shawnee County, ss.-

I, Luther H. Platt, do hereby certify that in accordance with the authorization of the within License, I did on the 12th day of September, A. D. 1869, at Topeka, in said County, join and unite in Marriage the within named Phillip Pickett and Amelia Samuels.

Witness my hand and seal this day and year above written.

L. H. Platt, Clergyman.

I, W. E. Fagan, Judge and ex officio Clerk of the Probate Court within and for the County of Shawnee and State of Kansas, do hereby certify that the above and foregoing is a full, true and correct copy of the original marriage License issued by the Probate Judge of this County to, Phillip Pickett and Amelia Samuels, and of the original returns endorsed on said license by the persons performing the marriage ceremony., as the same appears on file and on record in my office.

In witness whereof, I have hereunto set my hand and affixed the seal of said Court, at my office in the City of Topeka, this 8th day of April, 1902.

W. E. Fagan,
Probate Judge.

I, Roy Palmer, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy of the Probate Judge's copy of the original.

Roy Palmer

Cherokee Freedman D-418.

EXECUTIVE DEPARTMENT,
CHEROKEE NATION,
TANLEQUAHY INDIAN TERRITORY.

I hereby certify that I am Executive Secretary of the Cherokee Nation and the records of this department are in my legal custody; that I have carefully and diligently examined all records now in this office pertaining to citizenship and the admission of persons as citizens of the Cherokee Nation, and such records fail to show that Amelia Pickett, nee, Liberty has been admitted to citizenship in this Nation.

Given from under my hand and seal of office on this
the 28th day of May 1902,

J. T. Parks,
Executive Secretary.

SEAL.

I, Roy Palmer as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy of the original.

Roy Palmer

KNOW ALL MEN BY THESE PRESENTS, That whereas, on the 30th day of December A.D. 1896, in an action then pending in the District Court of Shawnee county, Kansas, wherein Wilson Thomas was plaintiff and Anna A. Pickett and Phillip Pickett were defendants, said plaintiff recovered a judgment in said court against said defendants for the sum of Nineteen Hundred Seventy eight Dollars, debt, and \$13.80 costs of said action, and that said judgment for \$1978 bear interest at the rate of 12 per cent, per annum from the date of the rendition thereof, And whereas, on said day, in said cause, in said court, it was further considered, ordered and adjudged and decreed and a further judgment was rendered against all of said defendants, that in case said defendants should fail, for six months from said 30th day of December, A.D. 1897, to pay said plaintiff said sum of \$1,978.00 together with the interest thereon and the costs of said action, an order of sale issue to the Sheriff of said county of Shawnee, in the State of Kansas, commanding him to advertise and sell, according to law, and without appraisement, the following-described lands and tenements to-wit: Lot Numbered 92, on Harrison Street, City of Topeka, lying and situate in the County of Shawnee, in the State of Kansas, and apply the proceeds arising from said sale: First, in the payment of the costs of said sale and said action; second, in payment to the Plaintiff of his judgment herein, together with the interest thereon, and the residue if any be paid to the defendants., And Whereas, On the 1st day of July, A.D. 1897, there was issued out of the Clerk's office of said District Court an order of sale on said judgment in said action, directed to the Sheriff of said county of Shawnee, and dated the 1st day of July, A.D. 1897, reciting the aforesaid judgment of said Circuit Court, as hereinbefore set out, and commanding said Sheriff to proceed according to law, and advertise and sell without appraisement the aforesaid lands and tenements, and apply the proceeds as directed by said judgment as aforesaid, which said order of sale afterwards, on the 1st day of July A.D. 1897 came into the hands of R. B. Kopley, Sheriff of Shawnee county, Kansas, to be executed;

AND WHEREAS, Afterwards, on the 2nd day of August, A. D. 1897, at 10 o'clock A.M. of said day, and at the front door of the courthouse in the city of Topeka, in the county of Shawnee and State of Kansas, said Sheriff, having first given notice of the time and place of said sale for more than thirty days prior to said sale-day, by advertisement published in Topeka Mail and Breeze, a weekly newspaper published in the City of Topeka for more than fifty two consecutive weeks prior to the first publication of said advertisement and of general circulation in said county of Shawnee, sold said lands and tenements at public outcry for One Thousand Dollars to Wilson Thomas, he being the highest and best bidder therefor:

AND WHEREAS, Afterwards, on the 30th day of August, A.D. 1897 said order of sale, with the proceedings of said Sheriff thereunder, were returned into said District Court, and afterwards, and on the 10th day of September 1897, at the September Term A.D. 1897, of said District Court, the said court having carefully examined the proceedings of said Sheriff in making said sale, and being satisfied that said sale had been made in all respects in conformity to law and the statutes in such case made and provided, it was, on motion of the plaintiff---in said action, ordered and adjudged by the court, that said proceedings be and the same were in all respects confirmed, and the Clerk of said District Court was directed to make an entry in the Journal that the court was satisfied with the legality of such sale, and at the same time in said case cause the said Sheriff was ordered and directed to execute to said Wilson Thomas, the purchaser of said premises at said sale a good and sufficient deed for said lands and tenements as sold as aforesaid;

NOW THEREFORE, I, R. B. Kopley, Sheriff of the County of Shawnee, in the State of Kansas, in consideration of the premises, and by virtue of the authority in me vested by law, do hereby give grant, sell and convey unto the said Wilson Thomas his heirs and assigns forever, the said lands and tenements as sold as aforesaid, and described as follows, to-wit:

Lot numbered Ninety-two (92) on Harrison Street, City of Topeka lying situate in the county of Shawnee, in the State of Kansas, together with all and singular tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining: TO HAVE AND TO HOLD the same, to the said Wilson Thomas, his heirs and assigns, forever.

IN WITNESS WHEREOF, I, R. B. Kopley, as Sheriff of the county aforesaid, have hereunto set my hand this 17th day of September, A.D. 1897.

R. B. Kopley,
Sheriff of the County of Shawnee, in
the State of Kansas.

STATE OF KANSAS, SHAWNEE COUNTY ss/

BE IT REMEMBERED, That on this 17 day of Sept, A.D. 1897 before me, the undersigned, a Probate Judge, within and for the county and State aforesaid, came R. B. Kopley, Sheriff of Shawnee county, in the State of Kansas, who is personally known to me to be the same person who executed the within and foregoing instrument of writing, as grantor, and such person duly acknowledged to me that the same was his voluntary act and deed, and that he duly executed the same for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Lewis S. Delman,
Probate Judge.

SEAL,

INDORSEMENT.

Sheriff's Deed.

From Anna A. Pickett by R. B. Kopley, Sheriff of Shawnee County Kansas, to Wilson Thomas.

STATE OF KANSAS, SHAWNEE COUNTY ss.

This instrument was filed for record on the 20th day of Sept. A.D. 1897 at 8:40 o'clock A.M. and duly recorded in Book 247 on Page 259.

Frank Brooks,
Register of Deeds.

STATE OF KANSAS, SHAWNEE COUNTY ss

I, T. L. Stevens Register of Deeds in and for the County and State above named, do hereby certify that the annexed instrument is a true copy of the original Shfs. Deed filed in this office on the 20th day of Sept. 1897.

T. L. Stevens,
Register of Deeds.

I, Ray Palmer, as stenographer to the Commission to the Five Civilized Tribes, do hereby certify that the above and foregoing is a true and complete copy of the Register of Deeds' copy of the original.

Ray Palmer

CHEROKEE
Cherokee Freedman
D-418

Muskogee, Indian Territory, July 23, 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 Amelia A. Pickett for the enrollment of herself as a Cherokee freedman, including the Commission's decision dated July 10, 1903, rejecting said application.

Respectfully,

I. B. Neenan,

Commissioner in Charge.

Enc. D-45

Through the
Commissioner of Indian Affairs.

Copy.

Cherokee Freedman
D-418

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 Amelia A. Pickett for the enrollment of herself 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,

J. P. Needles
Commissioner in Charge.

Enc. D-44

COPY

Cherokee freedman
D-418

Muskogee, Indian Territory, July 23, 1908.

Louis T. Brown,
Agent for Amelia A. Pickett,
Vinita, Indian Territory.

Dear Sir:

There is herewith enclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1908, rejecting the application of Amelia A. Pickett for the enrollment of herself 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 the Commission is informed of the same.

Respectfully,

T. E. Needles.

Commissioner in Charge.

Enc. D-43

Register.

COPY

Cherokee freedman
D-418

Muskogee, Indian Territory, July 23, 1903.

Amelia A. Pickett,

Centrella, Indian Territory.

Dear Madam:

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 as a Cherokee freedman. There has heretofore been furnished your agent, Louis T. Brown, 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, 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,

T. B. Needles

Commissioner in Charge.

Enc. D-42
Register.

Muskogee, Indian Territory, October 30, 1903.

Louis T. Brown,

Vinita, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your brief on appeal in Cherokee freedmen D 304, Payton Martin et al. This brief is herewith returned to you and you are advised that the Commission's decision of July 10, 1903, rejecting the applicants, was affirmed by the Secretary of the Interior on October 22, 1903.

The Commission is also in receipt of the brief on appeal in Cherokee freedmen D 418, Amelia A. Pickett, the decision in which case was forwarded to the Department on July 23, 1903. Your brief has this day been transmitted to the Department for consideration in connection with that case.

Respectfully,

Enc. D-38

Commissioner in Charge.

Refer in reply to
the following:

Land
47050-1903
66144-1908
70942-1903
72261-1903

COPY

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, February 6, 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 in the matter of the application of Amelia A. Pickett for the enrollment of herself as a Cherokee Freedman.

On July 10, 1903, the Commission rendered a decision in this case finding that Amelia A. Pickett was 57 years old at the date of the application herein; that it does not appear from the evidence she was the slave of a citizen of the Cherokee Nation, or of a free colored person, but resided in the Cherokee country at the commencement of the war of the rebellion; and that her name is not found on the 1880 authenticated roll of the Cherokee Nation, by reason of which findings the Commission is of the opinion that the application for the enrollment of Amelia A. Pickett 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 record evidence in this case and concur with the Commission that this applicant is not entitled to be enrolled as a citizen of the Cherokee Nation by reason of having been a

Cherokee Freedman who complied with the provisions of the treaty of 1866.

There is also enclosed herewith a communication from Louis T. Brown addressed to the Honorable Secretary of the Interior, and dated September 26, 1903, with which Mr. Brown transmits what he terms an appeal from the decision of the Commission to the Five Civilized Tribes in the case of Payton Martin, and which apparently involves to a certain extent the same facts as set out in the record in the case of Amelia A. Pickett and others. Nothing in the statement made by Mr. Brown, in my opinion, substantiates the claim of this applicant.

There is also enclosed herewith a communication from the Commission to the Five Civilized Tribes dated October 30, 1903, forwarding for consideration the brief on appeal by the attorney for the applicant, Amelia A. Pickett, but an examination of this brief does not in my judgment, disclose any facts upon which a decision in her favor can be based.

There is also enclosed herewith a copy of the decision of the Commission in the case of Amelia A. Pickett in addition to a decision contained in the record, and with this decision is an argument purporting to be made by Amelia A. Pickett in her own behalf, but I do not consider that this argument adds anything to the record of the proceedings in this case.

Very respectfully,

A. C. TOMNER

Acting Commissioner.

W.C.B. (B.)

D C 12171-1904

COPY

I.T.D. 1142-1904. DEPARTMENT OF THE INTERIOR,
L.R.S. WASHINGTON.

J.P.
FHE

April 15, 1904.

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

Gentlemen:

October 30, 1903, you submitted the case involving the applica-
tion of Amelia A. Pickett for enrollment as a Cherokee freedman,
having rendered a decision in the case July 10, 1903, holding that
the applicant is not entitled to enrollment.

Reporting in the matter February 6, 1904, the Acting Commission-
er of Indian Affairs recommends that your decision be concurred in.
A copy of his letter is inclosed.

Finding no reason to disturb your decision it is hereby affirm-
ed.

The papers in the case of Payton Martin, mentioned by the Acting
Commissioner, have been returned to the Indian Office to be acted
upon.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

RECEIVED
APR 15 1904
INDIAN OFFICE
WASHINGTON

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

---000---

In the matter of the application of Amelia A. Pickett for enrollment as a Cherokee Freedman.

DECISION.

+ + +

The record in this case shows that on May 24, 1901, Amelia A. Pickett appeared before the Commission at Vinita, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Muskegee, Indian Territory, on February 3, 1902, April 10, 1902, May 24, 1902, and May 31, 1902.

The evidence shows that the said Amelia A. Pickett was about fifty-seven years old at the date of the application herein.

It does not appear from the evidence that the applicant was the slave of a citizen of the Cherokee Nation, or a free colored person who resided in the Cherokee country at the commencement of the War of the Rebellion. The name of the applicant is not found on the 1880 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application for the enrollment of Amelia A. Pickett as a Cherokee Freedman should be denied under the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered.

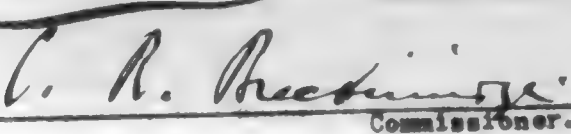
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.



Commissioner.

Dated at Muskegee, Indian Territory,

this JUL 10

State of Kansas, Shawnee County, ss.

I, H. Stevens Register of Deeds in and for the

County and State above named, do hereby certify that the annexed instrument
is a true copy of the original filed in this office on the 26)

day of April ~~186~~ 1866

H. Stevens
Register of Deeds.

By..... Deputy.

State of Kansas,)
 :
County of Shawnee) Office of Probate Judge of said County.-

Be it Remembered, That on the Sept. 11th, A. D. 1869, there was issued from the office of said Probate Judge, a Marriage License of which the following is a true copy:

----- Marriage License -----

Topeka, Shawnee County, State of Kansas,

Sept. 11th, A. D. 1869.

To Any Person Authorized by Law to Perform the Marriage Ceremony

Greeting:

You are hereby authorized to join in marriage, Philip Pickett of Shawnee County, aged 38 years and Amelia Samuels of Shawnee County, aged 25 years and of this License you will make due return to my office within thirty days.

(seal) Lewis Hanback, Probate Judge.-

And which said Marriage License was afterwards, to wit: on the 16th day of September, A. D. 1869, returned to said Probate Judge with the following certificate endorsed thereon, to wit:

State of Kansas, Shawnee County, ss.-

I, Luther H. Platt, do hereby certify that in accordance with the authorization of the within License, I did on the 12th day of September, A. D. 1869, at Topeka, in said County, join and unite in Marriage the within named Phillip Pickett and Amelia Samuels.

Witness my hand and seal this day and year above written.

L. H. Platt, Clergyman.

I, W. E. FAGAN, Judge and ex officio Clerk of the Probate Court within and for the County of Shawnee and

State of Kansas, do hereby certify that the above and foregoing is a full, true and correct copy of *the*
Original marriage license issued by the Probate Judge of
this County to Philip Pickett and Amelia Samuels,
and of the original returns endorsed on said licenses by
the persons performing the marriage ceremony.

as the same appears *on file and on record*
in my office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court, at my office in the

City of Topeka, this *5th* day of *April*, 190*2*

W. E. Fagan, Probate Judge.

WARRANTY DEED.

JOHN H. FOLSOM
TO
JAMES SAMUELS & WIFE.

THIS INDENTURE, Made this 18th day of November A. D. 1865 between John H. Folsom of Johnstown in the County of Cambria and State of Pennsylvania, and Lucy Jane Folsom his wife, parties of the first part and James Samuels and Ann Amelia Samuels party of the second part.

WITNESSETH: the said parties of the first part for and in consideration of the sum of Five hundred & Seventy five dollars the receipt whereof is hereby acknowledged have sold and by these presents do sell and convey to the said party of the second part their heirs and assigns all that tract or parcel of real estate lying and situate in the City of Topeka, in the County of Shawnee and State of Kansas, and described as follows to wit: Lots numbered eighty six (86) Eighty eight (88) Ninety (90) and Ninety two (92) on Harrison Street with the appurtenances estate title and interest of the said parties of the first part therein. And the said parties of the first part covenant to warrant and defend the afore granted premises unto the said James Samuels and Amelia Samuels the said party of the second part and to his heirs and assigns forever against the lawful claim or claims of all and every person whosoever claiming under or by virtue of any act of the said parties of the first part.

IN WITNESS WHEREOF, the said parties of the first part have hereunto affixed their hands and seals the day and year first above named.

John H. Folsom (SEAL)

Lucy Jane Folsom (SEAL)

Sealed and delivered by John H. Folsom in presence of
Agnes Elder

Robt. H. Canan.

Sealed and delivered by Lucy Jane Folsom in presence of
John Snowdy.

STATE OF PENNSYLVANIA
SS
COUNTY OF CAMBRIA

ON this thirtieth day of December A. D. 1865 before me a Notary Public in and for the County and state aforesaid, personally appeared the within named John H. Folsom to me well known to be the identical person he represents himself to be who in due form of law declared that he executed the within indenture for the purposes therein mentioned and acknowledged the same to be his voluntary act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of my Public office at Johnstown Penna.

(SEAL)

Robt. H. Canan. Notary Public

STATE OF NEW HAMPSHIRE
SS
ROCKINGHAM COUNTY

Personally appeared before me John Frundy Justice of the Peace in and for the City of Portsmouth County and State aforesaid, the within named Lucy Jane Folsom to me well known as the identical person who signed the within indenture and the wife of John H. Folsom who having read the same and being duly acquainted with the contents thereof, voluntarily and without compulsion of her husband

relinquished all her right of dower in and to the above described premises acknowledging the said Indenture to be her act and deed.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal the 18 day of December 1865.

John Frundy

Justice of the Peace.

.50 cts. Rev. Stamp.

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

FILED
MAY 24 1901

[Handwritten signature]

CHEROKEE FREEDMEN.

Date May 24, 1901
Post Office Centralia S.C.
District Co.

1. Name _____ Age _____
Citizenship _____

Owner's name _____
Year _____ Page _____ No. _____ District _____

Parents:
Father Wm. H. Pickett _____
Citizenship _____

Mother _____
Citizenship _____

Name of wife Amelia A. Pickett Age 57
Owner's name Gen. Rogers Citizenship Cherokee
Year Wallace Page 133 No. 2787 District Co.

Parents:
Father Ellis Buntington - dead Citizenship _____
Mother Sarah Liberty - dead Citizenship _____

Names of Children:

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

MAY 24 1901

Wm. H. Pickett

Application made by Wm. H. Pickett Stenographer Wm. H. Pickett

1. On Wallace roll as Amelia A. Pickett
Official copy of cert. of admission to be supplied
J. G. Goulds atty. for applicant, Muskogee

CC... ..
... ..
... ..
... ..

F. D. 115

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the with-
in notice on *Amelia A*
Pickitt

by delivering a true copy thereof on the
23 day of *Jan* A. D. 190*2*

Given under my hand this *24*
day of *Jan* A. D. 190*2*
L. M. Jones
Marshal for the Cherokee Nation.

I, the undersigned attorney for the
within named applicant, hereby accept
service of the within notice on this the
day of _____, 190*2*.

Attorney for applicant.

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

I do solemnly swear that I deliverèd a
true copy of the within notice to *Amelia*
A Pickitt

on the *23* day of *Jan* A. D. 190*2*
L. G. Sebell
Special Agent

Subscribed and sworn to before me
this *Jan 24 1902*

Walter N. Morton
Notary Public.

NOTICE!

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

Case No. F. D. 418

To

Amelia a. Pickett
Amelia a. Pickett Centralia Ky
You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of *L. T.*

Indian Territory, on *Jan. 27 1902* at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *Jan 20 1902*

L B Bell

W. W. Hastings

Attorneys for the Cherokee Nation.

100

FILED
JAN 27 1902

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

ALLISON L. AYLESWORTH,
SECRETARY.

DEPARTMENT OF THE INTERIOR,

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Message J. T. 1/27/02

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Amelia Pickett for enrollment as
Cherokee Freedmen.

No. F. D. 448

Louis T. Brown
Agent for applicant

I, hereby accept service of the within

Process on the 1st day

27th of August, 1902

I, the undersigned, do hereby accept the within named process and do hereby

Louis J. Brown
Agent for the same

FILED
etc. - 1902

[Signature]
ACTING CHAIRMAN

F. D. 418

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

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

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

Marshal for the Cherokee Nation.

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

Attorney for applicant.

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

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

on the day of A. D. 190

Subscribed and sworn to before me
this

Notary Public.

NOTICE!

IN THE MATTER OF the application of Amelia A Pickett
for enrollment as Cherokee Freedmen:
Case No. F. D. 418
To Amelia A Pickett

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, Okla. Indian Territory, on February 3rd 1902 or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this 28th day of January 1902

L. B. Bell
Jesse Davenport
W. W. Hastings

Attorneys for the Cherokee Nation.

F. D.

INDIAN TERRITORY,
CHEROKEE NATION.

I hereby certify that I served the within notice on

by delivering a true copy thereof on the
day of _____ A. D. 1902

Given under my hand this
day of _____ A. D. 1902

Marshal for the Cherokee Nation.

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

_____ day of *Mar*, 1902
Louis S. Brown
Attorney for applicant.
A. G. [unclear]

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT.

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

L. T. Brown the agent of
Amelia Pichelt
on the *25* day of *April*, A. D. 1902
L. H. Baker

Subscribed and sworn to before me
this _____ day of _____ 1902

[Signature]
Notary Public.

My Commission Expires [unclear]

NOTICE!

IN THE MATTER OF the application of Amelia Pickett.
for enrollment as Cherokee Freedmen:
Case No. F. D. 418.

To Amelia Pickett, or L. T. Brown, her agent:

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman at the office of the United States Commission to the Five Civilized Tribes in the town of Muskogee, T. T. Indian Territory, on April 10, 1902. at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this April 5, 1902.

L B Bell

W. N. Hastings
Jess Davenport
Attorneys for the Cherokee Nation.

FILED
APR 28 1902

RECEIVED
MAY 1 1902
AGENCY

NO. T. L. 418

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

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

on the _____ day of _____, A D 190

Subscribed and sworn to before me this

Notary Public.

I, the undersigned attorney for the within named
applicant, hereby accept service of the within notice

on this the 21 day of May 190

Louis J. Brown
Attorney for Applicant.

I the undersigned agent for the within named
applicant, hereby accept service of the within notice

on this the _____ day of _____ 190

Agent for Applicant

NOTICE.

In the Matter of the application of Amelia A. Pickett
for enrollment as Cherokee citizens:

To Amelia A. Pickett or L. J. Brown et al

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May 31, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this MAY 23 1902

No. P. D. 418

W. W. Hastings
Jess Davenport
L. B. Bell
Attorneys for the Cherokee Nation.

Copy
DEED.

General Warranty.

FROM
Richard [unclear]
TO
Helen [unclear]

Entered in Transfer Record in my office this
day of _____, A. D. 190

County Clerk

State of Kansas, _____ County, ss.

This instrument was filed for record on the _____
day of _____, A. D. 1897
at _____ o'clock _____ M., and duly recorded in
Book _____, on page _____

Fee, \$

Register of Deeds.

State of Kansas, Montgomery County, ss. 1897

BE IT REMEMBERED, That on this 1 day of December, A. D. 1897,
before me, the undersigned, a Notary Public in and for the County
and State aforesaid, came Phillip Dickett



who is personally known to me to be the same person! who executed
the within instrument of writing, and such person! duly acknowledged the
execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
Official seal, the day and year last above written.

Chas. T. Carpenter
Notary Public.
(Term expires May 11, 1901.)

STATE OF KANSAS, Cherokee COUNTY ss. at 1897

Be It Remembered, That on this 15th day of Dec, 1897, before me, the
undersigned, a Notary Public in and for the County and State, came
Phillip Dickett who is personally known to
me to be the same person! who executed the within
instrument of writing, and such person! duly acknowledged the execution of
the same.

seen

In testimony whereof, I have hereunto set my hand and affixed my
Notarial Seal, the day and year last above written.

Chas. T. Carpenter
Notary Public
Term expires May 11, 1901

State of Kansas, Shawnee County, ss.

I, *J. Stevens*

Register of Deeds in and for the

County and State above named, do hereby certify that the annexed *instrument* is a true copy of the original *War Deed* filed in this office on the *20* day of *Dec.* 189*7*

J. Stevens

Register of Deeds.

By

Deputy.

part of the second part, *her* heirs and assigns, all the following-described real estate, situated in the County of *Shawnee* and State of *Kansas*, to wit:

Lot Ninety (90) on Harrison street in the city of Topeka, in said County and State.

The above mentioned *Amelia A. Pickett* being one and the same person with *Ann Amelia Pickett*, and *Ann A. Pickett*, notwithstanding the difference in names.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

And said *Phillip Pickett* and *Amelia A. Pickett*, for themselves their heirs, executors or administrators, do hereby covenant, promise and agree, to and with said part of the second part, that at the delivery of these presents they are lawfully seized in their own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever;

and that they will warrant and forever defend the same unto said part of the second part, her heirs and assigns, against said part of the first part, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said part of the first part has hereunto set *her* hand the day and year first above written.

Phillip Pickett

This Indenture, Made this 18 day of December, A. D. 1897
between Phillip Pickett and Amelia A. Pickett, his
wife

of County, in the State of , of the first part,
and Della Haggart

of County, in the State of , of the second part,

WITNESSETH, That said parties of the first part, in consideration of the sum of One Dollar
and other valuable considerations and Dollars;
the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto said
parties of the second part, her heirs and assigns, all the following-described real estate, situated in the
County of Shawnee and State of Kansas, to wit:

Lot Ninety (90) on Harrison street in the
city of Topeka, in said county and state.

The above mentioned Amelia A. Pickett being
one and the same person with Ann Amelia
Pickett, and Ann Amelia Pickett, not-
withstanding the difference in names,
TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances
thereunto belonging or in anywise appertaining, forever.

And said Phillip Pickett and Amelia A. Pickett
for themselves their heirs, executors or administrators, do hereby covenant, promise and agree,
to and with said parties of the second part, that at the delivery of these presents they are lawfully
seized in their own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and
singular the above granted and described premises, with the appurtenances; that the same are free, clear, dis-
charged and unincumbered of and from all former and other grants, titles, charges, debts, judgments, taxes, as-
sessments and incumbrances, of what nature or kind soever;

and that they will warrant and forever defend the same unto said parties of the second part, her
heirs and assigns, against said parties of the first part, their heirs, and all and every person or persons
whomever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said parties of the first part do hereby sign and their names the day
and year first above written.

Phillip Pickett
Amelia A. Pickett

12844

DEED.

General Warranty.

FROM
(Phillip) *Robert*
TO
M. W. *Bender*

Entered in Transfer Record in my office this
day of A. D. 190

County Clerk.

State of Kansas *Shawnee* County, ss.

This instrument was filed for record on the *21*
day of *Dec.* A. D. *1897*
at *900* o'clock *a* M., and duly recorded in
Book *261*, on page *57*
Fee, \$

Register of Deeds.

Entered according to Act of Congress, in the year 1874, by GEO. W. CRANK and HUGH M. SPALDING, in the office of the Librarian of Congress, at Washington.

CRANK & CO., PRINTERS.

State of Kansas, Montgomery County, ss. 1897

BE IT REMEMBERED, That on this 7 day of December, A. D. ~~1900~~,
before me, the undersigned, a Notary Public in and for the County
and State aforesaid, came Phillip Rickett



who is personally known to me to be the same person who executed
the within instrument of writing, and such person duly acknowledged the
execution of the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my
Official seal, the day and year last above written.

John F. [Signature]
Notary Public.
(Term expires March 1, 1901)

STATE OF KANSAS, Shawnee COUNTY, ss. 1897

Be it Remembered, That on this 15th day of December, 1900, before me, the
undersigned, a Notary Public in and for said County and State, came
John F. [Signature] who is personally known to
me to be the same person who executed the within
instrument of writing, and such person duly acknowledged the execution of
the same. In testimony whereof I have hereunto set my hand and affixed my
Official Seal, the day and year last above written.

John F. [Signature]
Notary Public.
(Term expires March 1, 1901)

State of Kansas, Shawnee County, ss.

I, *J. Stevens*, Register of Deeds in and for the

County and State above named, do hereby certify that the annexed instrument is a true copy of the original *Warrant Deed* filed in this office on the *21st* day of *Dec.*, 189*7*.

J. Stevens
Register of Deeds.

By _____ Deputy.

the receipt whereof is hereby acknowledged, do _____ by these presents grant, bargain, sell and convey unto said part of _____ of the second part, his _____ heirs and assigns, all the following-described real estate, situated in the County of *Shawnee* and State of *Kansas*, to wit:

Lot ninety four (94) on Harrison street, in the city of Topeka, and Lot Eighty five (85) on Jefferson street, in Terrace Addition, to the said city of Topeka, all in said County and State.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, forever.

And said *Phillip Pickett and Amelia A. Pickett* for themselves their heirs, executors or administrators, do _____ hereby covenant, promise and agree, to and with said part _____ of the second part, that at the delivery of these presents *they are* lawfully seized in their own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and singular the above granted and described premises, with the appurtenances; that the same are free, clear, discharged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, assessments and incumbrances, of what nature or kind soever; *except a certain mortgage for \$2000, dated April 1st, 1889, to The Kansas Loan and Trust Co. Trustees, and recorded in Book 132, Page 105* and that *they* will warrant and forever defend the same unto said part _____ of the second part, his heirs and assigns, against said parties, the first part, their heirs, and all and every person or persons whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said part _____ the first part has _____ hereunto set their hands, the day and year first above written.

Phillip Pickett
Amelia A. Pickett

1897

This Indenture, Made this 1st day of December, A. D. 1897
between Phillip Pickett and Amelia A. Pickett
his wife
of Shawnee County, in the State of Kansas, of the first part,
and M. W. Bender

of Albany County, in the State of New York, of the second part,

WITNESSETH, That said parties of the first part, in consideration of the sum of One dollar and other valuable considerations Dollars,
the receipt whereof is hereby acknowledged, do by these presents grant, bargain, sell and convey unto said
part of the second part, his heirs and assigns, all the following-described real estate, situated in the
County of Shawnee and State of Kansas, to wit:

Lot Ninety four (94) on Harrison street in
the city of Topeka, and lot Eighty five (85)
on Jefferson street, in Cranes Addition,
to the said city of Topeka, all in said
County and state.

TO HAVE AND TO HOLD THE SAME, Together with all and singular the tenements, hereditaments and appurtenances
thereunto belonging or in anywise appertaining, forever.

And said Phillip Pickett and Amelia A. Pickett
for themselves their heirs, executors or administrators, do hereby covenant, promise and agree,
to and with said part of the second part, that at the delivery of these presents they are lawfully
seized in their own right, of an absolute and indefeasible estate of inheritance, in fee simple, of and in all and
singular the above granted and described premises, with the appurtenances; that the same are free, clear, dis-
charged and unincumbered of and from all former and other grants, titles, charges, estates, judgments, taxes, as-
sessments and incumbrances, of what nature or kind soever; except a certain mortgage for
#2000, dated April 1st, 1889, to The Kansas Loan and Trust Co.
Trustees, and recorded in Book 132, Page 105
and that they will warrant and forever defend the same unto said part of the second part, his
heirs and assigns, against said parties of the first part, their heirs, and all and every person or persons
whomsoever, lawfully claiming or to claim the same.

IN WITNESS WHEREOF, The said parties of the first part have hereunto set their hands, the day
and year first above written.

Phillip Pickett
Amelia A. Pickett



~~11 2 1897~~
Sheriff's Deed,

FROM

Anna C. McKee

By *R. B. Koplitz*
Sheriff of Shawnee County, Kansas.

TO

Wilson Thomas

Entered in Transfer Record in my office this
day of _____, A. D. 1897

County Clerk.

State of Kansas, Shawnee County ss.

This instrument was filed for record on the *20th*
day of *Sept*, A. D. 1897, at
8:40 o'clock *A.M.*, and duly recorded in Book
211^{1/2} on page *255^{1/2}*

Fee, \$ *3.00*

Register of Deeds

By

Deputy

State of Kansas, Shawnee County, ss.

I, *J. Stevens*

Register of Deeds in and for the

County and State above named, do hereby certify that the annexed instrument

is a true copy of the original *W. D. Dea* filed in this office on the *20*

day of *Sept.*, 189*7*

J. Stevens
Register of Deeds.

By _____ Deputy.

W. D. Dea defendant, said plaintiff recovered a judgment in said court against said defendant

for the sum of *Nineteen Hundred Seventy eight* DOLLARS,
and *13 30* cents of said action, and that said judgment for *1978* bear interest at the rate of *12*
per cent. per annum from the date of the rendition thereof.

AND WHEREAS, on said day, in said court, it was further considered, advised and adjudged, and a further judgment was rendered against all of said defendants, that to wit, that they should pay, for the sum of said *1978* and *13 30* cents, together with the interest thereon and the costs of said action, as aforesaid and also to the Sheriff of said county of Shawnee, in the State of Kansas, commanding him to advertise and sell, according to law, and without appointment, the following described lands and tenements, to wit:

Know all Men by these Presents, That whereas, on the 30th day of December A. D. 1926 in an action then pending in the District Court of Shawnee county, Kansas, wherein

Wilson Thomas

was plaintiff and Anna A. Piexett and Phillip Piexett

vs. defendant, said plaintiff recovered a judgment in said court against said defendant

for the sum of Nineteen Hundred Seventy eight DOLLARS, debt, and \$ 1330 costs of said action, and that said judgment for \$ 1978 bear interest at the rate of 12 per cent. per annum from the date of the rendition thereof.

AND WHEREAS, on said day, in said court, it was further considered, ordered and adjudged, and a further judgment was rendered against all of said defendants, that in case they should fail, from month to month, 30th day of December A. D. 1927, to pay said principal and costs of \$ 1978, together with the interest thereon and the costs of said action, as ordered and decreed in the County of said county of Shawnee, in the State of Kansas, commanding him to advertise and sell, according to law, and without appointment, the following described lands and tenements, to wit:

Lot Numbered 92, on Harrison Ave
City of Topeka

lying and situate in the county of Shawnee, in the State of Kansas, and apply the proceeds arising from said sale: First, in the payment of the costs of said sale and said action; second, in payment to the Plaintiff of his judgement herein, together with the interest thereon, and the residue if any be paid to the defendant.

AND WHEREAS, On the 1st day of July A. D. 1887 there was issued out of the Clerk's office of said District Court an order of sale on said judgment in said action, directed to the Sheriff of said county of Shawnee, and dated the 1st day of July A. D. 1887, reciting the aforesaid judgment of said Circuit Court, as hereinbefore set out, and commanding said Sheriff to proceed according to law, and advertise and sell without apprehension the aforesaid lands and tenements, and apply the proceeds as directed by said judgment as aforesaid, and that the said order of sale aforesaid, on the 1st day of July A. D. 1887, came into the hands of R. B. Hepler Sheriff of Shawnee county, Kansas, to be executed.

AND WHEREAS, afterwards, on the 2nd day of August A. D. 1887, in the city of Topeka, in the county of Shawnee and State of Kansas, said Sheriff having first given notice of the time and place of said sale for more than thirty days prior to said sale-day, by advertisement published in Topeka Mail and Free Press, a weekly newspaper published at Topeka, Kansas, and of general circulation in said county of Shawnee, said said land and tenements were sold and conveyed to the purchaser.

At Public Auction
at Topeka, Kansas

for One Thousand Dollars.
to Wilson Thomas

he being the highest and best bidder therefor:

AND WHEREAS, Afterwards, on the 30th day of August, A. D. 1897, said order of sale,

with the proceedings of said Sheriff thereunder, were returned into said District Court, and afterwards, and on the 10th day of September, 1897, at the September Term, A. D. 1897, of said District Court, the said

court having carefully examined the proceedings of said Sheriff in making said sale, and being satisfied that said sale had been made in all respects in conformity to law and the statutes in such case made and provided, it was, on motion of the plaintiff in said action, ordered and

adjudged by the court, that said proceedings be and the same were in all respects confirmed, and the Clerk of said District Court was directed to make an entry in the Journal that the court was satisfied with the legality of such sale, and ~~an order was made by the court directing the~~

~~was ordered and directed~~ said Sheriff to execute to said Wilson Thomas

the purchaser of said premises, a good and sufficient deed for said lands and tenements so sold as aforesaid:

NOW, THEREFORE, I R. B. Kepley, Sheriff of the County of Shawnee,

in the State of Kansas, in consideration of the premises, and by virtue of the authority in me vested by law, do hereby give, grant, sell and convey unto the said Wilson Thomas

his heirs and assigns, forever, the said lands and tenements so sold as aforesaid, and described as follows, to wit:
Lot numbered ninety two (92) on Harrison Street
City of Topeka

lying and situate in the county of Shawnee, in the State of Kansas, together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining: TO HAVE AND TO HOLD the same, to the said

Wilson Thomas, his heirs and assigns, forever.

IN WITNESS WHEREOF, I R. B. Kepley, as Sheriff of the county aforesaid,

have hereunto set my hand, this 17th day of September A. D. 1897

R. B. Kepley
Sheriff of the County of Shawnee, in the State of Kansas.

State of Kansas, Shawnee County, ss.

BE IT REMEMBERED, That on this 17 day of Sept., A. D. 1897, before me, the undersigned, Probate Judge within and for the county and State aforesaid, came

R. B. Kepley, Sheriff of Shawnee county, in the State of Kansas, who is personally

known to me to be the same person who executed the within and foregoing instrument of writing as grantor, and such person duly acknowledged to me that the same was his voluntary act and deed, and that he duly executed the same for the purposes therein expressed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and signed My Official Seal the day and year last above written

Lewis J. Dalman
Probate Judge

W. A. C.

EXECUTIVE DEPARTMENT



CHEROKEE NATION.
TAHLEQUAH, INDIAN TERRITORY.

I hereby certify that I am Executive Secretary of the Cherokee Nation and the records of this department are in my legal custody; that I have carefully and dilig~~e~~ntly examined all records now in this office pertaining to ~~to~~ citizenship and the admission of persons as citizens of the Cherokee Nation, and such records fail to show that Amelia Pickett, nee, Alberty has been admitted to citizenship in this nation.

Given from under my hand and seal
of office on this the 28th., day of
May 1902.

J. T. Pack
Executive Secretary.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mrs. Anellia A. Pickett,

Centralia, I.T.

Cherokee FD-418

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 247

See Cher. Fr. D 1040

Cher. Fr. R. 247

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., April 12, 1901.

In the matter of the application for the enrollment of Robert Muskrat and his five children as Cherokee Freedmen.

Robert Muskrat, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Robert Muskrat.
- Q How old are you? A I don't know, I can't tell you; my mother said I was born the year the stars fell; how long has that been?
- Q That was about 1833. What is your post office? A McLain.
- Q What district do you live in? A Canadian.
- Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
- Q Have you ever applied to be enrolled as a Freedman of any other tribe or nation? A No, sir.
- Q Have you been recognized by the Cherokee authorities? A Yes, sir.
- Q Is your name on the Cherokee rolls? A Yes, sir.
- Q Who do you want to enroll besides yourself? A My children.
- Q Your wife? A No, sir, I haven't any wife.
- Q How many children have you got? A Seven or eight.
- Q Give me the name of the oldest child? A Eliza.
- Q How old is Eliza? A She is about 24.
- Q Well she must appear for herself. A She can't come here.
- Q Why? A She is in a delicate situation.
- Q Give me the oldest child under 21? A Kizer.
- Q How old is Kizer? A He is about 19.
- Q The next child? A Eugene.
- Q How old is he? A He is about 17.
- Q The next one? A Candy, but then she is dead; next to Candy is Elijah.
- Q How old is Elijah? A He is about 13.
- Q Give us the next one? A Smith Ann.
- Q How old is she? A She is going on 11 years old.
- Q Well the next one? A Lucy.
- Q How old is she? A She is 8 years old.
- Q The next one? A That is all.
- Q What was your wife's name? A Emma.
- Q Was she a Cherokee Freedman? A No, sir, she was a Cherokee Freedman but then she didn't prove her rights; she claimed that her mother used to belong to the Drunkards.
- Q Is she living? A No, sir.
- Q What was her name before you married her? A Emma Drunkard she went by.
- Q Is your name on the roll of 1880? A Yes, sir, it is on the roll.
- Q Did you ever go by any other name besides Muskrat? A No, sir.
- Q Were you a slave before the war? A Yes, sir.
- Q What was your owner's name? A My owner's name was Anna Muskrat.
- Q Where were you at the beginning of the war between the United States and the Confederacy? A Up here on Grand River.
- Q Were you taken out during the war? A No, sir.
- Q Always lived in the Cherokee Nation? A Always lived in the Cherokee Nation, never went out of the bounds at all.
- Q Was your name placed on the roll of 1880, do you know? A No, I came to enroll here to Vinita, and a man named Bennett he told me he was going to put it down, I don't know whether he done it or not; anyhow, I never could find it on the roll.
- Q When was that; 20 years ago? A Yes, sir, in 1880 when the Cherokees were taking the census.
- Q You don't know the reason why it was never on the roll? A No, sir, I thought he said he was going to put it down, up here in Vinita; he was putting it down looked like to me; I didn't have any children then.

The 1880 authenticated roll of Cherokee Freedmen examined and the applicants not identified thereon.

The 1896 census roll of Cherokee Freedmen examined and the applicants not identified thereon.

The Kerne-Clifton pay-roll examined, and the applicants identified thereon as follows:

Robert Muskrat on page 133, No. 3299, Bob Muskrat, Canadian district;

Kiser Muskrat on page 133, No. 3301, Canadian district, as Ziza Muskrat;

Eugene Muskrat on page 133, No. 3302, Canadian district, as Eugene Muskrat;

Elijah Muskrat on page 133, No. 3304, Canadian district, as Elijah Muskrat;

Smith Ann Muskrat on page 133, No. 3305, Canadian district, as Smith Ann Muskrat;

Lucy Muskrat on page 133, No. 3306, Canadian district, as Lucy Muskrat.

Q Your wife's name was never on the roll of 1880? A No, sir.
Mr. Davenport, attorney for Cherokee Nation: You say you never went out of the Territory at all during the war? A No, sir, only —

Q Who did you live with during the war? A I lived with my mistress.

Q Who was that? A Annie Muskrat.

Q Where was she living at that time? A She was living up here close to Vinita about two miles east from Vinita, close to Dave Landrum.

Q She was a Cherokee citizen, was she? A I guess she was, she was a full blood Cherokee.

Q Now then after the war where did you go? A I went on Big Creek and stayed there a long time and then I came back here.

Q Who did you live with on Big Creek? A I lived to myself, but I lived close to my niece, Minerva Whitwire.

Q Who else lived over there in that country? A A heap of them lived there, the Wards and Sanders.

Q Which Sanders? A Bill Sanders.

Q When you left Big Creek where did you go? A I stayed there a while up on Lightning Creek a while and then I come here.

Q Came here to Fort Gibson? A I came up here to where I am living now.

Q Where are you living now? A In Canadian.

Q How long did you live in Fort Smith? A I never was in Fort Smith but once in my life, and I didn't stay there more than one day.

Commissioner Needles: Have you got any witnesses here now that knew you? A Yes, sir, why they didn't have any witnesses before when I came in here, they just took my word for it.

Q Have you got any witnesses here now, anyone here that knew you?

A Yes, sir, Hannah Thomas knows me and the Landrums, they are my nieces.

Q Hannah Thomas, she is not on the roll of 1880 neither? A No, sir, the reason she missed that was by changing her name by marrying; she is Landrum, she is there as a Landrum; I come from Georgia with the Indians.

Hannah Thomas, being duly sworn and examined by Commissioner Needles, testified as follows:

Q Your name is Hannah Thomas? A Yes, sir.

Q How old are you? A I am about 43 or 44.

Q Do you know Robert Muskrat? A Yes, sir.

Q How long have you known him? A I been knowing him about 6 or ten years.

Q You didn't know him then right after the war? A No, sir.

Commissioner Needles: The name of Robert Muskrat is found upon the Kerns-clinton pay-roll, as well as his children, Kisco, Eugene, Elijah, Edith Ann, and Lucy, but it cannot be found upon the authenticated roll of 1890. He avers that he was a slave belonging to one Annie Muskrat, a Cherokee Indian, and was born and raised in the Cherokee Nation and never lived out of it. He avers that he came from Georgia with the Indians. He is duly identified and makes satisfactory proof as to his citizenship, and as to his residence.

Now comes the Cherokee authorities, by their attorney, Mr. Davenport, and protests against the enrollment of Robert Muskrat and his children, and consequently final judgment as to their enrollment will be suspended and their names will be placed upon a doubtful card.

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

Bruce G. Jones

Sworn to and subscribed before me this the 18th of April, 1901.

[Signature]

Commissioner.

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7039

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

FILED
SEP 7 1908



ACTING CHAIRMAN

[Faint, mostly illegible text, likely the body of a letter or report, spanning the right side of the page.]

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. September, 24 5th 1901.

SUPPLEMENTAL TESTIMONY in the matter of the application of Robert Muskrat, O. F. D. #60.

Applicant, Robert Muskrat called three times and does not appear.

By Gen'r Breckinridge:

There is filed with the case of Robert Muskrat an affidavit and copy of notice showing that he was informed that his case would be called for the taking of additional testimony on this day, and the affidavit shows that the notice was mailed to him by J. G. Starr, and there is also filed here with a register receipt indicating that he had received the notice referred to. He has no attorney of record. Mr. L.B. Bell represents the Cherokee Nation herein.

SUSAN LANDRUM called and sworn as a witness by Gen'r Breckinridge, testified as follows on the part of the Cherokee Nation:

- Q What is your full name please? A. Susan Landrum.
Q How old are you? A. I will be 71 the first of April.
Q What is your home office? A. I don't know as I have got any, I just go around among my children.
Q Where do you get your mail now? A. Vinita I reckon.
Q How long have you lived in the Cherokee Nation? A I can't tell how
Q Where were you born? A. In Oskaloosa.
Q That is where? A. In Georgia, and we moved from there to Alabama and from there to Springfield and I have lived here ever since I was 12 years old.
Q You have lived in this Cherokee Nation here ever since you were 12 years old? A. Yes sir.
Q In the Indian Territory? A. Yes sir.
(By Mr. Bell)
Q Where do you live when you are at home? A. Rollins, in Cooweescoowee
Q Where were you living in the year 1861, when the war begun? A Right there on the mouth of Little Cabin.
Q What district? A. Delaware.
Q What Nation? A Cherokee.
Q Indian Territory? A. Yes sir.
Q How long had you been living there up to 1861? A We lived there two years up to the war, got to refuging time of the war.
Q Are you acquainted with one Annie Muskrat? A Yes sir.
Q Where did she live? A. Time of the war and just before she lived within a mile of my house, between Locust and Cabin.
Q How long had she lived there before the war broke out? A. Two years
Q Then you both lived there about the same time? A. Yes sir.
Q Are you intimately acquainted with the family? A. Yes sir.
Q Do you know of any slaves they owned? A. She never had any.
Q Did she own any man or woman at that time? A. No sir.
Q Did you ever see a man or boy there named Robert? A No sir.
Q What became of Mrs. Annie Muskrat when the war begun? A We all went down south together, and she died there.
Q She didn't return? A. No sir.
(By Commissioner)
Q Did you know a colored man named Robert Muskrat? A. No sir.
Q What was the name of Annie Muskrat's husband? A. Her husband she had while she was living there by me? A
Q Yes ma'am? A Broom Gramp.
Q Did he have any slaves? A. No sir he was just a full blood Cherokee.
Q Was Annie Muskrat a full blood Cherokee? A Yes sir.
Q Did her father have any slaves? A. I don't know about her father, they said he had some, I never seed them; I think they died back in the old country.

- Q Did she not have any slaves at all? A. Her married daughter let her have a girl to cook and wash for her, but that was all.
- Q How far did Annie Muskrat live from you? A. Mile.
- Q How long had you lived there as neighbors? A. Two years.
- Q And she went south with you? A. Yes sir, not exactly when I did, we all left there and went to Hayesville together.
- Q How long after that before she died? A. I can't tell you.
- Q Did she live until after the war? A. No sir, she died before the war closed.
- Q Did you know her before she lived on Cabin creek? A. Yes sir on S Spavinaw.
- Q Did you ever know her to possess any slaves at all? A. Yes sir, but when her daughter married she gave them to her.
- Q How long before the war was it that her daughter married? A. About five years.
- Q Did she have men and women slaves both? A. No sir just a woman and three little children.
- Q Her only slaves then were a woman and three children? A. Yes sir and the woman's mother Lucy was there but she just staid first one place and then another
- Q You never heard before of a colored man named Robert Muskrat? A No sir not until you all ranted up his name here.
- Q Did you know a young colored man named Eliza Muskrat? A No sir I don't know her.
- Q Do you know a young colored man named Keiser? A Yes sir.
(By L. B. Bell)
- Q How far did this daughter live from Annie Muskrat? A. A mile.
- Q All of you were in the same neighborhood? A Yes sir.
- Q What was this daughters name? A. Bester.
- Q What? A. Muskrat, and married Aaron Landrum.
- Q Who was Aaron Landrum? A A brother to my husband.
(By Com'r)

This will be filed as additional testimony in U. S. D. #59, the same being the case of Robert Muskrat et al.

=====

Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes here 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 6th of September, 1901.

Commissioner.

M. D. [Signature]
MP

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 27, 1901.

In the matter of the application of Robert Muskrat et al.
for enrollment as Cherokee Freedmen.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Applicant not present or represented;
W. W. Hastings, of counsel for Cherokee Nation.

Commissioner: The Cherokee Nation makes satisfactory proof of service of notice on the said Robert Muskrat that testimony would be introduced in the matter of his application for enrollment as a Cherokee Freedman at Fort Gibson, Indian Territory, on the 27th day of September, 1901. Said Robert Muskrat has been called three times and does not respond.

HENRY SCHOONOVER, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A Henry Schoonover.

Q Where do you live? A I live in Canadian district.

Q Are you a citizen of the Cherokee Nation? A Yes, sir.

Q What is your postoffice? A Muskogee.

Q Do you know a colored man down there in Canadian district by the name of Robert Muskrat? A Yes, he goes by that name, I know him by his name.

Q How far does he live from here? A About three quarters of a mile, from my house, I am speaking.

Q How long has he lived there, Mr. Schoonover? A He has lived there, to my recollection, I think he came in in 1890 or '91, now I am not certain which it was.

Q Do you know where he came from? A He came from the south, in the Choctaw country is all I can tell you.

Q What name did he go by when he first came up there? A He went by the name of Robert Knox, he always called himself Bob.

Q Did he have a wife? A He had but she is dead.

Q Some children? A Yes, he has got several children, I don't know how many.

Q Do you know any of their names? A I know two of the boys, maybe three, one is Kaiser Knox and Gandy Gandy Knox, that is it, and Lige Knox and Henry Knox, and I don't know what the other children is, I have heard their names but I don't remember.

Q How long did he go by the name of Knox? A He went by that name for a year or 18 months after he first came there.

Q And then what did he go by? A Then he changed his name to Bob Leadrue.

Q Then what? A Then the next name, he came and drew money under the name of Bob Muskrat.

Q What was your wife's name? A Annie Muskrat was her maiden name.

Q Is your wife alive? A No, sir, she isn't alive.

Q Did you ever hear a conversation between Bob Muskrat and Annie Muskrat relative to ownership? A Yes, sir, I have heard them several times at my house, he wanted her to help him if she could, and she told him she couldn't help him, her father never did own any slaves, I have heard her speak and say he was sold out, that her parents had told her, when she was about so high (indicating); him and her talked there a good while but she couldn't do nothing for him, didn't claim him.

Commissioner: When were you married to your wife, Annie Muskrat?

A I think it was in '77.

Q Did she ever state that she had a slave by the name of Robert?

A No, she never had any slaves that ever she told me anything about.

- Q You state you first saw this man in 1891? A '90 or '91.
Q Where was that? A That is right where he is living now, right in three quarters of a mile of my place.
Q Has he been living there since that time? A Ever since.
Q Was he living there before you saw him? A No, he just came in, moved in.
Q Do you know where he came from? A I don't only what he claimed, he claimed at times one place and at times another.
Q Do you know whether he had ever lived in the Cherokee Nation previous to that, since the close of the war? A No, sir, I don't.

JOE MUSKRAT, appearing before the Commission and being duly sworn and examined, testified as follows:

- Mr. Hastings: What is your name? A Joe Muskrat.
Q How old are you? A I am about 38 or 40, somewhere along there.
Q Where do you live? A I live in Canadian district.
Q How far from Mr. Schoonover? A Live about eight or nine miles.
Q Do you know a colored man over in that neighborhood by the name of Bob Muskrat? A Yes, sir.
Q How long have you known him? A Eight or nine years, nine or ten.
Q What name did he go by when you first knew him? A Bob Knox.
Q Did he ever go by any other name? A He went by Bob Know when he came there and then he changed his name about two years after he came there, changed it to Bob Landrum.
Q Then what did he go by? A Then he changed it from that then to Muskrat the last time, Bob Muskrat he goes by now.
Q What is your mother's name? A Becky, Becky Galcatcher before she married.
Q Do you know where this fellow came from when he came there? A No, sir, I don't know.
Q Do you know anything about him until he came there? A No, sir, not until he came there.
Q What was your father's name? A Jim Muskrat.
Q Where were you born? A Oh I was born up here about Delaware district somewhere.
Q Near Vinita? A Yes.
Q You never heard or knew anything of this fellow before?
A Just only my first statement.
Commissioner: You never saw him before you saw him in '91? A No, sir.
Q You don't know whether he was a Cherokee slave or not? A No, sir.

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 9th of October, 1891.


Commissioner.

COPY.

Cherokee Freedmen
D-59

Muskogee, Indian Territory, July 24, 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 Robert Muskrat for the enrollment of himself and his five minor children, Kaiser, Eugene, Elijah, Smith Ann and Lucy Muskrat, as Cherokee freedmen, including the Commission's decision dated July 10, 1903, rejecting said application.

Respectfully,

T. B. Nazzles

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. D-75

COPY

Cherokee Freedmen
D-89

Muskogee, Indian Territory, July 24, 1903.

Joshua Ross,

Agent for Robert Muskrat et al.,

Muskogee, 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 Robert Muskrat for the enrollment of himself and his five minor children, Kaiser, Eugene, Elijah, Smith Ann and Lucy Muskrat, 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,

T. B. Needles

Commissioner in Charge.

Enc. D-73
Register.

COPY.

Cherokee Freedmen
D-59

Muskogee, Indian Territory, July 24, 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 Robert Muskrat for the enrollment of himself and his five minor children, Kaiser, Eugene, Elijah, Smith Ann and Lucy Muskrat, 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,

T. B. Needles.

Commissioner in Charge.

COPY

Cherokee Freed-
man D-69,

5

Muskogee, Indian Territory, July 24, 1903,

Robert Muskrat,
McLain, 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 enrollment of yourself and your five minor children, Kaiser, Eugene, Elijah, Edith Ann and Lucy Muskrat, as Cherokee Freedmen. There has heretofore been furnished your agent, Joshua Ross, Muskogee, Indian Territory, a copy of the record of proceedings, and there has, this day, been forwarded 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,

T. B. Needles.

Commissioner in Charge.

Enc. D-72,

Register.

Refer in reply to
the following:
LAND
47516-1904.

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, March 15, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith report of the Commission to the Five Civilized Tribes, dated July 24, 1903, transmitting record in the case of Robert Muskrat, applicant for the enrollment of himself and his minor children, Kaiser, Eugene, Elijah, Smith Ann and Lucy Muskrat, as Cherokee freedmen.

The record in the case does not show that the principal applicant was the slave of a Cherokee citizen or of a free colored person residing in the Cherokee Nation at the commencement of the war. The minor applicants are descendants of Robert Muskrat, and claim right to enrollment as freedmen through him. The names of none of the applicants appear to be on the 1880 roll.

In view of the record the approval of the Commission's decision of July 10, 1903, adverse to the applicants is recommended.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

G.A.W.-L.C.

D C 12170-1904.

COPY.

J.P.

I.T.D. 2322-1904.

DEPARTMENT OF THE INTERIOR,

THE

L.R.S.

WASHINGTON.

April 15, 1904.

Commissioner to the Five Civilized Tribes,

Muskogee, Indian Territory,

Gentlemen:

July 24, 1903, you submitted the case involving the application of Robert Muskrat, for the enrollment of himself and his minor children, Kaiser, Eugene, Elijah, Smith Ann and Lucy Muskrat, as Cherokee freedmen, having on July 10, 1903, rendered your decision holding that the applicants were not entitled to enrollment.

Reporting in the matter March 15, 1904, the Acting Commissioner of Indian Affairs recommends that your decision be concurred in. A copy of his letter is inclosed.

Finding no reason to disturb your decision, it is hereby affirmed.

Respectfully,

(Signed) Thom Ryan,

1 inclosure.

Acting Secretary.

mdt

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
D 59

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

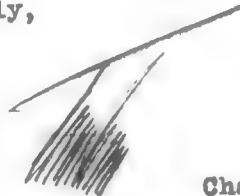
Muskogee, Indian Territory, April 25, 1904.

Robert Muskrat,
McLain, 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 and your five minor children, Kaiser, Eugene, Elijah, Smith Ann and Lucy Muskrat, was affirmed by the Secretary of the Interior on April 15, 1904.

Respectfully,



Chairman.

Cherokee Freedmen
D 89

Muskogee, Indian Territory, April 25, 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 10, 1903, rejecting the application for the enrollment of Robert Muskrat and his five minor children, Kaiser, Eugene, Elijah, Smith Ann and Lucy Muskrat, was affirmed by the Secretary of the Interior on April 15, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D 59

Muskogee, Indian Territory, April 25, 1904.

Joshua Ross,

Agent for Robert Muskrat, et al.,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting the application for the enrollment of Robert Muskrat and his five minor children, Kaiser, Eugene, Elijah, Smith Ann and Lucy Muskrat, was affirmed by the Secretary of the Interior on April 15, 1904.

Respectfully,

Chairman.

Cherokee Freedman
R 247

Muskogee, Indian Territory August 1, 1906

Eugene Muskrat,

Muskogee, Indian Territory.

Dear Sir:

This office is in receipt of affidavit as to the birth, on August 29, 1905, of Herbert Muskrat, child of yourself and wife, Ida Muskrat, a non-citizen of the Cherokee Nation.

The records of this office show that the application for your enrollment as a Cherokee freedman was denied by the Secretary of the Interior on April 15, 1906.

The Act of Congress approved April 26, 1906 (Public No. 229) in part provides:

"That for ninety days after the approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Cherokee tribe, or have applications for enrollment pending at the approval hereof."

As your application for enrollment as a Cherokee

Eygene Muskrat--2

freedman was denied by the Secretary of the Interior prior to the passage of said Act, it does not appear that this office has any authority to receive or consider an application for the enrollment of your said child.

Respectfully,

M B

Commissioner

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

RECEIVED
APR 20 1901

A handwritten signature in dark ink, appearing to be 'H. H. H. H.', written in a cursive style.

ACTING CHAIRMAN

CHEROKEE FREEDMEN

Date APR 18 1901

Post Office Indian

District Canadian

1. Name Robert Muskrat Age 68

Owner's name Annie Muskrat Citizenship Cherokee

Year KC Page 133 No. 3299 District Canada

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:

2. Kaiser Muskrat Year KC Page 133 No. 3301 Dist. 19

3. Eugene " " Year KC Page 133 No. 3302 Dist. 17

4. Elijah " " Year KC Page 133 No. 3304 Dist. 15

5. Smith Ann " " Year K Page 133 No. 3305 Dist. 11

6. Lucy " " Year KC Page 133 No. 3306 Dist. 8

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 Roll Stenographer Jones B. C.

- Bob Muskrat
- "Kaiser Muskrat"
- "Eugene Muskrat"
- "Elijah Muskrat"
- "Smith Muskrat"
- Lucy Muskrat

- (2) a KC Roll
- (3) a KC "
- (4) KC
- (5) KC
- (6) KC

Large handwritten scribble or signature on the right side of the page.

40 - 9

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

FILED
SEP 5 1901



ACT'NG CHAIRMAN

NOTICE!

IN THE MATTER OF The application of **Robert Muskrat**
for enrollment as a Cherokee Freedman:

Case No. F. D. **59**

To **Robert Muskrat, McClain I. T.**

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of **Port Gibson** Indian Territory, on the following dates, to-wit: **September 5th 1901**, A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this **28**, day of **August**, 1901.

L. R. Bell
W. W. Hastings
J. S. Davenport
Attorneys for the Cherokee Nation.

AFFIDAVIT.

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

In the matter of the application of Robert

Muskrat for enrollment as a Cherokee Freedman.

No. F. D. 45

J. C. Starr, of lawful age, being duly sworn on oath states that on the 28th day of August, A. D., 1901, he registered to Robert Muskrat whose postoffice is McClain Indian Territory, a notice, a true copy of which is attached to this affidavit, ~~and he hereto attaches the receipt of the Postmaster at~~ Indian Territory; and that on the 4th day of September, 1901, he received the return card which is hereto attached, signed by the said Robert Muskrat, showing that he had received said notice.

Subscribed and sworn to before me on this the 5th day of Sept. A. D. 1901.

M. W. Hastings
Notary Public.

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

No. D

INDIAN TERRITORY,
CHEROKEE NATION.

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

by delivering a true copy thereof on the
day of A. D. 1901

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

Marshal for the Cherokee Nation.

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

day of , 1901.

Attorney for applicant.

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

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

on the day of A. D. 1901

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

Notary Public.

NOTICE!

IN THE MATTER OF the application of Robert Muskrat
for enrollment as a Cherokee citizen:

Case No. D 59

To Robert Muskrat McLain I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes in the town of Fort Gibson, I. T. Indian Territory, on Sept. 27th at 8 o'clock A. M. or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 17 1901

L B Bell
M. W. Young
Attorneys for the Cherokee Nation

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.

Muskogee 21 Feb 15 1902

Received of the Commission to the Five Civilized Tribes
one copy of the testimony in the matter of the application of
Robert Muskrat et al. for enrollment as
Freedmen of the Cherokee Nation.

No. 310 59.

Joshua Ross.
Agent for applicants

190

IN RE

Application for Enrollment of

MINOR CHILD

Act of Congress Approved

April 26, 1906.

Herbert Muskrat

as a citizen of

Cherokee

Nation.

Approved..

190..

Commissioner.

*Rec'd
July 25/06*

DEPARTMENT OF THE INTERIOR,

COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

ENROLLMENT OF MINORS. ACT OF CONGRESS, APPROVED APRIL 24, 1900.

IN AN APPLICATION FOR ENROLLMENT, as a citizen of the Cherokee Nation,
 of Herbert Muskrah, born on the 29 day of Aug., 1905
 (Here insert name of child)
 Name of Father: Eugene Muskrah, a citizen of the U.S. Nation.
 Name of Mother: Ida Muskrah, a citizen of the U.S. Nation.
 Tribal enrollment of father: CR. 247, Tribal enrollment of mother: _____
 Postoffice: Muskogee, Okla.

AFFIDAVIT OF MOTHER.

UNITED STATES OF AMERICA, Indian Territory,

Western District.
 I, Ida Muskrah, on oath state that I am _____
 years of age and a citizen by _____ of the U.S. Nation,
 that I am the lawful wife of Eugene Muskrah, who is a citizen, by claimant
adoption of the Cherokee Nation; that a male child was
 (Male or Female)
 born to me on 29 day of Aug., 1905; that said child has been named
Herbert Muskrah and was living March 4, 1900.
Ida Muskrah

WITNESSES TO MARK:

[Must be Two Witnesses] { _____

 Subscribed and sworn to before me this 25 day of July, 1900.
Charles Keister
 Notary Public.

AFFIDAVIT OF ATTENDING PHYSICIAN OR MIDWIFE.

UNITED STATES OF AMERICA, Indian Territory,

Western District.
 I, Nancy Sheppard, midwife, on oath state that I
 attended on Ida Muskrah, wife of Eugene Muskrah
 on the 29 day of Aug., 1905; that there was born to her on said date a male
 (Male or Female)
 child; that said child was living March 4, 1900, and is said to have been named
Herbert Muskrah Nancy Sheppard
maier

WITNESSES TO MARK:

[Must be Two Witnesses] { _____

 Subscribed and sworn to before me this 26 day of July, 1900.
Charles Keister
 Notary Public.

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

58
D

In the matter of the application of Robert Muskrat for the enrollment of himself and his children, Kaiser Muskrat, Eugene Muskrat, Elijah Muskrat, Smith Ann Muskrat and Lucy Muskrat, as Cherokee Freedmen.

DECISION.

The record in this case shows that on April 12, 1901, Robert Muskrat appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for the enrollment of himself and his children, Kaiser Muskrat, Eugene Muskrat, Elijah Muskrat, Smith Ann Muskrat and Lucy Muskrat, as Cherokee Freedmen. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, on September 5, and September 27, 1901.

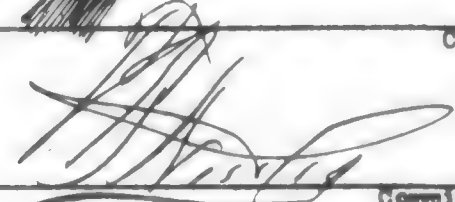
It does not appear from the evidence that the applicant, Robert Muskrat, was the slave of a Cherokee citizen, or a free colored person residing in the Cherokee Nation at the commencement of the rebellion. The said minor applicants are descendants of Robert Muskrat and claim their rights to enrollment as Cherokee Freedmen through him. The evidence further shows 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 application of Robert Muskrat for the enrollment of himself and his children, Kaiser Muskrat, Eugene Muskrat, Elijah Muskrat, Smith Ann Muskrat and Lucy Muskrat, 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.



Chairman.



Commissioner.



Commissioner.



Commissioner.

Dated at Muskogee, I. T.,
this _____

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Mr. Robert Muskrat,
McLain, I.T.
Cherokee F-D-59
Registrar.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

7-10-07
R 247
Cherokee

Return to writer

~~Robert Munsrat,~~

~~McBain, Indian Territory.~~

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.
Penalty for private use, \$300.
MUSKOGEE, IND. TER.
APR 26
12:30 PM
1902

REG. MAR 12 1902 MUSKOGEE, IND.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Not Called For

Return to writer

3704

1831

~~Mr. Robert Munsrat,~~

~~McBain, Indian Territory.~~

Cher. Fr. R. 248

Cher. Fr. R. 248

(C O P Y).

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES .
FORT GIBSON, I. T. , April 9th, 1901.

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

- Q What is your name? A. Lula Johnson.
Q How old are you Lula? A. I guess anout 25.
Q What is your postoffice address? A. Benge.
Q What district do you live in? A. Sequoyah.
Q Do you apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Did you ever apply to be enrolled by any other Nation or tribe?
A No sir.
Q Are you married? A. No sir.
Q Do you want to enroll anybody besides yourself? A. No, sir.
Q What was your father's name? A. Lewis Johnson.
Q Is he livdg? A. No, sir.
Q What was your mother's name? A. She is dead; she died when I was small;- Hester that's it.

BY J. S. DAVENPORT?, Cherokee Representative.

- Q Did you ever go by any name besides Johnson? A. I have been married.

BY COMMISSIONER NEEDLES:

- Q What was your husband's name? A. White
Q Your name is White now isn't it? A. I guess so; I don't know where my husband is though.
Q Where were you born? A. In Sequoyah district.
Q Have you always lived in Sequoyah district? A. Yes sir.
Q Your father's name was Lewis Johnson? A. Yes, sir
Q Did you ever go by any other name besides Lula? A. No, sir, that is all.
Q Did you have a stepfather? A. No sir.
Q Did you have a stepmother? A. Yes sir.
Q What is your stepmother's name? A. Frances Johnson

JULIA DAVIS, being sworn and examined by Commissioner T.B. Needles, testified as follows:

- Q What is your name? A. Julia Davis
Q How old are you? A. I don't know sir.
Q Well, about how old? A. About 46
Q What is your postoffice? A. Benge
Q Do you know Lula Johnson? A. Yes sir
Q How long have you known her? A. I don't know sir how long; I have been knowing her ever since she was born.
Q What was her mother's name? A. Sarah Wilson, I think that's what they called her.
Q What was her father's name? A. Lewis Johnson, that is what the mother said his name was, and that's what she always went.
Q Did Sarah Wilson afterwards marry Lewis Johnson? A. I don't know, sir, if he did I didn't know it.

Lula White-2-

- Q Well, Sarah Wilson was the mother of this child, of Lula here, was she? A. Yes, sir, I think that was her name.
Q What was her father's name? A. Lewis Johnson, I know him who claimed to be but know it I could not swear that.
Q Were they ever married? A. I could not swear that.

BY W. W. HASTINGS, Cherokee Representative:

- Q They never lived together as husband and wife, Lewis Johnson and her mother? A. Yes, sir, I know that.

BY COMMISSIONER NEEDLES:

- Q Now do, you know that Lula Johnson is Sarah Wilson's child?
A Yes, sir.
Q Was Sarah Wilson a citizen, a Freedman? A. I don't know sir, that I can't tell that, that's something else I don't know; she come from up this way I know in the Nation,

LULA WHITE, the Applicant, re-called, testified as follows:

BY W. W. HASTINGS:

- Q Your mother is dead isn't she? A. That's what they tell me, I have been with my Pa, my Pa raised me.

BY COM'R NEEDLES of Applicant:

- Q Is your Pa living? A. Yes sir
Q Is there anybody here who knows your mother, she she was a citizen? A. I don't know sir.

COM'R NEEDLES to Witness, Julia Davis:

- Q You don't know whether this girl got any money in 1880 or not do you? A. Yes, sir, she did.

Kerns-Clifton Pay Roll of citizens of the Cherokee Nation examined and applicant's name identified thereon, page 93, #2346, Luella Johnson, Sequoyah District.

Com'r Needles to Applicant:

- Q Somebody said your mother's name was Hester? A. Yes, sir, I thought that.

COM'R NEEDLES to Witness, Julia Davis:

- Q Did you know her mother? A. I don't know sir whether I did or not. Her daddy is all I did know

Lula White--3

COM'R NEEDLES to Applicant:

Q Have you always lived in the Cherokee Nation? A. Yes, sir.

COM'R NEEDLES:

The name of Lula White is found upon the Kerns-Clifton roll of 1897 as Luella Johnson. She avers that she has since married to one White. Her name does not appear upon the authenticated roll of 1880 nor the census roll of 1896, no satisfactory proof being made as to her citizenship, consequently final judgment as to her enrollment will be suspended and her name will be placed upon a doubtful card.

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

(Signed) J. O. ROSSON

Subscribed and sworn to before me this 10th day of April, 1901

(Signed) M. D. GREEN
Notary Public

(S E A L)

Lucy M. Bowman, being first duly sworn states that as stenographer to the Commissioner to the Five Civilized Tribes she made the above and foregoing copy and that same is a true and complete copy of the original transcript.

Lucy M. Bowman

subscribed and sworn to before me this 23rd day of November, 1905

Myers White
Notary Public

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 9th, 1901.

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

- Q What is your name? A Lula Johnson.
Q How old are you, Lula? A I guess about 25.
Q What is your post office address? A Bengo.
Q What district do you live in? A Sequoyah.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Did you ever apply to be enrolled by any other Nation or tribe?
A No, sir.
Q Are you married? A No, sir.
Q Do you want to enroll anybody besides yourself? A No, sir.
Q What was your father's name? A Lewis Johnson.
Q Is he living? A No, sir.
Q What was your mother's name? A She is dead; she died when I was small; -Hester that's it.

BY J. S. DAVENPORT, Cherokee Representative:

- Q Did you ever go by any name besides Johnson? A I have been married.

BY COMMISSIONER NEEDLES:

- Q What was your husband's name? A White.
Q Your name is white now isn't it? A I guess so; I don't know where my husband is though.
Q Where were you born? A In Sequoyah district.
Q Have you always lived in Sequoyah district? A Yes, sir.
Q Your father's name was Lewis Johnson? A Yes, sir.
Q Did you ever go by any other name besides Lula? A No, sir, that is all.
Q Did you have a stepfather? A No, sir.
Q Did you have a step-mother? A Yes, sir.
Q What is your step-mother's name? A Frances Johnson.

JULIA DAVIS, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Julia Davis.
Q How old are you? A I don't know sir.
Q Well, about how old? A About 46.
Q What is your post office? A Bengo.
Q Do you know Lula Johnson? A Yes, sir.
Q How long have you known her? A I don't know sir how long; I have been knowing her ever since she was born.
Q What was her mother's name? A Sarah Wilson, I think that's what they called her.
Q What was her father's name? A Lewis Johnson, that is what the mother said his name was, and that's what she always went.
Q Did Sarah Wilson afterwards marry Lewis Johnson? A I don't know, sir, if he did I didn't know it.
Q Well, Sarah Wilson was the mother of this child, of Lula here, was she? A Yes, sir, I think that was her name.
Q What was her father's name? A Lewis Johnson, I know him who claimed to be but knew it I could not swear that.
Q Were they ever married? A I could not swear that.

BY W. W. MARTINEZ, Cherokee Representative:

- Q They never lived together as husband and wife, Lewis Johnson and her mother? A Yes, sir, I knew that.

Lula White,--2:

BY COMMISSIONER NEEDLES:

Q Now, do you know that Lula Johnson is Sarah Wilson's child?

A Yes, sir.

Q Was Sarah Wilson a citizen, a Freedman? A I don't know, sir, that I can't tell that, that 's something else I don't know, she came from up this way I know in the Nation.

LULA WHITE?, the Applicant, re-called, testified as follows:

BY W. V. HASTINGS:

Q Your mother is dead isn't she? A That's what they tell me, I have been with my Pa, my Pa raised me.

BY COM'R NEEDLES of Applicant:

Q Is your Pa living? A Yes, sir.

Q Is there anybody here who knows your mother, she she was a citizen? A I don't know, sir.

COM'R NEEDLES to Witness, Julia Davis:

Q You don't know whether this girl got any money in 1880 or not, do you? A Yes, sir; she did.

Kerns-Clifton Pay Roll of citizens of the Cherokee Nation examined and applicant's name identified therein, page 93, #2346, Luella Johnson, Sequoyah District.

Com'r Needles to Applicant:

Q Somebody said your mother's name was Heater? A Yes, sir, I thought that.

COM'R NEEDLES to Witness, Julia Davis:

Q Did you know her mother? A I don't know sir whether I did or not. Her daddy is all I did know.

COM'R NEEDLES to Applicant:

Q Have you always lived in the Cherokee Nation? A Yes, sir.

COM'R NEEDLES:

The name of Lula White is found upon the Kerns-Clifton roll of 1884 as Luella Johnson. She avers that she has since married to a man White. Her name does not appear upon the authenticated roll of 1880 nor the census roll of 1880, no satisfactory proof being made as to her citizenship, consequently she is final judgment as to her enrollment will be suspended and her name will be placed upon a doubtful card.

---000000---
I, Q. Keegan, being first duly sworn, stated that as Special Agent to the Commission to the Five Civilized Tribes, he carefully read the testimony and proceedings in this case, and that the foregoing is a true and complete transcript of his stenographic notes thereof.
Subscribed and sworn to before me this 20th day of April, 1891.

(COPY)

Supplementary D 35. C.F.

Department of the Interior?
Commission to the Five Civilized Tribes/.
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Lula White for enrollment as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Applicant present in person.
W. W. Hastings, of counsel for Cherokee Nation.

MARY JANE VANN, being duly sworn by Commissioner Needles, testified as follows:

MR HASTINGS : What is your name? A. Mary Jane Vann.
Q How old are you? A. 24, I will be this month sometime.
Q What is your father's name? A. E. Lewis Johnson.
Q What is your mother's name? A. Hester Johnson.
Q Are you the eldest child of your father and mother?
A I don't know about my father, I am the oldest of my mother's.
Q Do you know the applicant here, Lula White? A. Yes, sir.
Q Do you know her mother? A. Yes, sir.
Q What is her mother's name? A. Sarah Wilson.
Q Where do you live? A. I live down in Sequoyah.
Q Sequoyah District, Cherokee Nation? A. Yes, sir.
Q How long have you lived there? A. All my life
Q What is your postoffice? A. Benge.
Q How far below Muldrow is that? A. They call it six miles.
Q Are you married now? A. Yes, sir
Q Who brought you up; who did you live with from infancy, from a baby up, until the time you were married? A. Well, I lived with a woman by the name of Judy Chambers, and then my uncle, Albert Johnson, and the rest of the time we lived by ourselves.
Q Where was your father? A. He was at home, I was with my father.
Q You lived with your father? A. Yes, sir.
Q And your father's name was Lewis Johnson? A. Yes sir.
Q Do you know which is the older, you or Lula White?
A Me, I always heard
Q Well, how did you come by that information? A. Well, my father told me that I was older.
Q When was the first time you ever saw Lula White? A. The first; I don't know exactly what year it was, but I was married.
Q You were married? A. Yes sir.
Q Well, about how long ago? A. Well, I don't know sir, exactly, I reckon it has been about 4 years ago I reckon.

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- Q That was the first time you ever saw her? A. Yes, sir.
Q You have been living with your father up to the time of your marriage? A. Yes, sir.
Q Do you know where she was born, Lula White? A. No, sir, I don't exactly.
Q Do you know where she came from? A. No, sir, I don't know the name of the place she came from.
Q Well do you know from what Nation, state or country?
A They said in the states.
Q Who said that? A. Well, all the neighbors around there.
Q Well did she say that; don't tell what the neighbors said?
A Yes, sir, she said so.

Commissioner: Who said that, Lula? A. Yes, sir.

Mr. Hastings: Well, you never saw her in Sequoyah district up until after you were married? A. No, sir.

Commissioner to Applicant: Do you want to ask her any questions, Lula?

Applicant: No, sir.

Commissioner: Do you know the mother of Lula White? A. Yes, sir

Q Was she your father's wife? A. No, sir, not as I know of.

Q What was her mother's name? A. Sarah Wilson.

Q Did your father claim this girl as his child? A. Yes sir.

Q He did? A. Yes, sir.

Q But you don't know whether he and her mother were ever married or not? A. No, sir, I never heard of them being married.

Q Where did your father marry her; you say you never heard of her being married? A. No sir.

Q Is Sarah Wilson living? A. Yes, sir.

Q Is she married? A. Yes, sir.

Q Who to? A. Wesley Sheppard, I think.

Q She is the mother of Lula the applicant here? A. Yes, sir.

Q Is your father living? A. Yes, sir.

MR Hastings: You have some younger brothers and sisters by the same mother, Hester; have you not? A. Yes, sir

Q About how old were you when your mother died, Hester?

A I don't know exactly, I reckon I was about 10 or 12 years old

Q Did your father and mother live together until her death, as husband and wife? A. Yes, sir

Q Has this woman, Lula White, any children, A. Yes, sir, she has got one.

Q Is she alive? A. Yes, sir, the last account I heard of it; I haven't never heard of it being dead.

LULA WHITE, the applicant, examined by Mr. Hastings, testified as follows:

Q Why didn't you apply for this child? A. You all didn't ask me about it; its father is a state man.

Q You were married in the state weren't you? A. Yes sir, I was married in the state.

Q And that child was born down there? A. No, sir; yes, sir, it was born in the state.

Q You were born in the state? A. I don't know.

Q You never lived in the Cherokee Nation until after you were married? A. No, sir, I have been here though, I go backwards and forwards, and from Fort Smith.

DENNIS BEAN, being duly sworn by Commissioner Needles, testified as follows:

MR. HASTINGS: What is your age? A About 42 or 43, I don't know which.

Q What is your postoffice? A. Muldrow.

Q Do you know the applicant, Lula White? A. Yes, sir

Q How long have you known her? A. Well now I don't know how long I have been knowing her; I have been knowing her ever since she was small, quite a child.

Q Well, about how old was she when you first knew her? A. Well when I first saw her she was about four or five months old, I rec.on

Q Well, where did you know her? A. I saw her below Van Buren in the Cherokee Nation or Arkansas? A. No, that is in Arkansas

Q Who was she with at the time? A With her mother, by the name of Sarah Wilson.

Q Did you know Lewis Johnson? A. Yes sir.

Q Did you know Hester Johnson? A. Yes, sir

Q With whom was Lewis Johnson living at the time you saw this girl? A He was living with Hester.

Q With Hester? A. Yes sir

Q You know whether he was ever married to this girl's mother?

A No, I don't think he was.

Q Well, how long had you known Lewis before? A. Ever since I could recollect.

Q Well, did you live in the same neighborhood? A. Yes sir, I lived right there close together ever since I can recollect

Q How long had he been living with Hester before that; before you saw this girl when she was a baby? A. Well he has been living with Hester about twelve months or more, I guess.

Q Do you know this other witness here, Mary Vann? A. Yes, sir

Q Do you know which is the older of these two people?

A She is the older.

Q Mary Vann? A. Yes sir

Q Who is the mother of Mary Vann? A. Hester Johnson

Q I, this applicant married, Lula White? A. Yes sir, married to Henry White.

Q Do you know where she married? A. No, sir I don't; I understood they married over in the state there somewhere.

Commissioner: You say you knew Lula White's mother? A. Yes sir

Q Her name was? A. Sarah Wilson.

Q Do you know whether Lewis Johnson was ever married to Sarah Wilson or not? A. I know he wasn't.

Q Did he ever live with her? A. Not as I know of.

Q You don't think that he ever lived with her as man and wife?

A No, sir.

Q How long did you say you knew Lewis Johnson? A. Ever since I can recollect.

Q How old are you? A. 42 or 3.

Q Live neighbor to him? A. Yes sir.

Q Do you know when he married his wife, Hester? A Yes sir.

Q You know when he married Hester? A. Yes, sir, know when Lewis married this girl's mother.

Q Was he a young man? A. Yes sir.

Q Had you known him before that? A. Yes, sir

Q How long before that? A. Ever since I could recollect

Q How old was he when you first knew him? how big, how old?

A Let's see. Lewis was about like that when I first recollect (indicating.

- Q About 12 or 14 years old? A Yes, sir
Q And you knew him all the time from that day till he married Hester? A. Yes, sir, we were raised together.
Q And you never knew of him living with Sarah Wilson as his wife at all? A No, sir.
Q And do you know when Lula White was born, here?
A No sir, I don't know exactly when she was born.
Q When did you first see her? A. When I first saw her, it was when she was four or five months old I guess.
Q Where was that? A. That was below Van Buren, at a place they called the colony.
Q Who had the child then, her mother? A. Sarah Wilson had her
Q Was it ever reported in the neighborhood around here anywhere that Lewis Johnson was the father of the child? A Was it ever reported?
Q Yes? A. Afterwards, yes, sir.
Q But you are positive he never lived with her as his wife?
A Yes sir.

Applicant, Lula White,: As I want to say, he told me that they lived together as man and wife when they stayed at Mayfield's, on the Mayfield place, and my mother stayed there and cooked about Mayfield.

- Commissioner: Did you see Lewis Johnson living on the Mayfield place? A. Yes, sir.
Q Was he married then to Hester? A. Yes, sir
Q He was married to Hester at the time he lived at the Mayfield place? A. He was.
Q Was Lula White's mother there? A. I don't know whether she was or not.
Q Did you see her there? A. No, sir.

Commissioner: Any witnesses you have to bring at any time, Lula, you can do it.

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 correct transcript from his stenographic notes thereof.

(Signed) BRUCE C. JONES

Sworn and subscribed before me this the 5th of September, 1901

(Signed) M. D. GROEN

(S E A L)

N.P.

Lucy M. Bowman, being duly sworn says that as a stenographer to the Commissioner to the five Civilized Tribes she made the foregoing copy and that same is a true and complete copy of the original transcript.

Lucy M. Bowman

Subscribed and sworn to before me this 25th day of September, 1901.

W. J. White
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I.T., September 4, 1901.

In the matter of the application of Lula White for enrollment
as a Cherokee Freedman.

Testimony introduced on behalf of Cherokee Nation.

Appearances:

Applicant present in person;
W. W. Hastings, of counsel for Cherokee Nation.

MARY JANE VANN, being duly sworn by Commissioner Needles,
testified as follows:

- Mr. Hastings: What is your name? A Mary Jane Vann.
Q How old are you? A 24, I will be this month sometime.
Q What is your father's name? A Lewis Johnson.
Q What is your mother's name? A Hester Johnson.
Q Are you the oldest child of your father and mother? A I don't
know about my father, I am the oldest of my mother's.
Q Do you know the applicant here, Lula White? A Yes, sir.
Q Do you know her mother? A Yes, sir.
Q What is her mother's name? A Sarah Wilson.
Q Where do you live? A I live down in Sequoyah.
Q Sequoyah district, Cherokee Nation? A Yes, sir.
Q How long have you lived there? A All my life.
Q What is your postoffice? A Bengs.
Q How far below Muldrow is that? A They call it six miles.
Q Are you married now? A Yes, sir.
Q Who brought you up; who did you live with from infancy, from
a baby up, until the time you were married? A Well, I lived with a
woman by the name of Judy Chambers, and then my uncle, Albert Johnson,
and the rest of the time we lived by ourselves.
Q Where was your father? A He was at home, I was with my father.
Q You lived with your father? A Yes, sir.
Q And your father's name was Lewis Johnson? A Yes, sir.
Q Do you know which is the older, you or Lula White? A No, I
always heard.
Q Well, how did you come by that information? A Well, my father
told me that I was older.
Q When was the first time you ever saw Lula White? A The first,
I don't know exactly what year it was, but I was married.
Q You were married? A Yes, sir.
Q Well, about how long ago? A Well, I don't know, sir, exactly,
I reckon it has been about 4 years ago I reckon.
Q That was the first time you ever saw her? A Yes, sir.
Q You have been living with your father up to the time of your
marriage? A Yes, sir.
Q Do you know where she was born, Lula White? A No, sir, I don't
exactly.
Q Do you know where she came from? A No, sir, I don't know the
name of the place she came from.
Q Well, do you know from what Nation, state of country? A They
said in the states.
Q Who said that? A Well all the neighbors around there.
Q Well did she say that; don't tell what the neighbors said?
A Yes, sir, she said so.
Commissioner: Who said that, Lula? A Yes, sir.
Mr. Hastings: Well, you never saw her in Sequoyah district up until
after you were married? A No, sir.
Commissioner, to Applicant: Do you want to ask her any
questions, Lula?
Applicant: No, sir.

Commissioner: Do you know the mother of Lula White? Q Yes, sir.

Q Was she your father's wife? A No, sir, not as I know of.

Q What was her mother's name? A Sarah Wilson.

Q Did they your father claim this girl as his child? A Yes, sir.

Q He did? A Yes, sir.

Q But you don't know whether he and her mother were ever married or not? A No, sir, I never heard of them being married.

Q Where did your father marry her: you say you never heard of her being married? A No, sir.

Q Is Sarah Wilson living? A Yes, sir.

Q Is she married? A Yes, sir.

Q Who to? A Wesley Sheppard I think.

Q She is the mother of Lula, the applicant here? A Yes, sir.

Q Is your father living? A Yes, sir.

Mr. Hastings: You have some younger brothers and sisters by the same name mother, Hester: Have you or not? A Yes, sir.

Q About how old were you when your mother died, Hester? A I don't know exactly, I reckon I was about 10 or 12 years old.

Q Did your father and mother live together until her death, as husband and wife? A Yes, sir.

Q Has this woman, Lula White, any children? A Yes, sir, she has got one.

Q Is she now alive? A Yes, sir, the last account I heard of it: I haven't never heard of it being dead.

LULA WHITE, the applicant, examined by Mr. Hastings, testified as follows:

Q Why didn't you apply for this child? A You all didn't ask me about it; its father is a state man.

Q You were married in the State weren't you? A Yes, sir, I was married in the State.

Q And that child was born down there? A No, sir; yes, sir, it was born in the state.

Q You were born in the state? A I don't know.

Q You never lived in the Cherokee Nation until after you were married? A No, sir, I have been here though, I go backwards and forwards, and from Fort Smith.

DENNIS BEAN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your age? A About 42 or 43, I don't know which.

Q What is your postoffice? A Muldrow.

Q Do you know the applicant, Lula White? A Yes, sir.

Q How long have you known her? A Well now I don't know, how long I have been knowing her; I have been knowing her ever since she was small, quite a child.

Q Well, about how old was she when you first knew her? A Well when I first saw her she was about four or five months old, I reckon.

Q Well, where did you know her? A I saw her below Ven Buren.

Q In the Cherokee Nation or Arkansas? A No, that is in Arkansas.

Q Who was she with at the time? A With her mother, by the name of Sarah Wilson.

Q Did you know Lewis Johnson? A Yes, sir.

Q Did you know Hester Johnson? A Yes, sir.

Q With whom was Lewis Johnson living at the time you saw this girl?

A He was living with Hester.

Q With Hester? A Yes, sir.

Q You know whether he was ever married to this girl's mother or not?

A No, I don't think he was.

Q Well, how long had you known Lewis before? A Ever since I could recollect.

Q Well, did you live in the same neighborhood? A Yes, sir, I lived right there close together ever since I can recollect.

Q How long had he been living with Hester before that; before you saw this girl when she was a baby? A Well he had been living with Hester about twelve months or more, I guess.

Q Do you know this other witness here, Mary Vann? A Yes, sir.

Q Do you know which is the older of these two people? A She is the older.

Q Mary Vann? A Yes, sir.

Q Who is the mother of Mary Vann? A Hester Johnson.

Q Is this applicant married, Lula White? A Yes, sir, married to Henry White

Q Do you know where she married? A No, sir, I don't; I understood they married over in the state there somewhere.

Commissioner: You say you knew Lula White's mother? A Yes, sir.

Q Her name was? A Sarah Wilson.

Q Do you know whether Lewis Johnson was ever married to Sarah Wilson or not? A I know he wasn't.

Q Did he ever live with her? A Not as I know of.

Q You don't think that he ever lived with her as man and wife?

A No, sir.

Q How long did you say you knew Lewis Johnson? A Ever since I can recollect.

Q How old are you? A 42 or 3.

Q Live neighbor to him? A Yes, sir.

Q Do you know when he married his wife Hester? A Yes, sir.

Q You know when he married Hester? A Yes, sir, know when Lewis married this girl's mother.

Q Was he a young man? A Yes, sir.

Q Had you known him before that? A Yes, sir.

Q How long before that? A Ever since I could recollect.

Q How old was he and you when you first knew him; how big, how old? A Let's see. Lewis was about like that when I first recollect (indicating).

Q About 12 or 14 years old? A Yes, sir.

Q And you knew him all the time from that day till he married Hester? A Yes, sir, we were raised together.

Q And you never knew of him living with Sarah Wilson as his wife at all? A No, sir.

Q And do you know when Lula White was ~~knought~~ born, here?

A No, sir, I don't know exactly when she was born.

Q When did you first see her? A When I first saw her, it was when she was four or five months old I guess.

Q Where was that? A That was below Van Buren, at a place they called the colony.

Q Who had the child then, her mother? A Sarah Wilson had her.

Q Was it ever reported in the neighborhood around here anywhere that Lewis Johnson was the father of the child? A Was it ever reported?

Q Yes? A Afterwards, yes, sir.

Q But you are positive he never lived with her as his wife? A Yes, sir.

Applicant, Lula White: As I want to say, he told me that they lived together as man and wife when they stayed at Mayfield's, on the Mayfield place, and my mother stayed there and cooked about Mayfield.

Commissioner: Did you see Lewis Johnson living on the Mayfield place? A Yes, sir.

Q Was he married then to Hester? A Yes, sir.

Q He was married to Hester at the time he lived at the Mayfield place? A He was.

Q Was Lula White's mother there? A I don't know whether she was.

or not.

Q. Did you see her there? A. No, sir.

Commissioner: Any witnesses you have to bring at any time, well, you can do it.

Bruce 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 correct transcript from his stenographic notes thereof.

Bruce Jones

Sworn to and subscribed before me this the 5th of September, 1901.

M. D. Green
M.D.

Commissioner.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 14, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of LULA WHITE ET AL., as a Cherokee freedman.

APPEARANCES:

For applicant, No appearance.
For Cherokee Nation, W. W. Hastings.

This case was set down for hearing on August 31, 1905, at which time the applicant was present by her attorney, John London, and the Cherokee Nation represented by attorney, W. W. Hastings. On motion for a continuance by the attorney for applicant the case was continued until September 14, 1905, at nine o'clock A. M., of which the attorneys on both sides were duly advised.

On this September 14, 1905, case called at the hour set the applicant does not appear either in person or by attorney. Cherokee Nation present by its attorneys, W. W. Hastings and J. S. Davenport.

The following proceedings were had on behalf of the Cherokee Nation.

ALBERT JOHNSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Albert Johnson.
Q What is your age? A 47.
Q Are you a freedman citizen of the Cherokee Nation? A I am.
Q What is your post office? A Braggs.
Q What kin are you to Lewis Johnson, if any? A I am his brother.
Q How long has Braggs been your post office? A About 4 years.
Q Before that where did you live? A In Sequoyah near Benges.
Q And how far is that on this side of river from Fort Smith, Arkansas? A They call it 5 miles.
Q Did you live in that vicinity from after the war until you moved to Braggs about 4 years ago? A Yes sir.
Q Did you know your brother Lewis during all those years? A Yes sir.
Q Do you know Lula White, the applicant? A Yes sir, I am acquainted with her.
Q Do you know her husband? A Yes sir.
Q What is his name? A Henry White.
Q Have they some children? A One.
Q What is its name? A I don't remember its name.
Q When did you become acquainted with Lula White? A Just a little before the Kern-Clifton payment and the enrollment.
Q How the enrollment begun in April of 1896 and the payment was in 1897? A Well now, just before that I got acquainted with her.
Q Do you think in the early part of 1896 or 1895? A In the early part of 1896.
Q Is that the first time you ever saw Lula White? A Yes sir.
Q Where was she when you first saw her? A At my brother's house.
Q And how far was that from where you lived? A About a quarter of a mile.
Q Did your brother live within a quarter of a mile of you? A Yes sir.
Q Did he live that near you since the war up until that time? A No sir, he lived about all the way from a mile to a mile and a half.

- Q And then in the early part of 1896 was the first time you ever saw Lula White? A Yes sir.
- Q Where did she come from? A The State.
- Q What State? A Arkansas.
- Q Was she married at that time? A Yes sir.
- Q Did she have a child? A Yes sir.
- Q When you first saw her? A Yes sir.
- Q Do you know her mother, who goes by the name of Sarah Sheppard?
- A Yes sir.
- Q Had you ever known her before? A When I first got acquainted with her it was somewhere along about 1875.
- Q Was she married at that time? A Yes sir.
- Q What was her husband's name? A His name was Charley Wilson.
- Q Was she living with Charley Wilson? A Yes sir.
- Q Did she have some children by him? A Yes sir.
- Q How many children did she have by him in 1875? A She had three.
- Q How old was the oldest one, about how old? A I guess about 5 years old.
- Q And it was born something like in 1870? A Yes sir.
- Q Well did they continue to live together long or did they separate? A They separated.
- Q After what became of Sarah Wilson? A She went back to the state.
- Q Back to Arkansas? A Yes sir.
- Q Do you know what part? A Down there about Colony.
- Q Was that below Van Buren? A Yes sir.
- Q When did you next see her? A I never saw Sarah until just here recently, about 5 or 6 years ago. Q You never saw her then any more until after this Lula was born and after Lula had come to be married? A Yes sir.
- Q Did she and your brother Lewis ever live together as husband and wife? A Not as I know of.
- Q You were living there in the community? A Yes sir.
- Q And you knew your brother all the time? A Yes sir, I never knowed them to live together as man and wife.
- Q Now just after the war did your brother have a wife? A Well he had one, yes sir, up in Flint, he married a woman up there by the name of Lina.
- Q How long did they live together? A Just three years.
- Q What was his next wife, if he had one? A Mollie.
- Q About when did he marry Mollie? A He married her about 4 years after him and Lina quit, I don't know just to the year, it was about 4 years after that.
- Q Did he have another wife after Mollie? A Yes sir, he married Hester.
- Q Is she the mother of Mary Jane Vann? A Yes sir.
- Q Did he have some children by Hester? A Yes sir.
- Q How many? A Five.
- Q Which is the oldest? A Mary Jane.
- Q The next child? A Richard.
- Q The next one? A James.
- Q The next one? A Louellen.
- Q And the next one? A We called him Sanford.
- Q He did have a Louella by Hester? A Yes sir.
- Q But that is not this Lula White? A No sir.
- Q They are two different people all together? A Yes sir.
- Q Did Lula White ever live with Lewis Johnson before Lula White's marriage? A Not as ever I saw her.
- Q Now you were right there within a mile of your brother? A Yes sir, I never saw her.
- Q You never heard of her living with him? A No sir.
- Q Could she have lived with him and you not have known it? A No sir, the reason why I saw she couldn't because I partly raised these children of brother Lewis's myself.

- Q How old was this Mary Jane when her mother Hester died? A About 10 years old.
- Q Then you partly raised the children? A Yes sir.
- Q Did Lewis afterwards marry again? A Yes sir, he married Frances Ragsdale.
- Q Was he regularly married to Hester, the mother of Mary Jane? A Yes sir.
- Q Who married them? A Mr. Alexander.
- Q What position did he hold? A He was a Clerk at one time.
- Q Clerk of Sequoyah District? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q Do you know where Lula White, this applicant, was born? A They said she was born in the state, I don't know where she was born.
- Q Do you know who her mother is? A Yes sir, who they say she is.
- Q Who? A Sarah Wilson.
- Q Do you know who her father is? A No sir, I couldn't say, only what the people say.
- Q What people? A People in the community down there.
- Q Did you ever hear her say who her father was? A Yes sir.
- Q Who did she say? A Lewis Johnson.
- Q That is your brother? A Yes sir.
- Q Where has he lived all his life? A Down in Sequoyah District.
- Q How far from where you lived? A About a quarter of a mile from where I used to live.
- Q Did he live there all the time? A Yes sir.
- Q Did he live there about 25 or 30 years ago? A He lived here and there just about and with my father pretty near all the time when he had this woman.
- Q Did he live in the state any? A No sir.
- Q Did he ever stay out of the Cherokee nation for any length of time? A No sir.
- Q Is his child, Louella by Hester living? A Now I don't know but I disremember how old she is.
- Q I said was she living? A Yes sir.
- Q Whereabouts does she live? A About a mile and a half this side of her fathers.
- Q Is she married? A Yes sir.
- Q What is her present name? A I don't know her husband's name now.
- Q Has she got some children? A I don't know.
- Q Do you know how old she is? A I couldn't tell exactly how old she was, I guess she must be 21, about 18 or 21, somewhere along there.
- Q Is your brother Lewis living? A Yes sir.
- Q Whereabouts? A At the same place I left him there.
- Q In a quarter of a mile of you? A Yes sir, where I used to live.
- Q Did you ever hear him say this Lula White was his child? A Yes sir.
- Q Did he ever say it was his child? A Yes sir.
- Q Did he ever say he lived with Sarah Wilson? A I don't know what you would call it, he didn't say live with her.
- Q Did he say they took up together and lived with her? A Nothing like that.
- Q But he acknowledged that Lula White was his child? A Yes sir, that is what he says.
- Q She is the applicant in this case? A Yes sir.
- Q Did you ever know Sarah Wilson? A Yes sir, I was acquainted with her.
- Q Do you know who she said was the father of her child Lula? A Yes sir.
- Q Who? A Lewis.

- Q Your brother? A Yes sir.
Q Lewis was never married to Sarah? A Not as I know of.
Q Did you ever hear Sarah say anything about a marriage ceremony between them? A No sir.
Q When did Lula White come to the Cherokee Nation? A Just before that enrollment, the Kern-Elifton enrollment, I disremember what year, in 1896 I think.
Q Where did she go? A Come to my brother.
Q At Benge? A Yes sir.
Q How long did she live with him? A About a month I think.
Q She lived in his family as one of his children, did she? A I guess so, she was there.
Q Was she married then? A Yes sir, she was married.
Q What was her husband's name? A Henry White.
Q Was she ever at your brother's before she was married? A Not as ever I seen.
Q Does she own a farm in the Cherokee nation now? A Not as I know of.
Q Has she been living in the Cherokee nation continuously since she went to your brother's in 1896? A Yes sir.
Q Was that the first time you ever saw her or heard of her being in the Cherokee Nation? A Yes sir, that was the first time I ever did hear of her being here.
Q Did you know of her before then? A I had heard of her.

BY MR. HASTINGS:

- Q you say you talked to your brother about who the father of this Lula White was did you ever talk or ask your brother to come before the Commission and testify? A Yes sir, I told him if that was his child why didn't he come before the Commission and testify in order for her to get her right.
Q What did he say? A He said he couldn't do it.
Q Why did he say he couldn't do it? A He say he couldn't do it.
Q Did he say why he couldn't come before the Commission or couldn't testify as to his being the father of this child? A He said he just couldn't testify.
Q Why did he say he couldn't testify for her? A I don't know sir, I was trying to get him to come.
Q Did he say he was certain or uncertain as to the fatherhood of this child? A He said he didn't know.
Q Is that the reason why he couldn't testify? A I guess so.
Q In other words he said he would not be positive as to who the father of the child was and for that reason he wouldn't testify?
A That is the way I took it.
Q He never claimed he was married to the mother? A No sir.
Q Never claimed to have lived with her as husband and wife? A No sir.

ON BEHALF OF THE COMMISSIONER:

- Q He didn't say anything about whether he could swear that that was his child or not? A No sir.
Q He just simply said he couldn't testify in the case, and you don't know why he couldn't testify? A No sir, I don't know why but I just thought he didn't know whether that was his child or not.

Q It was just a suggestion on your part as to that? A Yes sir.

The Cherokee Nation announcing that it has no further testimony to offer this case will be closed.

-----000-----

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

George H. Lessley

Subscribed and sworn to before me this 15th day of September, 1908.

Bruce Jones

Notary Public.

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE COMMISSIONER TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., SEPTEMBER 14, 1905.

SUPPLEMENTAL PROCEEDINGS had in the matter of the application for the enrollment of LULA WHITE ET AL., as a Cherokee freedman.

APPEARANCES:

For applicant, No appearance.
For Cherokee Nation, W. W. Hastings.

This case was set down for hearing on August 31, 1905, at which time the applicant was present by her attorney, John London, and the Cherokee nation represented by attorney, W. W. Hastings. On motion for a continuance by the attorney for applicant the case was continued until September 14, 1905, at nine o'clock A. M., of which the attorneys on both sides were duly advised.

On this September 14, 1905, case called at the hour set the applicant does not appear either in person or by attorney. Cherokee nation present by its attorneys, W. W. Hastings and J. S. Davenport.

The following proceedings were had on behalf of the Cherokee Nation.

ALBERT JOHNSON, being first duly sworn, testified as follows:

BY MR. HASTINGS:

- Q What is your name? A Albert johnson.
Q What is your age? A 47.
Q Are you a freedman citizen of the Cherokee Nation? A I am.
Q What is your post office? A Braggs.
Q What kin are you to Lewis Johnson, if any? A I am his brother.
Q How long has Braggs been your post office? A About 4 years.
Q Before that where did you live? A In Sequoyah near Bengo.
Q And how far is that on this side of river from Port Smith, Arkansas? A They call it 5 miles.
Q Did you live in that vicinity from after the war until you moved to Braggs about 4 years ago? A Yes sir.
Q Did you know your brother Lewis during all those years? A Yes sir.
Q Do you know Lula White, the applicant? A Yes sir, I am acquainted with her.
Q Do you know her husband? A Yes sir.
Q What is his name? A Henry White.
Q Have they some children? A One.
Q What is its name? A I don't remember its name.
Q When did you become acquainted with Lula White? A Just a little before the ~~year~~-Glifton payment and the enrollment.
Q How the enrollment begun in April of 1896 and the payment was in 1897? A Well now, just before that I got acquainted with her.
Q Do you think in the early part of 1896 or 1895? A In the early part of 1896.
Q Is that the first time you ever saw Lula White? A Yes sir.
Q Where was she when you first saw her? A At my brother's house.
Q And how far was that from where you lived? A About a quarter of a mile.
Q Did your brother live within a quarter of a mile of you? A Yes sir.
Q Did he live that near you since the war up until that time? A No sir, he lived about all the way from a mile to a mile and a half.

Q And then in the early part of 1896 was the first time you ever saw Lula White? A Yes sir.

Q Where did she come from? A The State.

Q What state? A Arkansas.

Q Was she married at that time? A Yes sir.

Q Did she have a child? A Yes sir.

Q When you first saw her? A Yes sir.

Q Do you know her mother, who goes by the name of Sarah Sheppard? A Yes sir.

Q Had you ever known her before? A When I first got acquainted with her it was somewhere along about 1875.

Q Was she married at that time? A Yes sir.

Q What was her husband's name? A His name was Charley Wilson.

Q Was she living with Charley Wilson? A Yes sir.

Q Did she have some children by him? A Yes sir.

Q How many children did she have by him in 1875? A She had three.

Q How old was the eldest one, about how old? A I guess about 5 years old.

Q And it was born something like in 1870? A Yes sir.

Q Well did they continue to live together long or did they separate? A They separated.

Q After what became of Sarah Wilson? A She went back to the state.

Q Back to Arkansas? A Yes sir.

Q Do you know what part? A Down there about Colony.

Q Was that below Van Buren? A Yes sir.

Q When did you next see her? A I never saw Sarah until just here recently, about 5 or 6 years ago. Q You never saw her then any more until after this Lula was born and after Lula had come to be married? A Yes sir.

Q Did she and your brother Lewis ever live together as husband and wife? A Not as I know of.

Q You were living there in the community? A Yes sir.

Q And you knew your brother all the time? A Yes sir, I never knowed them to live together as man and wife.

Q How just after the war did your brother have a wife? A Well he had one, yes sir, up in Flint, he married a woman up there by the name of Lina.

Q How long did they live together? A Just three years.

Q What was his next wife, if he had one? A Mollie.

Q About when did he marry Mollie? A He married her about 4 years after him and Lina quit, I don't know just to the year, it was about 4 years after that.

Q Did he have another wife after Mollie? A Yes sir, he married Hester.

Q Is she the mother of Mary Jane Vann? A Yes sir.

Q Did he have some children by Hester? A Yes sir.

Q How many? A Five.

Q Which is the eldest? A Mary Jane.

Q The next child? A Richard.

Q The next one? A James.

Q The next one? A Louellen.

Q And the next one? A We called him Sanford.

Q He did have a Louella by Hester? A Yes sir.

Q But that is not this Lula White? A No sir.

Q They are two different people all together? A Yes sir.

Q Did Lula White ever live with Lewis Johnson before Lula White's marriage? A Not as ever I saw her.

Q How you were right there within a mile of your brother? A Yes sir, I never saw her.

Q You never heard of her living with him? A No sir.

Q Could she have lived with him and you not have known it? A No sir, the reason why I saw she couldn't because I partly raised these children of brother Lewis's.

- Q How old was this Mary Jane when her mother Hester died? A About 10 years old.
- Q Then you partly raised the children? A Yes sir.
- Q Did Lewis afterwards marry again? A Yes sir, he married Frances Ragsdale.
- Q Was he regularly married to Hester, the mother of Mary Jane?
- A Yes sir.
- Q Who married them? A Mr. Alexander.
- Q What position did he hold? A He was a Clerk at one time.
- Q Clerk of Sequoyah District? A Yes sir.

ON BEHALF OF THE COMMISSIONER:

- Q Do you know where Lula White, this applicant, was born? A They said she was born in the state, I don't know where she was born.
- Q Do you know who her mother is? A Yes sir, who they say she is.
- Q Who? A Sarah Wilson.
- Q Do you know who her father is? A No sir, I couldn't say, only what the people say.
- Q What people? A People in the community down there.
- Q Did you ever hear her say who her father was? A Yes sir.
- Q Who did she say? A Lewis Johnson.
- Q That is your brother? A Yes sir.
- Q Where has he lived all his life? A Down in Sequoyah District.
- Q How far from where you lived? A About a quarter of a mile from where I used to live.
- Q Did he live there all the time? A Yes sir.
- Q Did he live there about 25 or 30 years ago? A He lived here and there just about and with my father pretty near all the time when he had this woman.
- Q Did he live in the state any? A No sir.
- Q Did he ever stay out of the Cherokee nation for any length of time? A No sir.
- Q Is his child, Louella by Hester living? A Now I don't know but I disremember how old she is.
- Q I said was she living? A Yes sir.
- Q Whereabouts does she live? A About a mile and a half this side of her fathers.
- Q Is she married? A Yes sir.
- Q What is her present name? A I don't know her husband's name now.
- Q Has she got some children? A I don't know.
- Q Do you know how old she is? A I couldn't tell exactly how old she was, I guess she must be 21, about 18 or 21, somewhere along there.
- Q Is your brother Lewis living? A Yes sir.
- Q Whereabouts? A At the same place I left him there.
- Q In a quarter of a mile of you? A Yes sir, where I used to live.
- Q Did you ever hear him say this Lula White was his child? A Yes sir.
- Q Did he ever say it was his child? A Yes sir.
- Q Did he ever say he lived with Sarah Wilson? A I don't know what you would call it, he didn't say live with her.
- Q Did he say they took up together and lived with her? A Nothing like that.
- Q But he acknowledged that Lula white was his child? A Yes sir, that is what he says.
- Q She is the applicant in this case? A Yes sir.
- Q Did you ever know Sarah Wilson? A Yes sir, I was acquainted with her.
- Q Do you know who she said was the father of her child Lula? A Yes sir.
- Q Who? A Lewis.

- Q Your brother? A Yes sir.
Q Lewis was never married to Sarah? A Not as I know of.
Q Did you ever hear Sarah say anything about a marriage ceremony between them? A No sir.
Q When did Lula White come to the Cherokee Nation? A Just before that enrollment, the Kern-Clifton enrollment, I disremember what year, in 1896 I think.
Q Where did she go? A Come to my brother.
Q At Renge? A Yes sir.
Q How long did she live with him? A About a month I think.
Q She lived in his family as one of his children, did she? A I guess so, she was there.
Q Was she married then? A Yes sir, she was married.
Q What was her husband's name? A Henry White.
Q Was she ever at your brother's before she was married? A Not as ever I seen.
Q Does she own a farm in the Cherokee nation now? A Not as I know of.
Q Has she been living in the Cherokee nation continuously since she went to your brother's in 1896? A Yes sir.
Q Was that the first time you ever saw her or heard of her being in the Cherokee Nation? A Yes sir, that was the first time I ever did hear of her being here.
Q Did you know of her before then? A I had heard of her.

BY MR. HASTINGS:

- Q you say you talked to your brother about who the father of this Lula White was did you ever talk or ask your brother to come before the Commission and testify? A Yes sir, I told him if that was his child why didn't he come before the Commission and testify in order for her to get her right.
Q What did he say? A He said he couldn't do it.
Q Why did he say he couldn't do it? A He say he couldn't do it.
Q Did he say why he couldn't come before the Commission or couldn't testify as to his being the father of this child? A He said he just couldn't testify.
Q Why did he say he couldn't testify for her? A I don't know sir, I was trying to get him to come.
Q Did he say he was certain or uncertain as to the fatherhood of this child? A He said he didn't know.
Q Is that the reason why he couldn't testify? A I guess so.
Q In other words he said he would not be positive as to who the father of the child was and for that reason he wouldn't testify?
A That is the way I took it.
Q He never claimed he was married to the mother? A No sir.
Q Never claimed to have lived with her as husband and wife? A No sir.

ON BEHALF OF THE COMMISSIONER:

- Q He didn't say anything about whether he could swear that that was his child or not? A No sir.
Q He just simply said he couldn't testify in the case, and you don't know why he couldn't testify? A No sir, I don't know why but I just thought he didn't know whether that was his child or not.

Q It was just a supposition on your part as to that? A Yes sir.

The Cherokee Nation avouching that it has no further testimony to offer this case will be closed.

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

George H. Lesley

Subscribed and sworn to before me this 15th day of September, 1905.

Bruce Jones
Notary Public.

(C O P Y)

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

In the matter of the Application of Lula White to be enrolled as
a Cherokee Freedman.

Motion for Continuance.

Comes Lula White, by her attorneys, Neal & London, and
moves this case be continued for thirty days, and for cause states
that nearly twelve months ago she employed the firm of Neal & London
to represent her in her citizenship case; that they filed a petition
asking that the case be reopened and that she be allowed to take
testimony in her behalf; that the Hon. Secretary of the Interior re-
opened the case; that some ten days ago she received notice from the
Commissioner that the case would be tried August 31, 1905.

That since receiving said notice she has been confined to
her bed with the fever; that she has been unable to consult with the
said Neal & London with reference to her case; that the said attorneys
have received no notice that action had been taken by the Secretary
of the Interior in this case; that the first notice they had was on
the evening of the 30th day of August, 1905, when a messenger de-
livered to them the notice sent to the petitioner herein.

That if this case is continued she will be able to prove
that she is the legitimate child of Louis Johnson, who is a Cherokee
Freedman; that her father and mother were legally married, and that
she has been a resident of the Cherokee Nation all of her life.

Wherefore, she prays that this case be continued for thirty
days.

(Signed) John London for Lula White

John London, a member of the firm of Neal & London, on his
oath states that the matters set forth in the above motion are true
as he verily believes.

(Signed) JOHN LONDON

Subscribed and sworn to before me this 31 day of July, 1905

My Commission expires 3/25/07 (Signed) J. M. STOUT (Aug. 9)

(S E A L)

(C O P Y)

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

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(Signed) J. M. STOUT (Aug. 9)
MY Commission expires 3/25/07
(S E A L)

(C O P Y)

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Muskegee, Indian Territory.

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Motion for Continuance.

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oath states that the matters set forth in the above motion are true
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(Signed) JOHN LONDON

Subscribed and sworn to before me this 31 day of July 1905

(Signed) J. M. STOUT (Aug.?)

My Commission expires 3/25/07

(S E A L)

AJMS

Cherokee Freedman R 248

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

In the matter of the application for the enrollment of
Lula White as a Cherokee Freedman .

D E C I S I O N .

THE RECORD (copies, original not returned by the Department), IN THIS CASE SHOWS: That on April 9, 1901, Lula White appeared before the Commission to the Five Civilized Tribes at Fort Gibson, Indian Territory, and made application for enrollment as a Cherokee freedman; that further proceedings in the matter of said application were had on September 4, 1901, at Fort Gibson, Indian Territory; and that on July 1, 1903, the Commission rendered its decision herein denying said applicant the right to enrollment as a Cherokee freedman, and that said decision was concurred in by the Commissioner of Indian Affairs on March 13, 1904 (Land 4338-04), and affirmed by the Department on April 16, 1904 (I.T.D. 2898-04).

THE RECORD FURTHER SHOWS: That on August 10, 1905, (I.T.D. 108, 1516-04), upon motion of the applicant, the Department rescinded its decision herein of April 16, 1904, and reopened the case for the purpose of permitting the applicant "to introduce any testimony she may desire as to the marriage of her father and mother, also as to the date when she established a residence in the Cherokee Nation."; and that in accordance therewith, further testimony in the matter of said application was taken on September 14, 1905, at Muskogee, Indian Territory.

The testimony of this applicant taken on April 9, 1901, shows that upon her first appearance before the Commission to the Five Civilized Tribes she testified that her father was one Lewis Johnson and her mother one "Hester", since deceased. This appears to have been an attempt to impersonate one Louella Johnson, daughter of one Lewis Johnson and Hester Johnson, deceased, who was heretofore listed for enrollment as a Cherokee Freedman on card No. 113, and is included in a partial roll of Cherokee Freedmen approved by the Department December 23, 1902, opposite No. 345.

On this occasion applicant's witness, Julia Davis, testified that applicant's mother was then living and was named Sarah Wilson.

The record further shows that after ample opportunity having been afforded the applicant she has failed to establish by satisfactory evidence that she possesses any rights to Cherokee freedman citizenship, hence, her application for enrollment comes within 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. 2296-04), Ed Williams (I. .D. 4230-04), Moses Ross (I.T.D. 6056-04), Jane Looney et al., (I.T.D. 6410, 12688-04), and Florence Bratcher (I.T .D. 12692-04).

THE EVIDENCE IN THIS CASE SHOWS: That if, as alleged, the applicant is a daughter of Lewis Johnson, she is the fruit of an occasional adulterous intercourse, and was begotten, born and raised during a time within which her alleged father was legally incapable of contracting a lawful marriage with her mother, Sarah Wilson, a non-citizen of the Cherokee Nation; and that by reason of the uncertainty of her paternity her putative father is unwilling to appear before this office and testify in her behalf, or to appear upon record as such parent. Excepting the Kern-Clifton Roll the applicant can not be identified upon any roll of the Cherokee Nation in the possession of this office.

IT IS, THEREFORE, ORDERED AND ADJUDGED: That for the additional reasons set out herein, this office affirm the decision rendered in this case on July 1, 1903, by the Commission to the Five Civilized Tribes, and that under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stat., 495), Lula White is not entitled to enrollment as a Cherokee Freedman, and her application for enrollment as such is accordingly denied.

COMMISSIONER

Dated at Muskogee, Indian Territory,

this _____

JCC
BR

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

In the matter of the application of Lula White for enrollment as a Cherokee Freedman:

DECISION

The record in this case shows that on April 9, 1901, Lula White appeared before the Commission at Fort Gibson, Indian Territory, and made personal application for enrollment as a Cherokee Freedman. Further proceedings in the matter of said application were had at Fort Gibson, Indian Territory, September 4, 1901.

The evidence shows that the said Lula White is the reputed daughter of one Lewis Johnson by Sarah Wilson, and that the said Lewis Johnson and Sarah Wilson were never married.

There is no evidence showing that the said Lewis Johnson and Sarah Wilson, or either of them, were slaves of Cherokee citizens or free colored persons residing in the Cherokee Nation at the beginning of the rebellion.

The evidence further shows that the said Lula White was twenty-five years of age at the date of this application; that she was born and raised in the states and never resided in the Cherokee Nation until after the date of her marriage.

The names of the said Lewis Johnson, Sarah Wilson and Lula White are not found on the 1860 authenticated roll of the Cherokee Nation.

It is, therefore, the opinion of this Commission that the application of Lula White, for enrollment as a Cherokee Freedman, should be denied under the provisions of Section Twenty-one of the Act of Congress approved June 28, 1898 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

[Signature]
Chairman.
[Signature]
Commissioner.

C. H. Beckwith
Commissioner.

W. E. Stanley
Commissioner.

Fort Gibson, Indian Territory,
JUL 1 - 1903
this _____

COPY
Cher. 9. D-35

Muskogee, Indian Territory, July 10, 1903.

Lula White,

Wengo, 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 July 1, 1903, rejecting your said application.

You are hereby advised that 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. Needles
Commissioner in Charge.

Enc. D-30
Register.

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 Lula White for the enrollment of herself as a Cherokee freeman.

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,

T. B. Nesbitt

Commissioner in Charge.

COPY

Cher. F. D-36

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 Sala White for the enrollment of herself as a Cherokee freedman, including the Commission's decision dated July 1, 1903, rejecting said application.

Respectfully,

I. B. Needles
Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. D-32

Refer in reply to
the following:
LAND
43550-1904

COPY.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, March 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 Lula White, for enrollment as a Cherokee freedman.

July 1, 1903, the Commission held that Lula White was not entitled to enrollment as a Cherokee freedman.

The evidence shows that Lula White is supposed to be the daughter of Lewis Johnson by Sarah Wilson, and that Lewis Johnson and Sarah Wilson had never been married. From the record it appears that Lula White was born and raised beyond the limits of the Cherokee Nation and that she never resided therein until after her marriage. She was twenty-five years of age at the time of her application, April 9, 1901. She was therefore born after the war. There is nothing in the record which shows that Lewis Johnson or Sarah Wilson, or either of them, were Cherokee freedmen, and their names or the name of Lula White does not appear on the 1890 roll.

In view of the record the approval of the Commission's decision of July 1, 1903, adverse to the applicant, is recommended.

Very respectfully,

A. C. TURNER

Acting Commissioner.

C.A.W.-L.S.

D C 12411-1904.

COPY.

I.T.D. 2292-1904. DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

YHE

April 16, 1904.

Commission to the Five Civilized Tribes,
Muskegee, Indian Territory:

Gentlemen:

On March 15, 1904, the Acting Commissioner of Indian Affairs transmitted the case involving the application of Lula White for enrollment as a Cherokee freedman, and recommended that your decision of July 1, 1903, adverse to the applicant, be approved.

The Department finding no reason to disturb your decision, it is hereby affirmed.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

(Signed) Thos Ryan,

1 inclosure.

Acting Secretary.

Cherokee Freedmen
D 38

Muskogee, Indian Territory, April 25, 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 for the enrollment of Lula White as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 16, 1904.

Respectfully,

Chairman.

Cherokee Freedman
D 38.

Muskogee, Indian Territory, April 25, 1904.

Lula White,
Wingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 1, 1903, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 16, 1904.

Respectfully,

Chairman.

Cherokee Freedman
D 418

Muskogee, Indian Territory, April 26, 1904.

Amelia A. Pickett,
Centralia, Indian Territory.

Dear Madam:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting your application for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 15, 1904.

Respectfully,

W. J. WALKER
CHIEF
COMMISSIONER

Chairman.

Cherokee Freedman
D 418

Muskogee, Indian Territory, April 25, 1904.

Louis T. Brown,
Agent for Amelia A. Pickett,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting the application for the enrollment of Amelia A. Pickett as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 15, 1904.

Respectfully,

Chairman.

Refer in reply to the DEPARTMENT OF THE INTERIOR,
following:

Office of Indian Affairs.

Land
109-1905.
25960-1904.

Washington, January 5, 1905.

The Honorable

The Secretary of the Interior.

Sir:

Referring to Department letter of April 16, 1904 (I.T.D.
2298-1904) there is transmitted herewith an application for reopen-
ing the case of Lula White for enrollment of herself and minor
child Clemmie White, as Cherokee Freedmen; also a registry receipt
given by the Postmaster at Fort Smith, Arkansas.

The record of the case is also enclosed.

Very respectfully,

C.F. Larrabee,

Acting Commissioner.

M.M.M.

W.

DEPARTMENT OF THE INTERIOR,

Y.P.

WASHINGTON,

FHE.

I.T.D. 2298-1904
108-1905.
D.C. 3436-1905.

January 18, 1905.

L.R.S.

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

Gentlemen:

A motion to reopen the Cherokee Freedman case of Lula White, in which she claims for herself and her minor child Elammie White" has been filed with the Department. Your decision in this case, adverse to the applicant Lula White, was affirmed by the Department April 16, 1904. It was stated in your decision that there was no evidence to show that the alleged father of Lula White, Lewis Johnson, was a slave of a Cherokee citizen or a free colored person residing in the Cherokee Nation at the beginning of the rebellion.

As the party now claims, among other things, that her alleged father "is a duly enrolled Cherokee freedman", it is requested that you inform the Department whether this is true, calling upon the applicant if necessary for any information you may desire, to enable you to identify her alleged father.

The application for rehearing is included to be returned with your report. It was filed by Messrs. Neal & London of Fort Smith, Arkansas. A copy of Indian Office letter of January 5, 1905, submitting this motion, is enclosed.

Respectfully,

1 enc. RH

Thos Ryan,

3 inclosures

Acting Secretary.

COPY.

Muskogee, Indian Territory, January 27, 1905.

The Honorable

The Secretary of the Interior.

Sir:

The Commission is in receipt of departmental letter of January 18, 1905 (I.T.D. 108-1905), relative to the motion filed with the Department to reopen the Cherokee Freedman case of Lula White, who was denied enrollment by this Commission and its action affirmed by the Department on April 16, 1904. It is asked that the Commission inform the Department whether or not Lewis Johnson, the alleged father of Lula White, is a duly enrolled Cherokee Freedman, as is claimed in the motion to reopen.

In reply you are advised that the name of Lewis Johnson, the alleged father of Lula White, the applicant, appears upon the final schedule of Cherokee Freedmen, approved by the Secretary of the Interior on December 23, 1902, opposite number 343.

Relative to the motion to reopen, the attention of the Department is called to the record in this case which discloses that the applicant, Lula White, was 25 years of age at the time

COPY.

she made application to the Commission for enrollment as a Cherokee Freedman on April 9, 1901; that she is the illegitimate child of Lewis Johnson and one Sarah Wilson; that she was born outside of the Indian Territory and never had any residence in the Cherokee Nation until a few years prior to her said application.

In this connection your attention is invited to departmental letter of June 9, 1904 (I.T.D. 4430-1904), in the case of William Grimmett, wherein it is held that an illegitimate child born in the State of Kansas of a non-citizen mother, takes the domicile of said mother, and where said child has continued to live outside of the Indian Territory, it is not entitled to enrollment, regardless of the fact that its father is a Cherokee Freedman and entitled to be enrolled as such.

The papers transmitted by you are herewith returned.

Respectfully,

(SIGNED) *Tame Sixby.*
Chairman.

Encl. 00-29.

DEPARTMENT OF THE INTERIOR,

WCY
LLB JP

WASHINGTON.

I.T.D.108,1816-1908.

August 10, 1908.

LES

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

Sir:

On April 16, 1904, the Department affirmed the decision of the Commission to the five civilized Tribes adverse to the applicants in the Cherokee freedman case of Lula White.

On January 5, 1905, the Indian Office transmitted a motion filed by the applicant for a rehearing in said case, in which it was stated that the father of the applicant was a duly enrolled Cherokee freedman.

Reporting on said motion January 27, 1905, the Commission stated that the name of Lewis Johnson, alleged father of the applicant, appears upon the final schedule of Cherokee freedmen approved by the Department December 23, 1902.

From the record it appears that Lula White is the illegitimate child of Lewis Johnson and Sarah Wilson; that she was born outside of the Indian Territory. The testimony, however, is not definite as to the length of time she has lived in the Cherokee Nation. She was 25 years of age at the date of her application, and has been married.

The Commission stated in its decision that she did not rec-

turn to the Cherokee Nation until after her marriage. The record does not show, however, the date on which she was married.

The Commission in its report of January 27, 1905, referred to departmental letter of June 9, 1904 (I.T.D.4430), in the case of William Grinnett, wherein it was held that an illegitimate child born in the state of Kansas of a noncitizen mother takes the domicile of its mother, and is not entitled to enrollment.

With the motion for rehearing was filed the affidavit of the mother of the applicant, in which she states that she was the wife of Lewis Johnson; that she obtained a divorce from said Lewis Johnson according to the "customs" of the country. The applicant claims that if the case is reopened she will be able to furnish proof that her father and mother were legally married and she is the legal offspring of such marriage.

The Department considers the case should be reopened and the applicant permitted to introduce any testimony she may desire as to the marriage of her father and mother, also as to the date when she established a residence in the Cherokee Nation. Departmental decision of April 16, 1904, is hereby rescinded.

Respectfully,

(signed) Theo. Ryan

Acting Secretary.

Cherokee
F-R-248:

Muskogee, Indian Territory, August 17, 1906.

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

Gentlemen:

In the matter of the application of Lula White for her enrollment as a Cherokee Freedman, you are advised that this office is in receipt of Departmental letter of August 10, 1906, (I.T.D. 106, 1516 - 1906), in which the decision of the Department of April 16, 1904, affirming the decision of the Commission to the Five Civilized Tribes, rejecting the application for the enrollment of said Lula White, is resound and the case remanded to this office for further hearing. Testimony is desired as to the marriage of the father and the mother of Lula White and also as to the date when she established a residence in the Cherokee Nation. Lula White has this date been notified to appear before the office of the Commissioner to the Five Civilized Tribes, at nine o'clock A. M., on Thursday, August 31, 1906, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce any testimony it desires in this case.

R. H. A. D., -98

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

Respectfully,

Acting Commissioner.

JH

Enc. M-2

-COPY-

Cherokee Freedmen

R-248.

Muskogee, Indian Territory, August 17, 1905.

Lula White,

Benge, Indian Territory.

Dear Madam:

In the matter of your application for enrollment as a Cherokee Freedman you are advised that this office is in receipt of Departmental letter of August 10, 1905 (I.T.D. 108, 1516-1905); in which the decision of the Department of April 16, 1904, affirming the decision of the Commission to the Five Civilized Tribes, rejecting your application is rescinded and the case remanded to this office for a rehearing. Testimony is desired as to the marriage of your father and mother and also as to the date when you established a residence in the Cherokee Nation.

You are, therefore, hereby notified to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M. on Thursday, August 31, 1905, and introduce testimony as above indicated. The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in this case.

For your information there is inclosed herewith a copy of

Lula White----2

Departmental letter referred to.

Respectfully,

Acting Commissioner.

JEM

Enc.M-1

Register

-COPY-

Cherokee Freedman
R-240

Muskogee, Indian Territory, September 8, 1905.

Lula White,

Benge, Indian Territory.

Dear Madam:

You are hereby advised that on motion of your attorneys, Neal and London, of Fort Smith, Arkansas, a continuance has been granted in your Cherokee freedman enrollment case, from August 31, to September 14, 1905, and you are directed to appear before the offices of the Commissioner to the Five Civilized Tribes, at nine o'clock A. M., on Thursday, September 14, 1905, and introduce further testimony as to the marriage of your parents, and as to your residence in the Cherokee Nation.

The Cherokee Nation will also be permitted to appear on said date and introduce such testimony as it desires in this case.

Respectfully,

(Signed) Wm. O. Beall,
Acting Commissioner.

LMB

-COPY-

Cherokee Freedman
R-240

Muskogee, Indian Territory, September 8, 1905.

Neal and London,

Attorneys for Lula White,
Fort Smith, Arkansas.

Gentlemen:

You are hereby advised that on your motion, a continuance has been granted in the Cherokee freedman enrollment case of Lula White, from August 31, to September 14, 1905.

Lula White has this day been directed to appear before the offices of the Commissioner to the Five Civilized Tribes at nine o'clock A. M., on Thursday, September 14, 1905, and introduce further testimony as to the marriage of her parents and as to her residence in the Cherokee Nation.

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

Respectfully,

(Signed) Wm. O. Beall,
Acting Commissioner.

LMB

Cherokee Freedman
R 240

COPY

Muskogee, Indian Territory, September 8, 1905

Bell, Hastings and Davenport,
Attorneys for Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

On motion of Neal and Londen, Fort Smith, Arkansas, attorneys for Lula White, the Cherokee freedman enrollment case of said Lula White has been continued from August 31 to September 14, 1905.

The said Lula White has been directed to appear before the offices of the Commissioner to the Five Civilized Tribes at Muskogee, Indian Territory, at nine o'clock, A.M., on Thursday, September 14, 1905, and introduce testimony as to the marriage of her parents and as to her residence in the Cherokee nation.

The Cherokee Nation will also be permitted to appear on that date and introduce such testimony as it desires in this case.

Respectfully,

W. C. Beall

Acting Commissioner

LMB

cc: Mr. Beall

COPY.

Cherokee
F R-248.

Muskogee, Indian Territory, September 20, 1908.

Neal & London,

Attorneys for Lula White et al.,
Fort Smith, Arkansas.

Gentlemen:

There is inclosed herewith a copy of supplemental testimony of September 14, 1908, in the matter of the application for the enrollment of Lula White et al., as Cherokee freedmen, together with a receipt of same which you will please sign and return to this office.

Respectfully,

SIGNED

Wm. B. Beall
Acting Commissioner.

Incl. GL-20.
GHL

JK 248

COPY.

Muskogee, Indian Territory, September 20, 1905.

Hell, Hastings & Davenport,

Attorneys for the Cherokee Nation,
Muskogee, Indian Territory.

Gentlemen:

There are inclosed herewith copies of supplemental testimony of September 14, 1905, in the matter of the applications for the enrollment as Cherokee Freedmen of Lula White et al., Cherokee Freedman N-248, and Jackson Fields et al., Cherokee Freedman N-452.

Respectfully,

Very truly,
yours,

Wm. B. Beale
Acting Commissioner.

Incl. GI-19.
GHL

Muskogee, Indian Territory, December 27, 1905

The Honorable,

The secretary of the Interior.

Sir:

There is transmitted herewith a copy of the record of original proceedings had, and the original of the supplemental proceedings had on September 15, 1905, in the matter of the application for the enrollment of Lula White as a Cherokee freedman, including the Commissioner's decision dated December 27, 1905, affirming the decision of the Commission to the Five Civilized Tribes of July 1, 1903, rejecting said application.

On August 10, 1905 (I.T.D. 108, 1516-1905), this case was reopened by the Department for the purpose of permitting the applicant to introduce testimony as to the marriage of her father and mother and as to when she established a residence in the Cherokee Nation. The original record was not returned by the Department.

Incl. B-17

Commissioner

Through the

Commissioner of Indian Affairs.

Cherokee Freedmen

R-248.

Muskogee, Indian Territory, December 27, 1905.

Lula White,

Benge, Indian Territory.

Dear Madam:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, affirming the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting your application for enrollment as a Cherokee freedman. Your attorneys, Neal & London, Fort Smith, Arkansas, have heretofore been furnished a copy of the record of proceedings, and there has this day been forwarded to them a copy of the Commissioner's decision.

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

Respectfully,

Incl. 8-16
Register


Commissioner.

Cherokee Freedmen

H-248.

Muskogee, Indian Territory, December 27, 1905.

Veal & London,

Attorneys for Lula White,
Fort Smith, Arkansas.

Gentlemen:

There is inclosed herewith a copy of the decision of the Commissioner to the Five Civilized Tribes, dated December 27, 1905, affirming the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting the application for the enrollment of Lula White as a Cherokee freedman. You have heretofore been furnished a copy of the record of proceedings.

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

Respectfully,

Incl. 3-18

Commissioner.

Cherokee Freedmen

R-248.

Muskogee, Indian Territory, December 27, 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 December 27, 1905, affirming the decision of the Commission to the Five Civilized Tribes, dated July 1, 1903, rejecting the application for the enrollment of Lula White 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-16

Commissioner.

D. C. 9460-1906.
I.T.D. 2298-1904.
108-1905.
1516- "

LRS

J. F.Jr.

LLB

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

March 7, 1906.

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

Sir:

On August 10, 1905, the Department addressed a communication to you in the matter of a rehearing in the Cherokee freedman case of Lula White. You were advised that the case should be reopened and departmental decision of April 16, 1904, in this case was rescinded.

It is desired that you furnish a report as to what action may have been taken by you in the premises.

Respectfully,

(Signed) Thos. Ryan,
First Assistant Secretary.

Through the Commissioner
of Indian Affairs.

Muskogee, Indian Territory, March 13, 1906.

The Honorable,

The Secretary of the Interior.

Sir:

This office is in receipt of Departmental letter of March 7 (I.T.D. 2298-1904, 108,1516-1905), referring to its letter addressed to this office of August 10, 1905, in which the Cherokee freedman enrollment case of Lula White was reopened and Departmental decision of April 16, 1904, rescinded. The Department requests a report as to what action has been taken by this office in said case.

In reply you are respectfully advised that on September 14, 1905, a further hearing was had in the case of said Lula White; that on December 27, 1905, the Commissioner to the Five Civilized Tribes rendered his decision adverse to the applicant, and that on the latter date the decision, together with the record of the proceedings had, was forwarded to the Department.

Respectfully,

Acting Commissioner.

LS

Through the
Commissioner of Indian Affairs.

COPY

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,

LAND
144-1906
23646- "

WASHINGTON.

May 23, 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 December 27, 1905, transmitting the record of the application for enrollment as a Cherokee Freedman by Lula White.

December 27, 1905, the Commissioner decided adversely to the applicant.

The record shows that on April 16, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes denying enrollment to the applicant, and that thereafter, on August 10, 1905 (ITD 108,1516-04) the Department rescinded its action and remanded the case for further testimony. The record further shows that after ample opportunity the applicant has failed to establish by satisfactory evidence that she possesses any rights to Cherokee Freedman citizenship.

In view of the record the approval of the Commissioner's decision of December 27, 1905, adverse to the applicant, is recommended.

Very respectfully,

C. F. Larrabee

Acting Commissioner.

MMH
C

-COPY-

J.Y.Jr.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

FHE.

D. C. 22789
I.T.D. 9600-1906.
2298-1904.
L.R.S.

June 1, 1906.

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

Sir:

December 27, 1905, you resubmitted the record in the matter of the application for the enrollment of Lula White as a Cherokee freedman, including your decision of the same date, adverse to the applicant.

Reporting May 23, 1906, the Indian Office recommends that your decision be approved. A copy of its letter is inclosed.

The record shows that on April 16, 1904, the Department affirmed the decision of the Commission to the Five Civilized Tribes adverse to the applicant in this case, and that thereafter, on August 10, 1905, the Department rescinded its former action and remanded the case for further testimony. The record further shows that after ample opportunity the applicant has failed to establish by satisfactory evidence that she possesses any right to enrollment.

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

Respectfully,

Jesse E. Wilson,

Assistant Secretary.

1 inclosure.

Cherokee Freedman
E 248

Muskogee, Indian Territory, June 13, 1906.

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

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting the application of Lula White for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 1, 1906.

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

Respectfully,

Commissioner.

Incl. P-11
MMP

Cherokee Freed-
man R 248

Muskogee, Indian Territory, June 13, 1906.

Lula White,
Benge, Indian Territory.

Dear Madam:

You are hereby advised that the decision of the
Commissioner to the Five Civilized Tribes dated December
27, 1905, rejecting your application for enrollment as a
Cherokee freedman, was affirmed by the Secretary of the
Interior June 1, 1906.

Respectfully,

Commissioner.

MP

Cherokee Freedman
F 248

Muskogee, Indian Territory, June 13, 1906.

Neal & London,
Attorneys for Lula White,
Ft. Smith, Ark.

Gentlemen:

You are hereby advised that the decision of the Commissioner to the Five Civilized Tribes dated December 27, 1905, rejecting the application of Lula White for enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior June 1, 1906.

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

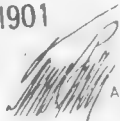
Respectfully,

Commissioner.

Incl. P-26
MCP

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

FILED
APR 9 1901



ACTING CHAIRMAN

CHEROKEE FREEDMEN.

Date APR 9- 1901

Post Office Berge

District Piquette

1. Name _____ Age _____

Owner's name _____ Citizenship _____

Year _____ Page _____ No. _____ District _____

Parents: _____ Citizenship _____

Father _____ Citizenship _____

Mother _____ Citizenship _____

(1) Name of wife *Lula Johnson White* Age *25*

Owners name _____ Citizenship _____

Year *K C* Page *93* No. *2346* District *Seymour*

Parents: _____ Citizenship *Colored*

Father *Lewis Johnson* _____ 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 *Wm. H. [unclear]* Stenographer *Rosa J. O.*

(1) on K.C. Roll "Lulla Johnson"

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Lula ^{White} Johnson,

Benge, Indian Territory,

Cherokee F-D-35

Register.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

Cher. Fr. R. 249

See Cher. Fr. 1316, 7-8-9-20-21-22

Cher. Fr. R. 249

File with C.F. D-912, Nancy Claggett.

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

In the matter of the application of Ibbie Daniels for the enrollment of herself, one child, one grandchild and husband as Cherokee Freedmen; said Daniels being sworn and examined by Commissioner T. B. Needles, testified as follows:

Appearances:

Messrs. Mellette & Smith, for applicants.

Messrs. Hastings and Davenport for Cherokee Nation.

- Q What is your name? A Ibbie Daniels.
Q How old are you? A I don't know how old I am. (Hands paper to Commissioner.)
Q What is your post-office? A Dewey.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q What do you want to enroll besides yourself? A My children.
Q How many children have you got under 21 years of age and not married? A I ain't but but three married.
Q Well, you haven't got any children under 21 years of age, have you? A No, sir.
Q Is Frankie your son? A Yes, sir.
Q What is Martha Ann? A That is my child.
Q Josephine? A That is my daughter.
Q You haven't got but one child here under 21; what is that one's name, Frankie? A Yes, sir. (17 years of age.)
Q You got a grand child here named Martha Ann? A Yes, sir.
Q Born in 1889; is your name on the roll of 1880? A It ought to be.
Q Well, is it? A I could not tell you whether it is or not.
Q What was your father's name? A Thomas Watie.
Q Is he living? A No, sir.
Q What is your mother's name? A My mother's was Peggie Vann.
Q Is she living? A No, sir, she is dead.
Q Are you married? A Yes, sir.
Q What is your husband's name? A Andy Daniels.
Q Is he a citizen? A Yes, sir.
Q Has he been enrolled? A Yes, sir.
Q Why didn't he enroll you when he enrolled himself? A He was enrolled.
Q Has he been enrolled by us? A No, sir, He can't come live to wheel him around on a chair.
Q Do you want to enroll him? A Yes, sir.
SMITH:
Q Mrs. Daniels, how many children have you older than the child Frankie for whom you apply? A I have got two, Frankie is the baby, I got three that is older that is on the rolls.
Q How many children have you over 21 years of age? A I have not got but three.
Q Who are they? A Charley, Nancy and Lucinda.
Q Is Nancy's name still Daniels? A Nancy Claggett.
Q Is Lucinda Daniels yet? A Yes, sir, she is living with me.
Q Where do you live? A I live on Caney.
Q Cherokee Nation? A Yes, sir.
Q For long have you lived on the place you live on now? A 27 years or longer.
Q Have you got a farm there? A I have had it fenced, we haven't cut there.
Q Where is Nancy living? A She is living over here on California Creek.
Q What is her husband's name? A John Claggett/
Q Where does he live? A Right there near me at Dewey.
Q How old is Charley? A I don't know.
Q Was he born after the war? A Born long before the war.

Ibbie Daniels et al 2

Q Where was Nancy born? A She was born down here at Gibson after the war.

Q How old is Louisa, where was she born? A On Caney.

Q How many children did you have at the close of the war?

A Didn't have but the three.

Q What were their names? A Jim, Millie and Charley.

Q What has become of Jim and Millie? A They are dead.

Q What is your husband's name? A Andy Daniels.

Q When were you and Andy married? A Married long before the war.

Q Are these children whose names you have mentioned all his children and yours? A Yes, sir.

Q Were you a slave before the war? A Yes, sir.

Q When did you belong to? A Thomas Carey and his wife.

Q Were they citizens of the Cherokee Nation? A Yes, sir.

Q Where did they live before the war? A Lived right on Grand river.

Q Where were you living at the time the war come up?

A Living on Grand river.

Q Were you taken out of the Cherokee Nation during the war?

A Taken down to Fort Smith, my old boss took me down there and hired me out to work.

Q When did you return to the Cherokee Nation after the war?

A I come back after Abraham Lincoln got killed; come back to Gibson.

Q How do you know that? A They all said so.

Q Who did you come back with? A I come back with Government troops.

Q He was with you when you come back? A There was a whole lot of Cherokees and Creeks.

Q Did you have any children at that time? A I had three.

Q Did you bring them back with you? A Yes, sir.

Q Where was your husband? A I could not tell you, he was in the army then.

Q How long a time you got back before he got back? A It was about a year and he come back to see me, we was down at Gibson.

Q How long were you about Fort Gibson at that time? A I stayed down there pretty near two year when I moved up to Caney.

Q And where have you been living since you moved to Caney? A I a'n't been living at no other place.

Q This child, Frankie, you apply for is that a boy or girl? A Boy.

Q Does Frankie live with you? A Yes, sir.

Q Has he ever lived anywhere except the Cherokee Nation?

A No, sir, never did.

Q What is the reason your husband isn't here? A He is paralysed and could not walk.

Q Not able to come? A No, sir.

BY MR. SPASTNER.

Q You say the troops brought you back from Fort Smith up to Fort Gibson? A Yes, sir.

Q How far below Fort Smith were you when you got with the troops? A Right in Fort Smith.

Q Right in the town? A Yes, sir.

Q And you come back up from there to Fort Gibson? A Yes, sir.

Q Now, with whom did you live when you come up to Fort Gibson? A I lived with old Aunt Sallie Bacon, she is a grandmother of my daughter.

Q Now, where did Sallie Bacon live? A Lived right in the bottom.

Q How far was that from Fort Gibson? A It is not very far from Fort Gibson, right on the edge of the lake.

Q What family did Sallie Bacon have at that time? A No one out her daughter.

- Q What was her daughter's name? A Fanned Polly Nivens.
- Q They were living together at that time? A Yes, sir.
- Q Is she a witness in your case? A Yes, sir.
- Q Did you have her called up here a while ago? A No, sir.
- Q Was any of your children born there? A Had a little girl born there.
- Q What was her name? A Nancy Jane.
- Q Is Nancy alive? A Yes, sir, she is alive.
- Q How old is Nancy? A I could not tell you exactly how old she is.
- Q Have you got it down on your paper? (No response.)
- Q Well, now how long did you continue to reside there with Sallie Bacon? A I stayed there a year and a half.
- Q Now about what time of the year did you get there? A I come there in the fall.
- Q In the fall of '65? A Yes, sir.
- Q What time did you leave there? A I left there in the spring.
- Q Now, was that the spring of '66 or '67? A I could not tell you what time.
- Q You stayed there two winters? A Yes, sir.
- Q Now, where did you go from there? A I went to Caney where I am living now.
- Q Direct from there? A Yes, sir.
- Q Now, did you go with your husband out there to Caney? A Yes, sir.
- Q And by what you mean your husband, Andy Daniels? A Yes sir.
- Q You and him continued to reside there ever since have you? A Yes sir.
- Q Now let's get it right, you claim to have come there in the fall of '65, you stayed there a year and a half A Yes, sir.
- Q And left there in the spring? A Yes, sir.
- Q And you stayed there two winters? A Yes, sir.
- Q And left there in the spring of '67? A Yes, sir.
- Q Now, how far from Bartlesville was it you went? A Three miles.
- Q Was there a town there at that time? A No, sir.
- Q Who were you neighbors at that time out there? A Nobody but the Osages.
- Q - Any of the Delawares living out there at that time? A No, sir.
- Q Did you and your husband settle down at that time, you and Andy? A Yes, sir.
- Q And you continued to live together? A Yes sir.
- Q He never went off and you never went off? A He went off to work.
- Q After you moved up there? A No, sir.
- Q He never left and you never? A No, sir.
- Q That was in the spring of '67? A Yes, sir.
- Q Now, about what direction from Bartlesville was that, on Caney? A North.
- Q And you continued to stay right there ever since? A Yes, sir.
- Q From that day to this? A Yes, sir.
- Q Well, what was your first child born on that place? A Thomas.
- Q Tom was the first one born there was he? A Yes, sir.
- Q Now, how old is Tom? A I could not tell you how old he is.
- Q How long had you been living up there when Tom was born? A About a year and a half.
- Q And you don't remember how many years old Tom is? A No, sir.
- Q You didn't bring Eseline back from Fort Smith with you? A I did.
- Q Is she here? A She is dead.
- Q Well, then when you were living with Sallie Bacon you had three children? A Yes, sir.
- Q And another one was born there? A Yes, sir.
- BY COM' R NEEDLES:
- Q You say you didn't see Andy Tor about a year after you got to Fort Gibson? A No, sir, he was in the service.

Q Soldier? A Yes, sir.

Q He come there about a year after you did? A Yes, sir.

Q He been with you ever since? A Yes, sir.

BY MR. HASTINGS:

Q How long did you and he live together at Fort Gibson, before you moved to Caney? A I told you we stayed down there a year.

Q I mean with Andy, how long did Andy stay down there with you at Fort Gibson before you and he moved to Caney? A A year and a half.

Q Was Andy there with you all the time? A Yes, sir.

Q And you and he lived together and you moved from there up to Caney? A Yes, sir.

BY MR. SMITH:

Q Mrs. Daniel, I asked you awhile ago the names of your children besides Frankie and you spoke of James, Henry and Charley, and of Nancy and of Emeline and stated that Emeline and James were dead? A Yes, sir.

Q Now, these children whose names I have just called are not all of your children? A Yes sir.

Q Did you have any other? A Yes, sir, of course I have got some other, there is Josephine and Thomas.

Q Is Josephine still Daniels? A Yes, sir.

Q Where is she? A She is at home.

Q Living with you? A Yes, sir.

Q Where was she born? A Living on Caney.

Q Was she always lived with you? A Yes, sir.

Q Well, now, you spoke of a Thomas awhile ago? A Well, he is with me too.

Q Is he married or single? A No, sir, single.

Q Is he your child? A Yes, sir.

Q Well, was there any others, how about Freeman? A He is dead.

Q How about Lucinda? A Lucinda is my daughter.

Q Is her name still Lucinda? A Yes, sir, she is married.

Q Is she living with you? A Yes, sir; Lewis; Jonas ain't married.

Q Where does Lewis live? A He lives with me.

Q Where was he born? A Caney, Cherokee Nation.

Q Has he lived anywhere else except the Cherokee Nation? A No, sir.

Q Where does Jonas live? A Cherokee Nation.

Q Now about Martha Ann? A She ain't never lived n. wheres else either.

Q Who was the mother of Martha Ann? A She was a Gaskin.

Q Who was the father? A My son Jim.

Q Is she living with you? A Yes, sir, I have had her ever since she was a baby.

Q How old is she? A 12 years old.

Q The father is dead? A Yes, sir.

Q The mother is dead? A Yes, sir.

BY COURT REEDLES:

Q What is the father's name now of Martha? A Jim.

Q Well, who is the mother? A The mother is dead, she is a Gaskin.

Q Is she a citizen? A No, sir.

Q Was James and the mother of this Martha ever married? A Yes, sir.

Q What was her name? A Ellen Gaskin.

Q She was a non-citizen was she? A Yes, sir.

Q Well, were they ever married? A Yes, sir.

Q How do you know that? A The preacher married them.

Q Did you see them married? A I didn't see them married.

Q You will have to prove that marriage? A Well I guess I can prove it.

BY MR. SMITH:

Q Do any of the witnesses that you called up here know about this

marriage of your son? A Lewis Daniels I guess know it.

Q Where were they married? A On Caney.

Q How long did they live together? A About eight or nine years.

Q Did they live together as man and wife? A Yes, sir.

Q In the house where you were living? A Yes, sir.

Q Did he ever have any other wife? A No, sir, not as I know of.

Q Did she ever have any other husband? A Not as I know of.

Q Did the people in the community call them husband and wife, regard them as husband and wife and receive them as husband and wife? A Yes, sir.

BY MR. HASTINGS:

Q Did she have any children before she married him? A No, sir.

Q I believe you stated that you and your husband lived together down there at Fort Gibson for a year and a half before you moved up to Caney? A Yes, Well, we did.

Q Now, you lived down there with your husband, did you, Andy Daniels? A Yes, sir.

Q About how long had you been at Fort Gibson until your husband come, or did he come first? A He come after he was mustered out and I don't know when he was mustered out.

Q I want to know how long that was after he come up there?

A Little over a month.

L. D. DANIELS, being first duly sworn by Commissioner T. B.

Needle, testified as follows: BY MR. SMITH:

Q State your name? A L. D. DANIELS.

Q Where do you live? A Claremore.

Q How old are you? A 56.

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

Q Are you a Freedman of the Cherokee Nation? A Yes, sir.

Q Recognized citizen? A Yes, sir.

Q Do you know this applicant, Ibbie Daniels? A Yes, sir, I do.

Q How long have you known her? A I have knowed her ever since '35.

Q Did you see her in 1865? A I seen her sir.

Q Where? A Fort Gibson.

Q What time in '55? A It was in the fall.

Q State the circumstances of your seeing her? A Well, there was wagoners come from Fort Smith and there was a good many people come up in the wagons; they were going on to Fort Scott and she stopped there and inquired for a certain family there and I told them where they were and then after that I seen her very frequently.

Q How long did she remain in that settlement, do you know?

A Well, she remained there I guess a year or such a matter.

Q You don't know exactly how long she stayed? A No, because sometimes I would see her sometimes twenty days and sometimes more than that, because I would see her every twenty days, every time they would come to draw rations I would see her there.

Q Do you know where she lives now? A Yes, sir.

Q Where? A Over on Caney four miles above Bartlesville, north.

Q Do you know how long she has been living there? A I have been living up here 25 years and when I moved up here they were living over there and living there now, when she is at home.

Q Do you know her children? A Well, she had three to Fort Gibson, two girls and a boy.

Q She had three you say? A Yes, sir, three.

Q Do you know how many she has had since that time? A She has had a house full now, I haven't been to her house since '88. I was over there then and there was five I know was down with the child then in '88.

Q You don't know how many there was that didn't have the child?

A No, sir, there was a good many running around there.

Q Did you know Andy, her husband? A Andy Daniels, Yes sir.

Q Do you know whether Andy was out of the Cherokee Nation during

the war? A Yes, sir, he belonged to the Second Regiment.

Q Do you know when he came back? A He came back to Gibson after that, he come there and set this woman down there, I don't know whether it was in '57 or the latter part of '67.

Q Do you know when Andy was mustered out? A No.

Q Do you know of your own personal knowledge when he come back to the Cherokee Nation? A No, because I was living in Gibson and he wasn't mustered out there and I could not tell you what time; he hit the other part of the Cherokee Nation.

Q Was Ebbie a slave? A I didn't know the former owners at all.

Q You didn't get acquainted with her until '65? A Yes, sir, not until to Gibson.

BY THE COURT:

Q When did you first see Andy Daniels after the war? A I think it was in '67 or either latter part of '65 when he came to Gibson.

Q And that is the time you seen him in Gibson after the war? A Yes, sir, I seen him in the way.

Q With whom was this woman living down there when you know her first after the war? A She come there every time she would come to get rations she would come with Isaac Grapo's wife.

Q What was her name? A I don't know, claimed to be her mother.

Q Claimed to be whose mother? A This woman's mother.

Q You don't know whose house she stayed? A She stayed at her own house on the old lake, about a mile from Houston Bengo's.

Q You saw her three children at that time? A Yes, sir, and I seen and her children there too.

Q What were the names of these children you saw at that time?

A I don't know, it was strange to see a Cherokee with a little white child and she had a white child at that time.

Q Well do you know that she continued to reside around there at that time? A She stayed around there four or five months to my knowledge.

Q You would see her about when she come and get her feet under the table to get rations? A She come to the old house the people applied to get the rations.

Q You are willing to swear that she was there from '65 until '67? A I am willing to swear that she was there in '65 and around there four or five months.

Q To be positive about that? A Yes, sir.

Remainder of application taken by stenographer, Chas. von Weice.

---030000000---

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

(signed) J.O. Rossen.

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

(signed) T.B. Needles,
Commissioner.

Continued from Stenographer, J.O. Rossen. * * *
Nowy, I. T., June 25th, 1901.

In the matter of the application of Ebbie Daniels et al.
PASTOR WILLIAM called and sworn by Commissioner T.B. Needles testified as follows:

By Mr. Smith, of counsel for Applicant-

Q What is your name? A Pastor Williams.

Q Do you know this applicant, Ebbie Daniels? A Yes, sir, slightly acquainted with her for 25 years.

Q Do you know where she lives? A Yes sir.

Q When did you first see Andy back here after the war? A At Vinita before the Wallace court.

POLLY WIVENS, called and sworn as a witness for the applicant-
By Mr. Smith:

Q What is your name? A Polly Wivens.

Q How old are you? A 56

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

Q When did you first get acquainted with her? A Just after peace was made I met her.

Q You didnt know her before the war? A No sir.

Q You dont know who she belonged to? A No sir.

Q Where did you first see her after the war? A At Fort Gibson.

Q How long after peace was declared? A In the fall, peace was declared in the summer and she came in the fall, the first fall after peace.

Q How long did she stay around there? A I guess she staid there a little over a year, I seed her around there about that long.

Q Did you know her after that when she went up on Caney to live?

A No sir.

Q Never have been at her house on Caney? A No sir.

By Hastings-

Q Who did she live with at Fort Gibson? A Her husband was a soldier when I saw her she lived in a little log house and a white girl, yellow girl, it was here though.

Q How far from where you lived? A I was in town and my grandmother lived at the lake and she lived close to my grandmother, closer to town than my grandmother did.

Q What name did she go by then? A Carrye.

Q Was she married then? A I dont know; she said when she came there that her husband was in the army.

Q How long after that before you saw her husband? A I dont remember, didnt pay no attention to him, no I didnt.

Q You dont remember him? A Yes sir, but I dont know how long after that that I seed him.

Q How many children did she have there? A Only that white one.

that Q Was that a girl or a boy? A Girl.

Q Do you know Sallie Bacon? A Yes sir that is my grandmother.

Q Did she live in town? A She lived at the lake, this side of Connan Vann's.

Q And this woman lived down there close? A Yes sir.

By Commission of applicant-

Q Did you ever draw money for wartha? A Yes sir.

Q Did you draw your strip money? A No sir.

Applicant not found on the authenticated roll of 1880.

Applicant not found on the Census roll of 1896.

Applicant not found on the Kern Clifton roll.

Wallace roll examined and the name of applicants found as follows-

Page 111 No. 2356 Andrew Daniels, Cherokee Nation.

Page 111 No. 2361 Ebbie Daniels

Kern Clifton roll examined and the name of applicants child found as follows-

Page 124 No. 3083, Frank Daniels, Delaware district.

Q Did you ever apply to the Cherokee authorities to have your name put on the 1880 roll? A Yes sir.

Q Where did you apply? A At Claremore.

Q That was when they was around taking the census? A Yes sir.

Q You never went to Tahlequah to have it done? A No sir.

Q Did your husband? A No sir.

Q You didnt get your strip money for yourself or husband? A No sir only for the children, me and the old man and Lewis was left out.

Q Is Martha living? A Yes sir.

Kern Clifton roll examined and the applicants child Martha identified as follows:
Page 124 No. 3084 Martha Daniels, Delaware district.

By Com'r Needles-

Ebbie Daniels applies for herself, her husband Andy and son Frank, and for a grand daughter Martha, 12 years of age. The said Ebbie and Andy Daniels are not identified on any roll except the Wallace roll; her son Frank is identified on the Kern Clifton roll and also her grand daughter Martha. She avers that she and her husband were slaves in the Cherokee Nation and went out of the Cherokee Nation during the war but returned here in 1865 or 1866. She has lived here ever since. She avers that James Daniels, her son, is the father of Martha, by his wife who was a non-citizen. Makes satisfactory proof between the said James Daniels and his wife Ellen, the father and mother of the said Martha. By reason of the fact that they are not found on the authenticated roll of 1880, and by reason of the protest of the Cherokee Nation the said Ebbie Daniels, her husband Andy, her son and grand daughter will be listed for enrollment as Cherokee Freedmen on a doubtful card and she will be notified by mail of the final decision of the Commission.

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

(signed) Chas. vonWeise.

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

(signed) T. B. Needles,
Commissioner.

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

H. B. Green

Subscribed and sworn to before me this November 21, 1901.

COMMISSIONER

Notary Public.

File with John Claggett et al C.F.D. 912

Department of the Interior,
Commissioner of the Five Civilized Tribes,
Vinita, Ok., October 24, 1903.

SUPPLEMENTAL TESTIMONY in the case of Andrew Daniels, C. F. D. #859

W. W. Hastings attorney for the Cherokee Nation.
Mellette & Smith attorneys for the applicant.

JOE B. PARKER, being first duly sworn by Commissioner C. R. Breckinridge, testified as follows on the part of the Cherokee Nation:

- Q What is your name? A Joe B. Parker.
- Q How old are you? A I don't know exactly, between 33 and 4.
- Q What is your post office? A Weidow.
(By Hastings)
- Q How far do you live from the town of Doney? A About 7 miles north.
- Q Do you know a colored man in the vicinity named Andrew Daniels? A
- A Yes sir.
- Q Do you know his wife? A No sir, I don't.
- Q Do you know her name? A No sir, I don't.
- Q Is this man an old like man, middle age or young man? A Old like.
- Q Has he a family? A Yes sir.
- Q Do you know any of the members of his family? A No sir, I don't, I have never been to their home.
- Q How long has he been living out in that vicinity? A Ever since the
- ~~Delawares came there.~~
- Q What year did the Delawares come there? A In '68.
- Q Do you belong to the Delaware tribe? A Yes sir.
- Q Where did you first know this Andrew Daniels? A Up here in Kansas where the Delawares had their reservation.
- Q How long did you know him in Kansas? A About a year.
- Q Did you come here with the Delawares? A No sir, there was a few families come first, the first ones that started they stopped here on Grand river, and I went with them, we stopped with the Wyandotts first and then come on.
- Q About what time did you leave Kansas? A Went through Lawrence Kansas on the first day of January '68.
- Q Prior to that time you had known Andrew Daniels in Kansas about a year? A Yes sir.
- Q Did he come with you? A No sir.
- Q When did you next see Andrew Daniels? A That was along in August some time in '68.
- Q Where? A Up there on Grand.
- Q In the Cherokee Nation? A Yes sir.
- Q State how you come to see him? A I and another boy got on our horses and went visiting and we rode on to the camp there on Cane and saw him.
- Q Whose camp? A The Delaware camp.
- Q How far was that from where this Andrew Daniels is now living? A
- A About three miles back.
- Q In the same neighborhood there? A Yes sir.
- Q Have you known him ever since? A Yes sir.
(By Smith)
- Q How old were you when you came to the Cherokee Nation? A Just as I
- was a white boy, I don't know my age exactly.
- Q Well, about how old were you? A Don't know about that.
- Q Were you grown? A Yes sir.
- Q Married or single? A Married.

Q Where did you come from the Cherokee Nation in Kansas?
Q Near what place in Kansas, now? A He used to live 2 or 3 miles north east of Lawrence.
Q You didn't come here when the regular bout of Holstoner came? A No sir we came before and stayed at the Wyandotte reservation and staid all winter.
Q You stated that you knew Larry Burdette in Kansas? A Yes sir.
Q Can you give the year that you knew him in Kansas? A It must have been about '65 we was working in the hay field when I saw him first.
Q Did you ever see him any more after '65? A Yes sir.
Q Where? A He was working out far from where I lived, working for old man Sarcoxis.
Q How long after that before you next saw him? A Must have been about a year.
Q How long had it been since you saw him before you came here? A I don't know exactly.
Q A year or two? A Yes sir, about a year or such a matter.
Q You don't know where he was during that time? A No sir.
Q All you know is that after you got here in the Cherokee Nation you say in '66 this same man? A Yes sir.
Q Did he have a wife? A I don't know.
Q If he had you don't know her name? A No sir.
Q Don't know any of his children? A No sir.

(By Hastings)

Q Did you know this man in Kansas? A Yes sir.
Q Where was he when you left in there about the first of '68? A I can't tell that I don't know where he was then.
Q Had you seen him there before that? A Yes sir.
Q Where had you seen him? A He was working for old man Sarcoxis.
Q How long before you left there had you seen him? A I don't remember that.
Q Have you no knowledge as to about how long you saw him in Kansas before you left there and come down here? A No sir I don't know.
Q You have no judgment as to whether it was a short time or a long time? A No sir.

(By the Commission)

Q Your first recollection of him in Kansas was in '65? A Yes sir in '65 or '66.
Q Soon after the close of the war? A Yes sir.
Q Was he living in your neighborhood at that time? A Yes sir, four miles from where we lived.
Q Where did he live with reference to your home from that time until the first of January 1865? A I don't know.
Q You don't know if he continued to live there in that neighborhood or not? A No sir.
Q Have you any distinct recollection of seeing him from '65 until you left in 1868? A No sir I never paid any attention to the fellow; the way I got acquainted with him was in the hay field in '65 or '66.
Q Have you any recollection of seeing him from that time until 1867? A No sir.
Q If he was living in your neighborhood that you don't recollect it? A No sir.

(Continued by stenographer James C. Jones)

This, you will see, being fully 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 statement of the proceedings in the above case.

(has sworn)

sworn to before me this the 7th of October, 1901.

[Handwritten signature]

Commissioner.

Continued from testimony taken by Chas. von Weise. -

JOHN YOUNG, being duly sworn and examined by Commissioner Brockbridge, testified as follows; through Joe B. Parker, interpreter:

- Q Give me your full name please? A John Young.
- Q How old are you? A About 56.
- Q What is your postoffice? A Weldon.
- Q Are you a native of the Cherokee Nation? A Yes, sir.
- Q Are you a Cherokee Indian? A Yes, sir.
- Q What are you, a Delaware? A A Delaware.
- Mr. Hastings: How far do you live from the town of Dewey? A About six miles.
- Q What direction? A A little bit northwest.
- Q Do you know a colored man out in that vicinity by the name of Andrew Daniels? A Yes.
- Q Do you know his wife? A Yes, I have seen his wife.
- Q Do you know her name? A No, I don't know her name.
- Q How long have you known Andrew Daniels? A About a year before I left Kansas.
- Q When did you come from Kansas? A I don't know, it has been about 35 years ago.
- Q Did you come with the Delawares when they came to this country? A Yes.
- Q You don't remember the year that the Delawares came here? A No.
- Q Was it before or after the Delaware Treaty with the Cherokee Nation, the Delaware Agreement? A Yes, after the treaty.
- Q What were you doing up there in Kansas? A I was making some ties there on the railroad.
- Q How far was that from where you lived? A About half a mile from where I lived.
- Q Do you know what time of the year you left up there? A Left there in the spring.
- Q Do you know where Andrew Daniels was when you left, where Andrew was when you started to come down here? A No.
- Q Well, what became of Andy? A Well, when I started I don't know, I don't know where Andrew Daniels was, but after the Delawares came together at the camp, why Andrew was there.
- Q What camp? A A little west of Lawrence.
- Q Kansas? A Yes, sir.
- Q Then what became of Andrew Daniels? A He came down with them.
- Q Came down with the Delawares? A Yes, sir.
- Q Where did he come to? A Here on Ganey, Cherokee Nation.
- Q Has Andy lived up there in that vicinity ever since? A He went back to Kansas after they came down here.
- Q That is Andrew Daniels? A Yes.
- Q How long did he stay up there, or stay away? A I don't know how long he was gone, but he went after his family up there in Kansas.
- Q When he came back did he have his family? A Yes, he had his family.
- Q Well, have you known him here then ever since? A Yes.
- Q Well, he has a wife and some children, has he? A Yes.
- Mr. Smith: How old were you when you came down to the Cherokee

Nation with the Delawares? A I don't know my exact age, but I was about 24.

Q Did the Delawares all come at one time, or did they come at different times? A Different times.

Q How many times that you recollect about? A Twice.

Q How many Delawares were in the party you speak of, the party you came with? A I don't know, but I know there was seventy wagons in the outfit.

Q Can't you state what year that was in? A No, I think it was about '27.

Q You don't know anything about the man Andrew Daniels up to about the year before you started to the Cherokee Nation, do you? A No.

Q You said something about his going after his wife, and about his returning; when he returned, how close did he come to you to live?

A Five or six miles.

Q Now can't you tell us what his wife's name was? A No.

Q Did you see his wife? A Yes, saw her often in her life time.

Q Well, what was her name? A She is dead now.

Q How long has she been dead? A I don't know, it was several years ago.

Q Has Andrew Daniels a wife at this time? A Yes.

Q What is her name? A I don't know.

Q Don't know her name? A No.

Q Would you know her name if you would hear it? A No, I never did know her name.

Q Do you know anything about the children of Andrew Daniels' present wife? A No.

Q Do you know the names of anyone of these children? A No, but I would know the children if I should see them.

Q Do you know the name of any one of them? A No.

Q And that woman who is dead, about whom you spoke, have any children at all? A Yes.

Q Do you know the names of any of her children? A No.

Q Do you know anything about the woman who is Andrew Daniels' present wife? A No.

Q Do you know how long she has been the wife of Andrew Daniels, how long they have been living together? A No.

Q Is it a short while or a good many years? A I don't remember how long it has been, how long they have been living together, I don't remember, don't know.

Mr. Hastings: Do you know who Andrew came with in that crowd of Delawares? A Yes, he drove a team down here for a widow woman, her name was Miss Pachareki, that is all I know.

Mr. Smith: Was the wife that you say that Andrew went back to Kansas after the woman that died? A Yes.

Q Do you know of your own knowledge whether Andrew was in the Cherokee Nation after the war closed and before this time that you speak of his coming here with the Delawares, or not? A No, I don't know anything about that.

Q When did you first meet Andrew Daniels? A It was about a year before the Delawares left the reservation up there in Kansas.

Q About a year before the Delawares came down to the Cherokee Nation? A Yes, sir.

Q Was that the first meeting of the Delawares in the second time? A The second time.

Q What season of the year was it when you came down with the Delawares? A Sometimes alone in June I think.

Q And you knew Andrew about a year before that? A Yes, sir.

Q Did he live near you? A No.

Q Did you see him often? A He visited pretty much all winter.

right close to where I lived making ties.

Q That was the winter before you came down to the Cherokee Nation?

A The winter before.

Q The winter before that? A Yes.

Q Let's understand that; you came down here along in June?

A Yes, sir.

Q Now was it the winter right before that that Andrew was cutting ties, or the winter still before that? A No, still the winter before.

Q The second winter before you came? A Yes.

Q Well, what did you see of him between the time he was making ties the second winter before you came, and the time he came with you?

A Never saw nothing more of him till I saw him on the road with the Delawares.

Q How did he happen to fall in with you Delawares? A Well I don't know, I just supposed the old lady Pecharcki hired him to drive a team.

Q He was driving the old woman's team, was he? A Yes, sir.

Q He seemed then to be coming along as a hired man? A Yes, sir.

Q Do you know whether he had ever been down in the Cherokee Nation before that time? A No.

Q Does he live in your neighborhood now? A Yes, right close to Dewey.

Q Has he been living there ever since he went back up to Kansas and got his family? A Yes.

Edmund Duncan Carey, being duly sworn and examined by Commissioner Breckinridge, testified as follows:

Q Give your full name, please? A My full name, Edmund Duncan Carey.

Q How old are you, Mr. Carey? A Going on 70.

Q What is your postoffice? A Grove.

Mr. Hastings: Well now what was your father's name? A Thomas Carey.

Q Where did your father live before the war? A He lived right on the east bank of Grand river at Carey's Ferry, it was known, about half a mile from the ferry.

Q Near where you live now? A Right ~~was~~ where I live now.

Q Was he a Cherokee citizen? A Yes, sir.

Q You are a recognized citizen of the Cherokee Nation by blood?

A Yes, sir.

Q What was your mother's name? A Jane Carey.

Q Was your mother living when the war came up? A No, sir.

Q Was your father? A Yes, sir.

Q Did your father have a colored woman as a slave by the name of Abbie? A Yes, sir.

Q When did you leave home; I mean with reference to the war? A I left in '63, July, sometime in July.

A Joined the army? A Yes, sir.

Q Was your father at home then? A No, he moved across into Missouri just about the time I left.

Q There was this slave, Abbie? A She was with my father.

Q In Missouri? A Yes, sir.

Q He took her off with him? A Yes, sir.

Q When did you next see your father? A '63, sometime in June.

Q Is your father living or dead at this time? A He is dead.

Q When did he die? A Well, I can't tell you just exactly, about 30 years ago, or 25.

Q Directly after the war? A Just after the war two or three years.

Q Now when you saw your father - I believe you said in June?

A Sometime in June.

Q In June of '63, did he take this colored woman, Abbie, with him?

A No, sir.

Q Where did you see your father? A Bert Smith.

Q Did he have any colored people with him? A No, sir.

Q Did your father remain there in Fort Smith? A No, he went on back up to Butler Creek in Missouri.

Q Fort Smith, Arkansas, to Missouri? A Yes, sir.

Q Did he go as you went along? A Yes, sir.

Q Along as you went? A Yes, sir.

Q He didn't have any colored people with him? A None at all.

Q What had become of this colored woman, Abbie? A Well, he said he sold her in Fort Smith.

Q When did he tell you that? A Well, when I first met him in Fort Smith.

Q In June of '63? A Yes, sir.

Q And you saw her no more? A Never saw her any more, never saw her yet..

Q You have never seen her since the war? A No; if I have I haven't knowed her.

Q You don't know by what name she goes now? A Well now, her man was by the name of Daniels.

Q Well, did you know Daniels first name before the war? A Andy.

Q To whom did Andy Daniels belong before the war? A He belonged to one of the Daniels, I don't recollect his name now.

Q Anyway, the man and the woman belonged to different people, didn't they? A Yes, sir.

Q Your father had no control over Andy? A None at all.

Q Was there any other Thomas Carey, who lived over there on Grand Giver, before the war? A No, sir.

Mr. Smith; Mr. Carey, how old were you when the war commenced? A I don't know, somewhere about thirty.

Q Married or single? A Married.

Q Where were you living? A I was living right on the river bank at the ferry.

Q How far from your father's? A About half a mile or more.

Q What date did you leave there, you speak of going away? A I went away in July sometime.

Q What year? A '62.

Q Who was your father at the time you left? A Well he went, when I went to the army, went to Missouri.

Q He go before or after you left? A He went just the same time, we both went across the line at the same time, I went to the army and he went to a place up there.

Q Did you leave your home place and travel together until you crossed the Missouri line? A Yes, sir.

Q That was in July, '62, was it? A Yes, sir.

Q Then where did you separate from your father? A Separated right there in the edge of Missouri, I went in the army and he stayed there.

Q Then how long from that time was it until you saw your father again? A Well it was along sometime in June, 1865.

Q About a year? A Pretty near a year, it wasn't quite.

Q Are you sure it was '63? A Yes, I am pretty sure it was '63.

Q Are you quite certain about it? A Yes, sir.

Q You couldn't be mistaken? A No, sir, don't think I could.

Q Now what was your father doing in Fort Smith? A He moved down there he said.

Q Had moved to Fort Smith; was he living there? A Well, he moved down there with some of his parties, and he said he sold them there; I was in the army, I don't know what he was doing, I met him there.

Q You see any other members of your father's family there? A No, sir.

Q How long had your father been in Fort Smith at the time you saw him? A He had been there a week or two.

Q That was June, 1865? A Yes, 1865, as well as I recollect.

Q You know whether it was in the summer or not? A Well yes, sir, it was some summer.

Q It was in the summer then, was it? A I guess so.
Q Was it on that trip, or during that time, that your father had sold this woman, as he related it to you? A Yes, sir.
Q Did he say who he sold her to? A No, sir, I never asked him.
Q He had sold her then somewhere within a week or two of the time you were talking to him? A Yes, sir.
Q Did he take her out with him at the time you and he before that left the Nation? A Yes, sir, him and his family went out, his wife and his and his darkeys went together, and Ma, I went with them.
Mr. Hastings: Mr. Carey, did you continue to see your father from June of '85, did he join the army or did you stay in the army? A I stayed in the army, and he stayed back up there.
Q Did you see your father? A No, I didn't see him for a year afterwards pretty near, we went out on a scout and he went out to Texas with us.
Q Did he have any slaves along when he went to Texas? A No, sir.

Mr. Hastings: I want to introduce, from the laws of the Cherokee Nation, 1892, the date of the Delaware Agreement, made with the Cherokee Nation, about which date I suppose there is no dispute, which shows on the 8th day of April, 1867. I don't care to put the whole agreement in there, it is not necessary except for the purpose of the date when that agreement was entered into.

Commissioner: This testimony will be filed as supplemental testimony in Cherokee Freedman cases D-859, Andrew Daniels et al; and also in Cherokee Freedman Doubtful cases D-912, D-913, D-931, D-962, D-963, and D-971.

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

Sworn to and subscribed before me this the 7th of October, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 31, 1902.

In the matter of the application of PERCY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Silletts & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Williams, Trustee for the Freedmen, vs The Cherokee Nation, No. 17809, filed in the Mariak Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariak Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Davis Daniels, D 889;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because, First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1865, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

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

By Mr. Smith:

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

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

W. W. Hastings:

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

The Commission:

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

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

(Signed) E. G. Rothberger.

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

(SEAL)

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

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

E. C. Bagwell

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

P. G. Reuter
Notary Public.

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

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

Andrew Daniels, et al., Cherokee Freedmen	D 859
Nancy Claggett, et al.,	D 918
Lucinda Daniels, et al.,	D 911
Thomas Daniels, et al.,	D 951
Lewis Daniels, et al.,	D 962
Charles Daniels, et al.,	D 965
Jonas Daniels, et al.,	D 971

DECISION.

The record herein shows that on June 25, 1901, Ibbie Daniels appeared before the Commission at Nowata, Indian Territory, and made application for the enrollment of herself, her husband, Andrew Daniels, her son, Frank Daniels, and her grand-daughter, Martha A. Daniels; by Nancy Claggett for the enrollment of herself and her minor children, Willie, Elizabeth, Isabell, Mariah, Alexander, Nancy J. and Josie M. Claggett, as Cherokee Freedmen and for the enrollment of her husband, John Claggett, as a Cherokee Freedman by intermarriage, but as the status of persons claiming rights as Cherokee Freedmen by intermarriage is not fixed at this time, the application for the enrollment of John Claggett, as such, will not be passed upon or considered in this decision; by Lucinda Daniels for herself; by Ibbie Daniels for her minor children, Thomas and Josephine Daniels; by Lewis Daniels for himself; by Charles Daniels for himself; and by Jonas Daniels for himself.

The evidence shows that the said Andrew Daniels and Ibbie Daniels were the slaves of Cherokee citizens at the commencement of the rebellion; that the said Charles Daniels is a son of Ibbie Daniels and, having been born in slavery, took the status of his mother; that they all went out of the Cherokee Nation during the rebellion; and that Ibbie Daniels, with her son Charles Daniels, returned to said Nation in the fall of 1865. It further appears that all the applicants, other than those named in this paragraph are the descendants of said Ibbie Daniels and were born since 1865.

It further appears that the said Ibbie Daniels and Charles Daniels have resided in the Cherokee Nation continuously since their return thereto after the rebellion, as above mentioned; that said Nancy Claggett has resided in said Nation for more than fifteen years immediately preceding the date of her application herein; and that the said Lucinda Daniels, Lewis Daniels and Jonas Daniels have resided in said Nation all their lives. It is concluded that the residence of the said minor applicants has been in the Cherokee Nation since their birth.

The evidence further shows that the said Andrew Daniels died in April, 1902.

Section twenty-five of the Act of Congress, approved July 1, 1902 (32 Stats., 716), provides as follows:

"The roll of citizens of the Cherokee Nation shall be made as of September first, nineteen hundred and two, and the names of all persons then living and entitled to enrollment on that date shall be placed on said roll by the Commission to the Five Civilized Tribes."

It is, therefore, the opinion of this Commission that the said Ibbie Daniels, Frank Daniels, Martha A. Daniels, Nancy Claggett, Willie Claggett, Elizabeth Claggett, Isabell Claggett, Mariah Claggett, Alexander Claggett, Nancy J. Claggett, Josie M. Claggett, Lucinda Daniels, Thomas Daniels, Josephine Daniels, Lewis Daniels, Charles Daniels and Jonas Daniels should be enrolled as Cherokee Freedmen, in accordance with the provisions of section twenty-one of the Act of Congress, approved June 28, 1898 (30 Stats., 495), and it is so ordered. It is further ordered that the application for the enrollment of the said Andrew Daniels as a Cherokee Freedman be and the same is hereby dismissed, under the provisions of law above quoted.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Chairman.

Commissioner.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

this 1902

Charles Freedom
Died, 1911; 1912;
1913, 1914, 1915;
1916.

Langston, Indian Territory, March 16, 1904.

V. V. Hastings,
Attorney for the Cherokee Nation,
Langston, Indian Territory.

Dear Sir:

There is herewith inclosed a copy of the decision of the Commission to the Five Civilized Tribes, dated March 6, 1904, in the consolidated case of Andrew Daniels, et al., granting the applications for the enrollment of Ibbie, Frank, Martin A., Lucinda, Emma, Josephine, Lewis, Charles and James Daniels and Nancy, Willie, Elizabeth, Imbell, Bartak, Alexander, Nancy J. and Jessie H. Cloggett as Cherokee Freedmen, and dismissing the application for the enrollment of Andrew Daniels as a Cherokee freedman, he having died in April, 1902.

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

Respectfully,

Cher. Fr. R. 250

See Cher. Fr. 1327, D'Lab
797-829

Cher. Fr. R. 250

Department of the Interior,
Commission to the Five Civilized Tribes,
Chelsea, I. T. June 8th 1901.

In the matter of the application of Joseph Smith for the enrollment of himself and four children as Cherokee Freedmen; he being sworn by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A. Joseph Smith.
Q How old are you? A. About 45.
Q What is your post office address? A. Lonsdale.
Q In what district do you live? A. Geeweescoowee.
Q Do you want to be enrolled as a Cherokee freedman? A. Yes sir.
Q Who do you desire to have enrolled besides yourself? A. Four children.
Q What are the names of your children? A. Fred
Q How old? A. 17 years.
Q Next? A. Laura
Q How old? A. 14 years.
Q Next? A. Elmer.
Q How old? A. 10 years.
Q Next? A. Beverly.
Q How old? A. 6 years.
Q Are you married? A. My wife is dead.
Q What was her name before you married her? A. Eliza Ward.
Q How long has she been dead? A. Died last August.
Q What is her father's name? A. Peter Ward.
Q Is he the Peter Ward who was listed for enrollment on a doubtful card as a Cherokee freedman? A. Yes sir.
Q Did she have a brother named Abraham Ward? A. Yes sir.
Q How old would your wife be if she were living? A. I guess about 45
Q Does your name appear upon any of the rolls of the Cherokee Nation?
A. Yes sir.
Q On the 1880 roll? A. No sir.
Q What rolls? A. The Wallace and Earn Clifton rolls.

The 1880 authenticated roll and the 1886 census roll examined and the applicants not found therein.

The Earn Clifton roll examined and the names of the applicants found thereon as follows:

Page 139 No. 3433 Joe Smith, Geeweescoowee district.
Page 139 No. 3433, Laura Smith :
Page 139 No. 3434, Elmer Smith :
Page 139 No. 3435, Beverly Smith :
Page 139 No. 3148 Eliza Ward, :

- Q Why didn't you draw for Fred? A. They missed him that time.

The Wallace roll examined and the name of the applicant found thereon as follows:

Page 148 No. 2828 Joseph Smith, Geeweescoowee district.

- Q Were you a slave? A. Yes sir.
Q To whom did you belong? A. Ned Smith.
Q Was he a Cherokee citizen? A. Yes sir.
Q And Indian? A. Yes sir.
Q Did you go out of the Cherokee Nation during the war? A. Yes sir.

Joe. Smith 2.

- Q Where to? A. Fort Scott.
Q Where is that? A. Up north.
Q What state? A. Kansas.
Q When did you return to the Cherokee Nation? A. In '66.
Q Have you been here ever since? A. Yes sir.

By V.W. Hastings

- Q What is your father's name? A. Gessard Smith.
Q What is your mother's name? A. Matilda Smith.
Q Are they living? A. Both dead.
Q Do you remember coming back here yourself after the war? A Yes sir.
Q Who came with you? A. I come out with Mr. Haigns; come on the second trip.
Q How did you know that it was his second trip? A. They said it was.
Q And you remember that over 35 years ago? A. Yes sir.
Q Haigns was living there then? A. Yes sir.
Q The Webbers were also living there then? A. Yes sir.
Q Mike and Dan Sanders were living there then? A. Yes sir.
Q Was Peter Ward living there then? A. Yes sir, he come with me.
Q Don't you remember your wife coming too? A. After I got down her I remember her .
Q You don't remember seeing your wife's father and your wife as you come down? A. Yes sir I remember seeing my wifes father.
Q Was Abraham Ward along? A. Yes sir.
Q How long has your father been dead? A. Before the Wallace court.
Q Didn't your father go before the Daniel's court directly after he come here? A. Yes sir.
Q He didn't get his rights established did he? A. Hainster I dont know.
Q The Cherokee Nation didn't recognize him did they? A. The Cherokee Nation wouldn't recognize anybody.
Q They recognized about 2000 freedmen in 1866 didn't they? A. I dont know.
Q They recognized Sam Webber didn't they? A. Yes sir.
Q Who had houses when you come down? A. Uncle Peter and Dan and Ruben.
Q Had they made a crowd there that year? A. No sir.
Q When did you marry? A. Been married about 26 years.
Q What year did you marry in? A. I dont know.
Q What year did the Wallace court sit, do you know? A. No sir not exactly.
Q Do you know when the Kern Clifton court sit? A. About six years ago wasn't it?
Q I am asking you if your knew the year? A. I dont remember the year
Q Do you remember the year that your oldest child was born? A. No sir I cant tell unless I has got it down.
Q Can you give me the year when one single child of yours was born?
A No sir.
Q Do you know one year from another? A. Yes sir I do.

SAM WEBBER called and sworn as a witness, testified as follows: on the part of the applicant

By the Commission:

- Q What is your name? A. Sam Webber.

Jos. Smith. 3.

- Q What is your age? A. 53.
Q What is your post office address? A. Nowata.
Q Are you a recognized freedman of the Cherokee Nation? A. Yes sir.
Q Do you know the applicant here? A. Yes sir.
Q How long have you known him? A. Ever since he was a small boy.
Q Was he a slave? A. I suppose so.
Q Do you know to whom he belonged? A. No sir.
Q Do you know whether he was taken out of the Cherokee Nation during the war or not? A. Yes sir.
Q Where to? A. Fort Scott Kansas.
Q Did you see him there? A. Yes sir.
Q When did he come back to the Cherokee Nation? A. In the fall of '66.
Q With you? A. After we did.
Q Where did he come to? A. On Big creek, Cherokee Nation.
Q Did you see him on Big creek in '66? A. Yes sir.
Q Was he a grown man then? A. No sir.
Q Who was with him? A. His father and mother and brothers and sisters.
Q Did you know his father? A. Yes sir.
Q What was his name? A. Geaser Smith.
Q What was his mother's name? A. Edida Smith we called her.
Q Did you know them before the war? A. I knowed his mother.
Q Who did his mother belong to? A. I can't tell, my father raised her but I can't tell who she fell to after that.
Q You and she were children together? A. Yes sir.

By W. W. Hastings:

- Q Did he come back here with Peter Ward's crowd? A. Before them.
Q How long before that? A. A week or two as near as I can remember.
Q You testified in the Abraham Ward case? A. Yes sir.
Q You testified that they came here in '66? A. Yes sir.
Q And ~~known~~ this fellow came within a week of them? A. Yes sir.
Q You didn't testify that five years ago did you? A. No sir I wasn't asked ~~nothing~~ to testify at all.
Q You admit now I believe that you belong to Squire Ward's Freedmen's Protective Association? A. Yes sir I do.

By the Commission:

- Q Did you refuse to testify for this man five years ago? A. No sir they didn't ask me to testify.

LEWIS WHITMIRE, called and sworn as a witness before Gen'r Needles, testified as follows for the applicant:

By the Commission

- Q What is your name? A. Lewis Whitmire.
Q How old are you? A. 63.
Q What is your post office? A. Hayden.
Q Are you a recognized Cherokee freedman? A. Yes sir.
Q Do you know the applicant Joseph Smith? A. Yes sir.
Q How long have you known him? A. Ever since he was a little bit of a boy.
Q Was he a slave? A. Yes sir.
Q Who did he belong to? A. Man named Smith owned him.

- Q A Cherokee citizen? A. Yes sir.
Q Do you know if he was taken out of the Cherokee Nation during the war? A. Yes sir he was carried out.
Q Where to? A. Kansas.
Q What point in Kansas? A. Fort Scott.
Q Did you see him up there? A. Yes sir.
Q When did he return to the Cherokee Nation? A. Some time in the fall of '66 the first time I saw him back here.
Q Did you return before him? A. Yes sir.
Q But in the fall of '66 you saw him? A. Yes sir.
Q Where? A. In the Webber neighborhood on Big Creek.
Q Have you known him ever since? A. Yes sir.
Q You knew him to have been a slave of a Cherokee citizen before the war do you? A. Yes sir.

By Hastings:

- Q How far did he live from you before the war? A. 40 miles.
Q Let you testify that you knew him? A. Yes sir, I knew his father and his mother.
Q You didn't know him then before the war? A. No sir.
Q The first time then that you ever saw him was in Fort Scott? A. The first time I saw him was in Kansas with his father, but he was a slave owned by Smith, so was his father and mother before the war.
Q How long before the war did you know his father and mother? A. Two years.
Q Did you know Peter Ward? A. Yes sir.
Q Did you see him up there on Big Creek? A. I don't know.
Q Did you see this man particularly there on Big Creek, or just his people? A. Yes sir this man, he was just a boy.
Q About how old? A. I don't know, a good big boy.
Q Was he grown? A. What you might call a boy thinking he was grown, but he wasn't grown.
Q About 15 or 16 years old about? A. Yes sir somewhere along there.

L. D. Daniels, called and sworn before Commissioner T. B. Needles, testified as follows on the part of the applicant:

By the Commission:

- Q What is your name? A. L. D. Daniels.
Q What is your age? A. 66.
Q What is your post office address? A. Claremore.
Q Do you know the applicant Joseph Smith? A. Yes sir I have been knowing him ever since he was little.
Q Was he a slave? A. Yes sir.
Q Who did he belong to? A. Belonged to Mosey Smith or Gabbin Smith I don't know which one.
Q Were they Cherokee citizens? A. Yes sir his owners were.
Q Do you know where Jed went to during the war? A. Kansas.
Q Do you know when he come back? A. No sir.
Q Have you known him any since he come back? A. Found him about two miles from my place here in '73.

By E. V. Hastings:

- Q Mosey Smith is the same one that is known as Jany Smith? A. Frank Smith's father is the one I call Mosey, so Ned Smith is the one,

Joe Smith 5.

By the Commission-

Q Which Smith owned this man and his father? A. Mosby Smith, he lived three miles from Gibson and the other one lived by Webbers Falls.
Q Did you know this applicant's mother and father? Yes sir.
Q Were they slaves of the same man? A. Yes sir.

By the Commission of Applicant-

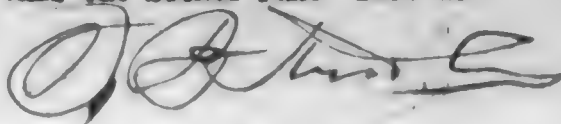
Q Your wife is not living? A. No sir.

By Com'r Needles-

Joseph Smith applies for himself and four children, to-wit, Fred, Laura, Elmer and Levely Smith; he cannot be found on the authenticated roll of 1880 or the census roll of 1890; he is identified on the Kern Clifton roll and the Wallace roll; he avers that he was married to one Eliza Ward, a child of Peter Ward, and a sister of Abraham Ward; he avers that his said wife is now deceased; she is identified on the Kern Clifton roll and the testimony taken in the application of her sister Abraham Ward on Cherokee Freedman Beautiful card #67 is hereby referred to and a copy thereof will be filed herewith and made a part of the record in the application at bar. He avers that he is the child of Geaser Smith and was a slave of one Ned or Mosby Smith a Cherokee citizen; he makes satisfactory proof as to his residence and his children are all identified on the Kern Clifton roll. Consequently the said Joseph Smith and his children as herein enumerated will be listed for enrollment as Cherokee Freedmen on a doubtful card and the final decision of the Commission will be made known to the applicant at his post office address.

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

Subscribed and sworn to before me this 26th of June 1901 at
Nevada, I. T.

Chas von Weise


Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Nowata, I. T., June 21, 1901.

In the matter of the application of Solomon Wolfe for the enrollment of himself, his wife and one child as Cherokee Freedmen. Solomon Wolfe, being duly sworn and examined by Commissioner Needles, testified as follows:

- Q What is your name? A Solomon Wolfe.
Q How old are you? A 27 years old.
Q What is your post office? A Lenapah.
Q What district do you live in? A Cooweescoowee.
Q Do you apply to be enrolled as a Cherokee Freedman? A Yes, sir.
Q Who do you want to enroll besides yourself? A My wife and one child.
Q What is your wife's name? A Leander.
Q How old is Leander? A She is 24 I think.
Q What is your child's name? A Ola Wolfe.
Q How old is she? A 9 months old.
Q What is your father's name? A Joe Wolfe.
Q Is he living? A No, sir.
Q What is your mother's name? A Nancy Wolfe.
Q Is she living? A No, sir.
Q If your wife a citizen? A Yes, sir.
Q What is her father's name? A Joe Smith.
Q Is he alive? A Yes, sir.
Q What is her mother's name? A Eliza Smith.
Q Is your name on the roll of 1880? A No, sir, I don't think it is.
Q Is it on any of the rolls of the Cherokee Nation? A Yes, sir.
Q What roll? A The Kern and the Wallace roll.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant, Solomon Wolfe, not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant Solomon Wolfe not identified thereon.
The Kern-Clifton roll examined and the applicant Solomon Wolfe identified thereon, page 166, No. 4099, Cooweescoowee district.
Q Is your wife's name on the roll of 1880? A I don't know sir, it may be.
Q What would her name be, Smith? A Yes, sir.
Q Her name is Leander? A Yes, sir.
Q When were you married? A In 1897.
The 1880 authenticated roll of Cherokee Freedmen examined and the applicant Leander Smith not identified thereon.
The 1896 census roll of Cherokee Freedmen examined and the applicant Leander Smith not identified thereon.
Q Your wife ever married before you married her? A No, sir.
Q You ever married before? A No, sir.
Q Has your wife's father and mother been here to enroll? A Her father has been here.
Q Your wife then would follow the citizenship of her father, would she, or would she not? A Yes, sir.
Q Is her mother living? A No, sir, her mother is dead.
The Kern-Clifton roll examined and the applicant, Leander Wolfe identified thereon, page 149, No. 3460, Cooweescoowee district, as Leanna Smith.
Q That is her name isn't it, Leanna? A Yes, sir.
Q Well, what is it? A Deanna.

Solomon Wolfe,-----2-

- Q Are your father and mother both dead? A Yes, sir.
Q What proof have you got of your citizenship; your name isn't on the roll of 1880? A I have got witnesses here.
Mr. W. W. Hastings, Cherokee attorney: Did you have a sister in here to-day? A Yes, sir.
Q What was her name? A Jane Whitmire.
Commissioner: Have you got a sister named Jane Whitmire? A Yes, sir.
Q She has been here to be enrolled to-day? A Yes, sir, her husband has been enrolled.
Q What is her husband's name? A Dick Whitmire.
Q You always lived in the Cherokee Nation? A Yes, sir.
All your life? A Yes, sir.
Q Born and raised in the Cherokee Nation? A Yes, sir.
Q Was your wife born and raised in the Cherokee Nation? A Yes, sir.

Commissioner: Solomon Wolfe applies for the enrollment of himself and his wife Leanna and his child Ola. He cannot be identified upon the authenticated roll of 1880 or the census roll of 1896, but he is fully identified upon the Kern-Clifton roll. He avers that he was married to one Leanna Smith in the year 1897, by whom he has one child, Ola, 9 months of age. His name does not appear upon any of the rolls. He avers that his wife is the daughter of one Joe Smith, who has been listed for enrollment on D card 626, and the testimony taken in the matter of the application of the said Joe Smith will be made part of the record in the case at bar, as to the wife of the said Solomon Wolfe, and a copy thereof will be filed herewith. He avers that he is the brother of Jane Whitmire, who has been listed for enrollment upon D card 797, and the testimony taken in the matter of the application of Jane Whitmire will be made part of the record in the case at bar, and a copy thereof will be filed herewith. He makes satisfactory proof as to residence, consequently Solomon Wolfe and his wife Leanna and his child Ola will be listed for enrollment as Cherokee Freedmen upon a doubtful card. It will be necessary for him to file satisfactory proof as to the birth of said child Ola, her name not appearing upon any of the rolls. He will be notified by mail of the action of the Commission in the premises when arrived at.

o-o-o-c-o-c-o-o

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

(Signed) Bruce C. Jones.

Sworn to and subscribed before me this the 29th of June, 1901.

(Signed) T. B. Needles,
Commissioner.

H. M. Vance, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he made the 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 28th day of April, 1904.

Charles H. Sawyer

Notary Public.

To be filed with the case of *Chas Wolfe*

C. F. D. # 826

Department of the Interior,
Commission to the Five Civilized Tribes.
Nowata, I. T. June 21, 1901.

In the matter of the application of Dick Whitmire for the enrollment of himself, wife and 5 children as Cherokee Freedmen; he being sworn and examined by Commissioner Needles, he testified as follows:

- Q What is your name? A. Dick Whitmire.
Q Richard Whitmire, I suppose? A I have always been signing it Dick.
Q How old are you? A. About 50.
Q What is your post office address? A. Lenapah.
Q What district do you live in? A Cooweescoowee.
Q You apply to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you want to enroll besides yourself? A. My family.
Q How much family? A. Wife and 5 children.
Q What is the name of your wife? A. Jane Whitmire.
Q How old is Jane? A. About 36.
Q Give me the names of your children, those under 21 years of age and unmarried? A Joe, Joseph.
Q How old is Joseph? A. About 15.
Q Next one? A. About 13.
Q What is his name? A. Jeff.
Q Next one? A Rosella
Q How old is Rosella? A. 10.
Q Next one? A. Dan.
Q How old is Daniel? A 5.
Q Next one? A. Sanford.
Q How old is Sanford? A. 18th of April he was 2 years old.
Q That all? A Yes sir.
Q Is your name on the roll of 1880? A. Yes sir.
Q Is your wife's name on said roll? A. No sir.
Q What is your wife's father's name? A. Joe Wolf.
Q Is he living? A. No sir.
Q What is her mother's name? A. Nancy Wolf.
Q Is she living? A. No sir.
Q Your wife a slave? A. Descendant of a slave.
Q Semblance of one? A. Descendant of one.
Q Are these children all living at this time? A. Yes sir.
Q What testimony have you got of your wife's citizenship? A. Dave French, Daniel Vann, Frank Ross.

1880 authenticated roll of citizens of the Cherokee Nation examined and applicant identified on page 199 # 3200, Dick Whitmire, Jr., Cooweescoowee Dist., adopted colored;
1896 census roll of citizens of the Cherokee Nation examined and applicant identified on page 427 #743 Dick Whitmire Jr., Cooweescoowee District. Note says: "Wife not on 1880 roll."

- Q Did you draw strip money for your wife? A. Yes sir.

1880 authenticated roll of citizens of the Cherokee Nation examined and wife not found;
1896 census roll of citizens of the Cherokee Nation examined and wife not found.
Kern-Clifton roll of citizens of the Cherokee Nation examined and applicants identified on:
page 427 #744, Joe Whitmire, Cooweescoowee Dist.,
page 428 #745 Jeff Whitmire, Cooweescoowee District;
page 427 #746 Rosella Whitmire, Cooweescoowee District.
page 427 #747 Dan Whitmire, Cooweescoowee District.

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Kern-C list of citizen of the Cherokee Nation examined and applicant's wife found on page 186 #4098 Jane Whitwire, Coover-coover district.

- Q Were you ever married before you married Jane? A. No sir.
Q Jane married before she married you? A. No sir.
Q She is your first wife? A. Yes sir.
Q Her name was Wolf? A. Yes sir.
Q You claim citizenship for your wife through her mother or father or both? A. Through her father.
Q Well do you know anything about it? A. I don't know anything about it

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

- Q What is your name? A. Dinah Vann.
Q How old are you? A. 85.
Q What is your post office? A. Lonapan.
Q Are you a Cherokee Freedman? A. Yes sir.
Q Is your name on the roll of 1850? A. Yes sir.
Q Do you know Jane Whitwire, wife of Dick Whitwire? A Yes sir, that's my niece.
Q What was her mother's name? A. Joe Wolf.
Q What is her mother's name? A. Nancy.
Q Was Joe Wolf a slave? A. Yes sir.
Q Who did he belong to? A. Ibbie Wolf.
Q She a Cherokee citizen? A. Yes sir.
Q Was Nancy a slave? A. She was just working same as I was, working with my mistress, she disown raised her.
Q Who was Nancy's mistress? A Mrs. Wolf, she was there with her.
Q Was Joseph and Nancy married when they were with her? A. Yes sir.
Q Did they go out of the Cherokee Nation during the war? A. Yes sir
Q Where did they go? A. Close to Iola, Kansas.
Q When did they come back? A. '66.
Q Been living here ever since? A. Yes sir, until she died.
Q You are certain they came back in '66? A Yes sir, and I did too, I come right along with them.
Q Did they live together as man and wife? A. Yes sir.
Q Was Jane born while they were living together as man and wife?
A Yes sir.
Q Were they living together before the war? A. Yes sir, boy never lived together before they were married.
Q When were they married? A Before the war.
Q Are they both dead? A. Yes sir.
Q Which died first? A Nancy.
Q Did they live together until Nancy died? A. Yes sir.
Q Did they have any other children besides Jane? A. Yes sir three, there is three more I believe.
Q Are they living? A. Yes sir.
Q You know their names? A. Yes sir.
Q Well give them to me? A. Katie.
Q Katie was a sister of Jane? A. A half sister.
Q Well the next one? A. Rockwell and Abb.
Q Was Rockwell a half sister of Jane? A. Yes sir.
Q And Abb, was he a half brother to Jane? A. Yes sir.
Q You say they were half-sisters, the same father? A They had one father.
Q Well Joe Wolf was married before he married Nancy? A. Yes sir his wife died.
Q And then he married Nancy? A. Yes sir.
Q And they lived together, he and these boys and Nancy, these last children, Katie is by the first wife and Sockey and Rockwell and Abb they are all by the first wife? A. Yes sir.
Q Now what did he have by Nancy? A. Jane and William.
Q Any others? A There sint no more.

- Q You are certain they come back in '66? A Yes sir, and I come with them.
- Q Was Jane born when they come back? A. Yes sir.
- Q They brought Jane back with them? A. Yes sir.
- Q Where was Jane born? A. In Kansas, she was just a year old.
- Q Did you come back in '66? A Yes sir.
- Q Your name is on the roll of 1860? A Yes sir, I think so.
- Q Joe Wolf and Nancy come back with you? A. Yes sir, we all come together.
- Q Where did Joe and Nancy come to when they come back? A. Pryor's creek.
- Q They lived there until they died? A. They moved up on Verdigris.
- Q They lived in the Cherokee Nation until they died? A. Yes sir.
- Q By W. W. Hastings, Cherokee Rep'v.
- Q What is your husband's name? A. Edmond Vann.
- Q What part of Pryor creek did you come to? A. Right down here where the section house is now, on Pryor creek.
- Q Where Pryor creek town is? A. Yes sir.
- Q Sam Hayes living there at that time? A. Yes sir.
- Q Did Hayes living there? A. Yes sir, and I went to work for them, they was right there.
- Q Where did Joe and Nancy Wolf locate? A. On Pryor's creek.
- Q Did they build a house near you? A. Yes sir.
- Q And lived right there? A. Yes sir.
- Q How far from where you located? A. Right there, we just lived a quarter of a mile apart.
- Q And his name was Joe Wolf and his wife was Nancy? A. Yes sir.
- Q What was your nearest Cherokee neighbors at that time? A. I couldn't tell you who all, but I can tell you some of them.
- Q Well? A John B. Grass lives over there, and this here Cochran, Jesse Cochran, he lived over there.
- Q Did Blue Rider live over there too? A. Yes sir.
- Q Where people you have mentioned will know when Joe and Nancy Wolf returned after the war? A. I don't know.
- Q How about how long did Jane's parents live there on Pryor creek before they moved from there? A. Well indeed I don't know how long they lived, they lived until they died, up here on Verdigris.
- Q I mean how long did they live on Pryor Creek before they moved off of Pryor Creek? A. They lived near three years I think.
- Q Where did you live before the war? A. In Flint.
- Q You belonged to Nancy Timberlake? A. Yes sir, first mistress was Nancy Timberlake, and second was Mary Nave.
- Q Joe and Nancy Wolf didn't come right along in the same crowd that you came did they? A Yes sir, we all come back together.
- Q Did you testify that before the Keith Clifton Commission, that you all come back together? A. I don't know if I was asked, I never did deny, if I didn't test it I didn't think about it.
- Q Didn't you say back that they come back about the time you did? A. Arthur Lee?
- Q Yes? A We all come along together.
- Q How long before the war was it you saw Joe? A. Well I guess it must have been two or three years, I don't know which.
- Q He was living far up here on the Neutral Land? A Yes sir.
- Q And you was living in Flint? A. Yes sir.
- Q That was in a quarrel with some man's it? A Yes sir.
- Q There was Joe's wife Nancy before the war? A. With him when he married her.
- Q Had you ever seen her before the war? A. I never saw her until then.
- Q Until after the war or before? A. Just before the war.
- Q How long before the war? A I couldn't tell you how long, but it seemed like it was that summer I saw her.

- Q Did you see Joe that summer? A. Yes sir.
Q I thought you said just now it was two or three years before the war? A. I thought you said down here.
Q Were you up on the neutral lands before the war? A. Went there on a visit.
Q Who went with you? A. She came down and I went home with her.
Q Didn't you testify before the Kern Clifton Commission that you saw Joe Wolf about 10 years before the war? A. If I did I don't remember
Q Don't remember that? A. No sir.
Q About how long before the war was Joe disposed of out of your family? A. It must have been near 10 or 15 years I guess, the old lady died.
Q Joe put up a house down here on Pryor creek did he? A. Yes sir, we all had houses.

DAVE FRENCH, being sworn and examined by Con'r Needles, testified as follows:

- Q What is your name? A. Dave French.
Q How old are you? A. 73 past.
Q What is your post office? A. Lenapah.
Q Are you a Cherokee freedman? A. Yes sir.
Q You know Dick Whitwire the applicant? A. Yes sir.
Q You know his wife, Jane? A. Yes sir.
Q How long have you known Jane? A. Ever since she was a sucking child.
Q What was her father's name? A. Joe Wolf.
Q What was her mother's name? A. Nancy.
Q Who did they belong to? A. They belonged to a woman, Joe Wolf belonged to a woman named Ibble Wolf.
Q You knew them before the war? A. Yes sir.
Q Did they go out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Went up in Kansas.
Q Joe and Nancy both? A. Yes sir.
Q When did they return from Kansas? A. They returned in the spring of '66.
Q How do you know that? A. I know it.
Q Did you return with them? A. Yes sir, I was with them.
Q When they returned? A. Yes sir.
Q Where did they come to? A. Come to Pryor Creek.
Q Did they bring a child Jane with them? A. Yes sir.
Q You know whether Jane and Dick were ever married or not? A. Yes sir.
Q How do you know that? A. I know it. They live in two miles or so now.
Q You didn't see the marriage? A. No sir, I wasn't at the wedding.
Q They have been living there as man and wife? A. Yes sir, ever since their marriage.
Q How many children have they got? A. I don't know exactly, they have got four or five.
Q You know that Jane returned with her father and mother in '66? A. Yes sir.
Q Came back with you? A. Yes sir.
Q You come back in '66? A. Yes sir.
(By E. W. Hastings)
Q Where did Joe live when the war come up? A. On the Neutral Land.
Q Where were you living? A. In Flint.
Q How far was that from the neutral land? A. I don't know.
Q You never lived out there? A. No sir.
Q You never saw Joe up there? A. No sir, I know when he went up there.
Q How long before the war did he go up there? A. I don't know exactly.
Q Didn't he go up there as much as 10 years before the war? A. He may have.
Q Do you ever remember having seen him after that? A. I don't recollect.
Q What was his wife's name? A. Nancy.
Q Did you know her before the war? A. No sir.
Q Were they married before or after the war? A. I couldn't tell you.
Q He got his wife after he went up on the neutral land. I never seen

her until time of the war.

Q Well that it was about 10 years before the war that you have any distinct recollection of knowing him? A. I don't know just how long before the war I did see him, he and him belonged to the same people; after he moved up there on the neutral land I don't know whether I saw him or not, I don't know.

Q Next time you have any distinct recollection of seeing him was in Kansas? A. In Kansas.

Q You didn't go up on the Neutral land before the war? A. I never did, I lived in Flint, Joe belonged to the old woman and I belonged to her daughter.

Q At what town did you find him in Kansas? A. I don't know exactly, but I think I found him on Deer Creek, a up about Iola, first place I saw him.

Q Was he there when you started? A. Yes sir.

Q You all come down together? A. Yes sir.

Q You located on Fryer Creek? A. I didn't, he did.

Q Some where near where Fryer Creek station is now? A. I believe it was there near some place else.

FRANK ROSS, being sworn and examined by Gen't Needles, testified as follows:

Q What is your name? A. Frank Ross.

Q How old are you? A. 55 years.

Q What is your post office? A. Hayden.

Q You are a recognized Freedman Cherokee? A. Yes sir.

Q Do you know Dick Whitacre, the applicant? A. Yes sir.

Q You know his wife, Janet? A. Yes sir.

Q How long have you known Janet? A. Ever since she come here a little child over since '54.

Q Did you know her father? A. Yes sir.

Q What was his name? A. Joe Wolf.

Q What was her mother's name? A. Nancy Wolf.

Q Was Joe Wolf a slave? A. I suppose he was. I didn't know him before the war.

Q Did you know Nancy before the war? A. No sir.

Q Where did you first get acquainted with Joe Wolf and Nancy? A. On Fryer's Creek, where they lived.

Q That after the war? A. Yes sir.

Q When did you first see Joe and Nancy Wolf after the war? A. In APRIL, '56.

Q Where? A. On Fryer's Creek, where they lived.

Q Did you see Jane there? A. She was a baby then, small child.

Q They were living there? A. Yes sir, she grew up there.

Q Did you go to Kansas during the war? A. No sir, I went to the army.

Q When were you mustered out? A. '65.

Q You remained in the Cherokee Nation then ever since '65? A. No I was mustered out at Lawrence, Mo. and come back to the Cherokee Nation.

Q When did you come back to the Cherokee Nation? A. March, '56.

Q And the following April you met Joe and Nancy? A. Yes sir.

Q But you never was acquainted with them before that? A. No sir.

Q Did you know them from that time until Joe died? A. Yes sir.

Q Who did they live with there with? A. With a man named Amstead and Joe Wolf and boy and uncle Floyd, Floyd Foreman.

Q How far did they live from you on Fryer Creek? A. About 2 miles I guess.

Q Above or below you? A. Above me.

Q What was your father's name? A. Silly Ross.

Q And your mother Sarah? A. No.

Q What was her name? A. Julie.

Q Whose house was you living in at that time? A. I was living in Tom Rider's house then, he didn't live right on Fryer's Creek.

- Q Whose house did they move into when they come down? A. They did not move into no house until they built one, they went into camp.
- Q Did they build a house near you? A They built a house up on the Creek there.
- Q Was Blue Rider living there at that time? A Blue Rider didn't come back then.
- Q Was Aunt Dinah Vann living there at that time? A Yes sir, her husband's name was Armstead; he was living there with her.
- Q How far were they living from there at that time? A. They was living about a quarter of a mile from Uncle Joe's I guess.
- Q Did they have a house? A They built them a house after they come there.
- Q Sam and Tip Hayes living down there then? A. They didn't come in they didn't come until that fall.
- Q Was John Grass living there? A Yes sir.
- Q How far did he live from the old Tom Rider place? A. About a mile, down on the river; it's about 6 or 7 miles from Pryor's creek station now; they lived about a mile and a quarter I guess.
- Q How far did John Grass live from where these Wolfs located? A. He lived down on the river below the old, right on the Clean Vann place, about 10 miles from there.
- Q Was there any Cherokees living on Pryor creek at that time? A Old Ike Glass was living there.
- Q He is dead? A. Yes sir. And Bill Sundy.
- Q He is dead? A. Yes sir.
- Q When did Blue Rider come back there? A In the fall of '66.
- Q Joe and Nancy Wolf was living there when he come back? A Yes sir.

APPLICANT, Dick Whitmire, re-called and further examined
By Com'r Needles;

- Q What proof have you got of your marriage to Jane? A. I have got witnesses here.
- Q Who? A. Grant Wolf.

GRANT WOLF, being sworn and examined by Com'r Needles, testified as follows:

- Q What is your name? A. Grant Wolf.
- Q How old are you? A. 33.
- Q Are you a Cherokee Freedman? A. Yes sir.
- Q You know Dick Whitmire? A. Yes sir.
- Q You know his wife? A. Yes sir.
- Q What is her name? A. Jane Whitmire.
- Q You know whether they were married or not? A. Yes sir.
- Q How do you know? A. I was there when they was married.
- Q You saw them married? A. Yes sir.
- Q Who married them? A. Preacher Sanders.
- Q Where? A. On Cedar creek.
- Q You were at the wedding? A. Yes sir.
- Q Sanders alive? A. Yes sir.
- Q Have you known them ever since that? A. Yes sir.
- Q They always lived together as man and wife since that? A. Yes sir.
- Q Have they got any children? A. Yes sir.
- Q How many? A. 5 I believe.
- Q What relation are you to Jane? A. I am her brother.

Com'r Needles: Dick Whitmire applies for the enrollment of himself, his wife Jane, and 5 children, to-wit: Joseph, Jeff, Rosella, Daniel and Sanford; the applicant himself is identified upon the authenticated roll of 1880 as well as the census roll of 1896; his wife, Jane, cannot be identified upon the authenticated roll of 1880 or the census roll of 1896; but is identified upon the Kern-Clifton pay roll; averment is made that Jane Whitmire is a child of Joseph and Nancy Wolf; that

Joseph Wolf was a slave, and married to his wife Nancy; they left the Cherokee Nation during the war between the North and the South, and went to the state of Kansas, and returned in the year 1866; satisfactory proof is made as to the marriage of said Dick Whitmore to his wife, Jane; the names of his four oldest children, To-wit: Joseph, Jeff, Rosella and Daniel are identified upon the census roll of 1896; the names of his youngest child, Sanford, is not identified upon the rolls, and it will be necessary for him to make satisfactory proof of birth; they make satisfactory proof as to residence, consequently, Dick Whitmore, and his five children enumerated herein will be listed for enrollment as Cherokee Freedmen on a doubtful card, awaiting the further consideration of the Commission; she will be notified by mail at her post office address of the action of the Commission in the premises.

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M. D. Green, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings and testimony 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 29, 1901.

(Signed) T. B. Needles,
Commissioner.

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I, Chas. von Weise, upon my oath state that the above is a true copy of the original.

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

Commissioner.
Chas. von Weise
11/18/01

Filed with Cherokee Freedmen, D-628, Joseph Smith, et al.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., October 3, 1901.

In the matter of the application of Abraham Ward et al. for enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

Appearances:

Mellotte & Smith, attorneys for applicants;
T. V. Hastings, of counsel for Cherokee Nation.

JOHN B. BROWN, being duly sworn by Commissioner Needles, testified as follows:

Mr. Hastings: What is your name? A John Brown.

Q J. B. Brown? A Yes, sir.

Q What is your postoffice? A Springer.

Q That in the territory? A Yes, it is in the Territory.

Q You are a Cherokee Indian by blood? A Yes, sir.

Q What is your age? A I am 52.

Q You married a Choctaw, or Chickasaw? A Married a Chickasaw.

Q How long have you been down there? A I moved down there about two years ago.

Q When did you come back to the Cherokee Nation after the war?

A We landed back in the Cherokee Nation in the fall of '65.

Q Where did you live during the year of '66? A We were down there on Grand River.

Q Where did your father live in '67? A He was on Pryor Creek, I think he lived on Pryor Creek.

Q Do you know a colored man by the name of Peter Ward, and Abraham Ward? A Yes, sir.

Q When did you first see them after the war? A To the best of my recollection, I saw them in '68 in Kansas near Mound City.

Q What were you doing up in Kansas? A There was an old negro that my father owned, lived with him, I met him down here, and he had a pension coming to him and I went with him up there to draw this money and I found these people there in Ottawa, we went to Ottawa, Kansas, to draw this money and there is where I saw these people.

Q Who did you go with? A Jess Brown and Jess Marston, and there I saw old Uncle Peter Ward and Abe and Berry, there was younger ones but they were smaller, I got acquainted with them three.

Q Were they living there at the time? A Yes, sir, they were living there.

Q Living in town or on a farm? A No, they were living on a farm out a little piece from Mound City; Mound City, as well as I recollect must be about 40 or 50 miles of Ottawa, Kansas.

Q About what time in the year did you see them there? A It was in July or August, I remember they were cutting wheat when I was there.

Q Summer time? A Yes.

Q Well, about how long did you stay around there? A I don't know how long, I don't remember how long, we stayed a while at Mound City and then went on up to Ottawa and stayed there quite a while, we didn't get the money when he first went there, we had to wait on account of some papers wasn't fixed up right, and we had to stay there, I would not say positively how long it was.

Q Was you at Peter Ward's house? A I can't say positively; you see there was a whole bunch of them lived around there, and I went to several of the houses around there and when they had preaching there while I was there and I went to church and seen them; they all found that I was an Indian and they come in to see me and talk with me.

Q You were with these colored men, the colored men? A Yes, sir.

was with Jess, his mother was living there and his brother was there.

Q His mother and brother? A Yes, sir, mother and brother.

Q Did you see Abraham Ward? A Yes, sir, yes, sir.

Q You remember distinctly seeing him? A Yes, I remember him very well.

Q Well now did you meet anybody after you came back home, after you came back to the Cherokee Nation? A That do you mean; when I came back who did I meet?

Q Yes, if anyone? A No, I left them over there, they never come back.

Q Did you meet any of the Couches? A Yes, sir, Sam Couch and Pete Couch had just moved from Texas and I moved on Pryor Creek, they just had moved in, I just had come back from this trip and met them on Pryor Creek.

Q Now how many wards had you seen up there, you saw Peter and Abe and Berry? A I remember Peter, that is Abraham's father, Uncle Peter we called him, and Berry and Squire, not Squire, no, Abraham, them three I remember.

Q There were others but you don't remember? A Yes, there were other boys, I got acquainted with them after they moved back later on, but I don't remember seeing them up there like I do these other men, I knew them after I met them after they came back I knew who they were.

Q Did they say anything about having been back down here after the war before that? A No, sir, never said anything about that, they told me when they were coming back just as quick as they could come, everyone I seen was talking about coming back.

Q Where did you live in '66? A We were down on the Adair place, some called the Adair place and used to be known as the Alex McDaniel place.

Q Where were you in '67? A We were there in '67.

Q Where were you in '69? A Then we went on Verdigris, we had moved over there to Verdigris.

Q And that was in '68 you went up there? A Yes, in '68 I went to Kansas.

Mr. Mallette: You say you saw these wards up there in Kansas at church? A Yes, sir.

Q How long did you stay in Kansas that fall? A I can't tell you how long I was there.

Q You didn't lose your citizenship by going up there to Kansas?

A Didn't lose my citizenship, no, sir.

Q How long did you stay there, you say? A I don't remember, might have been there two, three or four weeks.

Q You didn't go to their house? A Yes, sir, I went to old Uncle Peter Ward's house.

Q Why didn't you say just a while ago that you did go to their house? A I said I went to several houses there, they lived all around in that country at different places, and I had been meeting them one day and another while I stayed there.

Q What were you doing while you were up there? A I went up there with this old Jess Brown to get his money.

Q Where did you have to go to get his money? A Went to Ottawa, Kansas.

Q How far is that from here? A I don't remember how far it is.

Q About how far? A Oh, it is a long ways.

Q How far did they live from Ottawa? A As well as I remember, it must be forty or fifty miles, they were living at Mound City to the best of my recollection.

Q What were you doing at Mound City? A There is where Jess's brother and mother lived, we landed there first.

Q What did you stay there for? A He wanted to see his mother, I stayed with him.

Q Did you have to stay with him? A Of course I had to stay with him, I went with him, whenever he got ready to go we went to Ottawa.

we want on.

Q You saw three wards up there? A Yes, sir, I remember the three.

Q You don't know how long they had been there? A No, sir.

Mr. Hastings: You hauled Jess Brown up in your wagon? A Yes, sir.

Commissioner: This testimony will be made part of the record in Freedman cases D-608, D-610, D-611, D-613, D-425, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-625, D-626, D-605.

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 21st of October, 1901.

A. McKinstry

Commissioner.

File with case of Joseph Smith, et al., C.F.-D.#626.

Supl.C.F.-D.#607.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I.T., OCTOBER 19th, 1901.

IN THE MATTER OF THE APPLICATION FOR ENROLLMENT AS CHEROKEE
Freedmen of ABRAHAM WARD, ET AL., the following supplemental testi-
mony is offered on part of applicants:

APPEARANCES:

Mellette & Smith, Attorneys for applicants;
Mr. Davenport, of Counsel for Cherokee Nation.

STEPHEN RIDGE, being duly sworn by Commissioner Needles,
testified as follows:

- MR. SMITH: State your name? A My name is Stephen Ridge.
- Q How old are you? A I am 80 years old.
- Q Are you a colored man? A Colored man?
- Q Yes? A Yes, sir.
- Q Where do you live? A I live in Mound City, Kansas.
- Q How long have you lived there? A Oh, about 37 years.
- Q In what year did you go there? A I went there in '64.
- Q In what time in '64, what season? A Well, I got up there
September 12th.
- Q To what place now do you refer? A Mound City.
- Q What is your business, what do you do? A Well, I have done
a good many thins for a living, but I was employed by the Second
Baptist Church there; that is in '65, in the month of May I took
charge of the Second Baptist Church there.
- Q In what year? A In '85 in May.
- Q Well, in what way did you take charge of it; what did you do?
A I preached the best I knew how.
- Q You are a preacher are you? A Yes, sir.
- Q Well, did you know a Peter ward there? A Yes, sir, I know him.
- Q When did you first get acquainted with Peter ward? A I was
slightly acquainted with him down in Arkansas.
- Q when did you first get acquainted with Peter ward? A We was
slightly acquainted as I stated down in Arkansas; no, I will take
that back if you will please, I got little kinda off, I can't keep
memory like I used to.
- Q Just tell us when you got acquainted with him? A we was slight-
ly acquainted in the old Territory; wasn't that right; was it.
- Q Just stop now and tell us when you first knew Peter Ward?
- A Well, I was correct after all.
- Q Ever know Peter Fard in Kansas? A Yes, sir.
- Q How long had you been up there in '64 before you became acquainted
with Peter Ward? A Oh, I became acquainted with him the first
month I went there; that was in '64.
- Q About how long did you know him there in Kansas? A Oh, I
knew him all the while; while he was there until he come away.
- Q Well, about how long was that? A Oh, I guess not over a year of
after I got up there; that is as long as we lived together. Well,
if you will let me state it.
- Q Go ahead now? A Well, the way this come up; how I got so well
acquainted with him was there as I told you, the church got me, em-
ployed me for a preacher and he was then a member of that organiza-
tion and was a deacon in that church and you recollect we had out
monthly meetings to transact our business there once a month and
of course we had a great deal of business together; that is the way
I became so well acquainted with him. We was both members of the
same church!

Q Do you know what the last business was that Peter Ward transacted there in that church, or when it was? A Yes, sir. He was with us the 17th day of June, '66; that is the last time he transacted business with us.

Q The last time he transacted business with you in the church?

A Yes, sir.

Q What did you do then? A We elected another deacon in his place.

Q What business was it you transacted on the 17th day of June, '66?

A Well, the reason I remember so well about that, I remember being the last, in receiving a member into the church we, he took a stand against it; that is what keeps me in remembrance of it so well, and it was the last transaction in the church.

Q Have you any book or church record? A I have got that first little book we had, but I haven't got it in my pocket; I had it in the forenoon and went down to dinner and thought I wouldn't have no use for it and left it in my valise.

Q By what did you fix the dates of these church meetings and matters that you have talked about?

Mr. Davenport: I object to that unless you get the book up here.

A The first time the church meetings was for a while we always had out church meetings on the Saturday before the first Sunday in the month and then we changed it, I requested the church to change it to Saturday before the Second Sunday on account of the other organization I had joined:

Q Well, after that time in June, '66 that you speak of, what became of Peter Ward; do you know whether he remained in that neighborhood, or did he go away from that neighborhood? A I heard he came to the Territory.

Q Did you ever see him there any more? A No, sir, I never saw him there any more; didn't see him any more--oh, I don't know for several years.

MR. DAVENPORT: Who is this you are talking about? A Peter Ward.

Q What Peter Ward? A Why Peter Ward that's dead, I know.

Q Just Peter Ward? A Yes, sir.

Q Did you ever see more than one Peter Ward in your life?

A No, sir.

Q You saw one in Arkansas? A That is the same one.

Q How many children did Peter Ward have? A Oh, I don't know.

Q Did all his children go away when he did or not?

A I don't know whether they all went away at the same time or not; I know they all left.

Q All left eventually? A I would not swear that.

Q Have you been living there at Mound City, Kansas, continuously since that time? A Yes, sir.

Q Don't you know that one of his family lives up there now and has been since the war; one of his boys? A I don't know; which one?

A I am asking you if you know? A Oh, no, I don't know.

Q What boys do you know? A I know some of the older ones.

Q What is one of the older one's name? A There was Jerry and Abraham and Squire, I know them all, and he had one named Pen and he had one I won't be positive, but I tell you I know them, and another one was.

Q That is the last time you saw Peter in the church? A Yes, sir.

Q You have been custodian of the church books ever since that time?

A No, no, we had Clerks.

Q Have you been Pastor in charge of that church ever since 1866?

A No, sir.

Q Have you lived in Mound City all the time since that time?

A Yes, sir.

Q Who do you know up there? A I know quite a number of folks.

- Q Do you know J. B. Brown, up there? A What J. B. Brown.
Q Just J. B. Brown is all I know. A I know one Brown.
Q Well, do you know a fellow by the name of J. L. Ward that lives up there? A What is he?
Q He is a white man or Indian? A I know Mr. Ward.
Q Well, do you know B. Osborn? A Buy Osborn, I know him.
Q He lives there in Mound City.
Q Well, do you know C. W. Kingsberry? A There is a man that lives about there, about three miles above Mound City, I know him by name perfectly well, but I never got so well enough acquainted with him to know him when I see his face but I know there is such a man as that.
Q When did you look up that church record to see when the last time Brother Peter Ward officiated with you? A I just looked it up here about a week ago.
Q Where had that book been all the time? A I had it in my possession.
Q You made the entries in the book? A No, sir, I told you we had a clerk and he was not a member of the church and then we had, or rather thought we ought to have a clerk that was a member of the church and then they elected a man by the name of Sam Clark, he is dead now and after he left he left and went down to Iola, or some place.
Q Well you don't know where Ward went after he left there? A I don't know no more than what he said; said he was going to the Territory.
Q When was that? A That was in '66.
Q How do you know it was in '66? A Because.
Q Does your book say that? A Yes.
Q Your book says Ward had resigned because he was going to the Territory? A No, the book don't say so, but I noticed this in order to find out about the time when Peter Ward left there, I remember; I say it was the 17th day of June, as I stated. It was the 17th day of June and when I found I remembered when looking over it, I noticed that that was the last time Brother Ward was there with us to transact business and it was on the 17th day of June, '66; but he never was with us any more after that in our transactions in the church and of course that give me a very good reason to believe that he came right off because he had been talking of it before.
Q You don't know that he moved at once to the Territory? A I don't know; that is, I don't know what day he left on; I know he never was with us in church meeting after that, and I have always believed he come right straight to the Territory because I never saw him any more; after he had been up there in the neighborhood he would have been in the church meetings.
Q You are just imagining that? A I know that because he was a faithful member and never missed.
Q Did your members attend all the time or did some of them back-slide? A I could not tell you much about that, because we always has some little back-sliding in the churches and of course we didn't keep track of it all the time.
Q Where was it in Arkansas you saw this fellow? A We met in Mayesville; well, we wasn't well acquainted then as we might have been, but remember when we met here in Kansas that we had met before.
Q Well, where was you living when you met this man at Mayesville, Arkansas? A I was living on Honey creek.
Q In what country? A In the Indian Territory.
Q Are you a Freedman? A I am a Freedman, but I have about give it up because you have took such stand here against us freedmen, and because we lived a little while in Kansas, we could not live here; I have spent about a hundred dollars to get my name on, and did have my name on the Wallace roll and when I come to find it could not find it.

Q Did you get your name on the Kern-Clifton roll? A No, sir, I didn't know when was the proper time, I come too late.

COM'R NEEDLES: Had Peter Ward been talking to you about coming to the Territory? A Yes, sir, he talked it all around there, it was known all over the neighborhood he was coming to the Territory and of course we calculated when he left there that he come to the Territory and I believe that with all my soul.

MR. DAVENPORT: He has been talking to you since you have been down here this time? A We talked a good deal, we always do when we meet; I have been down here several times before since he come, but I didn't meet him after he come down here, I expect it must have been five or six years afterwards. Well, the first time I met him was when I come to get my ~~name on the~~ name on the Wallace roll after he come.

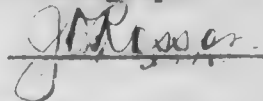
(Application is continued until the witness can send and get the book of which he has been referring.)

Q In giving your testimony a while ago when you referred to your church book, is the name of Peter Ward shown in the book on the date you referred to as fixing the date that he last officiated with you at the church? A No, sir.

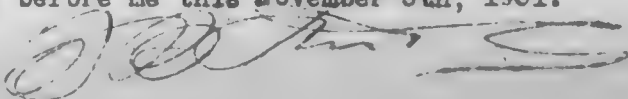
Com'r Needles: This testimony will be made part of the record in the case at bar and part of the record in D)608, D610, D-611, D-613, D-425, D-615, D-616, D618, D-619, D-621, D-622, D-623, D-625, D-626, D-605.

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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 November 5th, 1901.



Commissioner.

Chas. Wolfe C. F. D. 898

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T. October, 29th 1901.

In the matter of the application of Abraham Ward et al., C. F. D. #607
SUPPLEMENTAL TESTIMONY.

Appearances:

W. W. Hastings for the Cherokee Nation.
Mellette & Smith for the applicants

By Mr. Hastings: I desire to file a certificate from J. A. Cady, County Clerk of Linn County, Kansas, showing that from the Assessment rolls of Mound City Township in Linn County Kansas, for the year 1867, there appears the following: " Peter Ward, one Female dog."

By Mr. Smith: The applicants object to the introduction in evidence of the above mentioned instrument, because it appears from the fact that the same is not a certified copy of any record, but a statement of one J. A. Cady, certified to by him, the same not being within the rules of law in this jurisdiction in regard to the introduction of certified copies of records, and not being the best evidence, and for the further reason that the person named therein is in no way identified with the applicant in this case.

By Commissioner C. R. Breckinridge: The document in question will be filed in this case, the objection of counsel for the applicant will be noted and the matter will receive the further consideration of the Commission.

=====
(COPY)

State of Kansas: ss.
County of Linn:

I, J. A. Cady County Clerk within and for the above named County and State, do hereby certify that I have examined the Assessment rolls of Mound City Township in Linn County, Kansas, for the year 1867 and find that Peter Ward is listed on said rolls as follows: " Peter Ward, one Female dog." said entry is on page 75 of said rolls. Said assessment rolls were filed in the office of said County Clerk on July 1, 1867, and said assessment and list of property owners was taken during the month of March, 1867, and based upon residence of said County for March 1, 1867, by said assessor.

Witness my hand and official seal at Mound City, Kansas, this 28th day of October, A. D. 1901.

(Signed) J. A. Cady
(SEAL) County Clerk of Linn County, Kansas.

=====
By Commissioner Breckinridge: In the matter of the foregoing alleged certificate of the records of Linn County, Kansas, it is directed that copies of the alleged certificate and the objection to their filing of Counsel for the applicants, be filed in the cases to which this case refers and all subreferences thereto as found upon the records of this Commission.

=====
Chas. von Weise, being sworn states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the above proceedings, and that the above copy of the certificate filed in this connection is a true and correct copy of the original, and further that the above is a full and correct transcript of his stenographic notes in said proceedings.

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

Chas. von Weise
[Signature]
Commissioner.

Department of the Interior,
Commissioner to the Five Civilized Tribes,
Wichita, T. T., October 29, 1901.

In the matter of the application of Abraham Ward et al. for
enrollment as Cherokee Freedmen.

Additional testimony on behalf of the Cherokee Nation.

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

A. R. WAYNE, being duly sworn by Commissioner Needles, testi-
fied as follows:

Q Mr. Hastings: What is your name? A A. R. Wayne.
Q What is your postoffice? A Mound City, Lynn County, Kansas.
Q What is your age? A I am 58 years old.
Q Were you in Lynn County, Kansas, during, and the years imme-
diately after the war? A Yes, sir.

Q I will ask you if you know a colored man by the name of Peter
Ward? A Yes, sir.

Q Where did you learn to know him at first? A Four miles and
a half west and one half mile north of Mound City, Lynn County, Kansas.

Q When? A In 1866.

Q You know whose place he was living on at that time? A I forget
the name of the man at that time, in '66.

Q Do you know where he moved, if at all, in '66? A He moved to
the farm of Amos Durbin, and some call it the C. W. Kingsbury place
now.

Q Is Kingsbury his grandson? A Of Durbin's, yes, sir.

Q How long did he continue to live on the Durbin farm? A 3 years.

Q Now by what do you fix that? A The first time that I saw him
I know where I was working breaking prairie, and I stuck a thorn in
my foot right in there, and I stopped and Mrs. Ward said that the gall
of a bee was the best thing I could put on it, and by me breaking
prairie I know it was in '66, I know where I was living at that time.

Q How do you fix the next date, three years later, which would
make it in '69? A I have a record of the expenses that I had paid
out in May, toward the last of May, from the first of January till
the last of May, that me and him had a transaction whereby he paid
me \$2.50.

Q Peter Ward? A Yes, sir, the second day of March.

Q Of what year? A 1869.

Q Where was he living at that time? A He was living on the farm
of Amos Durbin.

Q Do you know any of Peter Ward's children, some members of his
family? A I know one girl and I know Abraham Ward, Clint Ward, I
presume his name is Clinton but we all called him Clint, and George; I
believe that is all that I can bring to mind now at the present time.

Q Have one by the name of Harry? A Yes, sir, I think Harry was
the second boy.

Q Was there one named Squibb Ward? A Yes, sir, I think there was.

Q You recollect it now? A Yes, sir, Squibb Ward.

Q Where were these children living between the years of '66, when
you first knew the father, and '69? A They were living with their
father; the boys of course would work around first one place and
mother wherever they could find work, but there is where they made
their home, with their father.

Q Have you seen them since that time, '69? A No, sir, I haven't.

Q Do you know any other man who would know them or not now? A No, sir.

Q Would it be an object at that time that I have in mind what

Q Do you know that one over there (indicating Abraham Ward)?
A Yes, sir, I have seen that gentleman over there, but I can't tell you his name; I know by the looks of him I have seen him.
Q You don't recollect to have seen any of them since '69? A No, sir.
Q How far did you live from them say in '68, from the Durben farm?
A About a mile and three quarters.
Q Well how did you live that far from '68 to '69 to them? A No, sir, in '68 I was living farther off.
Q Well, when did you come up nearer to them? A When I got married in '67. I was married in '67 and I was a little bit closer to them.
Q Well, were you as near in '67 as you were in '69? A Same place.
Q You were as near to them in '67 as you were in '69? A Yes, sir, same place.
Q And you remained on the same place from '69 to '69? A Yes, sir.
Q Now during that time, far from '66 up to '69, did you miss Peter Ward or any of his sons away from up there? A No, sir.
Q Did you have occasion to see them from time to time? A Only upon one occasion to my knowledge that I got to see them except just in passing around; I had one transaction that I was over to their house.
Q Did you see them in the country any place? A Oh yes, I have seen them around.
Q You mean by that, that that is the only time you ever had my personal business transaction with them? A Yes, sir, that is what I mean, personal business transaction.
Mr. Smith: What month in the year 1866 was it you got acquainted with Peter Ward? A Well sir, I can't tell you what month, but then I know it was along in the spring because I was breaking prairie, breaking it with oxen.
Q Did you break any ground except in the spring? A Not the prairie, to my knowledge, I never did.
Q You have been there in that country ever since '62? A I had been there ever since '65.
Q You had been living there some ten or eleven years when you first became acquainted with Peter Ward? A Well, I came there in May '55, and it was '66 when I first recollect getting acquainted with them to know them.
Q Now in that way do you fix the date as in '66 when you first became acquainted with Peter Ward? A I was breaking prairie west of where they lived, and I came up there in regard to my foot; as I said, I had stuck a stub in my foot, and I came up there and Mrs. Ward gave me a piece of bee gall to put on it to draw it.
Q Well, did your foot get well? A Well it isn't off, I suppose it did.
Q Well that has been how long ago? A Well '66; that has been 35 years ago.
Q When did you first have any occasion to remember the matter, or date when you first met Peter Ward, or when was that ever called to your attention first after that time? A For the first time you mean?
Q Yes? A Well it was in March, '69, that I had the transaction with him.
Q That had nothing to do, however, with the time you first met him?
A No, sir, not to my knowledge, no, sir, just seen them from then in passing around.
Q What I mean to say is, the fact that you had the business transaction with him in March or any time in '69 would not aid your recollection as to the time you first met him, would it? A I don't know as I understand your question.
Q I say there was no connection between your business transaction with him in '69 and the date when you first met him, nothing connecting the two things together; one had nothing to do with the other, did it? A No, sir.
Q Well then, now when did you first have occasion to remember that you met Peter Ward in '66? A I just not told the occasion, about

blowing and going up there.

Q I know, but you did a great many things in '66 that you haven't had any occasion to think about since, haven't you? A Yes, sir.

Q What first brought this fact out to your mind, that is what I am talking about? A What first brought it to my mind?

Q Yes, or recalled this thing you are talking about in '66? A Well I was asked if I knew a man by the name of Peter Ward.

Q When? A Well I think it was pretty near four weeks ago.

Q Who asked you? A Why I think he was by the name of Keys, J. M. Keys I think, if I am not mistaken.

Q Well now from the time this thing happened up to the time that J. M. Keys asked you about it, you had had no occasion to remember this incident, or the date when you knew your son, had you? A No, sir.

Q Now for thirty-five or six years you had carried in your mind the date when you had hurt your foot? A Yes, sir, I know the date by that transaction of breaking prairie, know where I was living.

Q How long did you live there? A In that place, only lived there at that place just one year, working for my brother that year.

Q Now that has been a long time ago, hasn't it? A Yes, sir.

Q Do you think you can swear with certainty it was in '66 and no other time that you met Peter Ward the first time? A Yes, sir, not to my knowledge to know him, I might have met him but not to know him.

Q Do you think you can't possibly be mistaken about the date?

A I know I can't be mistaken in regard to the date of the year.

Q You know that? A Yes, sir.

Q Well now Mr. Wayne, where is your record? A In my pocket in a book.

Q I would like to see that. A [Witness produces book] that record commenced there, January 2, 1869, it goes on down to there, (indicating on book) is Peter Ward, \$2.50; it goes on down to here, to May, '69, \$102.64. I spent during that time \$102.64.

Q When did you commence to keep this book? A Well, I think that book came in my possession in 1866, along in the winter of that.

Q When did you quit making entries in it? A In regard to my expenses?

Q No, entries at all? A Well I think probably it was away along in the seventies somewhere, might maybe have been late as '78, so-ward the back there in Wayne Co. some Sabbath School records I think, and in that some part there is some few pages that was in '69, some transactions, and some probably in the seventies somewhere.

Q Mr. Wayne, at the place in this memorandum where the name of Peter Ward occurs, there is no year there, is there? A No, sir, there isn't; there was no occasion for the year when I was keeping the account; you will find here it is entered, and it goes on down here, and here it is March first, and March 2, and goes on down, 3, 11, 12, 13, etc.; there was no occasion for it in keeping the record.

Q Mr. Wayne, what is the entry immediately above the name Peter Ward? A (Reading from book) that there is Ben Brown, a colored man, 25¢; no, it is stamps, 15¢.

Q You are sure that that is stamps? A No, soda, 15¢.

Q That it isn't stamps? A No, sir, I thought it was stamps, but it is soda instead of stamps; here is shown below here.

Q Now Mr. Wayne, that line upon which the word, Peter Ward, is written has been erased? A Yes, sir.

Q Isn't there an erasure on that line? A Not to that knowledge, and I am the only person that has ever had it.

Q Can you read that entry immediately above that Peter Ward, and Peter Ward, as distinctly as you can find entry immediately below it?

A Well there is a part of the Peter there that I can see just the same as I can the other, the same that is below here; here is some all I believe.

Q That is not the question; are the entries below clearer and more distinct than the word, Peter Ward? A Yes, sir, more distinct.

notice till they get way down there, they are about the same.

Q Now that you see there is a part of the Peter that you can read better than the other part? A Well, the t there appears to be a little bit plainer.

Q Can you see any t in that Peter? A Yes, sir.

Q Where is it? A Right after the t.

Q If you didn't know what it was could you tell what the remaining letters after the P were? A Yes, sir, that is my handwriting and I would.

Q Now why, Mr. Wayne, is that word Peter word blurred, as it appears upon the record? A I can't tell you any more than here; not a bit.

Q You don't know? A No, sir.

Q Did you write the word potatoes on the second page? A Yes, sir.

Q Did you make that P? A Yes, sir.

Q Is that one like this one? A Yes, sir, that one looks like I didn't make it very plain and I taken it again, same as there (indicating) in writing that down it looks as though I had made two cracks on that, and you will probably find the P somewhere.

Q Now Mr. Wayne, sometimes a P is made with one stroke of the pen?

A Yes, sir.

Q Now that P in potatoes is made that way, isn't it?

A No, I don't make a P but very seldom, sometimes I make a P by running down and then back, and sometimes then I make a P by making a straight mark and going around that way (indicating); I make Ps two or three different ways.

Q Now Mr. Wayne, the word Peter there in this book is blurred?

A Yes, sir.

Q It is indistinct? A No, sir, not to my mind it is not.

Q Not as plain as the entries below it? A It is about the same thing here except that P in here, that I see, appears to be a little plainer than that e-t-o-r.

Q Well, do you state that that is as clear as the entries below?

A No, sir, I saw it is not, it is the same as some that would be over here in some other places.

Q Now you didn't use this book since eighteen and what? A Oh I have probably referred to it for some regards in regard to an orchard that I set out, and my little boy that is dead might have got hold of it once, he might have got hold of that book.

Q Where was this book when you were first interrogated about Abraham Ward? A It was in my desk in my room.

Q Did you remember, when you were interrogated as to the time when you had had any business transactions with Peter Ward, without reference to that book? A No, sir.

Q Then you are testifying from that record? A I am testifying from my record in regard to the transaction.

Q Is the record is wrong you are wrong? A Yes, sir.

Q Can you tell me who made the blur, or erasure, if it is an erasure, upon that line upon which appears the name of Peter Ward? A No, sir.

Mr. Smith: If the court please, I would like to offer the book.

Mr. Hastings: You can't take the book away from the man.

Q Do you want this book any more? A I have some records in regard to some orchards that I would have to have here.

Q If you are willing, we would like to keep it a while in this case, and the commission will return it to you afterwards? A I have no objections, but there is a little paper in there I would like to get out afterwards.

Mr. Hastings: What was this entry made: was it made at the time that IV purports to have been made? A Yes, sir, I tried to put that down the night in which they were made.

Mr. Wayne, now the page before, or the second page before this entry of Peter Ward. I notice this date: (reading) January 2, 1862. Is that correct? A Yes, sir.

Q Following that are a Great Many entries and only the month and the day, is that intended to be that year? A Yes, sir, everything down to May, '89; it tells the date on the opposite page.

Q Opposite page to where you summed it up? A Yes, sir, to where I summed it up here, it is three pages over.

Q Well, between the two pages before this and say three pages afterwards, they contain the transactions of that year of '89? A Yes, yes, sir.

Q Mr. Payne, a good part of this record was kept with pencil, wasn't it? A Yes, sir.

Q Has it ever been erased or mutilated other than by wear? A No, sir, not to my knowledge, unless my little boy might have got hold of it.

Q Well, you never mutilated that name of Peter Ward or erased it? A No, sir, I wouldn't have any occasion to.

Q Is that in the same condition that you found it when Mr. Keys made the inquiries of you with reference to your knowledge about Peter Ward? A It is exactly the same.

Q No change has been made? A None whatever.

Commissioner: The book testified about will be filed with the papers in the case.

Commissioner: This testimony will be made part of the record in the case at bar, and part in D-608, D-610, D-611, D-613, D-625, D-615, D-616, D-618, D-619, D-621, D-622, D-623, D-625, D-626, and D-605.

Ernest 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 November, 1901.

Wm. H. ...
Notary Public
Commissioner.

D C 12542-1904.

COPY.

I.T.N. 1790-1904.

DEPARTMENT OF THE INTERIOR,

J.P.

L.R.S.

WASHINGTON.

JHE

April 16, 1904.

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

Gentlemen:

February 26, 1904, the Acting Commissioner of Indian Affairs submitted the case involving the applications for enrollment as Cherokee freedmen, of Solomon Wolfe for himself, his wife, Louana Wolfe, and his minor child, Ola Wolfe, and of Charles Wolfe for himself, and recommended that your decision of January 2, 1904, in favor of Solomon Wolfe, Ola Wolfe and Charles Wolfe, and adverse to Louana Wolfe, be concurred in.

The Department finding no reason to disturb your decision, it 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.
6309/1904.

COPY
DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington, Feb. 26, 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 Solomon Wolfe for the enrollment of himself and his wife, Leanna Wolfe, and his minor child, Ola Wolfe, and also the application of Charles Wolfe for the enrollment of himself all as Cherokee Freedman Citizens of the Cherokee Nation.

On January 8, 1904, the Commission rendered a decision in this case finding from the evidence that all of the applicants except Leanna Wolfe are the descendants of one Joe Wolfe and were born since 1866; that the said Joe Wolfe was the slave of a Cherokee Citizen at the commencement of the Rebellion and that he left said Nation during the Rebellion but returned thereto prior to January 19, 1867.

The Commission further finds from the evidence that the said Leanna Wolfe, who was born since 1866, is a descendant of one Joseph Smith and has no rights to enrollment except those she may have derived through him; that the said Joseph Smith was the slave of a Cherokee citizen at the commencement of the Rebellion; that he went to Kansas during the Rebellion and returned to the Cherokee Nation with Peter Warner and others after January 19, 1867.

It further appears from said decision that the name of Leanna Wolfe is not found on the 1880 authenticated roll of the Cherokee Nation.

By reason of these findings and facts, the Commission is of the opinion that Solomon Wolfe, Ola Wolfe and Charles Wolfe should be enrolled as Cherokee Freedmen in accordance with the provisions of Section 211 of the Act of Congress approved June 28, 1898, (30 Stats., 495) and that the application for the enrollment of said Leanna Wolfe should be denied under the provisions of said section.

I have examined the record evidence in this case and am of the opinion that these findings of the Commission are sustained by said evidence and I therefore recommend that said decision of the Commission be approved by the Department.

Very respectfully,

A. C. TONER,

Acting Commissioner.

WCB-H

Cher. Fr. R-251

Cher. Fr. R-251

See Cher. Fr. R-252-253-254

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 10th 1901.

In the matter of the application of Oliver Wilson 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. Oliver Wilson.
Q How old are you? A. I will be 48 years old if I live to see the 4th of this next May.
Q What is your post office address? A. Fort Gibson.
Q What district do you live in? A. Tahlequah.
Q Do you make application to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you desire to have enrolled besides yourself? A. No one.
Q Did you ever apply for enrollment as a Freedman of any other Nation? A. No sir.
Q Is your name on the roll of 1880? A. No sir.
Q Is it on the census roll of 1896? A. No sir.
Q Were you a slave? A. Yes sir.
Q What was the name of your owner? A. Alex Wilson.
Q Where were you at the beginning of the war between the United States and the Confederacy? A. In Illinois district.
Q Were you taken out of the Cherokee Nation during the war? A. Yes sir.
Q Where to? A. Doaksville, Choctaw Nation.
Q When did you return? A. December, 1st 1866.
Q Where did you return to? A. To Tahlequah district 2 and a half or three miles from Tahlequah.
Q Have you lived in the Cherokee Nation ever since? A. Yes sir.
Q Why is your name not on the roll of 1880? A. I don't know sir.

Examination continued by Edgar Smith, attorney for applicant—

- Q When did you get to the Cherokee Nation after the war? A. I crossed the Arkansas river on the 1st day of December, 1866.
Q Who came with you? A. My father, mother, sisters and brothers.
Q Where did you locate? A. We stopped the first time two and a half or three miles south east of Tahlequah.
Q How long did you live there? A. One month.
Q Where did you go to them? A. On the Bayou where we live.
Q Have you been living there ever since you left Tahlequah? A. Yes sir.

By W. W. Hastings, Cherokee Representative.

- Q What Cherokees came with you from the south? A. No sir there was none excepting a name named Racho Thompson who came through the Choctaw Nation and left us there.
Q Why do you remember that it was the first day of December, 1866 that you got back here? A. I had my recollection, learned that much and know it.
Q Whose place did you live on when you got to Tahlequah? A. Charley Ross' he was living on it at that time, and after that T. P. Wolf he lived there.
Q Who was living there at the time you came? A. Charley Ross.
Q What relation was he to Bob Ross? A. Well sir he was about as much related to Bob Ross as I was to the Wilsons—the Ross family owned him before the war.
Q Oh he was a colored man was he? A. Yes sir.
Q Do you know any Cherokee settlers who were living round there on adjoining farms in 1866? A. No sir.
Q Never got acquainted with any Cherokees there during that time? A. Yes sir.
Q Who was it? A. Dewit Wilson is the only one that I saw there and I knew him before.
Q Which one of the Wilsons did you belong to? A. Well sir I first belonged to Alex Wilson and then there was his brother Arch and

Oliver Wilson 2.

By the Commissioner of witness-

Q I understand you to say that you and your brother never went out of the Territory, and that you went only as far south as Doaksville Choctaw Nation during the war? A. Yes sir.

Q Was Oliver with you all that time during the war? A. Yes sir.

Q Is your name on the roll of 1880? A. No sir.

Q Do you know the reason why it is not on that roll? A. Our parents applied and were rejected because they said that they did not return in time.

Kerns-Clifton roll of the Cherokee Nation examined and the applicant identified thereon as follows: page 152. No. 3286, Oliver Wilson, Tahlequah district.


By Com'r Needles,-

The name of Oliver Wilson appears on the Kerns Clifton roll, but not on the roll of 1880 and 1896. He is duly identified, and as far as the testimony shows, his residence is satisfactory, but because of the protest of the Cherokee Nation through its representatives, final judgment will be suspended, and he will be placed on a doubtful card.

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

Chas von Weise

Subscribed and sworn to before me this the 11th day of April, 1901, at Fort Gibson, I. T.



Commissioner.

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

D. #40.
D. #41.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 10th, 1901.

SUPPLEMENTAL testimony in the matter of the enrollment of Oliver Wilson, D. #40, and Jacob B. Wilson, D. #41, as Cherokee Freedmen:

ROBERT B. ROSS, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Robert B. Ross.
Q How old are you? A 56 years.
Q What is your post office address? A Park Hill, Indian Territory

BY W. W. HASTINGS, Cherokee Representative:

- Q Mr. Ross, where were you born? A Near Tahlequah there.
Q Lived there near Tahlequah most all of your life? A Yes, sir.
Q Do you know Oliver and Jacob Wilson; same colored men?
A I know them, yes, sir.
Q Did you know their father, Allen Wilson? A Yes, sir.
Q Did you know their mother? A Yes, sir.
Q Did you know them before the war? A I knew the parents, I did not know the boys.
Q Where were you living in '65 and '66? A Part of '65 I was here at Fort Gibson and Tahlequah, and then the latter part of '65 I went to Philadelphia.
Q Do you know when Allen and Oliver and Jacob Wilson returned to the Nation after the war? A I could not say as to the boys, I saw their father and mother return.
Q When was that? A That was in the Fall of '67, latter part of November or first of December, I will not be certain which.
Q Why did you fix it, Mr. Ross, at that time, is there anything?
A Yes, sir, right at that time I was fixing to get married and they was going to have a supper there and the boys' mother was a good cook and spoke of getting her; she had just got back, she was living on the branch below Tahlequah with Uncle Charles and Sarah Ross, stopped there.

EXAMINATION BY MR. EDGARE SMITH, Attorney for Applicants:

- Q What was her name; that is, the mother of these two boys?
A Angeline.
Q What was the father's name? A Allen.
Q Now, when was it you married? A Married in 1867, 25th day of December.
Q And you wanted to have the mother of these boys, Angeline, to do some cooking? A Yes, sir; well, it was the family of my wife; my wife was living with her aunt, who was before that, this family belonged to Mr. Wilson; she was living with her aunt, Nancy Wilson at that time. In my visit over there they spoke of getting her.
Q During the visit you made at the time to the lady you married afterwards something was said about these people? A Not only that I knew that they were there.
Q How did you know it? A I saw them.
Q When did you first see them? A I saw them about the first part of December or latter part of November.
Q In what year? A 1867.

- Q Well, now you do not know how long they had been there when you first saw them? A They said they had just gotten back; they just made that expression; they was virtually in camp there.
- Q Who did you talk with? A Talked with the old man, Uncle Allen.
- Q Is he living or dead? A He is dead.
- Q Now, when did you talk with him? A I talked with him along about the latter part of November and very frequently after that.
- Q How long after that? A I saw him continuously on until his death, every few months.
- Q Did he ever tell you just when he arrived in the Cherokee Nation after the war? A Never told me the exact date, but the first time I saw him it was along near the latter part of November or first of December.
- Q Then, you don't know positively when they got back?
- A No, sir.
- Q You know these two men? A Yes, sir.
- Q They are good men are they? A As far as I know they are.
- Q And good colored citizens in this country; and you are not positive as to the time they got back? A I was not there when they come, just had the old man's word for it.

BY W. W. HASTINGS:

- Q You mean, Mr. Ross, that they are citizens in the way of Cherokee citizens,--colored residents? A Yes, sir.

DEWIT WILSON, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Dewit Wilson.
- Q Your age, Mr. Wilson? A 41.
- Q Your post office address? A Tablequah, I. T.

BY W. W. HASTINGS:

- Q What was your father's name? A Anderson Wilson.
- Q Did you know Allen Wilson, a colored man? A Yes, sir.
- Q He belonged to your father? A Yes, sir.
- Q Do you know Oliver and Jacob Wilson? A Yes, sir.
- Q How old you say you were? A 41.
- Q You were born in 1850? A Yes, sir.
- Q Do you know when Oliver and Jacob Wilson returned to the Cherokee Nation after the war? A No, I don't know the exact time; I was quite small then; they come after we did.
- Q You left them down South? A We left them in the Chickasaw Nation.
- Q You were quite a small boy? A Yes.
- Q When did you come back? A We come back in '66.
- Q What time? A It must have been in the early summer.
- Q They come after that? A Yes, sir; it was cold weather when they did.
- Q Do you know whether they come within six months after that Treaty of 1866 was ratified? A Not of my personal knowledge, I don't, I was a small boy the first time I remember seeing them.

EXAMINATION BY MR. JESSE SMITH, Attorney for Applicants

- Q Was it your father who owned three Negroes? A Yes, sir.
- Q When did you come back from South after the war? A In '66.
- Q What time in '66? A Sometime in the summer, it may have been in the time of July.

Q It was either in the spring of summer of '66? A Yes, sir.
Q Now, the family, these boys, Oliver and Jacob Wilson, and their father and mother, they returned to the Cherokee Nation after you come back? A We were here when they come back.
Q And it was in the Fall of '66 and '67? A It was in the winter and I guess '67.
Q And just what time in the winter of '66 and '67 you can't say; it was either in that part of the winter that was in '66 or that part of the winter that was in '67, it was that season, that they came back, was it? A It was in the winter time.
Q You came along in July, that was in the Summer? A I was a little fellow; I remember it was in the winter time.
Q You had gotten back in the Summer time of 1866? A It was warm weather.
Q Well, you know these two men? A Yes, sir; I have knowed them ever since I have knowed anybody.
Q They are good men, are they? A Yes, sir.

BY W. W. HASTINGS:

Q Now, Mr. Wilson, Mr. Smith asked you if it was in the winter of '66 and '67, as that would show in the testimony the December of '66 or January of '67; now do you mean to say it was either in the December of '66 or January of '67 when you said in the winter of '66 and '67? A I remember it being in the winter time, I remember they were making big fires.

BY COMMISSIONER NEEDLES:

Q Was it the winter following the summer you came back? A My mother told me it was in the winter after we come back.

BY W. W. HASTINGS:

Q Now, do you mean to say it was in the winter after you came back?
A As near as I remember it was in the winter after we came back; it must have been that next winter after we come back; it didn't seem to me like it was so awful long; I was very small.

W. W. HASTINGS: The Representatives of the Cherokee Nation offer in evidence the record found on page 76 of the Minutes of the special Court or Commission, Supreme Court, 1871, of the Cherokee Nation, which contains the following:

"Cherokee Nation,)
VS.)
Allen Wilson and)
Family.)

From evidence the Court decide claimants are not entitled to Cherokee citizenship under the Ninth Article of the Cherokee Treaty of June, '66."

On page 72 of the same book is found the date, Friday, June 9th, and following this judgment on page 76 is the date, Saturday morning, June 10th, 1871.

MR. EDGAR SMITH, Attorney For Applicants: Applicant objects to the introduction of said testimony on the ground that the same is irrelevant, incompetent and does not tend to prove any issue in this cause, and for the further reason

L. Supl. - D. 700.

61-4-4.

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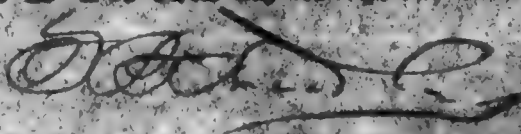
that the said testimony does not purport to be any sufficient record of any action which tends to prove any issue in this case, and for the further reason that there is no testimony in this record which tends to show that the Allen Wilson referred to in said evidence offered is in any way connected with applicants herein, and for the further reason that if he was, there is nothing to show in said record that these said applicants, or either of them, was any party to said alleged record now offered.

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J. C. 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. C. Rossen

Subscribed and sworn to before me this 11th day of April, 1931.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 10th 1901.

In the matter of the application of Jacob B. Wilson 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. Jacob B. Wilson.
Q What is your age? A. 43.
Q What is your post office address? A. Tahlequah.
Q What district do you live in? A. Tahlequah.
Q Do you apply for enrollment as a Cherokee Freedman? A. Yes sir.
Q Have you ever applied for enrollment as a Freedman of any other tribe? A. No sir..
Q Who do you apply for enrollment besides yourself? A. Just myself
Q Is your name on the roll of 1880? A. No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A. No sir.
Q Are you a brother to Oliver Wilson? A. Yes sir.
Q Are you the same man who testified in his case? A. Yes sir.

Examination by Edgar Smith, Atty. for applicant-

- Q How old are you? A. 43.
Q Were you a slave during the war? A. Yes sir.
Q What was your owners name? A. Anderson Wilson.
Q Was he a Cherokee citizen? A. Yes sir.
Q Did you or did you not leave the Cherokee Nation during the war?
A I did.
Q Where did you go? A. Doaksville, Choctaw Nation.
Q Did you go outside of the Indian Territory during the war? A. No sir.
Q Did you return to the Cherokee Nation? A. Yes sir.
Q When? A. December, 1866.
Q Where have you been living ever since that time? A. I have been living ever since that time in Tahlequah district.
Q Are you on any of the rolls of the Cherokee Nation? A. No sir with the exception of the Kerns-Clifton roll and the Wallace roll.
Q Are you on the Clifton roll? A. Yes sir.

By Cherokee representative James Davenport.

- Q When you got back to Tahlequah district in 1866, who were the old Cherokee settlers that you saw there? A. I was a small boy and dont know.
Q Did you come back with your brother Oliver? A. Yes sir.
Q Have you lived continuously in Tahlequah district since then? A. Yes sir.
Q Did you make an effort to get on the roll of 1880? A. No sir I never, my father and mother during their lifetime applied and was rejected on the grounds of being too late.
Q Do you know Steve Foreman? A. Yes sir.
Q Do you know his son Vester? A. Wasn't quainted with him boys.

The Kerns- Clifton roll of the Cherokee Nation examined and the applicant identified hereon as follows: page 132, No. 3267, Jacob Wilson, Tahlequah district.

By Com'r Needles,-

The name of Jacob B. Wilson is found on the Kerns Clifton roll of 1884, but not on the roll of 1886 or 1880. He is duly identified, and from the testimony taken to day, makes satisfactory proof as to his residence, and satisfactory proof as to his citizenship, but because of the protest of the Cherokee Representatives, final judgment as

Jacob B. Wilson 3.

to his enrollment will be suspended and Jacob B. Wilson will be suspended and his name will be placed on a doubtful card.

.....

Chawon Weise, being sworn states that as stenographer to the San Mission 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.

Chawon Weise

Subscribed and sworn to before me this the 11th day of April, 1901, at Fort Gibson, I. T.



Commissioner.

Q Now about that man that you saw in the Chicago office the
Q who was with you in Chicago?

A I didn't see him until he got into the office but I saw him a few
Q days back in Chicago. I didn't see him since the trial.

Q I mean from your own knowledge you don't know when they
Q saw him in Chicago?

A I saw Chicago in what you were talking about I don't know when
Q they saw him.

Q I saw Chicago in what you were talking about I don't know when
Q they saw him.

Q I saw Chicago in what you were talking about I don't know when
Q they saw him.

Q I saw Chicago in what you were talking about I don't know when
Q they saw him.

Q I saw Chicago in what you were talking about I don't know when
Q they saw him.

Q I saw Chicago in what you were talking about I don't know when
Q they saw him.

Witness examined and sworn.

of proceedings in the case of the Commission on the Five Civilized Tribes

Q Now about that man that you saw in the Chicago office the
Q who was with you in Chicago?

Q I mean from your own knowledge you don't know when they
Q saw him in Chicago?

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 20 1901

SUPPLEMENT: in B- 40, 41, 42 & 43.

File with B-40.

Department of the Interior,
Commission to the Five Civilized Tribes,
Winnita, I.T., May 21, 1902.

In the matter of the application of Oliver Wilson, Jacob B. Wilson, Jennie Cross, et al, and Madie Ford et al, for enrollment as Cherokee Freedmen; being
FANNIE B. BOSS, being sworn and examined by Commissioner Brockbridge, testified as follows:

Appearances:

Mr. Smith, of Halletts & Smith, for applicants.
Mr. W. W. Hastings, Cherokee Representative.

- Q Give me your full name? A Fannie B. Boss.
Q How old are you? A 32.
Q What is your post-office? A Park Hill.
Q In what district do you live? A Tahlequah.
Q How long have you lived in the Cherokee Nation? A All my life.
Q Mrs. Boss, you are here, I believe, to give testimony with respect to the application of certain Freedmen, among them Oliver Wilson? A Yes sir.
Q Is Oliver Wilson a full brother of Jacob B. Wilson? A We called him Bartlett, I don't know, I guess not; Oliver and Bartlett, and then there were two girls.
Q Did Oliver Wilson and this Bartlett Wilson have the same mother? A Yes sir.
Q And how about a colored woman named Jennie Cross? A She was a full sister of Oliver.
Q And half-sister of Bartlett? A No sir, full sister of both.
Q You said Oliver and Bartlett were not whole brothers? A No sir, they were full brothers, had the same mother and same father.
Q And Jennie was a full sister to the two? A Yes sir.
Q How about Madie Ford, was she a full sister to these people? A I think so; I didn't know her, she was born after they left us.
Q Give me the name of the father of these people I have asked about? A Allen Wilson.
Q Give me the name of their mother? A Agelina Wilson.
Com'r: The name of the persons referred to is respectively, Cherokee Freedmen doubtful cards B 40, B 41, B 42 and B 43.
- Examined by Cherokee Representative, W. W. Hastings:
- Q What was your maiden name? A Fannie Thornton.
Q What relation were you to Anderson Wilson, who was the owner of Oliver and Jacob Wilson? A His wife was my mother's sister, I made my home with her.
Q His wife was your mother's sister? A Yes sir.
Q Then Anderson Wilson's wife was your aunt? A Yes sir.
Q Where did you reside before the war? A In Craig county District.
Q Where did Anderson Wilson live? A He lived at Tahlequah.
Q Did you know Allen Wilson, who was the father of Oliver and Jacob, before the war? A No sir.
Q You didn't know them before the war? A No sir.
Q You didn't know Jacob and Oliver before the war? A Not before the war, during the war, when we went south, we all went together.
Q And you knew Allen then? A Yes sir, I knew them all I think, the children were very small.
Q You went south together? A Yes sir.
Q To what point did you return after the war? A To Tahlequah.
Q Well, did Anderson and his wife return? A Anderson died in the Cherokee Nation; his wife and I returned at the same time, together.
Q With whom did you live the first year or two after the war? A Mrs. Wilson.
Q Anderson Wilson's widow? A Yes sir.
Q And you resided in Tahlequah? A Yes sir.
Q When did you first see Allen Wilson and his family, including Oliver and Jacob, and another sister Jennie, after the war? A It was between the last of December and the 15th of January,

1867.

Q Where did you see them? A About two miles south-east of Tahlequah, down on the Creek.

Q You know how long they had been there when you saw them? A They hadn't been there but a few days; as soon as we heard they came I went down to see them.

Q Please state the occasion of your visit? A I went down there to see if I could get her to cook for us.

Q Was there any especial cooking to do there? A Yes, I was going to be married and wanted to get her to cook the supper; that's why I remember it so distinctly.

Q That was a few days before you were married? A Yes sir, about a week.

Q And they had just come in here had they? A Yes sir, they had just come.

Q Well, now, when were you married? A Married in the 25th of December, 1867.

Q You were living at Tahlequah at the time? A Yes sir.

Q And they were, I believe you stated, about two or three miles south-east of town? A Yes sir.

Q You first saw them about a week before that time? A Yes sir, I think it was about a week.

Q This man, Allen Wilson, is dead isn't he? A Yes sir.

Q Do you know whether or not his right to were up for trial before the Cherokee authorities? A Yes sir, we made a statement before some Commission there, my aunt and myself.

Q That was Anderson Wilson's widow and yourself? A Yes sir.

Q Before one of the Cherokee Courts? A

Attorney Smith: I will object to that; I will let my objection go in as a matter of form, upon the ground that it is not the best evidence of the proceeding, if one was had, for the reason that the records themselves would be the best evidence.

Cherokee Rep've Hastings: I offer this work for the purpose of identifying the fact that this was Allen Wilson did apply to the court; then of course the records and proceedings of what was done by the court would be the best testimony, but for the purpose of identifying the Allen Wilson that the records show applied as being the same Allen Wilson whose descendants these are.

Gen'r Brockinridge: Of course the verbal testimony would not be satisfactory proof of matter of official record, but the matter can be referred to and identified in order to be established by the official record, if it is deemed necessary to do so.

A Yes sir.

Examined by Attorney Smith:

Q Mrs. Ross, you only know when and where you first saw Allen Wilson after the war? A Yes sir.

Q You don't know, from your own personal knowledge, how long they had been in the Cherokee Nation when you saw them at Tahlequah, or near Tahlequah? A Only what they told me, not only what they told me.

Q You don't know of your own personal knowledge? A No sir.

Examined by Cherokee Representative, V. H. Hastings:

Q What did they say with reference as to the time when they returned to the Cherokee Nation when you first saw them the last of November or the first of December 1867, if anything? A

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[The page contains approximately 25 lines of text that has been completely obscured by heavy black redaction marks.]

I have been thinking about you and my conversation with you and how
much I have enjoyed it. I hope you are well and happy.

With love,
Your mother

Enclosed are some photos of the children.

John is growing up so fast. He is now 10 years old and is
starting to look like his father. He is a very good boy and
loves to play with his friends. He is also very smart and
likes to read books. He is going to school in the fall and
will be in the first grade. He is very excited about it.

John's mother is also very happy. She is a very good
mother and loves her children very much. She is also very
kind and generous. She is always there for her children and
loves to spend time with them. She is also very smart and
loves to read books. She is going to school in the fall and
will be in the first grade. She is very excited about it.

John's father is also very happy. He is a very good
father and loves his children very much. He is also very
kind and generous. He is always there for his children and
loves to spend time with them. He is also very smart and
loves to read books. He is going to school in the fall and
will be in the first grade. He is very excited about it.

John's grandparents are also very happy. They are very
kind and generous. They are always there for their
grandchildren and love to spend time with them. They are
also very smart and love to read books. They are going to
school in the fall and will be in the first grade. They are
very excited about it.

With love,
Your mother

I have been thinking about you and my conversation with you and how
much I have enjoyed it. I hope you are well and happy.

[Handwritten signature]

[Handwritten signature]

Office of the Secretary, Washington, D.C., August 12, 1914.

**Department of the Interior,
Bureau of the Land Office,
Washington, D.C., August 12, 1914.**

In the matter of the application of **James H. [Name]**, et al.,
for an order of Survey.

Very respectfully,
[Name]

**Special Agent in Charge,
Bureau of the Land Office,
Washington, D.C.**

1. I, [Name], do hereby certify that the following are the names of the persons who have been examined and found to be qualified to act as surveyors in the State of [State]:

2. [Name], [Address], [County], [State].

3. [Name], [Address], [County], [State].

4. [Name], [Address], [County], [State].

5. [Name], [Address], [County], [State].

6. [Name], [Address], [County], [State].

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98. [Name], [Address], [County], [State].

99. [Name], [Address], [County], [State].

100. [Name], [Address], [County], [State].

there when we got there, they came shortly after.

Q When you came to the place where you located permanently the first time after the war, were these colored people, Wilsons, there?

A No, sir, they were not there when we got there.

Q By your own knowledge when they did arrive in that vicinity? A Well, since I come to think of it, they didn't come there until late in the fall of '67 or early in the spring of '68; that is what I would say.

Q Did they locate somewhere near you? A Yes, sir, they located a mile from us on the bayou, off down from where we located, on a place the other side of Joe Gladden's.

Q Did they continue to live there? A Well, they stopped there that winter and built a house off out on the prairie.

Q Did either of these Wilsons ever work for you, or any of your family? A Yes, sir, my father had them working on the old place that winter, cleaning brush; the place was all grown up in brush and had been burned off, and old man Wilson and his boys too worked that winter on the place and cleared out the land.

Q Do you know where they had come from when they located there that time? A No, sir, they said they had just come from what they called the south.

Q And now Mr. Barker, you state that to the best of your knowledge they came there in the last part of '67 or the first part of '68; is that right? A Yes, sir.

Q And you located there yourself in the spring of '67? A Yes, sir, spring of '67.

Q And lived there all that year? A Yes, sir.

Q And late in that year or in the first part of the year 1868 you saw these people for the first time there? A Yes, sir, I think it was the year of '68 that Oliver and myself were working for a man by the name of Still; I think it was in '68 if I am not mistaken, that we worked for him.

Q Did you ever hear Oliver Wilson say anything about his citizenship with reference to his return to this country, or any other of these boys? A I don't remember about hearing the boys say anything about it, but I did hear my uncle say that he had had a conversation with Oliver Wilson about it — I don't mean a conversation with Oliver but with Oliver's uncle; I don't know if Oliver was present when the conversation was had or not.

Mr. Mallette: The applicants object to anything that old man Wilson might have said not in the presence of these applicants.

Commission: Better let it go in.

Q What did Allen Wilson say? A He was talking to my uncle as to his getting in here after the time the freedmen should have come back, and asked my uncle how he could get on the roll, and my uncle told him he had better call on Mr. Benge and see him about it, that perhaps he could give him some advice.

Q They were never recognized citizens at any time, were they?

A No, sir, not down there.

Q How long did you continue to reside there in that neighborhood?

A I stayed there I think it was until the summer or fall of '71, in that neighborhood.

Mr. Mallette: Mr. Barker, you say that these Wilsons located on the other side of the Joe Gladden place in the spring of '67? A Yes, sir.

Q Where did Bob Ross live at that time? A He lived at Tahlequah somewhere, somewhere up about Tahlequah, I am not positive exactly where Bob Ross did live.

Q Did he live on the place where you were at that time? A Well they called it 12 miles from Tahlequah to our place, or to the place

that we located on first, and I don't really know where Bob Ross lived but I think that he lived in the neighborhood of Tahlequah at that time.

Q Did you ever see Bob Ross in that neighborhood where you located in the spring of '67? (No response).

Q What is that Bayou Menard that you talked about? A Well it is a creek that you cross between here and Tahlequah, you cross it several times, once at Menard postoffice and then below Gladden's place you cross it quite a number of times, I don't remember exactly how many.

Q How long a stream is it? A Well I don't know, it heads up near Gullager place, and empties into the Arkansas about 3 or 4 miles below Fort Gibson; 16 or 18 or 20 miles long I guess.

Q How old were you at the time that you located there in the spring of '67? A I was about 17 years old at that time.

Q Is there any reason why you should impress upon your memory the time that these people, the Wilson, came there? A I don't know that there was anything of importance that should have impressed it upon my mind, except that I remember them coming there and I know that they came to our place in a wagon; we had all lived together there before the war in the same neighborhood, within a mile and a mile and a half there, and when they came there I knew them.

Q You say that you located there yourself in the spring of '67?

A Yes, sir.

Q How far was it from your house to the place where these people, the Wilsons, located? A As well as I can guess at it, it must have been a mile, mile and a quarter or mile and a half.

Q How long did you say that they stayed there? A Well they stayed there I think all during that winter; I don't know whether they left there in the spring or summer, but they built a house out on the prairie from there.

Q Do you remember anyone else in that neighborhood who came there at that time? A Right there?

Q Well, any place around in that neighborhood? A Yes, sir, there was Mrs. Hicks, she lived on the other side of Menard postoffice.

Q Well, was there anyone else? A Well, I don't remember exactly whether there was or not, I wasn't my own master at that time and didn't go around hunting up people much.

Q But these Wilsons you do know that they located there? A Yes sir; as I have said, I knew them before the war and when they came there I remember seeing them.

Q You spoke of hearing a conversation between your uncle and some of these Wilsons. A Yes, sir.

Q Where is your uncle now? A He is dead.

Q What was his name? A Richard Griffin.

Q When was that? A That was in the fall of '67 or '8, in the fall or winter.

Q In the fall or winter of '67 and '8, you meant? A Yes, sir, that is what I mean; that is to the best of my recollection, it was either late in the fall or else in the winter.

Q Do you remember exactly what said was said at that conversation?

A No, sir, I don't say that I know exactly what was said, but I remember of the conversation, which was about them getting back and having gotten in too late under the treaty, and they were asking how they could get the matter fixed up.

Q And you have remembered this conversation for the last 35 years, have you? A I don't know that I have remembered it, but I remember all the conversation having taken place, and about what was said; I can't claim to be able to state the exact words that were passed between them.

4 -
Q Now the old man Wilson that you say was talking to your uncle about his citizenship, was the father of these Wilsons? A Yes, sir.
Q And he was talking about his citizenship, about his coming back here too late, was he? A Yes, sir, something about his citizenship.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, he transcribed the foregoing testimony, and that the same was dictated to him by Chas. von Weise, also a stenographer to the above Commission; and that the said von Weise reported the above testimony stenographically when same was given before the Commission.

Bruce C. Jones

Sworn to and subscribed before me this the 13th of September, 1901.



Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Chock, I.T., September 18, 1901.

In the matter of the application of Burrell Daniels et al. for enrollment as Cherokee Freedmen.

Supplemental testimony on behalf of applicant:
Appearances:

Mallett & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

GEORGE O. BUTLER, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Mallett: First state your name and residence? A George O. Butler, Tahlequah, Cherokee Nation.

Q What is your age, Mr. Butler? A 39.

Q Are you a Cherokee Indian by blood, a recognized citizen of the Cherokee Nation? A Yes, sir, Cherokee by blood, recognized.

Q Do you know the applicant, Burrell Daniels? A Yes, sir.

Q How long have you known him? A I have known him for about 25 years, or 20; well 23 years I guess, since 1882, that is when he first came up there, second year after Bushyhead was inaugurated.

Mr. Hastings: The second time? A Yes, second time of his election.

Q I want to correct you; he was inaugurated in 1883, and the next year would be 1884. A Well 1884 then.

Mr. Mallett: Where did you see Burrell Daniels first? A I saw him in Tahlequah.

Q About what year was that? A That was in 1884, in November, during the council.

Q What was he doing there at that time? A He came there to be readmitted to citizenship, to see about his rights he said.

Q Do you know if he presented an application to council for re-admission? A Yes, sir, I wrote it out, had the member from Tahlequah to introduce it in the Senate.

Mr. Hastings: There comes in a matter of record; I am going to object to further examination along that line.

Commissioner: I will have to note the objection and let it go on.

Mr. Hastings: I don't think Mr. Mallett will insist on going on.

Mr. Mallett: I think the fact of his filing his application is competent; I don't care to go on.

Q Did you know Burrell Daniels before he left the Indian Territory at the beginning of the war? A No, sir, I didn't know him, I was too young then.

Commissioner: This testimony will be filed in the following cases: B-40, D-861, D-816, D-917, and D-941.

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.

Sworn to and subscribed before me this 18th day of September, 1901.

Phineas Jones
M. D. Green
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Oliver Wilson for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-40.

APPEARANCES:

Mellotte & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a judgment of the Supreme Court of the Cherokee Nation in 1871, as appears of record in a book taken from the Executive Department of the Cherokee Nation, entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," under the heading of Tahlequah District, No. 37, as follows:

"Allen Wilson and family too late
Decided against claimants June 9, 1871."

The Cherokee Nation offers in evidence a judgment of the Chambers Commission on Citizenship, as found on page 93 of a book from the Executive Department of the Cherokee Nation, entitled "Docket of Chambers com'n on citizenship," as follows:

"Allen Wilson (Ex. 15th, 1878, statement filed 15th
vs. (July, 1878, 7th day of August, 1878,
Cherokee Nation. (con'd this 10th day of Sept.

Decree adverse October 22."

MR. SMITH: The applicant objects to the introduction of the above testimony and for reason states that the alleged decision of the Cherokee Nation is insufficient to show that any valid decision was ever rendered, and because the words quoted in the above offer are all of the entries therewith offered, and that the same do not show that any step upon which a valid judgment could be based was taken, and because the said evidence is immaterial and irrelevant and does not tend to prove any issue in this case, and because the Allen Wilson and family mentioned in said entry are not in any way shown to be identical with any applicant in this case, and because the offer as made is insufficient in law, and because it is incompetent to prove any record of the Cherokee Nation or in any way purporting to be a record of the Cherokee Nation in the manner and form herein sought to be used.

COMMISSION: The above proceedings will be filed with and made a part of the record in the following freedmen cases: Jacob B. Wilson, D-41, Jennie Grease et al, D-42, Rhodie Ford et al, D-43, and in the case at bar, the same being that of Oliver Wilson, D-40. It appears from the records of the Commission that the above applicants are represented by Mellotte & Smith.

Arthur S. Croninger, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported in full the proceedings in the above case, and that the same

... is a true and complete transcript of his stenographic notes
...
...

Arthur H. ...

Subscribed and sworn to before me this ... of ... 1908.

J. R. ...

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., May 28, 1902.

In the matter of the application of Oliver Wilson for the enrollment of himself as a Cherokee Freedman.

SUPPLEMENTAL TO D-40.

Applicant represented by Mellette & Smith, Vinita, I.T. Cherokee Nation appears by W. W. Hastings.

COMMISSION: The Cherokee Nation, by its representative, makes satisfactory proof of service on the applicant's attorneys, Mellette & Smith, Vinita, Indian Territory, that it would on the 26th day of May, 1902, at the office of the Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said Oliver Wilson to enrollment as a Cherokee Freedman. The applicant and his attorneys have this day, to wit the 26th day of May, 1902, been called and fail to respond.

MR. HASTINGS: The Cherokee Nation offers in evidence the application of Angeline Wilson, being the mother of the applicant, for citizenship in the Cherokee Nation, filed on September 10, 1878, as shown on pages 50 and 51, Book A, taken from the records of the Executive Department of the Cherokee Nation, entitled "Register of Evidence before the Court of Commission, Chambers Court, Book A," as follows:

"Case 17.

Angeline Wilson (Col.))
V S)
Cherokee Nation.)

Statement of Angeline Wilson (Col) to the Commission on Citizenship.

Claimant was a resident slave at the beginning of the war and then belonged to the Estate of Alex Wilson dec'd, a Cherokee citizen, was the wife of Allen Wilson, was taken to the Cherokee Nation I. T. during the war, remained till the close as one of Allen Wilson's family and returned with them as soon as possible there after to wit in the Fall of 1867, as proven in the testimony in the case of Allen Wilson (Col Claimant) which testimony the present claimant refers to and respectfully submits so far as it relates to said Allen Wilson and to herself as one of his family.

Claimant further presents that she has always understood and believed that she is mixed Colored and Cherokee, being the daughter of a Cherokee (Citizen & by blood) and therefore a Cherokee herself by descent. Claimant asks privilege under the law to make proof of such fact if such can be shown to the satisfaction of the authorities.

Respectfully,
Angelina Wilson.

Sept. 10 1878.

Claimant claims under the 5th clause of Claimants referred to in the law Creating this Commission and also under the right given by law to prove Cherokee blood.

Angeline Wilson.

COMMISSION: The above proceedings will also be filed with and made a part of the record in the following Cherokee Freedmen cases: D-41, D-42 and D-43. It appears from the records

of the Commission that the applicants in these cases are represented by Hallock & Smith.

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

Arthur S. Croninger

Subscribed and sworn to before me this 6th day of July, 1905.

Seal!

J. G. Reuter
Notary Public

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, E. T., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette & Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17209 filed in the Mariah Hayden case F D 498, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Oliver Wilson, D 40;

By W. W. Hastings:

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

Commission:

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

Mr. Smith:

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

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

W. W. Hastings:

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

The Commission:

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

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

(Signed) E. G. Rothenberger.

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

(SEAL)

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

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

E. C. Bagwell

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

P. G. Reuter
Notary Public.

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

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

Oliver Wilson,.....	Cherokee Freedmen	D 40
Jacob B. Wilson,.....	"	" B 41
Jennie Cross, et al.,.....	"	" B 48
Rhodie Ford, et al.,.....	"	" B 49

D E C I S I O N .

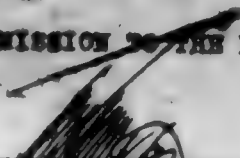
The record herein shows that applications for enrollment as Cherokee Freedmen were made to this Commission: by Oliver Wilson for himself; by Jacob B. Wilson for himself; by Jennie Cross for herself and her minor children, Arthur, Gertie M., Ozella, Maud, Lula, Viola and Kitty Cross; by Rhodie Ford for herself and her minor children, John Ross and Joseph T., Frank, Wilson, James and Ethel Ford.

The evidence shows that the applicants, except Oliver and Jacob B. Wilson, were born since the commencement of the rebellion and are the descendants of Allen Wilson and wife, Angeline, and claim right to enrollment as Cherokee Freedmen through said Allen Wilson and wife, Angeline.


The evidence further shows that the said Allen Wilson, Oliver Wilson, Angeline Wilson and Jacob B. Wilson 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 did not return thereto until after January 19, 1867. None of the applicants herein are found on the 1850 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Oliver Wilson, Jacob B. Wilson, Jennie Cross, Arthur Cross, Gertie M. Cross, Ozella Cross, Maud Cross, Lula Cross, Viola Cross, Kitty Cross, Rhodie Ford, John Ross, Joseph T. Ford, Frank Ford, Wilson Ford, James Ford and Ethel Ford as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 28, 1896 (30 Stats., 495), and it is so ordered.

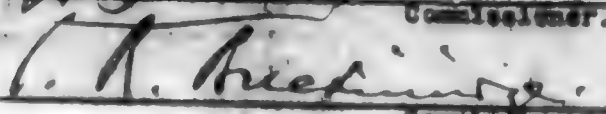
COMMISSION TO THE FIVE CIVILIZED TRIBES.



Chairman.



Commissioner.



Commissioner.

Dated at Muskogee, I. T.,
this _____



Commissioner.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED
MAY 8 1901



ACTING CHAIRMAN

- Affidavit -

United State of America,
Indian Territory, } 89.
Northern District.

Appears personally
this day before me, William F. Rasmus, a
Notary Public, within and for the judicial
District and Territory aforesaid, duly Com-
missioned and acting, D. W. Wilson, to me person-
ally well known to be reputable and entitled to
credit, and who being by me duly sworn upon
his oath according to law, deposes and says
that his age is 41 years - that his residence
and post-office address is Pallequabod
Derry - that he is a merchant & salesman by oc-
cupation - and he further states that, not
long since he appeared as a witness before
the Honorable James Commission, in the matter
of citizenship rights of certain alleged Cherokee
Freedmen - alluded to by him as the "Wilson boys"
and it now appears that the records of said Com-
mission show that, he should have stated that they
(the said "Wilson boys") had returned to the Cherokee
Nation in the winter of the year of 1866 - and which
latter being incorrect, and affiant did not mean or
intend to convey such impression, consequently he
was evidently misunderstood upon the subject -
and being contrary to the facts in that respect, per-
sonally well known to him - but that he meant to
have said, that the said "Wilson boys" had returned

to the Cherokee Nation sometime during the winter of
the next year following the return to the Cherokee Nation,
of the affiant with his parents, which occurring in the
latter part of the summer or late fall of the year 1866.
And that therefore, the claimants having so returned du-
ring the winter of the year 1867.

Edwell C. Wilson

Subscribed and sworn to before me at Tahlequah
Ind. Terry - this the 30th day of May A.D. 1901.

J. M. [Signature] Notary Public
COMMISSION EXPIRES APRIL 23, 1905. (3rd Term)

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,
from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Oliver Wilson,

Fort Gibson, I.T.

Cherokee F-D-40

Register.

Copy to Mellette & Smith,
Vinita, I.T.

TAMS BIXBY,

T. B. NEEDLES,

C. R. BRECKINRIDGE,

Commissioners.

NO. FD 40

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT,

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

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

Subscribed and sworn to before me this

Notary Public

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

Attorney for Applicant

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

Agent for Applicant

NOTICE.

In the Matter of the application of Oliver Wilson

for enrollment as Cherokee citizens:

To Oliver Wilson, or Mallett & Smith his attorneys,

Vinita, I. T.

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee citizen at the office of the United States Commission to the Five Civilized Tribes, Cherokee Enrollment Division, in the town of Muskogee, Indian Territory, on May 28, A. D. 1902, at 8 o'clock a. m., or from day to day thereafter until the same can be heard by said Commission during the usual business hours of said Commission for the taking of testimony both for and against applicants for enrollment as Cherokee citizens.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands at Muskogee, Indian Territory, this May 25, 1902

W. W. Hastings

Jess Davenport

Attorneys for the Cherokee Nation.

No. 40

4

INDIAN TERRITORY,
CHEROKEE NATION.

Thereby certify that I served the within notice on

by delivering a true copy thereof on the
day of _____ A. D. 1901

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

Marshal for Cherokee Nation

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

day of *Sept*, 1901
Melville Smith
Attorney for applicant.

UNITED STATES OF AMERICA,
INDIAN TERRITORY,
NORTHERN DISTRICT

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

on the _____ day of _____ A. D. 1901

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

~~DEPARTMENT OF THE INTERIOR,~~
~~INDIAN AFFAIRS,~~
S. I. O. 1000

NOTICE!

IN THE MATTER OF The application of Oliver Wilson
for enrollment as a Cherokee Freedman:

Case No. F. D. 40
To Oliver Wilson

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Pr Gibson Indian Territory, on the following dates, to-wit: SEP 11 1901 A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this SEP 7 1901 day of _____, 1901.

R. B. Bell

Attorneys for the Cherokee Nation.

THE INTERIOR
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

NOTICE!

In the matter of the application of Oliver Wilson for enrollment as a Cherokee Freedman.

Case No. D. 40

To Oliver Wilson or Melitta Smith attys for Oliver Wilson

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vannita

Indian Territory, on the following dates, to-wit: May 20, 1901 between the hours of 1:30 & 5 PM
~~A. D. 1901~~, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this 20 day of May 1901.

L. B. Bell
W. W. Hastings
J. S. Davenport,
J. C. S. Attorneys for the Cherokee Nation.

United States of America, }
Indian Territory, } s. s.
Northern District. }

I do solemnly swear that I delivered a true copy of the within notice to Edgal Smith one of the attys for applicant on the 20 day of May A. D. 1901.

Subscribed and sworn to before me this 20 day of May 1901. Wilson's attorney
J. C. S. Notary Public.

CHEROKEE FREEDMEN.

Date APR 10 1901

Post Office Falmouth

District Tall.

1. Name Olive Wilson Age 48
Owner's name Alec. Wilson Citizenship
Year K.C Page 132 No. 3286 District Tall

Parents:

Father Citizenship

Mother Citizenship

2. Name of wife Age

Owners 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 no. 11

Stenographer Van Weine Cha

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.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony of April 10th, 1901, one copy of the supplementary testimony of April 10th, 1901 and one copy of the supplementary testimony of May 31st, 1901, in the matter of the application of Oliver Wilson for the enrollment of himself as a Freedman of the Cherokee Nation.

Mellette Smith

Attorney for Applicant.

Cherokee #D40.

Cherokee Freedman
D-40.

Muskogee, Indian Territory, July 23, 1903.

Oliver Wilson,

Fort Gibson, 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 Oliver Wilson, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorneys, Hallett & Smith, 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, 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.

Register.

Enc. H-1.

COPY.

Sherokee Freedman
D-40, D-41, D-45
& D-49.

Muskogee, Indian Territory, July 22, 1908.

Mellette & Smith,

Attorneys for Oliver Wilson, et al.,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the supplemental testimony in the consolidated case of Oliver Wilson, et al., together with a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1908, rejecting the applications for the enrollment of Oliver Wilson, Jacob B. Wilson, Jennie, Arthur, Bertie M., Stella, Maud, Lula, Viola and Kitty Cross, Rhodie Ford, John Ross, and Joseph T., Frank, Wilson, James and Ethel Ford, as Cherokee Freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the case.

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

Respectfully,

T. B. Needles.

Commissioner in Charge.

Register.

No. 2-3.

COPY.

Cherokee Freedmen
B-40, B-41, B-42
& B-43.

Muskogee, Indian Territory, July 23, 1908.

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, 1908, in the consolidated case of Oliver Wilson, et al., rejecting the applications for the enrollment of Oliver Wilson, Jacob B. Wilson, Jennie, Arthur, Bertie M., Ocella, Mand, Lala, Viola and Kitty Cross, Rhodie Ford, John Ross, and Joseph T., Frank, Wilson, James and Ethel Ford, 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,

I. D. Nelane

Commissioner in Charge.

Enc. B-6.

COPY.

Charles Freedom
D-48, D-41, D-42, D-49.

Muskogee, Indian Territory, July 22, 1908.

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 Oliver Wilson, et al., together with the Commissioner's decision, dated July 19, 1908, rejecting the applications for the enrollment of Oliver Wilson, Jacob H. Wilson, Jennie, Arthur, Corlie M., Cassie, Mand, India, Viola and Kitty Cross, Beatie Ford, John Ross, and Joseph T., Frank, Wilson, James and Ethel Ford, as Charles Freedom.

Respectfully,

T. B. Needles

Commissioner in Charge.

Through the

Commissioner of Indian Affairs.

Enc. H-7.

(COPY)

Refer in reply to
the following:
Land.
46848/1903.

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 Oliver Wilson, for the enrollment of himself; of Jacob B. Wilson, for the enrollment of himself; of Jennie Cross, for the enrollment of herself and her minor children, Arthur, Gertie K., Osella, Maud, Lula, Viola and Kitty Cross; of Rhodie Ford, for the enrollment of herself and her minor children, John Ross, Joseph T., Frank, Wilson, James and Ethel Ford; all as Cherokee Freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the applicants, except Oliver and Jacob B. Wilson, were born since the commencement of the Rebellion and are the descendants of Allen Wilson and wife, Angelina, and claim right to enrollment as Cherokee Freedmen through said Allen Wilson and his wife, Angelina.

The Commission further finds from the evidence that the said Allen Wilson, Oliver Wilson, Angelina Wilson and

Jacob B. Wilson, 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 did not return thereto until after January 19, 1867; that none of the applicants are found on the 1860 authenticated Cherokee roll; by reason of which findings the Commission is of the opinion that the several applications herein should be denied, under the provisions of Section 21, of the Act of Congress approved June 28, 1898, (30 Stats., 498).

I have examined the testimony submitted in behalf of these applicants and find that it is more or less conclusive of the fact that these applicants did not return to the Cherokee Nation within the time provided by the Treaty of 1866, but arrived therein too, late to receive the benefits sought to be bestowed by the provisions of said treaty.

I therefore consider that said decision of the Commission should be approved by the Department.

Very respectfully,

W. A. Jones,

Commissioner.

WCB-H

(COPY)

D.C. 13030.

WCF
J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

THE

I.T.D. 94-1904.

April 21, 1904.

L.R.B.

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

Gentlemen:

On January 4, 1904, the Commissioner of Indian Affairs transmitted the case involving the applications for enrollment as Cherokee Freedmen of Oliver Wilson, for himself; of Jacob B. Wilson, for himself; of Jennie Green, for herself and her minor children, Arthur, Gertie M., Ocella, Maud, Lela, Viola and Kitty Cross; of Rhodie Ford, for herself and her minor children, John Ross, Joseph T., Frank, Wilson, James and Ethel Ford, and recommended that your decision of July 10, 1902, rejecting the applicants, be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed, so far as it rejects the applicants.

Respectfully,

(Signed) Thom. Ryan,

Acting Secretary.

1 inclosure.

Cherokee Freedmen
2-40 et al.

Muskogee, Indian Territory, April 29, 1904.

V. 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 Oliver Wilson et al., rejecting the applications for the enrollment of Oliver and Jacob B. Wilson, Jennie, Arthur, Bertie M., Orella, Mand, Lula, Viola and Kitty Cross, Rhodie, Joseph T., Frank, Wilson, James and Ethel Ford and John Ross as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 21, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
et al.

Muskogee, Indian Territory, April 29, 1904.

Edgar Smith,

Attorney for Oliver Wilson et al.,

Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Oliver Wilson et al., rejecting the applications for the enrollment of Oliver, and Jacob B. Wilson, Jennie, Arthur, Bertie M., Ocella, Maud, Lula, Flora and Elty Gross, Madie, Joseph T., Frank, Wilson, James and Ethel Ford and John Ross as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 21, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-40.

Muskogee, Indian Territory, April 29, 1904.

Oliver Wilson,

Fort Gibson, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, rejecting, among others, the application for your enrollment as a Cherokee freedman, was affirmed by the Secretary of the Interior on April 21, 1904.

Respectfully,

Chairman.

Cherokee Freedman
2-251.

Muskogee, Indian Territory, May 26, 1906.

Oliver Wilson,

Fort Gibson, Indian Territory.

Dear Sir:

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

Respectfully,

Commissioner.

W.P.

Muskogee, Indian Territory, May 28, 1906.

Blum & Bulger,

attorneys for Eliza A. Arnold, et al.,
Minita, 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.

ENC

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

Cher. Fr. R-252

Cher. Fr. R-252

L

See Cher. Fr. R-251-253-254

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 10th 1901.

In the matter of the application of Oliver Wilson 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. Oliver Wilson.
Q How old are you? A. I will be 48 years old if I live to see the 4th of this next May.
Q What is your post office address? A. Fort Gibson.
Q What district do you live in? A. Tahlequah.
Q Do you make application to be enrolled as a Cherokee Freedman? A. Yes sir.
Q Who do you desire to have enrolled besides yourself? A. No one
Q Did you ever apply for enrollment as a Freedman of any other Nation
A No sir.
Q Is your name on the roll of 1880? A. No sir.
Q Is it on the census roll of 1896? A. No sir.
Q Were you a slave? A. Yes sir.
Q What was the name of your owner? A. Alex Wilson.
Q Where were you at the beginning of the war between the United States and the Confederacy? A. In Illinois district.
Q Were you taken out of the Cherokee Nation during the war? A. Yes sir
Q Where to? A. Doakville, Choctaw Nation
Q When did you return? A. December, 1st 1866.
Q Where did you return to? A. To Tahlequah district 2 and a half or three miles from Tahlequah.
Q Have you lived in the Cherokee Nation ever since? A. Yes sir.
Q Why is your name not on the roll of 1880? A I dont know sir.

Examination continued by Edgar Smith, attorney for applicant—

- Q When did you get to the Cherokee Nation after the war? A. I crossed the Arkansas river on the 1st day of December, 1866.
Q Who came with you? A. My father, mother, sisters and brothers
Q Where did you locate? A. We stopped the first time two and a half or three miles south east of Tahlequah
Q How long did you live there? A. One month.
Q Where did you go to then? A. On the Bayou where we live.
Q Have you been living there ever since you left Tahlequah? A. Yes sir.

By W. W. Hastings, Cherokee Representative.

- Q What Cherokees came with you from the south? A No sir there was none excepting a name named Raoko Thompson who came through the Choctaw Nation and left us there.
Q Why do you remember that it was the first day of December, 1866 that you got back here? A I had my recollection, learned that much and know it.
Q Whose place did you live on when you got to Tahlequah? A. Charley Ross' he was living on it at that time, and after that T. P. Wolf he lived there.
Q Who was living there at the time you came? A Charley Ross.
Q What relation was he to Bob Ross? A. Well sir he was about as much related to Bob Ross as I was to the Wilsons— the Ross family owned him before the war.
Q Oh he was a colored man was he? A. Yes sir.
Q Do you know any Cherokee settlers who were living round there on adjoining farms in 1866? A. No sir.
Q Never got acquainted with any Cherokees there during that time?
A Yes sir One.
Q Who was it? A. Dewit Wilson is the only one that I saw there and I knew him before.
Q Which one of the Wilsons did you belong to? A. Well sir I first belonged to Alex Wilson and then there was his brother Arch and

Oliver Wilson 8.

when Alex Wilson dies Arch married his widow and then when Arch died then there was Anderson Wilson who acted as administrator and I belonged to him in that way.

Q Which one was Dewitt's father? A. Anderson.

Q You say you saw Dewitt Wilson in 1866? A. Yes sir.

Q Is you staid near Tahlequah for a month then you must have moved to the Bayou in January of 1867? A. Yes sir.

Q What Cherokees lived on adjoining farms to you on the Bayou? A. Well when we went there we stopped in the yard of a man named Snider

Q He was a white man wasn't he? A. Yes sir but he had a Cherokee family.

Q Is he living now? A. No sir.

Q None of his family? A. No sir all dead.

Q Was there nobody else living neighbor to you then? A. No sir.

Q What became of your father and mother and the rest of your family when you left Tahlequah? A. They were all here on the Bayou, we all come there together.

Q Are your father and mother both dead? A. Yes sir.

JACOB B. WILSON being called and sworn as a witness for the applicant testified as follows: (By Commissioner T. B. Needles)

Q What is your name? A. Jacob B. Wilson.

Q What is your age? A. 43.

Q What is your post office address? A. Tahlequah.

Q What district do you live in? A. Tahlequah.

(By Mr. Smith for applicant)

Q What relation are you to Oliver Wilson? A. His brother.

Q How long have you lived in the Cherokee Nation? A. I have lived in the Cherokee Nation all my life excepting three years.

Q Were you a slave? A. Yes sir.

Q Who was your owner? A. Anderson Wilson.

Q Where were you during the war? A. Doakville, Choctaw Nation.

Q When did you return to the Cherokee Nation? A. December, 1866.

Q Who with? A. My mother and father.

Q Anyone else? A. ~~Allen and Angeline Wilson.~~ A No sir, no one excepting my family.

Q Who was the family? A. Allen and Angeline Wilson.

Q Where was your brother Oliver? A. He was with us.

Q He came back with you did he? A. Yes sir.

Q Did you live together after you came back here? A. Yes sir until we married; he married first and then I married, and we have lived within a few miles of each other ever since.

By W. W. Hastings, Cherokee Representative-

Q You say that you came back to the Cherokee Nation in December, 1866
A Yes sir.

Q Why do you remember that it was then? A. Well I remember being in Tahlequah during Christmas of 1866.

Q Do you know Bob Rees? A. Yes sir.

Q Did you see him during that month of December? A. No sir didn't get acquainted with him until in the '70's

Q Did you live two and a half or three miles from Tahlequah during that month of December? A. Yes sir

Q Do you remember what Cherokees were present there during that time?

A No sir, no particular person.

Q How old did you say you were? A. 43.

Q Did you come down here to the Bayou with your brother Oliver? A.

A Yes sir.

Q Did he marry in Tahlequah or here? A. In Flint district.

Oliver Wilson 2.

By the Commissioner of witness-

Q I understand you to say that you and your brother never went out of the Territory, and that you went only as far south as Doaksville Choctaw Nation during the war? A. Yes sir.

Q Was Oliver with you all that time during the war? A. Yes sir.

Q Is your name on the roll of 1880? A. No sir.

Q Do you know the reason why it is not on that roll? A. Our parents applied and were rejected because they said that they did not return in time.

Kerns-Clifton roll of the Cherokee Nation examined and the applicant identified thereon as follows: page 132. No. 3298, Oliver Wilson, Tahlequah district.

By Com'r Needles,-

The name of Oliver Wilson appears on the Kerns Clifton roll, but not on the roll of 1880 and 1890. He is duly identified, and as far as the testimony shows, his residence is satisfactory, but because of the protest of the Cherokee Nation through its representatives, final judgment will be suspended, and he will be placed on a doubtful card.

.....

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

Chas von Weiss

Subscribed and sworn to before me this the 11th day of April, 1901, at Fort Gibson, I. T.

[Signature]

Commissioner.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T. April, 10th 1901.

In the matter of the application of Jacob B. Wilson for enrollment as a Cherokee Freedman, he being sworn by Commissioner T. B. Needles testified as follows-

- Q What is your name? A. Jacob B. Wilson.
Q What is your age? A. 43.
Q What is your post office address? A. Tahlequah.
Q What district do you live in? A. Tahlequah.
Q Do you apply for enrollment as a Cherokee Freedman? A. Yes sir.
Q Have you ever made application for enrollment as a Freedman of and other tribe? A. No sir.
Q Who do you apply for enrollment besides yourself? A. Just myself.
Q Is your name on the roll of 1880? A. No sir.
Q Have you been recognized by the Cherokee authorities as a Cherokee Freedman? A. No sir.
Q Are you a brother to Oliver Wilson? A. Yes sir.
Q Are you the same man who testified in his case? A. Yes sir.

Examination by Edgar Smith, Atty. for applicant-

- Q How old are you? A. 43.
Q Were you a slave during the war? A. Yes sir.
Q What was your owners name? A. Anderson Wilson.
Q Was he a Cherokee citizen? A. Yes sir.
Q Did you or did you not leave the Cherokee Nation during the war?
A I did.
Q Where did you go? A. Doakville, Choctaw Nation.
Q Did you go outside of the Indian Territory during the war? A. No sir.
Q ~~When~~ did you return to the Cherokee Nation? A. ~~February 1866.~~
A Yes sir.
Q When? A. December, 1866.
Q Where have you been living ever since that time? A. I have been living ever since that time in Tahlequah district.
Q Are you on any of the rolls of the Cherokee Nation? A. No sir with the exception of the Kerns Clifton roll and the Wallace roll.
Q Are you on the Clifton roll? A. Yes sir.

By Cherokee Representative James Davenport.

- Q When you got back to Tahlequah district in 1866, who were the old Cherokee settlers that you saw there? A. I was a small boy and dont know.
Q Did you come back with your brother Oliver? A. Yes sir.
Q Have you lived continuously in Tahlequah district since then? A. Yes sir.
Q Did you make an effort to get on the roll of 1880? A. No sir I never, my father and mother in their lifetime applied and was rejected on the grounds of being too late.
Q Do you know Steve Foreman? A. Yes sir.
Q Do you know his son Woster? A. Wasn't acquainted with his boys

The Kerns Clifton roll of the Cherokee Nation examined and the applicant identified thereon as follows- page 182, No. 3287, Jacob Wilson, Tahlequah district.

By Com'r Needles,-

The name of Jacob B. Wilson is found on the Kerns Clifton roll of 1894, but not on the roll of 1896 or 1880. He is duly identified, and from the testimony taken to day, makes satisfactory proof as to his residence, and satisfactory proof as to his citizenship, but because of the

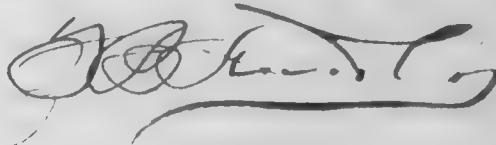
Jacob B. Wilson S.

pretent of the Cherokee representatives final judgment as to his enrollment will be suspended and Jacob B. Wilson will be suspended and his name will be placed on a doubtful card.

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

Chas von Weise

Subscribed and sworn to before me this the 11th day of April, 1901,
at Fort Gibson, I. T.



Commissioner.

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

D. #40.

D. #41.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
FORT GIBSON, I.T., APRIL 10th, 1901.

SUPPLEMENTAL testimony in the matter of the enrollment of Oliver Wilson, D. #40, and Jacob B. Wilson, D. #41., as Cherokee Freedmen:

ROBERT B. ROSS, being sworn and examined by Commissioner T. B. Needles, testified as follows:

- Q What is your name? A Robert B. Ross.
Q How old are you? A 56 years.
Q What is your post office address? A Park Hill, Indian Territory.

BY W. W. HASTINGS, Cherokee Representative:

- Q Mr. Ross, where were you born? A Near Tahlequah there.
Q Lived there near Tahlequah most all of your life? A Yes, sir.
Q Do you know Oliver and Jacob Wilson, some colored men?
A I knew them, yes, sir.
Q Did you know their father, Allen Wilson? A Yes, sir.
Q Did you know their mother? A Yes, sir.
Q Did you know them before the war? A I knew the parents, I did not know the boys.
Q Where were you living in '65 and '66? A Part of '65 I was here at Fort Gibson and Tahlequah, and then the latter part of '65 I went to Philadelphia.
Q Do you know when Allen and Oliver and Jacob Wilson returned to the Cherokee Nation after the war? A I could not say as to the boys, I saw their father and mother at return.
Q When was that? A That was in the fall of '67, latter part of November or first of December, I will not be certain which.
Q Why did you fix it, Mr. Ross, at that time, is there anything?
A Yes, sir, right at that time I was fixing to get married and they was going to have a supper there and the boys' mother was a good cook and spoke of getting her; she had just got back, she was living on the branch below Tahlequah with Uncle Charles and Sarah Ross, stopped there.

EXAMINATION BY MR. EDGAR SMITH, Attorney for Applicants:

- Q What was her name; that is, the mother of these two boys?
A Angeline.
Q What was the father's name? A Allen.
Q Now, when was it you married? A Married in 1867, 25th day of December.
Q And you wanted to have the mother of these boys, Angeline, to do some cooking? A Yes, sir; well, it was the family of my wife; my wife was living with her at that time, who was before that, this family belonged to Mr. Wilson; she was living with her aunt, Nancy Wilson at that time. In my visit over there they spoke of getting her.
Q During the visit you made at the time to the lady you married afterwards something was said about these people? A Not only that I knew that they were there.
Q How did you know it? A I saw them.
Q When did you first see them? A I saw them about the first part of December or latter part of November.
Q In what year? A 1867.

Q Well, now you do not know how long they had been there when you first saw them? A They said they had just gotten back; they just made that expressions; they was virtually in camp there.

Q Who did you talk with? A. talked with the old man, uncle Allen.

Q Is he living or dead? A He is dead.

Q Now, when did you talk with him? A I talked with him along about the latter part of November and very frequently after that.

Q How long after that? A I saw him continuously on until his death, every few months.

Q Did he ever tell you just when he arrived in the Cherokee Nation after the war? A Never told me the exact date, but the first time I saw him it was along about the latter part of November or first of December.

Q Then, you don't know positively when they got back?

A No, sir.

Q You know these two men? A Yes, sir.

Q They are good men, are they? A As far as I knew they are.

Q And good colored citizens in this country; and you are not positive as to the time they got back? A I was not there when they come, just had the old man's word for it.

BY W. W. HASTINGS:

Q You mean, Mr. Ross, that they are citizens in the way of Cherokee citizens,--colored residents? A Yes, sir.

DEWIT WILSON, being sworn and examined by Commissioner T. B. Needles, testified as follows:

Q What is your name? A Dewit Wilson.

Q Your age, Mr. Wilson? A 41.

Q Your post office address? A Tahlequah, I. T.

BY W. W. HASTINGS:

Q What was your father's name? A Andersen Wilson.

Q Did you know Allen Wilson, a colored man? A Yes, sir.

Q He belonged to your father? A Yes, sir.

Q Do you know Oliver and Jacob Wilson? A Yes, sir.

Q How old you say you were? A 41.

Q You were born in 1860? A Yes, sir.

Q Do you know when Oliver and Jacob Wilson returned to the Cherokee Nation after the war? A No, I don't know the exact time; I was quite small, then; they come after we did.

Q You left them down South? A We left them in the Chickasaw Nation.

Q You were quite a small boy? A Yes.

Q When did you come back? A We come back in '66.

Q What time? A It must have been in the early Summer.

Q They come after that? A Yes, sir; it was cold weather when they did.

Q Do you know whether they come within six months after that Treaty of 1866 was ratified? A Not of my personal knowledge I don't, I was a small boy the first time I remember seeing them.

EXAMINATION BY MR. EDGAR SMITH, Attorney for Applicants:

Q Was it your father who owned these negroes? A Yes, sir.

Q When did you come back from the South after the war? A In '66.

Q What time in '66? A Sometime in the Summer, it may have been in the time of July.

- Q It was either in the Spring or Summer of '66? A Yes, sir.
- Q Now, the family, these boys, Oliver and Jacob Wilson, and their father and mother, they returned to the Cherokee Nation after you come back? A We were here when they come back.
- Q And it was in the Fall of '66 and '67? A It was in the winter and I guess '67.
- Q And just what time in the winter of '66 and '67 you can't say; it was either in that part of the winter that was in '66, or that part of the winter that was in '67, it was that season, that they came back, was it? A It was in the winter time.
- Q You came along in July, that was in the Summer? A I was a little fellow; I remember it was in the winter time.
- Q You had gotten back in the summer time of 1866? A It was warm weather.
- Q Well, you knew these two men? A Yes, sir; I have knowed them ever since I have knowed anybody.
- Q They are good men are they? A Yes, sir:

BY W. W. HASTINGS:

- Q Now, Mr. Wilson, Mr. Smith asked you if it was in the winter of '66 and '67, as that would shew in the testimony the December of '66 or January of '67; now do you mean to say it was either in the December of '66 or January of '67, when you said in the winter of '66 and '67? A I remember it being in the winter time, I remember they were making big fires.

BY COMMISSIONER NEEDLES:

- Q Was it the winter following the summer you came back? A My mother told me it was in the winter after we come back.

BY W. W. HASTINGS:

- Q Now, do you mean to say it was in the winter after you came back? A As near as I remember it was in the winter after we came back; it must have been that next winter after we come back; it didn't seem to me like it was so awful long; I was very small.

W. W. HASTINGS: The Representatives of the Cherokee Nation offer in evidence the record found on page 76 of the minutes of the special Court or Commission, Supreme Court, 1871, of the Cherokee Nation which contains the following:

"Cherokee Nation,)
VS.)
Allen Wilson and)
Family.)

From evidence the Court decide claimants are not entitled to Cherokee citizenship under the Ninth Article of the Cherokee Treaty of June, '66."

On page 72 of the same book is found the date, Friday, June 9th, and following this judgment on page 76 is the date, Saturday morning, June 10th, 1871.

MR. EDGAR SMITH, Attorney for Applicants: Applicant objects to the introduction of said testimony on the ground that the same is irrelevant, incompetent and does not tend to prove any issue in this cause, and for the further reason

Supl.-D.#40.

41.--4.

that the said testimony does not purport to be any sufficient record of any action which tends to prove any issue in this case, and for the further reason that there is not testimony in this record which tends to show that the Allen Wilson referred to in said evidence offered is in any way connected with applicants herein, and for the further reason that if he was, there is nothing to show in said record that these said applicants, or either of them, was any party to said alleged record now offered.

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

J. O. Ressen

Subscribed and sworn to before me this 11th day of April, 1901.

[Signature]

Commissioner.

SUPPLEMENTAL TESTIMONY.

P. D. #41.

P. D. #42.

P. D. #43.

P. D. #44.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
VINITA, I. T., MAY 20th, 1901.

In the matter of the applications for enrollment of Oliver Wilson, D. #41, Jacob B. Wilson, D. #42, Jennie Cross, D. #43, and Rhoda Ford, D. #44, as Cherokee Freedmen, the following supplemental testimony is offered:

DEWIT WILSON, being sworn by Commissioner I. R. Swales, testified as follows:

APPEARANCES:

Mr. Smith, of firm of Mellette, & Smith, Attorneys for Applicants:

Mr. W. W. Hastings, for Cherokee Nation.

EXAMINATION BY MR. HASTINGS:

Q What is your name? A DeWit Wilson.

Q What is your age? A 41.

Q You were a witness in the Oliver Wilson case and the Jacob Wilson and Jennie Cross and Rhoda Ford cases at Fort Gibson were you not? A Yes, sir.

Q You knew the father of these parties just named, Allen Wilson and his wife? A Yes, sir.

Q I believe you stated that you wanted to make some corrections in your testimony that was given at that time? A Yes, sir, there was some little error, was not just exactly as I intended it.

Q Now please make the correction? A I intended to say that we got back here in the latter part of the summer of '66, and that these Wilson children got back in the winter of the next year, the next year, '67. I don't know exactly the month they got back in, only what my mother always told me that they got back the next year after we got back. '66 was when we got back, the latter part of the summer and they got back the following year; it was in the winter season she always told me they come back the next year after we did.

BY MR. SMITH:

Q Is that all the correction you desire to make? A That is the principal correction, that they got back in the winter of '67, we got back here in the summer of '66.

BY W. W. HASTINGS:

Q You were here a year before they came? A Yes, sir.

Q Was asked you, Mr. Wilson, to come before the Commission at Fort Gibson?

(Objected to by Attorney for Applicants.)

A The Wilson boys asked me to come down there.

Q You were not summoned there by the Cherokee Nation? A No, sir; I was just asked by the Wilson boys to come down there.

BY MR. SMITH:

Q Well now, Mr. Wilson, didn't you state that you didn't know whether you could state certainly whether the Wilson boys were in the Cherokee Nation in January, 1867, or not? A Yes, sir, when that they were back here, I didn't say January, it was in the winter; I say why I know it was the winter, whether it was December, January or February, I didn't say that, I say it was in the winter of

'66, and my mother told me it was the winter of '67 when they got back here.

Q It was in the winter of '67, you could not state and do not state now whether it was the first day of January, 1867, nor not, do you? A No, I don't state that, sir, from my own knowledge, whether it was in January, or February, I was too small to know the months well.

Q You don't know then to-day whether they were here in January, 1867, or not? A No, sir, I don't know whether it was in January, 1867, of my own personal knowledge. I knew that they come back here in '67, that is what my mother always told me; how I happened to know it was in the winter time I was down there to see them.

Q Then you didn't mean to say a while ago that it was a year? A I mean to say it was the next year after we come back, we got back in '66, and they got back the next year, '67.

Q And what time of the year you could not state? A No, sir.

Q You could not state now whether it was twelve months after you came that they came? A No, sir, it must have been either six or twelve months from all I know, it was in '67; I know that from what my mother always said they come back here in the winter time of '67, that is what my mother always told me.

BY COM'R NEEDLES:

Q At whose instance were you brought here this time?

A I was summoned here by the Government, Mr. Bell, Davenport and Hastings:

BY W. W. HASTINGS:

Q I will ask you, Mr. Wilson, if you didn't voluntarily state to me that you wanted to make a correction in your testimony?

A Yes, sir. I didn't want it to appear that they come back the following winter after we come back in '66, that they got back in '67.

BY MR. SMITH:

Q You got back in the summer of '66? A Yes, sir.

Q And these people came sometime in '67? A Yes, sir.

Q And just what time in '67 you can't say? A No, sir, not of my own personal knowledge.

BY COM'R NEEDLES:

Q It was in the winter? A Yes, sir.

Q If it had been in the summer it would have been a year?

A It may have been in December, '67, it would have been a little over a year.

BY MR. SMITH:

Q Did you make this statement when you were before the Commission before: Question: "Now do you mean to say it was in the winter after you come back? Answer: As near as I remember it was in the winter after we come back; it must have been that next winter after we come back; it didn't seem to me like it was so awful long; I was very small?" A It appears that way; that was not the intention I wanted to make; I wanted to correct that and say it was in the winter of '67 when they got back here.

Q Did you say in answer to this question; was it the winter following the summer you come back? "My mother told me it was in the winter after we come back;" in answer to a question asked by the Commission? A That is not what I wanted, I meant to say it was the year after we come back; I meant to say that they come back here in the winter after we got back.

Supl. B.-D. 221, et al.

Q Do you usually say what you mean to say? A Yes sir, I mean usually what I say.
Q You didn't, this time? A I got kinda stuck up that time.

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

J. O. Rosson

Subscribed and sworn to before me this 22d day of May, 1901.

W. H. ...

Commissioner

File with CFD-

41, Jacob B. Wilson.

SUPPLEMENTAL: in D- 40, 41, 48 & 49.

Department of the Interior,
Commission to the Five Civilized Tribes,
Vinita, I. T., May 21, 1901.

In the matter of the application of Oliver Wilson, Jacob B. Wilson, Jennie Cross, et al. and Rhodie Ford et al, for enrollment as Cherokee Freedmen.

FANNIE D. ROSS, being sworn and examined by Commissioner Breckinridge, testified as follows:

Appearances:

Mr. Smith, of Mellette & Smith, for applicants.

Mr. W.W. Hastings, Cherokee Representative.

- Q Give me your full name? A Fannie D. Ross.
- Q How old are you? A 52.
- Q What is your post-office? A Park Hill.
- Q In what district do you live? A Tahlequah.
- Q How long have you lived in the Cherokee Nation? A All my life.
- Q Mrs. Ross, you are here, I believe, to give testimony with respect to the application of certain Freedmen, among them Oliver Wilson? A Yes sir.
- Q Is Oliver Wilson a full brother of Jacob B. Wilson? A We called him Bartlett, I don't know, I guess not; Oliver and Bartlett, and then there were two girls.
- Q Did Oliver Wilson and this Bartlett Wilson have the same mother? A Yes sir.
- Q And how about a colored woman named Jennie Cross? A She was a full sister of Oliver.
- Q And half-sister of Bartlett? A No sir, full sister of both.
- Q You said Oliver and Bartlett were not whole brothers? A No sir, they were full brothers, had the same mother and same father.
- Q And Jennie was a full sister to the two? A Yes sir.
- Q How about Rhodie Ford, was she a full sister to these people? A I think so; I didn't know her; she was born after they left us.
- Q Give me the name of the father of these people I have asked about? A Allen Wilson.
- Q Give me the name of their mother? A Angelina Wilson.

Com'r: The case of the persons referred to is respectively, Cherokee Freedmen Doubtful cards D 40, D 41, D 48 and D 49.

Examined by Cherokee Representative, W.W. Hastings:

- Q What was your maiden name? A Fannie Thornton.
- Q What relation were you to Anderson Wilson, who was the owner of Oliver and Jacob Wilson? A His wife was my mother's sister; I made my home with her.
- Q His wife was your mother's sister? A Yes sir.
- Q Then Anderson Wilson's wife was your aunt? A Yes sir.
- Q Where did you reside before the war? A In Going snake District.
- Q Where did Anderson Wilson live? A He lived at Tahlequah.
- Q Did you know Allen Wilson, who was the father of Oliver and Jacob, before the war? A No sir.
- Q You didn't know them before the war? A No sir.
- Q You didn't know Jacob and Oliver before the war? A Not before the war, during the war when we went south, we all went together.
- Q And you knew Allen then? A Yes, sir, I knew them all then, the children were very small.
- Q You went south together? A Yes sir.
- Q To what point did you return after the war? A To Tahlequah.
- Q Well, did Anderson and his wife return? A Anderson died in the Choctaw Nation; his wife and I returned at the same time, together.
- Q With whom did you live the first year or two after the war? A Mrs. Wilson.
- Q Anderson Wilson's widow? A Yes sir.

Q And you resided in Tahlequah? A Yes sir.

Q When did you first see Allen Wilson and his family, including Oliver and Jacob, and another sister Jennie, after the war?

A It was between the last of November and the 20th of December, 1867.

Q Where did you see them? A About two miles south-east of Tahlequah, down on the Creek.

Q You know how long they had been there when you saw them? A They hadn't been there but a few days; as soon as we heard they come I went down to see them.

Q Please state the occasion of your visit? A I went down there to see if I could get her to cook for us.

Q Was there any especial cooking to do there? A Yes, I was going to be married and wanted to get her to do the supper that's why I remember it so distinctly.

Q That was a few days before you were married? A Yes sir, about a week.

Q And they had just come in had they? A Yes sir, they had just come.

Q Well, now, when were you married? A Married on the 25th of December, 1867.

Q You were living at Tahlequah at the time? A Yes sir.

Q And they were, I believe you stated, about two or three miles south-east of town? A Yes sir.

Q You first saw them about a week before that time? A Yes sir, I think it was about a week.

Q This man, Allen Wilson, is dead isn't he? A Yes sir.

Q Do you know whether or not his rights were up for trial before the Cherokee authorities? A Yes sir, we made a statement before some commission there, my aunt and myself.

Q That was Anderson Wilson's widow and yourself? A Yes sir.

Q Before one of the Cherokee Courts? A

Attorney Smith: I will object to that; I will let my objection go in as a matter of form, upon the ground that it is not the best evidence of the proceeding, if one was had, for the reason that the records themselves would be the best evidence.

Cherokee Rep'vs Hastings: I offer this much for the purpose of identifying the fact that this same Allen Wilson did apply to the court; then of course the records and proceedings of what was done by the court would be the best testimony, but for the purpose of identifying the Allen Wilson that the records show applied as being the same Allen Wilson whose descendants these are.

Com'r Breckinridge: Of course the verbal testimony would not be satisfactory proof of matter of official record, but the matter can be referred to and identified in order to be established by the official record, if it is deemed necessary to do so.

A Yes sir.

Examined by Attorney Smith:

Q Mrs. Ross, you only know when and where you first saw Allen Wilson after the war? A Yes sir.

Q You don't know, from your own personal knowledge, how long they had been in the Cherokee nation when you saw them at Tahlequah, or near Tahlequah? A Only what they told me, not only what they told me.

Q You don't know of your own personal knowledge? A No sir.

Examined by Cherokee Representative, W. W. Hastings:

Q What did they say with reference as to the time when they returned to the Cherokee Nation when you first saw them the last of November or the first of December, 1867, if anything? A

Attorney Smith: If the Court please, I object to that, because it is not confined to the applicant, what did they say I don't know to whom "they" refer.

Cherokee Rep'vo Hastings: I will just make the change and ask,

Q What did any of these applicants say, if anything, when you saw them the last of November or the first of December, 1867, with reference to the time of their return to the Cherokee Nation, and where they came from?

Attorney Smith: I object to that, because that is leading; I think the question should be, as to what either of these particular persons, Oliver, Jacob, Jennie or the other one - if she was there, said, if they said anything, if they did, what it was; the rest of this testimony, if the Court please, was taken before Colonel Hodges, and it is a very close question right along here, and we have got to be mighty particular right here; that's the reason why I want to be careful.

Cherokee Rep'vo Hastings: She has already stated what they told her, and I am now asking her what any of these applicants said, if anything.

QA The children didn't, because they were small and didn't know anything about it.

Q I will ask now then, if the parents, either Allen Wilson or his wife, through whom these children claim, said anything as to what time they returned to the Cherokee Nation after the war?

Attorney Smith: If the Court please, that is objectionable, because the parents of these children are not parties to this proceeding, and while I know my friend will say he places this upon the ground that no declaration which is against interest is admissible, while as we come to examine the matter of his exception to hearsay testimony, there are several elements which it takes to make it competent, and it has not been shown by the record that those elements are present in this inquiry.

Com'r Breckinridge: We don't want to go into mere hearsay testimony, but where a witness has had a conversation with the parties themselves, and received her information in a direct manner, the Commission ought not to be denied such information. You can answer this question, Mrs. Rose:

Com'r Breckinridge: Q How did you learn these people, Allen Wilson and his wife, and Oliver Wilson, Jacob B. Wilson and Jennie Cross, had just come back to the Cherokee Nation a few days when you went down to that place at the time you speak of? A There was a colored man told me; come to our house and told us they had come there.

Q You learned that they had arrived? A Yes sir.

Q Then you went down there? A I went right down, because we were all very fond of the old lady.

Q Did you have any conversation when you went down there about when they came back? A Yes sir.

Q What did they tell you?

Attorney Smith: I want to make one suggestion; This man Oliver was the person with whom this conversation appears to have been made; he is not one of the parties to this proceeding and now the only rule upon which this can be placed is an exception of the rule of hearsay, and that must be made against interest and that must be shown, I think, that the party knew it was against his interest, or a declaration against the title to his land--

Com'r Breckinridge: We can not go into that.

Attorney Smith: But it is not competent, as a matter of fact.

Com'r Breckinridge: It is competent as regards this Commission, to find out when these people came as best we can; we can't do these things strictly according to a matter of law, we must find out as best we can, and then weigh it finally according to its worth.

Attorney Smith: I want to-- a statement made without knowledge of being against his interest-- a man who tell you anything in a light trivial way,-- I think it ought to be shown it is against law, and I object to it.

Com'r Breckinridge: It was never dreamed by these people that this inquiry would ever take place, and you can comment as you like upon such replies and the conditions under which they were given by these people, but I think it entirely competent for the Commission to find out what they themselves stated in regard to their return; this is a conversation had between the witness and the people immediately in interest, and one of the parties in interest is this very Oliver Wilson of whom you speak; here is this case now before us.

Com'r Breckinridge examined witness:

Q You went down to that place? A Yes sir.

Q When did you see down there? A The family was all there that they were living with; all of them are dead now.

Q I mean this family, the Wilson people, Allen and his children?

A The children were all in the roll, but I was talking immediately to his wife, she was sick in bed at the time.

Q Was that Angelina? A Yes sir.

Q What conversation occurred between you and Angelina with regard to their return? A She told us they come direct from where we left them, and I inquired about the people there; that's how I remember.

Q And where had you left her? A At Docksville, in the Choctaw Nation; they were making a crop there when we left them.

Q Did she say that all the family had come together? A They all come together, her and her husband and children; they were small.

Q Did you recognize that child Oliver Wilson there with them at that time? A Yes sir.

Q And this Jacob T. Wilson? A Yes sir.

Q And this daughter, who is now known as Jennie Cross? A Yes sir.

Q You recognized them there? A Yes sir.

Q With their mother and father? A Yes sir.

Attorney Smith: I move to strike that testimony out, the testimony relative to the conversations had with persons other than these applicants.

Com'r Breckinridge: That is a conversation had exclusively with one of the applicants; we cannot strike out that testimony.

Attorney Smith: If the Court please, she has not testified yet of having any conversation with any one of the applicants.

Com'r Breckinridge: That's true, with Angelina.

Q Com'r Breckinridge: Did you have any conversation with Allen Wilson? A Yes sir.

Q What did he tell you? A Same thing, that they came here.

Com'r Breckinridge: The Commission cannot be deprived of testimony of this kind.

Witness examined by Attorney Smith.

Q Where is Docksville in the Choctaw Nation, Mrs. Ross? A As well as I know it is about 25 or 30 miles this side of Red River near old Fort Texas.

Q Now these people were never in the Indian Territory during the war at all? A No sir, only at Ft. Smith they stopped there about four months I believe.

Q When did they stop at Ft. Smith? A I think in '62, I think it was.

Q As they were going out? A Yes sir.

Q So far as your personal knowledge goes, you can't state when either Oliver or Jacob Wilson or Jennie Cross or Abigail Ford arrived in the Choctaw Nation after they went out during the war? A Only what their mother told me.

Q I say from your own personal knowledge you can't state when they

Oliver Wilson et al May 3

returned; you don't know do you Mrs. Ross? A I know what I was told, is all.

Q I say outside of what you were told? A I was told that when they come.

Q Then you don't know do you? Well, when any person tells me anything I know it.

Q I mean from your own personal knowledge you don't know when they came back do you? A I didn't see them cross the River.

Q You didn't see them when they came into the Cherokee Nation?

A I didn't see them drive into the place, but I was there a few days after they got there.

Q You don't know how long they had been in the Cherokee Nation when they saw you, from your own knowledge? A They didn't tell me how many days.

Gen'r Breckinridge: Copies of this testimony will be filed with Cherokee Freedmen Doubtful cases 40, 41, 48 and 49, and attention will be called to it on the respective cards.

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 May 22, 1901.

(signed) T.E. Needles,
Commissioner.

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

M.D. Green

Subscribed and sworn to before me this September 7th, 1901.

[Signature]

Commissioner.

File with Cherokee Freedman D- 41, Jacob B. Wilson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Fort Gibson, I. T., September 11, 1901.

In the matter of the application of Jacob B. Wilson, et al.
for enrollment as Cherokee Freedmen.

Testimony introduced on part of Cherokee Nation.

Appearances:

Mollette & Smith, attorneys for applicants;
W. W. Hastings, of counsel for Cherokee Nation.

W. H. BARKER, appearing before the Commission and being duly sworn and examined, testified as follows:

Mr. Hastings: What is your name? A W. H. Barker.

Q What is your postoffice address? A Muskogee, Indian Territory.

Q Are you a recognized Cherokee citizen by blood? A I am sir.

Q Mr. Barker, what is your age? A I am 50, was the 7th of last November.

Q Where were you during the year 1866? A I was in Boggy in the Choctaw Nation.

Q When did you leave there? A I left there in the fall of '66.

Q Where did you go from there? A I came to the Canadian River below Mufaula sixteen or eighteen miles, at a place now called Briartown.

Q When did you leave Briartown, about what time in the year?

A I left there, as well as I can recollect now, close to Christmas.

Q Of '66? A Yes, sir.

Q The last days of the year? A Yes, sir.

Q Where did you go from there? A I came to the crossing on the Arkansas called Nivens Ferry, and stopped there on account of the river being too high to cross with our stock.

Q Where did you locate first permanently? A On the old Jim Griffin farm, the place that Roddy Reese and Frank Higgins live on. Jim Griffin, the old man Jim Griffin, it was his place.

Q How far is that from what is known as Menard postoffice? A Well it is about a mile and a half as well as I can guess at it.

Q How far is it from that creek called Bayou Menard, or Menard Bayou? A Well, it is about the same distance from there as it is from the postoffice.

Q Is it about the same distance from where you cross the creek from your farm, or the place where you located, as it is to the postoffice? A Yes, sir, about as near one as the other I guess, I never measured it exactly, but that is what they call it.

Q When did you go to your old home place? A Well, I moved there either in about the spring of '67.

Q Did you make a crop there that year? A Didn't make much of a crop; the place was all grown up in brush.

Q You remained there on that place that year didn't you? A Yes, sir, we stayed there that year.

Q Do you know a colored man by the name of Oliver Wilson? A Yes, sir.

Q Did you know his father, Allen Wilson? A Yes, sir.

Q Know a brother of Oliver? A Yes, sir, they called him Bartlett, that is what his family called him.

Q Do you know his mother's name? A Yes, sir, we called her Angeline Wilson.

Q When did you first see these colored people in that neighborhood where you came in the spring of '67? A Well, they were not

there when we got there, they came shortly after.

Q When you came to the place where you located permanently the first time after the war, were these colored people, Wilsons, there?

A No, sir, they were not there when we got there.

Q Do you know of your own knowledge when they did arrive in that vicinity? A Well, since I come to think of it, they didn't come there until late in the fall of '67 or early in the spring of '68; that is what I would say.

Q Did they locate somewhere near you? A Yes, sir, they located a mile from us on the bayou, off down from where we located, on a place the other side of Joe Gladden's.

Q Did they continue to live there? A Well, they stopped there that winter and built a house off out on the prairie.

Q Did either of these Wilsons ever work for you, or any of your family? A Yes, sir, my father had them working on the old place that winter, cleaning brush; the place was all grown up in brush and had been burned off, and old man Wilson and his boys too worked that winter on the place and cleared out the land.

Q Do you know where they had come from when they located there that time? A No, sir, they said they had just come from what they called the south.

Q And now Mr. Barker, you state that to the best of your knowledge they came there in the last part of '67 or the first part of '68; is that right? A Yes, sir.

Q And you located there yourself in the spring of '67? A Yes, sir, spring of '67.

Q And lived there all that year? A Yes, sir.

Q And late in that year or in the first part of the year 1868 you saw these people for the first time there? A Yes, sir, I think it was the year of '68 that Oliver and myself were working for a man by the name of Still; I think it was in '68 if I am not mistaken, that we worked for him.

Q Did you ever hear Oliver Wilson say anything about his citizenship with reference to his return to this country, or any other of these boys? A I don't remember about hearing the boys say anything about it, but I did hear my uncle say that he had had a conversation with Oliver Wilson about it -- I don't mean a conversation with Oliver but with Oliver's uncle; I don't know if Oliver was present when the conversation was had or not.

Mr. Mellette: The applicants object to anything that old man Wilson might have said not in the presence of these applicants.

Commission: Better let it go in.

Q What did Allen Wilson say? A He was talking to my uncle as to his getting in here after the time the freedmen should have come back, and asked my uncle how he could get on the roll, and my uncle told him he had better call on Mr. Bengo and see him about it, that perhaps he could give him some advice.

Q They were never recognized citizens at any time, were they?

A No, sir, not down there.

Q How long did you continue to reside there in that neighborhood?

A I stayed there I think it was until the summer or fall of '71, in that neighborhood.

Mr. Mellette: Mr. Barker, you say that these Wilsons located on the other side of the Joe Gladden place in the spring of '67? A Yes, sir.

Q Where did Bob Ross live at that time? A He lived at Tahlequah somewhere, somewhere up about Tahlequah, I am not positive exactly where Bob Ross did live.

Q Did he live on the place where you were at that time? A Well they called it 12 miles from Tahlequah to our place, or to the place

that we located on first, and I don't really know where Bob Ross lived but I think that he lived in the neighborhood of Tablequah at that time.

Q Did you ever see Bob Ross in that neighborhood where you located in the spring of '67? (No response).

Q What is that Bayou Menard that you talked about? A Well it is a creek that you cross between here and Tablequah, you cross it several times, once at Menard postoffice and then below Gladden's place you cross it quite a number of times, I don't remember exactly how many.

Q How long a stream is it? A Well I don't know, it heads up near Gullager place, and empties into the Arkansas about 3 or 4 miles below Fort Gibson; 16 or 18 or 20 miles long I guess.

Q How old were you at the time that you located there in the spring of '67? A I was about 17 years old at that time.

Q Is there any reason why you should impress upon your memory the time that these people, the Wilson, came there? A I don't know that there was anything of importance that should have impressed it upon my mind, except that I remember them coming there and I know that they came to our place in a wagon; we had all lived together there before the war in the same neighborhood, within a mile and a mile and a half there, and when they came there I knew them.

Q You say that you located there yourself in the spring of '67?

A Yes, sir.

Q How far was it from your house to the place where these people, the Wilsons, located? A As well as I can guess at it, it must have been a mile, mile and a quarter or mile and a half.

Q How long did you say that they stayed there? A Well they stayed there I think all during that winter; I don't know whether they left there in the spring or summer, but they built a house out on the prairie from there.

Q Do you remember anyone else in that neighborhood who came there at that time? A Right there?

Q Well, any place around in that neighborhood? A Yes, sir, there was Mrs. Hicks, she lived on the other side of Menard postoffice.

Q Well, was there anyone else? A Well, I don't remember exactly whether there was or not, I wasn't my own master at that time and didn't go around hunting up people much.

Q But these Wilsons you do know that they located there? A Yes sir; as I have said, I knew them before the war and when they came there I remember seeing them.

Q You spoke of hearing a conversation between your uncle and some of these Wilsons. A Yes, sir.

Q Where is your uncle now? A He is dead.

Q What was his name? A Richard Griffin.

Q When was that? A That was in the fall of '67 or '8, in the fall or winter.

Q In the fall or winter of '67 and '8, you mean? A Yes, sir, that is what I mean; that is to the best of my recollection, it was either late in the fall or else in the winter.

Q Do you remember exactly what said was said at that conversation? A No, sir, I don't say that I know exactly what was said, but I remember of the conversation, which was about them setting back and having gotten in too late under the treaty, and they were asking how they could get the matter fixed up.

Q And you have remembered this conversation for the last 23 years, have you? A I don't know that I have remembered it, but I remember of the conversation having taken place, and about what was said; I don't claim to be able to state the exact words that were passed between them.

To be filed with F. D-41.

F. D-40.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 19, 1902.

In the matter of the application of Oliver Wilson for the enrollment of himself as a Cherokee freedman.

SUPPLEMENTAL TO D-40.

APPEARANCES:

Mellette & Smith for applicant.
W. W. Hastings for Cherokee Nation.

MR. HASTINGS: The Cherokee Nation offers in evidence a judgment of the Supreme Court of the Cherokee Nation in 1871, as appears of record in a book taken from the Executive Department of the Cherokee Nation, entitled "Docket of doubtful cases for Cherokee citizenship tried in 1871," under the heading of Tahlequah District, No. 37, as follows:

"Allen Wilson and family too late
Decided against claimants June 9, 1871."

The Cherokee nation offers in evidence a judgment of the Chambers Commission on Citizenship, as found on page 93 of a book from the Executive Department of the Cherokee nation, entitled "Docket of Chambers Com'n on Citizenship," as follows:

"Allen Wilson vs Cherokee nation. (Ex. 13th, 1878, statement filed 15th July, 1878. 7th day of August, 1878, (con'd this 10th day of Sept.

Decree adverse October 22."

MR. SMITH: The applicant objects to the introduction of the above testimony and for reason states that the alleged decision of the Cherokee Nation is insufficient to show that any valid decision was ever rendered, and because the words quoted in the above offer are all of the entries therewith offered, and that the same do not show that any step upon which a valid judgment could be based was taken, and because the said evidence is immaterial and irrelevant and does not tend to prove any issue in this case, and because the Allen Wilson and family mentioned in said entry are not in any way shown to be identical with any applicant in this case, and because the offer as made is insufficient in law, and because it is incompetent to prove any record of the Cherokee Nation or in any way purporting to be a record of the Cherokee Nation in the manner and form herein sought to be used.

COMMISSION: The above proceedings will be filed with and made a part of the record in the following freedmen cases; Jacob B. Wilson, D-41, Jennie Cross et al, D-48, Rhodie Ford et al, D-49, and in the case at bar, the same being that of Oliver Wilson, D-40. It appears from the records of the Commission that the above applicants are represented by Mellette & Smith.

F. 3-40 -4-

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

(Signed) Arthur G Groninger

Subscribed and sworn to before me this 9th day of June, 1902.

(Signed) F G Reuter
Notary Public.

Seal

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

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

(Signed) F G Reuter
Notary Public.

File with W. D. 41, Jacob B. Wilson.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., May 28, 1902.

In the matter of the application of Oliver Wilson for the enrollment of himself as a Cherokee Freedman.

Supplemental to D-40.

Applicant represented by Mellette A Smith, Vinita, I.T.
Cherokee Nation appears by W. W. Hastings.

COMMISSION: The Cherokee Nation by its representative, makes satisfactory proof of service on the applicant's attorneys, Mellette & Smith, Vinita, Indian Territory, that it would on the 26th day of May, 1902, at the office of the Commission to the Five Civilized Tribes in the town of Muskogee, Indian Territory, introduce testimony tending to disprove the right of the said Oliver Wilson to enrollment as a Cherokee Freedman. The applicant and his attorneys have this day, to wit the 26th day of May, 1902, been called and fail to respond.

MR. HASTINGS: The Cherokee Nation offers in evidence the application of Angeline Wilson, being the mother of the applicant, for citizenship in the Cherokee Nation, filed on September 10, 1878, as shown on pages 50 and 51, Book A, taken from the records of the Executive Department of the Cherokee Nation, entitled "Register of Evidence before the Court of Commission, Chambers Court, Book A," as follows:

Angeline Wilson (col))
 v)
Cherokee Nation.) "Case 17.
)

Statement of Angeline Wilson (Col) to the Commission on Citizenship.

Claimant was a resident slave at the beginning of the war and then belonged to the Estate of Alex Wilson dec'd, a Cherokee citizen, was the wife of Allen Wilson, was taken to the Cherokee Nation, I.T. during the war, remained till the close as one of Allen Wilson's family and returned with them as soon as possible thereafter to-wit, in the Fall of 1867, as proven in the testimony in the case of Allen Wilson (Col Claimant), which testimony the present claimant refers to and respectfully submits so far as it relates to said Allen Wilson and to herself as one of his family.

Claimant further presents that she has always understood and believed that she is mixed Colored and Cherokee, being the daughter of a Cherokee (Citizen & by blood) and therefore a Cherokee herself by descent. Claimant asks privilege under the law to make proof of such fact if such can be shown to the satisfaction of the authorities.

Respectfully,
Angeline Wilson.

Sept. 10 1878

Claimant claims under the 5th clause of Claimants referred to

in the law Creating this Commission and also under the right given by law to prove Cherokee blood.

Angeline Wilson."

COMMISSION: The above proceedings will also be filed with and made a part of the record in the following Cherokee Freedmen cases: D-41, D-48 and D-49. It appears from the records of the Commission that the applicants in these cases are represented by Mellette & Smith.

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

(signed) Arthur G. Croninger.

Subscribed and sworn to before me this 9th day of July, 1902.

SEAL.

(signed) P. G. Reuter
Notary Public.

I, Mattie E. DeWitt, being duly sworn, state that as stenographer to the Commission to the Five Civilized Tribes I copied the foregoing testimony and proceedings in the above stated case, and the same is a true copy from the original.

Mattie E. DeWitt

Sworn to and subscribed before me this 13th of August, 1902.

Prince C. Jones
Notary Public.

Freed D. 880

Department of the Interior,
Commission to the Five Civilized Tribes,
Washgton, D. C., May 31, 1902.

In the matter of the application of PERRY ADAMS for enrollment as a Cherokee Freedman:

Applicant appears by Mellette B. Smith; Cherokee Nation, by W. W. Hastings:

By Mr. Smith:

The applicant moves the Commission to make the certified copy of the decree of the Court of Claims in the case of Moses Whitmire, Trustee for the Freedmen, vs The Cherokee Nation, No. 17806 filed in the Mariah Hayden case F D 428, a part of the record in this case and the cases hereinafter mentioned by reference to the said case of the said Mariah Hayden, and if it be deemed necessary that a copy of the said decree be filed in this case and in the following cases, to-wit:

Jacob Wilson, D 41;

By W. W. Hastings:

Comes now the Cherokee Nation and objects to the introduction of the decree because: First: It does not tend to show that the applicant was a slave of the Cherokee Nation at the beginning of the war, nor that he returned within the time specified in the treaty of 1863, or that he had been a continuous resident of the Cherokee Nation since that time, or that he is a descendant of such a person. Second: Because the same is incompetent, irrelevant and immaterial, and does not tend to prove an issue in this case. Third: Because the Commission will take judicial knowledge of all laws, treaties and decrees necessary for the determination of the right of any person who makes application for citizenship. Fourth: The Cherokee Nation objects to the filing of a certified copy of this decree in the case of an applicant unless the same is called and filed in each individual case.

Commission:

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

Mr. Smith:

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

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

W. W. Hastings:

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

The Commission:

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

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

(Signed) E. G. Rothenberger.

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

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

(SEAL)

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

E. C. Bagwell

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

P. G. Reuter
Notary Public.

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

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

Oliver Wilson,.....	Cherokee Freedmen	D 40
Jacob B. Wilson,.....	"	D 41
Jennie Cross, et al.,.....	"	D 42
Rhodie Ford, et al.,.....	"	D 43

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 Oliver Wilson for himself; by Jacob B. Wilson for himself; by Jennie Cross for herself and her minor children, Arthur, Gertie M., Ozella, Maud, Lula, Viola and Kitty Cross; by Rhodie Ford for herself and her minor children, John Ross and Joseph T., Frank, Wilson, James and Ethel Ford.

The evidence shows that the applicants, except Oliver and Jacob B. Wilson, were born since the commencement of the rebellion and are the descendants of Allen Wilson and wife, Angeline, and claim right to enrollment as Cherokee Freedmen through said Allen Wilson and wife, Angeline.

The evidence further shows that the said Allen Wilson, Oliver Wilson, Angeline Wilson and Jacob B. Wilson 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 did not return thereto until after January 19, 1867. None of the applicants herein are found on the 1860 authenticated Cherokee roll.

It is, therefore, the opinion of this Commission that the applications for the enrollment of Oliver Wilson, Jacob B. Wilson, Jennie Cross, Arthur Cross, Gertie M. Cross, Ozella Cross, Maud Cross, Lula Cross, Viola Cross, Kitty Cross, Rhodie Ford, John Ross, Joseph T. Ford, Frank Ford, Wilson Ford, James Ford and Ethel Ford as Cherokee Freedmen should be denied, under the provisions of section twenty-one of the Act of Congress, approved June 26, 1866 (30 Stats., 495), and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED) Tams Bixby.

Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

(SIGNED)

M. E. [unclear]

Commissioner.

Dated at Washington, D. C.,
this _____ day of _____

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
NOV 1, 18 70
SEP 10 1907

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NOTICE!

IN THE MATTER OF The application of
for enrollment as a Cherokee Freedman:

Case No. F. D. *41*

To *Jacob Wilson*

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of *Ft. Gibson* Indian Territory, on the following dates, to-wit: *SEP 11 1901*

A. D. 1901, during the usual business hours of said Commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands this *SEP 7* day of *1901*, 1901.

R. B. Bell

Attorneys for the Cherokee Nation.

P.D. 41

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DEPARTMENT OF THE INTERIOR
COMMUNICATIONS SECTION
FILED
MAY 20 1901
R.B.S.

NOTICE!

In the matter of the application of Jacob B. Wilson for enrollment as a Cherokee Freedman.

Case No. D. 41

To Jacob B. Wilson or Mellette & Smith attys for Jacob B. Wilson

You are hereby notified that the Cherokee Nation will present before the United States Commission to the Five Civilized Tribes testimony on behalf of the Cherokee Nation tending to disprove your right to be enrolled as a Cherokee Freedman, at the office of the United States Commission to the Five Civilized Tribes in the town of Vinita, K.T.

Indian Territory, on the following dates, to-wit: May 20, 1901 between the hours of 11² and 5 P.M. P.M.
~~May 20, 1901~~, during the usual business hours of said commission on the respective days above named, for the taking of testimony both for and against applicants for enrollment as Cherokee Freedmen.

In testimony whereof, the undersigned representatives of the Cherokee Nation have hereunto set our hands on this 20 day of May, 1901.

L. B. Bell
W. W. Hastings
J. S. Davenport
George C. [unclear]
Attorneys for the Cherokee Nation.

United States of America, }
Indian Territory, } s. s.
Northern District. }

I do solemnly swear that I delivered a true copy of the within notice to Edgar Smith, one of the attys for applicant
on the 20 day of May, A. D. 1901.

Subscribed and sworn to before me this 20 day of May, 1901.
J. C. Starr Notary Public.

NOTICE.

Cherokee - Freedmen - Enrollment.

The Commission to the Five Civilized Tribes will continue in session at

MUSKOGEE, IND. TER.,

from April 1, 1902, until May 31, 1902, inclusive, for the purpose of hearing rebuttal and supplemental testimony with respect to the enrollment of Cherokee Freedmen.

Notice is hereby given to all Freedmen listed as doubtful claimants that after May 31, 1902, their cases will be considered as completed, and will be finally decided by the Commission and reported to the Secretary of the Interior for his approval.

Native Cherokees, Freedmen, or Claimants by adoption who have not already appeared can apply for enrollment until July 1, 1902.

Jacob E. Wilson,
Tahlequah, I.T.

Cherokee F-D-41

Register.
Copy to Mellette & Smith,
Vinita, I.T.

TAMS BIXBY,
T. B. NEEDLES,
C. R. BRECKINRIDGE,
Commissioners.

This day personally appeared before me, V. L. Hurt, a Notary Public, in and for the Western Judicial District, Emily Ross, a Freedman citizen of the Cherokee Nation and upon her oath states that she is the mother of John H. Ross Sr. and that the said John H. Ross Sr. has a son named John H. Ross, whose mother's name is Rhoda Ford. The affiant further states that she was a Cherokee Slave and owned by John Riley, a Cherokee Citizen by blood and that her son John H. Ross Sr., has always lived in the Cherokee Nation and been recognized as a Cherokee Freedman Citizen.

Witness my hand seal this 23 day of Feby. 1906.

Witness her mark.

V. L. Hurt
Alexander

Emily Ross
mark

Subscribed and sworn to before me this 23 day of Feby. 1906.

My commission expires
March 18th, 1908.

V. L. Hurt
Notary Public

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This day personally appeared before me, V. L. Hurt, a Notary Public, in and for the Western Judicial District, Alex Vann and upon his oath states that he is a Cherokee Freedman citizen by blood and a brother of John H. Ross and that the said John H. Ross is an enrolled and approved citizen and has a son, John H. Ross Jr., whose mother's name is Rhoda Ford. The client further states that the said John H. Ross Sr., has always lived in the Cherokee Nation and recognized as a Cherokee Freedman Citizen.

Witness my hand and seal this 24 day of Feby. 1906.
Alex Vann

Subscribed and sworn to before me this 24 day of Feby. 1906.

My commission expires
March 18th, 1908.

V. L. Hurt
Notary Public

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED
APR 10 1905

Handwritten signature

CHEROKEE FREEDMEN.

Date APR 10 1901

Post Office Tahlequah

District Tahlequah

1. Name Jacob B Wilson

Age 43

Owner's name

Citizenship

Year N.C. Page 132 No. 2287

District Tahle

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:

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

Application made by Noli

Stenographer W. H. ...

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.

Nowata, Indian Territory, June 17th, 1901.

Received of the Commission to the Five Civilized Tribes one copy of the original testimony of April 10th, 1901, one copy of the supplementary testimony of April 10th, 1901, one copy of the supplementary testimony of May 20th, 1901 and one copy of the testimony from the case of Oliver Wilson of April 10th, 1901, same having been made a part of the record in this case; in the matter of the application of Jacob B. Wilson for the enrollment of himself as a Freedman of the Cherokee Nation.

Wm. C. Smith
Attorney for Applicant.

Cherokee #D41.

COPY

Cherokee Freedman
Do. Co.

Winkooco, Indian Territory, July 28, 1903.

Jacob B. Wilson,
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 Oliver Wilson, et al., rejecting, among others, your application for the enrollment of yourself as a Cherokee Freedman. There has heretofore been furnished your attorneys, Hollette & Smith, 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, 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.
Commissioner in Charge.

Register.

Enc. 2-2.

COPY.

Sherrill's Freedmen
B-40, B-41, B-42
& B-43.

Muskogee, Indian Territory, July 22, 1903.

Maillette & Smith,

Attorneys for Oliver Wilson, et al.,
Vinita, Indian Territory.

Gentlemen:

There is herewith inclosed a copy of the supplemental testimony in the consolidated case of Oliver Wilson, et al., together with a copy of the decision of the Commission to the Five Civilized Tribes, dated July 10, 1903, rejecting the applications for the enrollment of Oliver Wilson, Jacob N. Wilson, Jennie, Arthur, Gertie M., Stella, Mami, Lula, Viola and Kitty Cross, Madie Ford, John Ross, and Joseph T., Frank, Wilson, James and Ethel Ford, as Sherrill's Freedmen. You have heretofore been furnished with a copy of the record of proceedings had in the case.

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

Respectfully,

F. B. Needles.

Commissioner in Charge.

Register,

Vol. 5-4.

COPY.

Cherokee Freedmen
D-40, D-41, D-48
& D-49.

Muskogee, Indian Territory, July 22, 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, in the consolidated case of Oliver Wilson, et al., rejecting the applications for the enrollment of Oliver Wilson, Jacob B. Wilson, Jennie, Arthur, Gertie M., Ocella, Maud, Lula, Viola and Kitty Cross, Rhodie Ford, John Ross, and Joseph T., Frank, Wilson, James and Ethel Ford, 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-6.

COPY.

Cherokee Freedmen
B-48, B-41, D-48, D-49.

Muskogee, Indian Territory, July 22, 1908.

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 Oliver Wilson, et al., together with the Commission's decision, dated July 16, 1908, rejecting the applications for the enrollment of Oliver Wilson, Jacob B. Wilson, Jennie, Arthur, Gertie M., Ocella, Mand, Lula, Viola and Kitty Cross, Rhodie Ford, John Ross, and Joseph T., Frank, Wilson, James and Ethel Ford, as Cherokee Freedmen.

Respectfully,

T. B. Nesdies,
Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

Enc. B-7.

(COPY)

Refer in reply to
the following:
Land.
46548/1903.

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 Oliver Wilson, for the enrollment of himself; of Jacob B. Wilson, for the enrollment of himself; of Jennie Cross, for the enrollment of herself and her minor children, Arthur, Gertie M., Orella, Maud, Lula, Viola and Kitty Cross; of Rhodie Ford, for the enrollment of herself and her minor children, John Ross, Joseph T., Frank, Wilson, James and Ethel Ford; all as Cherokee Freedmen.

On July 10, 1903, the Commission rendered a decision in this case, finding from the evidence that the applicants, except Oliver and Jacob B. Wilson, were born since the commencement of the Rebellion and are the descendants of Allen Wilson and wife, Angeline, and claim right to enrollment as Cherokee Freedmen through said Allen Wilson and his wife, Angeline.

The Commission further finds from the evidence that the said Allen Wilson, Oliver Wilson, Angeline Wilson and

Jacob B. Wilson, 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 did not return thereto until after January 19, 1867; that none of the applicants are found on the 1880 authenticated Cherokee roll; by reason of which findings the Commission is of the opinion that the several 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 find that it is more or less conclusive of the fact that these applicants did not return to the Cherokee Nation within the time provided by the Treaty of 1866, but arrived therein too, late to receive the benefits sought to be bestowed by the provisions of said treaty.

I therefore consider that said decision of the Commission should be approved by the Department.

Very respectfully,

W. A. Jones,

Commissioner.

WCB-E

(COPY)

D.C. 13030.

V C F
J.P.

DEPARTMENT OF THE INTERIOR,
WASHINGTON.

YH

I.T.D. 96-1904.

April 21, 1904.

L.R.C.

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

Gentlemen:

On January 4, 1904, the Commissioner of Indian Affairs transmitted the case involving the applications for enrollment as Cherokee Freedmen of Oliver Wilson, for himself; of Jacob B. Wilson, for himself; of Jennie Cross, for herself and her minor children, Arthur, Gertie W., Ozella, Maud, Lula, Viola and Kitty Cross; of Rhodie Ford, for herself and her minor children, John Ross, Joseph T., Frank, Wilson, James and Ethal Ford, and recommended that your decision of July 10, 1903, rejecting the applicants, be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed, so far as it rejects the applicants.

Respectfully,

(Signed) Theo. Ryan,

1 inclosure.

Acting Secretary.

Cherokee Freedmen
D-49 et al.

Mustagee, Indian Territory, April 20, 1904.

Edgar Smith,

Attorney for Oliver Wilson, et al.,
Vinita, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Oliver Wilson et al., rejecting the applications for the enrollment of Oliver, and Jacob B. Wilson, Jennie, Arthur, Bertie E., Osella, Mand, Lala, Viola and Kitty Cross, Beadie, Joseph T., Frank, Wilson, James and Ethel Ford and John Ross as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 21, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-40 et al.

Muskogee, Indian Territory, April 29, 1904.

W. W. Hastings,

Attorney for Cherokee Nation,

Tahlequah, Indian Territory.

Dear Sir:

You are hereby advised that the Commission's decision dated July 10, 1903, in the consolidated case of Oliver Wilson et al., rejecting the applications for the enrollment of Oliver and Jacob B. Wilson, Jennie, Arthur, Gertie M., Ocella, Maud, Lula, Viola and Kitty Cross, Rhodie, Joseph T., Frank, Wilson, James and Ethel Ford and John Bass as Cherokee freedmen, was affirmed by the Secretary of the Interior on April 21, 1904.

Respectfully,

Chairman.

Cherokee Freedmen
D-41.

Muskogee, Indian Territory, April 29, 1904.

Jacob B. Wilson,
Tahlequah, 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 21, 1904.

Respectfully,

Chairman.

(COPY)

Muskogee, Indian Territory, March 24, 1906

V. L. Hurt,

Fort Gibson, Indian Territory.

Dear sir:

This office is in receipt of your letter of March 20, inclosing affidavits signed by Emily Ross and Alex Vann "concerning the citizenship of John H. Ross", also receipt for registered letter sending copy of same to W. W. Hastings, attorney for Cherokee Nation."

In reply you are advised the only persons by the name of John H. Ross who can be identified on the records of this office as applicants for enrollment as citizens of the Cherokee Nation are John H. Ross Sr., a son of Emily Ross, and his child, John H. Ross Jr., both enrolled as Cherokee freedmen.

Respectfully,

(Signed) *Wm. D. Bell*

Acting Commissioner

LS

(C O P Y)

Fort Gibson, Ind. Ter. April 11, 1906.

Dawes Commission,

Muskogee, I.T.

Gentlemen:

In reply to your favor of the 24th, will say that the John H. Ross that we had reference to in making the affidavits of Alex Vann & Emily Ross, is another son of John H. Ross Sr., and Rhody Ford. It seems that John H. Ross Sr., has two children, both of whom are named John H. Ross, the younger one being on the roll, the older one having been rejected with his mother Rhody Ford. The evidence sent you was sent hoping that he might have a new hearing from this evidence.

Yours truly,

S.M.J.

(Signed) V. L. HURT

(COPY)

Melvin, I T. April 25, 1906

Dear Sir.

In regards to the statement of John Ross the son of Rhoda Ford your letter advises me to have the same supported by affidavits which I did but it seems to be a mistake in the name. John H. Ross in the place of John Ross I hope you will see where the mistake com in at the affidavits was made out for John Ross the son of Rhoda Ford and the same will be found upon the doubtful Roll there in the office John Ross in place of John H. Ross the man that wrot the letter made the misstake and that was the trouble so I hope you will further advise me in the matter at your earliest date. John Ross Jr. in place of John H. Ross.

Yours truly

Rhoda Ford

Melvin I.T.

**END
OF
REEL**

